

*Provisonal District of Holy Trinity, Panania, Land
Sale Ordinance, 1959.*

No. 22, 1959.

AN ORDINANCE to declare the trusts of certain lands at Panania to authorise the sale of portion of such lands and to provide for the application of the proceeds of such sale.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificates of Title Registered Volume 6606 Folio 195, Volume 3946 Folio 71 and Volume 3713 Folio 123 being Lots, 15, 16, 17 and 18 in Deposited Plan No. 11520 more particularly described in the First Schedule hereto (hereinafter called "the Tower Street Land") AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificate of Title Registered Volume 4340 Folio 59 more particularly described in the Second Schedule hereto (hereinafter called "the Lambeth Street land") AND WHEREAS the Lambeth Street land together with the Tower Street land comprising Lots 16 and 17 thereof were originally situated in the Parish of St. Paul Bankstown the Lambeth Street land having been purchased with money advanced by the Sydney Church Endowment Fund AND WHEREAS Lot 18 of the Tower Street land was also purchased on behalf of the Provisional District of Holy Trinity Panania with moneys advanced by the said Fund but Lot 15 was purchased with money donated by Alice Barbara Gibson who has consented to the sale thereof AND WHEREAS there is still an amount owing to the Sydney Church of England Finance and Loans Board as successor to the said Sydney Church Endowment Fund AND WHEREAS all the said land is now situated in the Provisional District of Holy Trinity Panania AND WHEREAS Lots 15 and 18 part of the Tower Street land are church trust property held for the sole benefit of the said Provisional District but the remaining Lots 16 and 17 thereof and the Lambeth Street land is church trust property but no trusts in writing have been declared in respect of any of such land AND WHEREAS it is expedient to declare the trusts upon which the said lands are held AND WHEREAS the Parish of St. Paul Bankstown has by its Parish Council consented that the said lands should henceforth be held upon trust for the said Provisional District and that the said Tower Street land might be sold and the proceeds applied as hereinafter set out AND

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WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Tower Street land is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and the net proceeds applied firstly in repaying to the Sydney Church of England Finance and Loans Board all moneys owing to it in respect of the purchase of Lots 16 and 17 of the Tower Street land and of the purchase of the Lambeth Street land and the balance in or towards the erection of a church parsonage and parish hall or some one or other or others of such buildings on the Lambeth Street land NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which Lots 16 and 17 of the Tower Street land and the Lambeth Street land are held it is inexpedient to carry out and observe the same in their entirety and it is expedient to vary and re-declare such trusts as hereinafter set out.

2. The said Lots 16 and 17 of the Tower Street land shall henceforth be held by the Corporate Trustee upon trust for the Provisional District of Holy Trinity Panania.

3. The Lambeth Street land shall henceforth be held by the Corporate Trust upon trust to permit the same to be used for a church parsonage and parish hall or partly for one and partly for another or other of such purposes in connection with Holy Trinity Church of England Panania in the Provisional District of Holy Trinity Panania or any Provisional District, Provisional Parish or Parish from time to time in which the said land may be situated

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Tower Street land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land is sold.

5. The Corporate Trustee is hereby empowered to sell the said land or any portion or portions thereof by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the

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Standing Committee by resolution may deem expedient free from such trusts as aforesaid.

6. The purchase money arising from such sale or sales shall be paid to the said Corporate Trustee and shall be applied by it as follows:—

- (a) In payment of all outgoings properly chargeable against the said land or any part thereof and of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or transfers in pursuance thereof.
- (b) In payment to the Sydney Church of England Finance and Loans Board of all moneys outstanding in respect of advances made for the purchase of the said Lot 18 Tower Street and the Lambeth Street land and rates and other charges properly paid by the Diocese in connection with the said land before the passing of this Ordinance and interest and other moneys owing in connection therewith together with such other sum if any as the Standing Committee may in all the circumstances deem reasonable upon the sale of such land.
- (c) Subject thereto the balance shall be paid to the Churchwardens of Holy Trinity Church Panania who shall apply the same for or towards the cost of and incidental to erecting a new Church, Parsonage and Parish Hall or any one or more of such buildings on the Lambeth Street land.

7. This Ordinance may be cited as "Provisional District of Holy Trinity, Panania, Land Sale Ordinance 1959."

FIRST SCHEDULE.

All that piece or parcel of land situated in the Municipality and Parish of Bankstown County of Cumberland having a frontage of 161 feet to Tower Street Panania with splay corner to Eddie Avenue of 7 feet 0 $\frac{1}{4}$ inches and a depth of 132 feet being Lots 15 to 18 inclusive in Deposited Plan No. 11520 and being the whole of the land comprised in Certificates of Title Registered

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Volume 6606 Folio 195 (Lot 15) Volume 3946 Folio 71 (Lots
16 and 17) and Volume 3713 Folio 123 (Lot 18).

SECOND SCHEDULE.

All that piece or parcel of land situated as aforesaid containing two roods having a frontage of 132 feet to Lambeth Street Panania by a depth of 165 feet being Lots 8 and 9 in Deposited Plan No. 11520 and being the whole of the land comprised in Certificate of Title Registered Volume 4340 Folio 59.

I certify that the Ordinance as typed is in accordance with the Ordinance as printed.

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26th day of October, 1959.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

31/10/1959.