

NEUTRAL BAY VARIATION OF TRUSTS ORDINANCE 1989

No 10, 1989

AN ORDINANCE to vary the Trusts in relation to property at Wycombe Road Neutral Bay.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the Property Trust) is entitled to be registered as the proprietor of the land and improvements described in the Schedule hereto (hereinafter referred to as the Property) which property is currently registered in the names of Stanley Spain, Merchant and Harry George Davey, Conveyancer-at-Law.

B. Part of the Property comprising lots 49 and 51 in Deposited Plan 3104 is Church Trust Property held upon trust that the same shall be used for the purpose of erecting a church thereon in connection with the Church of England in the Parish of St. Augustine, Neutral Bay in the State of New South Wales as set forth in Declaration of Trust dated 27th May 1924.

C. The residue of the Property being part of Lot 52 and also shown as Lot B in plan annexed to instrument of transfer No C510101 is also Church Trust Property held upon trust that the same shall be used for the purpose of providing a passage or right of way leading to St. Augustines Church, Neutral Bay as set forth in Declaration of Trust dated 1st June, 1938.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the property is held it is inexpedient to carry out and observe those trusts and it is expedient to vary the trusts in the manner hereinafter set forth.

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. This Ordinance may be cited as the Neutral Bay Variation of Trusts Ordinance 1989.
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Property is held it is now inexpedient to carry out and observe those trusts but rather it is expedient to vary the trusts in the manner hereinafter set forth.
3. Pursuant to section 19 of the Anglican Church Property Trust Act 1917 consent is hereby given to the Property vesting in the Property Trust.
4. The Property shall be held upon trust for a:-
  - (i) church
  - (ii) residence for a Minister, assistant to the Minister or person employed by the churchwardens
  - (iii) hall or halls
  - (iv) school or other place of assembly

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or partly for one or another or others of those purposes in connection with the Anglican Church of Australia in the Parish of Neutral Bay or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

**SCHEDULE**

ALL THAT parcel of land situated at Neutral Bay in the Municipality of North Sydney Parish of Willoughby and County of Cumberland being Lots 49 and 51 and part of Lot 52 in Deposited Plan No 3104 and also shown as to part as Lot B in plan annexed to instrument of transfer no C510101 and being part of 700 acres (portion 352 of parish) originally granted to Alfred Thrupp by Crown Grant dated 22 nd July, 1830 and comprising the whole of the land in Certificate of Title Volume 5060 Folio 90.

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

**M. ORPWOOD**  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of April 1989.

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

I ASSENT to this Ordinance.

**DONALD ROBINSON**  
Archbishop of Sydney  
24 / 4 / 89