

HURLSTONE PARK SALE ORDINANCE 1983

No. 3, 1983

AN ORDINANCE to authorise the sale of certain land and to vary the trusts on which the same is held and to provide for the application of the proceeds therefrom.

WHEREAS

- A. Anglican Church of Australia Property Trust Diocese of Sydney (hereinafter called "the Property Trust") is the registered proprietor of the land described in the schedule hereto.
- B. The said land is held upon trust for the purposes of a site for a church a school and a parsonage in connection with the Anglican Church.
- C. The said land is situated in the Parish of Canterbury with Hurlstone Park.
- D. A building known as St. Stephen's Church, which church has been consecrated, is erected on the said land.
- E. By reason of circumstances which have arisen subsequent to the creation of the trust on which the said land is held it is inexpedient to carry out and observe the same, to the extent that the same is hereby varied, and it is expedient that the said land be sold.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS AND RULES as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trust on which the said land is held, it is inexpedient to carry out and observe the same, to the extent that the same is hereby varied, and it is expedient that the said land be sold.
2. The Property Trust is hereby authorised and empowered to sell the said land within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private treaty in one or more lots for such price and on and subject to such terms

and conditions as, to the Property Trust, may seem appropriate.

3. The proceeds from the sale of the said land, after all costs in connection therewith have been paid therefrom, shall be held by the Property Trust and applied as follows:-

- (a) if the Council of the Municipality of Canterbury or any other public authority is not willing to become the trustee of the cemetery adjacent to the church building known as St. Paul's Canterbury, the Property Trust shall pay, from income which accrues on the said proceeds to the churchwardens of the said church, \$1,000 during each of the years 1983 to 1988 to be applied by the said churchwardens in or towards the upkeep of the said cemetery;
- (b) the Property Trust shall pay to the said churchwardens such part of the said proceeds (not exceeding \$50,000) which the said churchwardens may request to be applied by the said churchwardens in or towards meeting the cost
 - (i) of remedying drainage, effecting rewiring and effecting roof repair to or in connection with the said church
 - (ii) of remedying drainage, effecting repairs and painting of or in connection with the hall adjacent to the said church
 - (iii) of demolishing the building adjacent to the said church known as the choir vestry, and
 - (iv) of replacing the existing vestry and constructing, in lieu thereof, toilet facilities and a meeting room;
- (c) the Property Trust shall pay to the said churchwardens from the said proceeds an amount, not exceeding \$10,000, as requested by the said churchwardens to be applied in or towards meeting the cost of repairs to the Rectory in the said Parish, and

(d) the Property Trust shall invest \$150,000 and the income which accrues therefrom shall be made available for parish ministry within the Rural Deanery of Marrickville on a basis to be determined each year by the Standing Committee on the recommendation of the Bishop of the area;

(e) any further distribution of capital or income shall be applied for such purposes within or without or partially within and partially without the Parish of St. Paul's Canterbury in accordance with a resolution or resolutions, from time to time, of the Standing Committee, being a resolution or resolutions passed either at the written request of a majority of the Parish Council of the Parish or otherwise, provided that the Standing Committee shall not pass a resolution otherwise than in accordance with a written request of the Parish Council until after the Standing Committee has given the Parish Council not less than 3 months notice in writing (or such lesser period of notice as may be consented to in writing by a majority of the Parish Council) of the terms of its proposed resolution.

Pending any application pursuant to this clause, other than the sum of \$150,000 the said proceeds shall be invested and the income which accrues thereon shall be capitalised.

4. This ordinance may be cited as "Hurlstone Park Sale Ordinance 1983".

SCHEDULE

ALL THAT land situated on the corner of Dunstaffenage Street and New Canterbury Road, Hurlstone Park being the whole of the land in Certificate of Title Volume 3586 Folio 5.

I CERTIFY that the 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 28th day of February 1983.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
2 / 3 / 1983

REPEALED