

DENISTONE EAST - MARSFIELD VARIATION OF TRUSTS
AND MANAGEMENT ORDINANCE 1975

No. 31, 1975.

AN ORDINANCE to vary the trusts of certain lands situate at Denistone East and Marsfield and to provide for the management thereof.

WHEREAS

- A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the lands comprised in Certificates of Title Volume 4151 Folio 81 Volume 5877 Folio 21 and Volume 5877 Folio 22 more particularly described in the Schedule hereto (which lands are hereinafter called "the said lands").
- B. The land comprised in Certificate of Title Volume 4151 Folio 81 is held by the Corporate Trust UPON TRUST to permit the same to be used as and 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 in the Parish of St. Philip Eastwood.
- C. The Parish of Denistone East-Marsfield was formerly part of the Parish of St. Philip Eastwood and the said land is situated within the Parish of Denistone East-Marsfield and is used in connection therewith.
- D. The lands comprised in Certificates of Title Volume 5877 Folio 21 and Volume 5877 Folio 22 are held by the Corporate Trust on trust for the Parish of Dennistone East-Marsfield but no trusts in writing have been declared in relation to the same.
- E. A building for use as a parish centre (which building is hereinafter called "the said building") is being or about to be erected on part of the said lands.
- F. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are 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 to permit the said building to be used as a parish centre and also to be used as a child care centre.
- G. It is expedient that authority be given to the Corporate Trustee to enter into and execute a Deed of Agreement between The Honourable Stephen George Mauger the Minister for Youth, Ethnic and Community Affairs of the State of New South Wales (hereinafter called "the Minister") for and on behalf of Her Majesty Queen Elizabeth II of the one part and the Corporate Trustee of the other part whereby the said building shall be used inter alia as a child care centre in accordance with the requirements of such Deed of Agreement 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that the said lands be used for a church parsonage parish hall parish centre and child care centre or partly for one and partly for another or others of such purposes in connection with the Church of England in Australia at Denistone East and Marsfield in the Parish of Denistone East - Marsfield or any parish provisional parish or provisional district into which it may be subsequently formed.
 2. The Corporate Trustee is hereby authorised and empowered to enter into and execute a Deed of Agreement with the Minister subject to the incorporation variation or deletion within the terms of the said Deed of Agreement of such provisions as the Standing Committee shall by resolution require.
 3. The Parish Council of the said Parish shall be responsible
 - (a) for keeping order in the said building

- (b) for keeping the said building adequately insured against fire and all other usual risks which are insured against.
- (c) for maintaining an adequate public risk policy in respect of the said lands and any buildings erected thereon for an amount which in any event is not less than \$250,000 and
- (d) for adequately repairing and maintaining the said building.

Should the said Parish Council fail to do all or any of the foregoing to the satisfaction of the Corporate Trustee, the Corporate Trustee may take such measures in relation to the said property that it may think fit and all costs and expenses thereby incurred by the Corporate Trustee shall be payable to it on demand by the said Parish Council.

4. This Ordinance may be cited as "Denistone East - Marsfield Variation of Trusts and Management Ordinance 1975".

SCHEDULE

ALL THAT piece of land situate in the Parish of Hunters Hill County of Cumberland having a frontage of 100' to Lovell Road by depths of 237'7"/205'10" and a rear dimension of 103'11" being Lots 3 and 4 in Deposited Plan No. 13470 and the whole of the land in Certificate of Title Volume 4151 Folio 81 AND ALL THAT piece of land situate as aforesaid having a frontage of 50' to North Road with depths of 257'10"/240'5" with a rear dimension of 56'10" being Lot 21 in Deposited Plan No. 13470 and the whole of the land in Certificate of Title Volume 5877 Folio 21 AND ALL THAT piece of land situate as aforesaid having a frontage of 50' to North Road with depths of 275'3"/257'10" with a rear dimension of 56'10" being Lot 22 in the said Deposited Plan and the whole of the land comprised in Certificate of Title Volume 5877 Folio 22.

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

D. Cameron
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 29th day of September, 1975.

W.G.S. Gotley
Secretary

I ASSENT to this ordinance.

M.L. Loane
Archbishop of Sydney
29/9/1975