

SUTTON FOREST VARIATION OF TRUST AND EASEMENT ORDINANCE 1987

NO. 18, 1987

AN ORDINANCE to authorise the variation of trusts of certain land at Bundanoon in the Shire of Wingecarribee and to authorise the grant of an easement over part thereof and to provide for the application of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Land Grant Volume 1251 Folio 142 more particularly described in the Schedule hereto.

B. The land in the Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon trust to permit the same to be used for the erection thereon of a church in connection with the Church of England in New South Wales or otherwise for the benefit of the said church in conformity with the provisions of the Church of England Trust Property Incorporation Act 1881 and of the Church of England Property Act 1889 or any other Act relating thereto and for no other purpose whatsoever.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

D. It is desired to burden the land by the granting of an easement to drain water in favour of Wingecarribee Shire Council over part of the said land.

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

1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held, it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out and it is expedient that such land be burdened by a grant of easement to drain water to Wingecarribee Shire Council.

2. The land described in the Schedule hereto shall henceforth be held upon trust for a:-

- (1) church;
- (2) residence for a minister, assistant to the minister, or person employed by the churchwardens;
- (3) hall or halls;
- (4) school or other place of assembly;
- (5) cemetery.

or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Sutton Forest or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

3. The Corporate Trustee is hereby empowered to burden by a grant of easement to drain water the land described in the Schedule hereto at such price and upon such terms and conditions as it may determine.

4. The proceeds arising from the grant of easement after paying thereout such costs of and incidental to this ordinance and of the transfer in pursuance thereof shall be paid to the churchwardens of All Saints' Church in the Parish of Sutton Forest and applied by them towards the costs of the erection of a rectory at Bundanoon in the said Parish.

5. This ordinance may be cited as the "Sutton Forest Variation of Trusts and Easement Ordinance 1987".

SCHEDULE

ALL THAT piece or parcel of land at Bundanoon in the Shire of Wingecarribee Parish of Sutton Forest and County of Camden being the whole of the land in Land Grant Volume 1251 Folio 142.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of June 1987.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON
Archbishop of Sydney
29/6/1987