

CHRIST CHURCH ST. IVES ORDINANCE 1978No. 40 1978

AN ORDINANCE to declare the trusts affecting certain property known as No. 19 Murchison Street St. Ives and to authorise the sale of land known as Lot 3 Walker Avenue, St. Ives.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called " the Corporate Trustee") is registered as proprietor in fee simple of the land known as Lot 3 Walker Avenue St. Ives and more particularly described in the First Schedule hereto (which said land is hereinafter called "the Walker Avenue land")

5 AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land and buildings known as No. 19 Murchison Street, St. Ives and more particularly described in the Second Schedule hereto (which said land and buildings are hereinafter referred to as "the Murchison Street property") AND

10 WHEREAS the Walker Avenue land is church trust property held by the Corporate Trustee upon the trusts set forth in the Third Schedule hereto AND WHEREAS the Murchison Street property is also church trust property held by the Corporate Trustee but no trusts have been declared in writing concerning the same AND WHEREAS

15 the Walker Avenue land is vacant land not required for any purposes in connection with the Parish of Christ Church, St. Ives and it is expedient that the subject land be sold and that the net sale proceeds be appropriated in the manner hereinafter provided AND WHEREAS it is expedient that the trusts presently

20 relating to the Walker Avenue land be henceforth imposed upon the Murchison Street property 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 Walker Avenue land is held it is inexpedient to carry out and observe the same and it is expedient that such land be sold and that the trusts be varied as hereinafter set forth.

25 2. The Corporate Trustee is hereby empowered to sell the Walker Avenue land in one or more parcels by public auction or by private contract at such time or times at such price or prices and upon and subject to such terms, conditions, covenants and reservations as it shall think fit freed from the trusts upon which

30 it is presently held PROVIDED THAT the Transferee of Transferees of the subject
land for himself, herself or themselves, his, her or their successors, assigns
or personal representatives and the registered proprietors for the time being
of the land shall enter a restrictive covenant for the benefit of the adjoining
land known as Lot 4 in Deposited Plan No. 232081 to the effect that the Transferee
or Transferees and the registered proprietors for the time being of the Walker
35 Avenue land shall not sell or cause to be sold any intoxicating liquor thereon
or on any part thereof and such covenant may be released, varied or modified only
by the prior written consent of the Corporate Trustee and of the majority for the
time being of the members of the Parish Council of the Parish of Christ Church,
St. Ives or of any other parish into which such Parish shall be formed or divided.

40 3. The proceeds arising from the sale of the Walker Avenue land after paying
thereout all costs of and incidental to this Ordinance and to the sale and transfer
in pursuance thereof and all outgoings to which the said land may be subject shall
be applied in or towards the reduction or repayment of all moneys borrowed from the
Bank of New South Wales for the purpose of or incidental to the acquisition and
45 purchase of the Murchison Street property and any balance thereafter is to be
applied in accordance with a resolution of the Parish Council of the said Parish
approved by a resolution of the Standing Committee PROVIDED THAT such moneys shall
be applied for the benefit of the parish of Christ Church St. Ives or any parish
or district into which it may subsequently be formed.

50 4. The Murchison Street property shall henceforth be held upon trust to permit
the same to be used for a residence for a minister or full time lay worker or parish
hall or partly for one and partly for another of such purposes in connection with
the Church of England in Australia in the said Parish of Christ Church, St. Ives or
any parish or district into which such parish shall be formed or divided and to
55 be subject to the provisions of the Sydney Church Ordinance 1912 or any other
ordinance of the Diocese of Sydney for the time being in force and applicable to
the said property PROVIDED HOWEVER that in the event of the Archbishop in council
at any time hereafter determining in his or their absolute discretion that the
said property can no longer be used for the purposes aforesaid or any one or more
60 of them in the Parish of Christ Church, St. Ives or any parish into which such
parish shall be formed or divided upon trust to permit the same to be used for and



by the Home Mission Society of the Church of England in the Diocese of Sydney for the general purposes thereof absolutely.

5. This Ordinance may be cited as Christ Church St. Ives Ordinance 1978.

FIRST SCHEDULE

ALL THAT land situate at St. Ives in the Municipality of Ku-ring-gai Parish of Gordon and County of Cumberland being Lot 3 in Deposited Plan No. 232081 having a frontage of about 83 ft. to Walker Avenue and being the whole of the land in Certificate of Title Volume 10552 Folio 187.

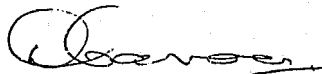
SECOND SCHEDULE

ALL THAT land situate at St. Ives in the Municipality of Ku-ring-gai Parish of Gordon and County of Cumberland being Lot 12 in Deposited Plan No. 215973 having a frontage of about 57 ft. to Murchison Street and being the whole of the land in Certificate of Title Volume 9370 Folio 194 together with improvements thereon known as No. 19 Murchison Street, St. Ives.

THIRD SCHEDULE

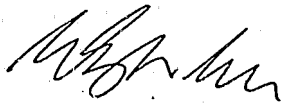
UPON TRUST to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of Christ Church, St. Ives or any parish into which such parish shall be formed or divided and to be subject to the provisions of the Sydney Church Ordinance 1912 or any other Ordinance of the Diocese of Sydney for the time being in force and applicable to the said land PROVIDED HOWEVER that in the event of the Archbishop in council at any time hereafter determining in his or their absolute discretion that the said lands can no longer be used for the purposes aforesaid or any of them or more of them in the Parish of Christ Church, St. Ives or any parish into which such parish shall be formed or divided upon trust to permit the same to be used for and by the Home Mission Society of the Church of England in the Diocese of Sydney for the general purposes thereof absolutely.

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



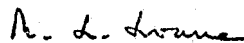
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of October 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

30/10/1978