

# Cronulla Variation of Trusts and Land Sale Ordinance 2022

(Reprinted under the Interpretation Ordinance 1985).

The Cronulla Variation of Trusts and Land Sale Ordinance 2022 as amended by the Cronulla Variation of Trusts and Land Sale Ordinance 2022 Amendment Ordinance 2023.

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## Long Title

An Ordinance to vary the trusts of certain land at Cronulla, to permit the sale of that land, and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the registered proprietor of the land contained in folio identifier 6/SP2463 known as 6/55 Croydon Street, Cronulla and the site of a residence (the “Land”).

B. Half of the interest in the Land was bequeathed to the parish of Cronulla (the “Parish”) to be used for its general purposes according to the Will and Testament of Ms Jill Russack in 2020, with the remaining half being purchased by the ACPT in 2020.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Cronulla Variation of Trusts and Land Sale Ordinance 2022.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts and it is expedient that the trusts of the Land be varied in the manner set out in clause 3, that the Land be sold and that the proceeds be applied in the manner set out in clause 5.

### 3. Variation of trusts

The trusts of the Land are varied so that it is held on the trusts set out in clause 5 of the *Cronulla Trust Ordinance 2003* as part of the capital of the Cronulla Trust.

### 4. Power of Sale

The ACPT is authorised to sell the Land subject to such terms and conditions as it may think fit within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

## **5. Allocations from the ACPT – Cronulla Trust**

(1) Subject to clause 5(2) the ACPT is directed that it may make the following payments from the capital of the ACPT – Cronulla Trust –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second, the return of \$172 756 to the Kurnell House Fund as administered by the Wardens of the Parish of Cronulla, and
- (c) third, in and towards the costs of and incidental to the renovation and repair of the main church building of St Andrew’s Church, and
- (d) all remaining to be invested in the proposed development program of the St Andrew’s church site.

(2) No payment is to be made under clause 5(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

## **6. Capitalisation of income**

Notwithstanding clause 7 of the *Cronulla Trust Ordinance*, all income arising from the investment of that part of the ACPT – Cronulla Trust which comprises proceeds from the sale of the Land is to be capitalised.

### **Note**

1. The original form of this ordinance commenced on 27 June 2022.

### **Table of Amendments**

Clause 5 Amended by No 4, 2023.

STEVE LUCAS  
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3 April 2023

BRIONY BOUNDS  
**Diocesan Secretary**