
*St. Aidan's Moorebank Variation of Trust and
Land Sale Ordinance 1964*

No. 27, 1964.

AN ORDINANCE to vary the trusts of certain land at Moorebank in the Municipality of Liverpool to authorise the sale of part of such land and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor of the land comprised in Certificates of Title Volume 9355 Folios 127 and 128 more particularly described in the first and second Schedules hereto respectively AND WHEREAS the said land was formerly situated within the Parish of St. Luke Liverpool and was held for the benefit of such Parish but no trusts in writing have been declared concerning the same AND WHEREAS the said land is now situated within the Provisional District of Hammondville and the Church of St. Aidan is erected on part of the land comprised in the said Certificate of Title Volume 9355 Folio 128 and the land comprised in Certificate of Title Volume 9355 Folio 127 is vacant and is not required for the purposes of the said church AND WHEREAS the Parish Council of the Parish of St. Luke Liverpool has consented to the variation of the trusts of the said land in favour of the said Provisional District AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied and declared for the benefit of the said Provisional District and that the part of the land described in the first schedule be sold and part of the net proceeds used and applied in the purchase of other land in the said Provisional District and part invested AND WHEREAS it is inexpedient that the whole of the income to arise from such investment be applied for the use and benefit of the said Provisional District and it is expedient that part thereof to wit ten per centum be applied for purposes outside the said Provisional District 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 the land described in the first and second schedules hereto is held, it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

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2. The said land shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England at Moorebank in the Provisional District of Hammondville or any Provisional Parish or Parish in which it may subsequently be situated.

3. By reason of circumstances which have arisen subsequent to the trusts upon which the land described in the first schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that such land be sold.

4. The Corporate Trustee is hereby empowered to sell the land described in the first schedule hereto by public auction or private contract in one lot or in parcels at such time or times at such price or prices and upon such terms and conditions as it may think fit freed from the said trusts but subject to the restrictions on user imposed by Section 27E (6) of the Main Roads Act 1924-1959 over that part noted on the relevant Certificate of Title.

5. By reason of circumstances which have arisen subsequent to the trusts upon which the land described in the first schedule was heretofore held it is inexpedient to apply the whole of the net proceeds or the income to arise therefrom for the use and benefit of the Provisional District of Hammondville or any Provisional Parish or Parish into which it may subsequently be formed and it is expedient that ten per centum of the net income arising from part of such net proceeds be applied for purposes outside the said Provisional District.

6. The proceeds arising from the sale of the said land shall be applied as follows:-

- (i) In payment of all fees expenses and other moneys attributable to the subdivision of the land originally comprised in Certificate of Title Volume 2665 Folio 11 and to obtaining the consent of the Council of the Municipality of Liverpool thereto and the registration of such plan and the costs of and incidental to this Ordinance and the sale and transfer of the land in pursuance thereof and all outgoings to which the said land may be subject.
- (ii) Two thirds of the balance remaining after payment of the moneys referred to in the preceding sub-clause of

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this clause shall be applied firstly towards a residence for a Curate in such Provisional District of Hammondville, and secondly towards the purchase of new sites for Churches, Church halls or other parochial buildings in the areas known as Hammondville, Chipping Norton and Moorebank within the said Provisional District and the erection of such buildings thereon.

- (iii) One third of the said balance shall be invested by the Corporate Trustee in accordance with the provisions of the Investment of Church Trust Property Ordinance 1944 or any amendments hereof and the net income arising therefrom shall be applied in manner following:-
- (a) One tenth to Moore Theological College for the general purposes of such College.
 - (b) Nine tenths for general purposes in the said Provisional District of Hammondville or any Provisional Parish or Parish into which it may subsequently be formed.
- (iv) Pending the application of the moneys subject to the provisions of Sub-clause (ii) hereof the same shall be invested by the Corporate Trustee in manner similar to that provided for in Sub-clause (ia) hereof and the net income arising therefrom shall be accumulated and applied as set out in the said Sub-clause (ii) of this Clause.

7. This Ordinance may be styled as "St. Aidan's Moorebank Variation of Trust and Land Sale Ordinance 1964."

FIRST SCHEDULE

All that piece or parcel of land situated at Moorebank in the Municipality of Liverpool Parish of Holdsworth County of Cumberland containing about 5 acres 1 rood 23 perches being Lot 1 in D.P. 212600 and being the whole of the land comprised in Certificate of Title Volume 9355 Folio 127. Also all those parcels of land lying between the north eastern boundary of the land above described and the original alignment of Heathcote Road being lots 3 and 4 in D.P. 212600 and the residue of land in Certificate of Title Volume 2665 Folio 11.

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SECOND SCHEDULE

All that piece or parcel of land situated as aforesaid containing about 1 rood 3 $\frac{3}{4}$ perches being Lot 2 in D.P., 212600 and the whole of the land in the said Certificate of Title Volume 9355 Folio 128.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of September, 1964.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

28/9/1964. HUGH SYDNEY,
Archbishop of Sydney.