

CANTERBURY WITH HURLSTONE PARK LAND SALE AND VARIATION
OF TRUSTS ORDINANCE 1984
NO. 55 1984

AN ORDINANCE to authorise the sale of certain land and vary certain trusts and to provide for the application of the proceeds and other moneys.

WHEREAS

A. The Church of England Property Trust Diocese of Sydney now known as Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of the land described in the Schedule upon trust to permit the same to be used as a church parsonage or parish hall or partly for one and ~~and~~ partly for another of such purposes in connection with the Anglican Church of Australia in the parish of St Paul, Canterbury.

B. Under the provisions of the Hurlstone Park Sale Ordinance 1983 ("the 1983 Ordinance") certain moneys were to be held upon trust by the Corporate Trustee to pay the same to the churchwardens of the parish of Canterbury with Hurlstone Park for the purposes of repairing the existing rectory and to construct a meeting room and toilet facilities.

C. By reason of the circumstances which have arisen subsequent to the creation of the trusts on which the said land and moneys are held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied as hereinafter provided.

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 expedient that the land be sold.
2. The Corporate Trustee is hereby authorised and empowered to sell the 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 contract at such time and at such price and upon such terms and conditions as it may determine freed from the trusts upon which it is held.

3. The proceeds arising from the sale shall be applied as follows:-

- (a) First to pay all outgoings to which the land may be subject the costs of and incidental to this Ordinance and the sale pursuant thereto.
- (b) Secondly the net balance to be applied by the churchwardens of Canterbury with Hurlstone Park towards the costs of demolishing existing improvements and the subsequent erection of a building for use as a rectory or parish centre or partly for one and partly for another of such purposes on land to be acquired within the parish by the Corporate Trustee.
- (c) Pending application of the proceeds as aforesaid the proceeds shall be invested and the interest capitalised save that such interest may be applied towards reasonable rent and related costs of temporary housing for the minister and family during the erection of the building referred to in paragraph (b).

4. (1) By reason of circumstances which have arisen subsequent to the creation of certain trusts in the 1983 Ordinance in respect of which certain moneys were to be paid to the churchwardens of the parish and applied in certain ways it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) The trusts set out in the 1983 Ordinance in respect of certain moneys referred to therein are hereby amended as follows:-

Handwritten initials and a large letter 'D'.

072.

- (a) the amount referred to in sub-paragraph 3 (c) of the 1983 Ordinance shall be applied in or towards the cost of erecting a meeting room or parish rectory or partly one purpose and partly the other purpose;
- (b) any balance of the amount referred to in sub-paragraph 3 (b) (not applied in accordance with 3 (b) (i), (ii) or (iii)) shall be applied by the churchwardens for the purposes of erecting a meeting room or parish rectory or partly for one purpose and partly for the other purpose.
5. This Ordinance may be cited as the "Canterbury with Hurlstone Park Land Sale and Variation of Trusts Ordinance 1984."

SCHEDULE

ALL THAT land at Canterbury being Lot 1 in D.P. 537434 comprised in Certificate of Title Volume 11141 Folio 174.

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



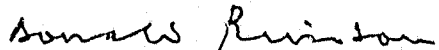
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the ~~10th~~ day of *December* 1984.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
17/12/1984

