

---

*Parish of Beecroft (St. Andrew's Cheltenham)*  
*Variation of Trusts and Land Sale Ordinance 1971*

---

No. 21, 1971

AN ORDINANCE to authorise the sale of certain land at Cheltenham in the Shire of Hornsby and to provide for the application of the proceeds and to vary the trusts in relation to a certain Sunday School Building Fund.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as the proprietor in fee simple of the land comprised in Certificate of Title Volume 3441 Folio 231 more particularly described in the Schedule hereto AND WHEREAS the said land is church trust property held 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 in Australia at Cheltenham AND WHEREAS there is erected upon the said land the Church known as St. Andrew's Cheltenham AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such land is held the said land and buildings are no longer required for the purposes of the said Parish and it is expedient that the Church building be demolished and the materials comprising such building be disposed of by way of sale or otherwise and that the said land be sold AND WHEREAS there is held by the said Parish a Sunday School Building Fund amounting to \$537 approximately which is held for the purpose of erecting a separate building for a Sunday School at St. Andrew's Church aforesaid AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the said building fund such fund is no longer required for the purpose mentioned and it is expedient that the said building fund be applied in the manner hereinafter appearing NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND ORDAINS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the 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

---

*Parish of Beecroft (St. Andrew's Cheltenham)*  
*Variation of Trusts and Land Sale Ordinance 1971*

---

to sell the said land by public auction or private contract at such time at such price and upon such terms and conditions as it may think fit freed from all trusts upon which the same is now held.

3. The proceeds arising from the said sale after paying there-out all outgoings to which the said land may be subject and the costs of and incidental to this Ordinance and the sale and transfer pursuant hereto and the payment or recoupment of any costs charges and expenses arising out of the demolition of the said buildings and of the sale or disposal of the materials comprising the same shall be paid to the Churchwardens for the time being of St. John's Beecroft who shall apply the same towards the purchase of a suitable property to be used inter alia as a curate's residence.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Sunday School Fund hereinbefore mentioned is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

5. The Churchwardens are hereby authorised to apply the said Sunday School Building Fund as well the capital as the income thereof towards the purchase of a suitable property to be used inter alia as a curate's residence.

6. The Corporate Trustee shall not exercise its power to sell the said land in pursuance of the provisions of Clause 2 hereof unless and until the Rural Dean and the Archdeacon exercising authority in the subject area shall have signified in writing their approval to the sale of the said land: Provided nevertheless that the said Standing Committee may at any time by resolution give its approval to the Corporate Trustee exercising its power to sell as aforesaid.

7. This Ordinance may be cited as "Parish of Beecroft (St. Andrew's Cheltenham) Variation of Trusts and Land Sale Ordinance 1971".

#### SCHEDULE

ALL THAT piece or parcel of land situated in the Shire of Hornsby Parish of Field of Mars and County of Cumberland having a frontage of about 96 feet 9½ inches to Beecroft Road by a depth of about 112 feet 11½ inches on the one side and 180 feet 6 inches on the other side and a rear dimension of about 75 feet being shown in plan annexed to Instrument of Transfer No. A926800 and being part of Portion 494 of the said Parish and delineated in

---

*Parish of Beecroft (St. Andrew's Cheltenham)*  
*Variation of Trusts and Land Sale Ordinance 1971*

---

the public map of the said Parish in the Department of Lands and being the whole of the land comprised in Certificate of Title Volume 3441 Folio 231.

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 20th day of September, 1971.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

20/9/1971.