
BERKELEY VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1987

No. 43, 1987

AN ORDINANCE to vary the trusts of land at Berkeley and permit the same to be sold 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 Certificate of Title Volume 10880 Folio 127 more particularly described in the Schedule hereto. 5

B. The land in the Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act 1917 held upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one or partly for another of such purposes in connection with the Anglican Church of Australia at Berkeley. 10

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 Schedule. 15

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 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. 20 25

2. The Corporate Trustee is hereby authorised to sell the land described in the 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

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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.

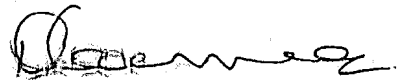
3. The proceeds arising from the sale of the land described in the Schedule after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the sale, shall be paid to the Churchwardens of the Church of St Philip at Berkeley and be applied by them towards the costs of alterations and additions to the Church of St Philip at Berkeley provided that pending such application the amount held shall be invested and the income arising therefrom shall be capitalised.

4. This Ordinance may be cited as the "Berkeley Variation of Trusts and Land Sale Ordinance 1987".

SCHEDULE

ALL THAT piece or parcel of land at Berkeley in the City of Wollongong, Parish of Kembla and County of Camden being Lot 564 in Deposited Plan 36794 and being the whole of the land in Certificate of Title Volume 10880 Folio 127.

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



Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23rd day of November 1987.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
23 11/1987