

No 2, 1989

AN ORDINANCE to authorise the Variation of Trusts and sale of certain land at Moss Vale in the Shire of Wingecarribee and 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 Certificate of Title Volume 13814 Folio 223 more particularly described in the First Schedule hereto.

B. The land in the First Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act 1917 (as amended) held for the purposes of the Anglican Church in the Diocese of Sydney and the Parish of Berrima Cum Moss Vale but no evidence of trusts having been declared in writing has been found.

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 that they are hereby varied and it is expedient to sell the land described in the First Schedule.

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 First Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

2. The Corporate Trustee is hereby authorised to sell the land described in the First Schedule within three (3) years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

3. The proceeds arising from the sale or sales shall be applied by the Corporate Trustee as follows:-

- (a) Firstly in payment of the costs of and incidental to this Ordinance, any subdivision and sale or sales;
- (b) Secondly as requested from time to time by resolution of the Parish Council for the time being of the Parish towards meeting the costs of constructing a rectory on the land in the Second Schedule;
- (c) Thirdly as requested from time to time by resolution of the Parish Council for the time being of the Parish towards meeting the costs of demolishing the residence presently erected on the land in the Third Schedule and constructing thereon a residence for a person employed by the Churchwardens;

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(d) Fourthly as to the balance to be invested by the Corporate Trustee and the income arising therefrom to be paid to the Churchwardens of the principal church of the said Parish and applied by them towards the stipend of a person employed by the Churchwardens other than the Minister.

4. This Ordinance may be cited as the "Berrima Cum Moss Vale Variation of Trusts and Land Sale Ordinance 1989".

**FIRST SCHEDULE**

ALL THAT piece or parcel of land at Moss Vale in the Shire of Wingecarribee Parish of Bong Bong and County of Camden being Lot 26 of Section 2 in Deposited Plan 940 and being the whole of the land in Certificate of Title Volume 13814 Folio 223.

**SECOND SCHEDULE**

ALL THAT piece or parcel of land at situate as aforesaid being Lot 71 in Deposited Plan 628810 and being the whole of the land in Certificate of Title Volume 14969 Folio 236.

**THIRD SCHEDULE**

ALL THAT piece or parcel of land situate as aforesaid being Lot 1 in Plan annexed to Transfer B 857950 and being the whole of the land in Certificate of Title Volume 4314 Folio 168 being known as 14 Waite Street, Moss Vale.

I CERTIFY that this 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 20th day of February 1989.

**W.G.S. GOTLEY**  
Secretary

I ASSENT to this Ordinance.

**DONALD ROBINSON**  
Archbishop of Sydney  
13 / 3 / 89