
St. Philip's Caringbah with St. Stephen's Taren Point Sale Ordinance.

No. 11, 1959.

AN ORDINANCE to vary and declare the trusts of certain land situate in President Avenue Caringbah Shire of Sutherland and to authorise the sale of the said land and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title Registered Volume 3872 Folio 220 Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the Corporate Trustee") is the proprietor of an estate in fee simple in the land more particularly described in the first schedule hereto.

AND WHEREAS the Corporate Trustee by Declaraton of Trust dated the 24th September, 1926, declared that the said lands were 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 the Parish of Cronulla at Caringbah.

AND WHEREAS erected upon the said land is a weatherboard Church called "St. Philip's" used by the Church of England at Caringbah which is now within the Provsional District of St. Philip's Caringbah with St. Stephen's Taren Point.

AND WHEREAS by Certificates of Title registered Volume 5013 Folios 98 and 99 the Corporate Trustee is the proprietor of an estate in fee simple in the land more particularly described in the second schedule hereto.

AND WHEREAS erected upon the said land is a dwelling used as a rectory for the said Provisional District.

AND WHEREAS the land lastly referred to is Church Trust Property and is held for the Church of England in the Parish of Cronulla at Caringbah.

AND WHEREAS no trusts have been declared in respect of the said land.

AND WHEREAS it has become inexpedient to carry out and observe the trusts upon which the said lands are held and it is expedient to vary and re-declare such trusts in manner hereinafter appearing.

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AND WHEREAS by Memorandum of Consent dated the 13th April, 1959, a majority of the members of the Parish Council of St. Andrew's Cronulla consented to the passing of this Ordinance with such amendments as may be deemed necessary.

AND WHEREAS on account of the growth of the said Provisional District it is expedient to erect a new brick Church upon part of the land described in the second schedule or upon adjoining land.

AND WHEREAS it is also expedient to remove the said Church erected upon the land described in the first schedule and re-erect the same upon part of the land described in the second schedule or upon adjoining land and use the same as a Parish Hall for the said Provisional District.

AND WHEREAS it is also expedient to remove the rectory erected upon the front portion of the land described in the second schedule and re-erect the same upon another portion of the said land or upon adjoining land and use the same as a Rectory for the said Provisional District.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts hereinbefore firstly referred to it has become inexpedient to carry out and observe such trusts and it is expedient to sell the said land comprised in the first schedule and to apply the proceeds of sale in or towards the erection of the said new Church and for the removal and re-erection of the existing Church and Rectory upon the land described in the second schedule or upon adjoining land.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the aforesaid trusts it is inexpedient to carry out and observe the same in their entirety and it is expedient to vary and re-declare such trusts in manner hereinafter provided.

2. The Corporate Trustee shall hold the lands described in the Schedules hereto 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 the Provisional District Provisional

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Parish or Parish from time to time in which the Church of St. Philip's Caringbah is situated.

3. By reason of circumstances subsequent to the creation of the trusts of the land firstly hereinbefore recited it has become inexpedient to carry out or observe such trusts and it is expedient to sell the land comprised in the First Schedule hereto.

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

5. Subject as aforesaid the said Corporate Trustee is hereby authorised and empowered to subdivide the said land and for the purpose of such subdivision or for any other purpose to grant and dedicate drains, watercourses, rights-of-way or other easements or rights thereout or in connection therewith and to grant and dedicate any land for any public purposes as the Corporate Trustee may deem expedient and to register any plan or plans of subdivision with the Registrar-General, Sydney, and the said Corporate Trustee is hereby directed to execute the transfer or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or sales or other dealing matter or thing authorised by this Ordinance.

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

- (a) In payment of all outgoings properly chargeable against the said land or any part or parts thereof and of all costs charges and expenses of and incidental to this ordinance and the said sale or sales and the transfer and/or the subdivision of the said land and/or the other matters referred to in this Ordinance.
- (b) Subject thereto the balance shall be paid to the Churchwardens of St. Philip's Caringbah who shall apply the same for or towards the cost of and incidental to erecting a new brick Church with appurtenances and/or to remove and re-erect the said existing Church and/or Rectory upon the land more particularly described in the

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second schedule or upon adjoining land or partly for one and partly for another or others of such purposes.

7. This Ordinance shall be styled and cited as "St. Philip's Caringbah with St. Stephen's Taren Point Sale Ordinance, 1959."

THE FIRST SCHEDULE.

All that piece of land at Caringbah Shire and Parish of Sutherland and County of Cumberland having a frontage of 100 feet to President Avenue by depths of 184 feet 9 $\frac{1}{4}$ inches and 142 feet 8 inches 1 rood 20 perches being lots 39 and 40 Deposited Plan 10066 and the whole of the land in Certificate of Title Volume 3872 Folio 220.

THE SECOND SCHEDULE.

All that piece of land at Caringbah Shire and Parish of Sutherland and County of Cumberland having a frontage of 100 feet 0 $\frac{1}{4}$ inches to Port Hacking Road by depths of 396 feet 9 inches and 395 feet 2 inches containing 3 roods 25 $\frac{1}{4}$ perches being lots A and B in plan annexed to Order No. C.743193 and the whole of the land in Certificates of Title Volume 5013 Folio 98 and 99.

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

H. GORDON S. BEGBIE,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 22nd day of June, 1959.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance

HUGH SYDNEY,
Archbishop.

22/6/1959.