
*St. Alban's Golden Grove Sale and Variation of Trusts
Ordinance 1957.*

No. 18, 1957

AN ORDINANCE to authorise the sale of certain land at Darlington in the City of Sydney and the Church erected thereon; to provide for the application of the proceeds of sale; to vary the trusts declared by the St. Alban's Golden Grove Land Sale Ordinance 1940; and for purposes incidental thereto.

WHEREAS:

- (1) The land described in the First Schedule hereto (herein called "the said land") is by virtue of Deed of Consent bearing date the first day of August 1893 Registered Number 194 Book 520 and duly executed under the hands and seals of Freeman Pepper and William John Richardson a majority of the trustees for the time being of such land vested in the Church of England Property Trust Diocese of Sydney (herein called "the Property Trust") upon trust for and on behalf of the congregation of the St. Alban's Church Abercrombie Street Golden Grove as appears by a certain Deed Poll or Declaration of Trust under the hands and seals of the said Freeman Pepper and William John Richardson and one Thomas Alfred Harricks bearing date the 25th day of September 1891.
- (2) The Church of St. Alban is erected on the said land.
- (3) By the St. Alban's Golden Grove Land Sale Ordinance 1940 it was ordained that the Property Trust be authorised to sell the land mentioned in the First Schedule to that Ordinance and that the money to arise from such sale should be applied in payment of the costs and fees therein mentioned and the balance of such moneys together with the accumulation of the amounts for the investment thereof should be paid when required to the Curate-in-Charge and Churchwardens of the Provisional District of St. Alban Golden Grove or as therein mentioned and should be applied towards the erection as therein mentioned of a new Parish Hall for purposes of the said Provisional District or Parish into or with which the said Provisional District shall be converted or incorporated.

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- (4) The land mentioned in the said Ordinance was sold, and the Property Trust holds the assets mentioned in the Second Schedule (herein called "the Fund") in respect of the investment of the said moneys.
- (5) On the 7th September 1947 the said Church was consecrated.
- (6) By reason of the decrease of the number of members of the Church of England residing in the neighbourhood of the said Church and of the proximity of other Churches and other circumstances which have since occurred it has become inexpedient to continue to use the same as a Church of England.
- (7) Negotiations are proceeding for the sale of the said land and the Church erected thereon to the Greek Orthodox Community of New South Wales (herein called "the Company") a Company incorporated in New South Wales in connection with the Greek Orthodox Church for use by that Church.
- (8) It is expedient to sell the said land and to apply the proceeds of sale and the Fund and the income therefrom in the manner herein provided.

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

1. This Ordinance may be cited as the "St. Alban's Golden Grove Sale and Variation of Trusts Ordinance 1957,"

2. By reason of the circumstances subsequent to the creation of the trusts to which the said land and the said Church and the said Fund are now subject:—

(a) it is expedient to sell the said land;

(b) it has become impossible or inexpedient to carry out or observe such trusts;

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- (c) it is inexpedient to deal with or apply the said land and the proceeds of sale thereof and the said Fund for the same purposes as the purposes for which they were immediately before this Ordinance held and it is expedient to declare other trusts in respect thereof.

3. The Property Trust is authorised and directed:

- (a) to sell the said land and the building erected thereon to the Company at such price and subject to such conditions as it thinks fit;
- (b) (i) if such sale is not completed to sell the said land by public auction or private contract at such price and subject to such conditions as it thinks fit and either with or without the building erected thereon;
- (ii) to arrange for the demolition of the building and the removal of the materials of which it is constructed;
- (c) to pay out of such proceeds of sale all costs charges and expenses of and incidental to this Ordinance and of anything done in pursuance of this Ordinance.

4. The Property Trust shall—

- (a) invest the balance of purchase money and also the Fund in any investments in which it is for the time being authorised to invest and such purchase money and investments thereof shall be added to and shall form part of the Fund;
- (b) apply the income of the Fund for the purposes of the said Provisional District and any Parish or Parishes into or with which the said Provisional District may be incorporated, and, if more than one, in such proportions as the said Standing Committee may determine.
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THE FIRST SCHEDULE.

All that piece or parcel of land situate lying and being in the Parish of Petersham County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lots Twenty-seven to Thirty-one Section fifteen Golden Grove Estate as per plan by Mr. Reuss in One thousand eight hundred and eighty Commencing at a point on the south-east side of Abercrombie Street forty feet north-easterly from Codrington Street and bounded on the north-west by Abercrombie Street bearing north-easterly one hundred feet on the north-east by Lot twenty-six bearing south-easterly one hundred feet on the south-east by a lane bearing south-westerly one hundred feet and on the south-west by Lot Thirty-two bearing north-westerly one hundred feet to the point of commencement. Exclusive of that portion of the land above described which has been sold by the then Trustees bounded as follows: Commencing at a point on the south-east side of Abercrombie Street forty feet north-easterly from Codrington Street and bounded on the north-west by Abercrombie Street bearing north-easterly thirty-four feet on the north-east by a line bearing south-easterly one hundred feet on the south-east by a lane bearing south-westerly thirty-four feet and on the south-west by Lot Thirty-two bearing north-westerly one hundred feet to the point of commencement.

THE SECOND SCHEDULE.

	£	s.	d.
Commonwealth Loan, 3½% 1962/1965... ..	40	0	0
Fixed Deposit	588	13	10
Fixed Deposit	25	0	0
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	£653	13	10
Cash on Hand	9	15	5
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	£663	9	3
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I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

WALTER S. GEE,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of July, 1957.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

W. G. HILLIARD,

Bishop.

Commissary.

29/7/1957.
