
St. David's Forestville Land Sale Ordinance 1971

No. 51, 1971

AN ORDINANCE to authorise the subdivision of certain land at Killarney Heights (formerly Forestville), to authorise the sale of part of such land and to provide for the application of the proceeds.

WHEREAS :—

- A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 9601 Folio 90 more particularly described in the First Part of the Schedule hereto.
- B. The land is church trust property held for the sole benefit of the Parish of St. David Forestville but no trusts in writing have been declared concerning the same.
- C. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which that part of the said land which is more particularly described in the Second Part of the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.
- D. It is expedient to subdivide the said land and to sell the portion thereof more particularly described in the Second Part of the Schedule hereto and to apply the net proceeds of such sale as hereinafter set out.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Part of the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that such land be sold.

2. The Corporate Trustee is hereby authorised and empowered to subdivide the land described in the First Part of the Schedule hereto into two lots — one lot comprising the land described in the Second Part of the Schedule and the other lot comprising the residue of the land described in the First Part of the Schedule.

3. The Corporate Trustee is hereby authorised and empowered

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to sell the land comprised in the Second Part of the Schedule hereto by public auction or private contract at such time for such price and upon such terms and conditions as it may think fit freed from the trusts upon which it is held.

4. The proceeds of sale of the said land after paying thereout all outgoings to which the land comprised in the Second Part of the Schedule hereto is subject shall be applied as follows:—

- (a) First in payment of the costs charges and expenses of and incidental to this Ordinance and of the said subdivision and sale in pursuance thereof.
- (b) Secondly in or towards the discharge of the liability of the Parish of St. David Forestville to Sydney Church of England Finance and Loans Board in respect of the principal and interest outstanding on the loan granted by that Board for the purpose of purchasing the land described in the First Part of the Schedule.
- (c) Thirdly in reduction of any outstanding liability of the said Parish to the Bank of New South Wales Forestville in respect of moneys borrowed for the purpose of erecting the building on the land described in the First Part of the Schedule.
- (d) Fourthly as to any balance, to be applied in accordance with a resolution of the Parish Council of the Parish of St. David Forestville and approved by resolution of the Standing Committee provided however that such moneys shall be applied for the benefit of the Parish of St. David Forestville or any parish into which it may subsequently be formed.

5. This Ordinance may be cited as "St. David's Forestville Land Sale Ordinance 1971".

SCHEDULE

FIRST PART

ALL THAT piece or parcel of land at Killarney Heights (formerly Forestville) in the Shire of Warringah Parish of Manly Cove and County of Cumberland being Lot 837 in D.P. 219006 and the whole of the land in Certificate of Title Volume 9601 Folio 90.

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SECOND PART

ALL THAT piece or parcel of land situated as aforesaid being the portion of land referred to as Lot 1 in a plan of proposed subdivision prepared by Mr. Surveyor G. W. Oborn, having a frontage to Melwood Avenue of about 73 feet 3¼ inches, a boundary on the Western side of about 110 feet, an irregular boundary on the Southern side of about 170 feet and a boundary on the Eastern side of about 125 feet.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 13th day of December, 1971.

W. GOTLEY,
Acting Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

13/12/1971.