

CASTLE HILL VARIATION OF TRUSTS AND LAND
SALE ORDINANCE 1986

NO. 3, 1986

AN ORDINANCE to vary the trusts of certain lands at Castle Hill in the Shire of Baulkham Hills, to authorise the sale of those lands and to provide for the application of the proceeds thereof and the proceeds of an insurance claim in respect of damage to the church building erected upon those lands.

WHEREAS

A. The land described in the First Schedule hereto is vested in Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") and is held upon trust for a Church in connection with the Anglican Church of Australia in the Parish of Castle Hill (hereinafter called "the Parish").

B. The land described in the Second Schedule hereto was vested in the Bishop of Sydney and to his successors Bishops of Sydney pursuant to a conveyance between Richard Greenup and the Bishop of Sydney dated 1st February 1861 Registered Number 882 Book 71 upon trust for the erection of a Church for divine worship to be named The Church of St. Paul to be dedicated and consecrated according to the manner and form of the said United Church of England and Ireland and for such other purposes connected therewith as the said Bishop of Sydney and his successors as aforesaid may from time to time by endorsement in writing upon the said conveyance or by a separate instrument in writing shortly referring to the said conveyance the date thereof and the parties thereto under the Episcopal Seal and the hand of the Bishop of Sydney for the time being determine approve or appoint.

C. The land described in the Second Schedule hereto is vested in the Corporate Trustee.

D. On 7th January 1985, a fire substantially damaged the Church building erected upon the said lands.

E. The Corporate Trustee at the request of the Parish made a claim upon the insurer in respect of the Church building and the insurer has offered and the Corporate Trustee has accepted the sum of three hundred and twenty thousand eight hundred and eighty nine dollars (\$320,889) in full and final settlement of the claim of the Corporate Trustee arising from the fire.

F. The proceeds of the insurance settlement (hereinafter referred to as the "insurance settlement") are held by the Corporate Trustee pursuant to the trusts referred to in recital B hereof.

G. By reason of circumstances that have arisen subsequent to the creation of the said 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 lands described in the First and Second Schedules and to provide for the application of the proceeds of sale thereof and to provide for the application of the insurance settlement.

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 first the lands described in the First and Second Schedules hereto and secondly, the insurance settlement are held it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient that the said lands be sold.
2. The Corporate Trustee is hereby authorised to sell the lands in the First and Second Schedules 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 on and subject to such terms and conditions as, to the Corporate Trustee, may seem appropriate, freed from the trusts upon which the lands are now held.
3. Any sale of the lands described in the First and Second Schedules is to be made to a person or Corporate Body approved by the Corporate Trustee and the agreement for the sale of the said lands shall contain a provision to the effect that the purchaser shall comply with the requirements of the Heritage Council and other statutory authorities with respect to the church building erected thereon.
4. Upon completion of the sale or sales of the said lands the proceeds arising from the sale or sales and the insurance settlement and the income arising therefrom shall be capitalised and the total amount shall be applied by the Corporate Trustee as follows:-
 - (a) First, in payment of the costs of and incidental to this Ordinance and of any subdivision and sale or sales of the lands.
 - (b) Secondly, as to the sum of two hundred and fifty thousand dollars (\$250,000) for the Archbishop of Sydney's Vision for Growth Appeal.
 - (c) Thirdly, as to the sum of sixty thousand dollars (\$60,000) in purchasing land in the Parish for use as a site for a Rectory and/or Assistant Minister's residence and/or for building a Rectory and/or Assistant Minister's residence on such land and/or on other land held upon trust for the said Parish.
 - (d) Fourthly, as to one half of the balance for the Archbishop of Sydney's Vision for Growth Appeal and as to the other one half of the balance for the following purposes in the Parish:
 - (i) Costs of repairs and relocation of memorial plaques from the church building erected upon the lands described in the First and Second Schedules;
 - (ii) Such other purpose or purposes in the Parish of St Paul Castle Hill as a majority of the Parish Council shall by resolution determine.
5. This Ordinance may be cited as the "Castle Hill Variation of Trusts and Land Sale Ordinance 1986".

FIRST SCHEDULE

ALL THAT piece or parcel of land at Castle Hill in the Shire of Baulkham Hills Parish of Field of Mars and County of Cumberland being the whole of the land comprised in Certificate of Title Volume 69 Folio 175.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated at Castle Hill in the Colony of New South Wales in the little orchard on the North East side of the house and having a frontage to the road of 50 feet with a depth of 70 feet as the same is now marked out being the land described in Indenture dated 21st February 1861 Registered No. 882 Book 71.

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

P.W. YOUNG
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 3rd day of February 1986.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON
Archbishop of Sydney
3/2/1986