
St. Matthew's West Pennant Hills Land Sale Ordinance
1972

No. 17, 1972

AN ORDINANCE to authorise the sale to the Commissioner for Main Roads of portions of land at West Pennant Hills in the Shire of Hornsby and to provide for the application of the proceeds thereof.

WHEREAS:—

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of an estate in fee simple of the land comprised in Certificates of Title Volume 6299 Folios 131 and 135 more particularly described in the First Schedule hereto.

B. The said land is church trust property held for the sole benefit of the Provisional Parish of St. Matthew West Pennant Hills but no trusts in writing have been declared concerning the same.

C. Part of the land described in the First Schedule hereto namely the land described in the Second Schedule hereto is required by the Commissioner for Main Roads (hereinafter called "the Commissioner") for the reconstruction of a public highway.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land comprised in the Second Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the same be sold to or acquired by the Commissioner.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES RULES 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 Second Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the said land to the Commissioner by private contract or to permit the Commissioner to acquire the said land by way of resumption or otherwise at such time for such price upon such terms and conditions as it may think fit freed from the trusts upon which it is held and without limiting the generality of the foregoing the Corporate Trustee is also empowered:—

(a) to execute a release of all claims for or rights to compensation under Part XIII A of the Local Government Act 1919 or any Ordinance made thereunder in respect of the said land;

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- (b) to grant entry upon exchange of contracts for sale to any duly authorised officer of the Commissioner to the said land;
- (c) to do any such act or execute any such document as may be necessary to give effect to any of the foregoing powers.
3. The proceeds of sale of the said land after paying thereout all outgoings to which the land is subject shall be applied as follows:—
- (a) First, in payment of those costs of and incidental to this Ordinance and to any such sale or transfer in pursuance thereof as are not paid by the Commissioner;
- (b) Secondly, the balance to be paid to the Churchwardens of St. Matthew's Church West Pennant Hills to be applied by them in or towards the costs of the new Church building known as the Church of St. Matthew West Pennant Hills.
4. This Ordinance may be cited as "St. Matthew's West Pennant Hills Land Sale Ordinance 1972".

FIRST SCHEDULE

ALL THOSE pieces or parcels of land in the Shire of Hornsby Parish of South Colah and County of Cumberland being Lots 2 and 3 in plan annexed to transfer No. F.350449 and being the whole of the land comprised in Certificates of Title Volume 6299 Folios 131 and 135.

SECOND SCHEDULE

ALL THOSE pieces or parcels of land situate as aforesaid being Lots 5 and 6 in Deposited Plan No. 545137 and being part of the land comprised in Certificates of Title Volume 6299 Folios 131 and 135.

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

ATHOL RICHARDSON,
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 5th day of June, 1972.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

5/6/1972.