

AUSTINMER (SCARBOROUGH) ORDINANCE 1986

NO. 60, 1986

AN ORDINANCE to vary the trusts of land at Scarborough in the city of Wollongong Parish of Southend and County of Cumberland to permit the same to be sold and to provide for the application of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 2164 Folio 86 more particularly described in the Schedule hereto.

B. The land in the Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) 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 of such purposes in connection with the Church of England at Scarborough South Clifton.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land described in the Schedule.

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 the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

2. The Corporate Trustee is hereby authorised to sell the land described in the Schedule within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

3. (1) The proceeds arising from the sale of the land described in the Schedule after paying thereout the costs of and incidental to this ordinance and the costs of and incidental to the sale, shall be applied by the Corporate Trustee as follows:-

(a) As to the sum of Five Thousand Dollars (\$5,000) to repay loans to parishioners in connection with the Rectory of the Parish of Austinmer situate in Roxborough Avenue Thirroul.

(b) As to the sum of Five Thousand Dollars (\$5,000)

(i) to be invested by the Corporate Trustee and the income thereon whilst the churchwardens of All Saints' Austinmer employ a Parish Assistant to be paid to the churchwardens to be applied by them

towards a travelling allowance for that parish assistant for a period not exceeding five (5) years;

(ii) when the conditions of the preceding sub-paragraph no longer apply, to be applied for such parochial purposes as the Standing Committee may by resolution approve upon the request of the majority of the members of the Parish Council of the Parish of Austinmer.

(c) As to the balance to be paid to the Churchwardens of All Saints' Austinmer and applied by them towards the costs of additions to the building of All Saints' Church, Austinmer and the refurbishing, repairs and renovations to the church hall attached thereto.

(2) Pending the application set out in sub-clause (1) of this Clause, the Corporate Trustee shall invest the net proceeds and capitalise the income.

4. This ordinance may be cited as the "Austinmer (Scarborough) Ordinance 1986".

SCHEDULE

ALL THAT piece or parcel of land at Scarborough in the City of Wollongong Parish of Southend and County of Cumberland being Lot 16 of Section C on a plan deposited in the Land Titles Office Sydney No. 2693 and being the whole of the land in Certificate of Title Volume 2164 Folio 86.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 15th day of December 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
15/12/1986