

CHRIST'S CHURCH NORTH SYDNEY ORDINANCE 1982

No. 3 1982

AN ORDINANCE to vary the trusts upon which certain land is held, to authorise sale of part thereof and to provide for the application of the proceeds of sale.

WHEREAS:

A. By indenture bearing date 5th May 1869 and registered No. 570 Book 113 Francis Lord conveyed to the Bishop of Sydney and his successors all that land described in the first schedule upon trust for the erection of a church in the village of St. Leonards North Shore and the use thereof for the worship of Almighty God according to the doctrine rights and ceremonies of the United Church of England and Ireland as by law established and to for and upon no other use intent or purpose whatsoever.

B. A church building known as Christ's Church North Sydney was erected on the land and licensed for worship on the 30th day of May 1872.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said land is 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 Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. Consent is hereby given to the land described in the first schedule hereto vesting in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the first schedule is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is expedient that the land described in the second schedule be sold.

3. So much of the land described in the first schedule as is not land described in the second schedule shall be held upon trust for a:-

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed



by the churchwardens;

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- (c) hall or halls, *or parish centre;*
- (d) school or other place of assembly;

or partly for one or another or others of those purposes or any other purpose ancillary thereto in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Christ's Church North Sydney or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

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4. The Corporate Trustee is hereby authorised and empowered to sell the land described in the second schedule 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.

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

(a) First to pay all outgoing to which the land may be subject, the costs of and incidental to this ordinance the subdivision sale and transfer pursuant thereto.

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(b) Secondly the nett balance to be held on trust to be applied for such purposes within or without or partially within and partially without the parish of Christ's Church North Sydney as the Standing Committee at the written request of a majority of the parish council of the said parish may by resolution from time to time determine and to be entirely freed and discharged from the trusts upon which the land was held provided that in default of agreement either party may refer the question of the application to the Synod for determination.

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(c) Thirdly, pending any such determination as to the application of the balance of the proceeds of sale as aforesaid such balance shall be invested by The Corporate Trustee and the income arising from such investment shall for the meantime be capitalized.

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6. This ordinance may be cited as "Christ's Church North Sydney Land Sale Ordinance 1982".

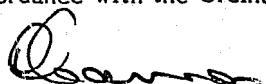
FIRST SCHEDULE

ALL THAT land situate lying and being in the Parish of Willoughby in the County of Cumberland all dimensions more or less being allotment No. 6 and portion of allotments Nos. 5 and 4 of Section 1 of the Town of St. Leonards commencing at the intersection of Lavender Street with Walker Street and bounded on the south by firstnamed street bearing west 4 chains on the west by part of the east boundary of lot 3 bearing north 2 chains and fifty links on the north by a line bearing east 4 chains and on the east by Walker Street aforesaid bearing south 2 chains and fifty links to the point of commencement and containing an area of 1 acre being the land described in Conveyance No. 570 Book 113.

SECOND SCHEDULE

ALL THAT land at North Sydney commencing at the corner of Lavender Street and Walker Street having a southerly boundary of about 68 metres along Lavender Street hence northerly at right angles to Lavender Street for 24 metres thence easterly at right angles for 68 metres to Walker Street thence south along Walker Street for 24 metres to the point of commencement all dimensions a little more or less and being part of the land described in Conveyance Registered No. 570 Book 113.

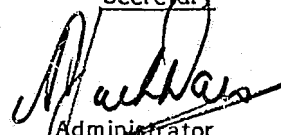
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22nd day of February 1982.

  
Secretary

I ASSENT to this Ordinance.

  
Administrator  
22/2/1982