

SMITHFIELD ORDINANCE 1984

NO. 50 1984

AN ORDINANCE to authorise the sale of certain property and to vary the trusts on which certain property is held.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the owner of the land described in the first and second schedules hereto and is the registered proprietor of the land described in the fourth Schedule hereto.

B. The land described in the first schedule hereto (which land is hereinafter called "the Smithfield land" is held upon the trusts set forth in the St. James' Smithfield Ordinance 1970-1981.

C. The land described in the second schedule hereto (which land is hereinafter called "the Wetherill Park land") is held upon trust to permit the same to be used for a Church parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church of Australia at Wetherill Park in the Parish of Smithfield and subject to the provisions of the "Sydney Church Ordinances 1912" or any other Ordinance of the Diocese of Sydney for the time being in force and applicable to the said land.

D. The land described in the third schedule hereto (which land is hereinafter called "the Bossley Park land") is held upon trust for the Anglican Church of Australia in the Diocese of Sydney.

~~E. The Corporate Trustee has borrowed certain moneys, including the sum specified in the fourth schedule hereto, from Glebe Administration Board pursuant to the New Sites Ordinance 1982 to be applied in accordance with the provisions of that ordinance.~~

F. By reason of circumstances which have arisen subsequent to the creation of the respective trusts upon which the said lands and the said sum are held, it is expedient that the Smithfield

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30 land and the Wetherill Park land be sold and that the said trusts  
be varied to the extent that the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney  
HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This ordinance may be cited as "Smithfield Ordinance 1984".

35 2. (1) By reason of circumstances which have arisen subsequent  
to the creation of the trusts upon which (the Smithfield land is  
held, it is expedient that the Smithfield land be sold.

(2) The Corporate Trustee is authorised and empowered to  
sell the Smithfield land within three years from the date of  
40 assent to this Ordinance and thereafter only with the consent of  
the Standing Committee by public auction or private contract at  
such time for such price and upon such terms and conditions as it  
may think fit free from the trusts upon which it is held.

3. (1) By reason of circumstances which have arisen subsequent  
45 to the creation of the trusts upon which the Wetherill Park land  
is held, it is expedient that the Wetherill Park land be sold.

(2) The Corporate Trustee is authorised and empowered to  
sell the Wetherill Park land within five years of the date of  
assent to this Ordinance and thereafter only with the consent of  
50 the Standing Committee after the Parish Council of the Parish of  
Smithfield is satisfied that a satisfactory place of worship has  
been constructed on the Bossley Park land and is in use (which  
satisfaction shall be expressed by a resolution of the Parish  
Council) by public auction or private contract at such time for  
55 such price and upon such terms and conditions as it may think fit  
free from the trusts upon which it is held.

~~4. By reason of circumstances which have arisen subsequent to  
the creation of the respective trusts upon which the Bossley Park  
land and the said sum are held it is inexpedient to carry out and  
60 observe the same to the extent that the same are hereby varied.~~

4/ A. The Bossley Park land shall be held upon trust ~~in part for~~ S/ M  
11. ~~The Anglican Church of Australia in the Diocese of Sydney and in~~ S/ M

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<sup>d</sup>  
~~part~~ for the Anglican Church of Australia in the Parish of  
Smithfield <sup>to permit the erection thereon and</sup> ~~such parts being in the same ratio as the ratio which~~  
~~the use of~~  
~~the said sum bears to the cost of constructing on the Bossley~~  
Park land the improvements described in paragraphs (1), (2), (3)

5/1 and (4) of Clause 4.

5/1 4. The proceeds from (the sale of the Smithfield land (after  
payment of all costs of and incidental to this ordinance and to  
70 the sale of that land) and from the Wetherill Park land (after  
payment of all costs of and incidental to the sale of that land)

~~and the said sum~~ shall be applied in or towards repayment of all  
moneys borrowed for all or any of the purposes mentioned in  
paragraph (i) of clause 4(e) of the St. James' Smithfield

75 Ordinance 1970-1981 and then in or towards repayment of all  
moneys borrowed pursuant to the St. James' Smithfield Mortgage  
Ordinance 1973 and the Smithfield Ordinance 1981. The balance  
remaining thereafter (which balance is hereinafter called "the  
capital") shall be invested and the capital and the income  
80 derived therefrom (which income is hereinafter referred to as  
"the income") may be applied by the Corporate Trustee in or  
towards meeting the cost of constructing on the Bossley Park  
land:-

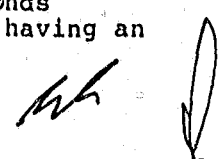
- (1) a building suitable for use as a church and hall, and
- 85 (2) a residence suitable for use by a clergyman, and
- (3) carparking facilities, and
- (4) a building (which may be part of either or both of the  
buildings described in paragraphs (1) and (2)) which  
comprises four "motel type" units, capable of being  
90 inter-connected, and designed for use as emergency  
accommodation, and so much of the income as is not so  
applied shall be applied in or towards

- (a) meeting the stipend and allowances of a clergyman (not being the rector of the Parish of Smithfield) or a lay person engaged to conduct a ministry based on the Bossley Park land;
- (b) meeting the cost of maintaining, repairing and altering the church building, rectory and hall situated adjacent to the Smithfield land; and
- 100 (c) servicing any loan borrowed for the purpose of meeting the cost of constructing the buildings proposed to be constructed on the Bossley Park land.

Provided always that on and from the tenth anniversary of the date on which assent is given to this ordinance the capital and  
105 income not applied previously pursuant to the provisions of this clause shall be held upon trust for such purposes of the Anglican Church of Australia within the Diocese of Sydney as may be agreed, at that time, by a majority of the Parish Council of the Parish of Smithfield and a majority of the Standing Committee of  
110 the Synod of the Diocese of Sydney.

#### FIRST SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Fairfield Parish of St. Luke County of Cumberland situate at Smithfield commencing on the north eastern corner of Lot 2 in Deposited Plan No. 208678 being approximately 355 feet west from the intersection of Liverpool Road and The Horsley Drive bounded thence on the east bearing 179 degrees 59 minutes 20 seconds distant 120 feet bounded thence on the north by a line bearing 90 degrees 49 minutes 30 seconds for 51 feet bounded again on the east by a line bearing 179 degrees 59 minutes 20 seconds for 65 feet  $\frac{1}{2}$  inches bounded on the south by a line bearing 269 degrees 59 minutes 20 seconds distant 20 feet 11 inches bounded thence on the east by a line bearing 179 degrees 37 minutes distant 141 feet 9 inches bounded thence on the south by lines bearing 270 degrees 41 minutes 30 seconds distant 130 feet 11  $\frac{3}{4}$  inches 272 degrees 29 minutes distant 51 feet 5 inches bounded thence on the west by lines bearing 359 degrees 59 minutes 20 seconds distant 108 feet 6 inches 353 degrees 22 minutes distant 28 feet 7  $\frac{5}{8}$  inches bearing 359 degrees 59 minutes 20 seconds distant 190 feet 0 inches bounded thence on the north by the southern alignment of The Horsley Drive bearing 90 degrees 49 minutes 30 seconds distant 154 feet 8 inches to the point of commencement having an area of 58,009 square feet or 1 acre 1 rood 13 perches.



SECOND SCHEDULE

ALL THAT piece or parcel of land situated at Wetherill Park in the Parish of St. Luke County of Cumberland and State of New South Wales being part of Lot 4 of Section E of the subdivision known as Wetherill Park commencing on the Northern side of Daniel Street at a point distant 660 feet easterly from the intersection of that street with Lilly Street and being the south western corner of said Lot 4 and bounded thence on the west by a line being the eastern boundary of part of Lot 5 of said Section E bearing northerly 165 feet thence on the north by other portion of said Lot 4 bearing easterly 66 feet thence on the east by other portion of said Lot 4 being a line bearing southerly 165 feet to Daniel Street aforesaid and thence on the south by part of the northern boundary of that street being a line bearing westerly 66 feet to the point of commencement by the said bearings and dimensions all a little more or less.

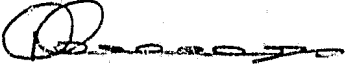
THIRD SCHEDULE

ALL that land situated at Bossley Park being Lot 1 in Deposited Plan 545647 and the whole of the land in Certificate of Title Volume 11555 Folio 3.

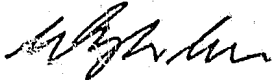
~~FOURTH SCHEDULE~~

~~Eighty thousand eight hundred and five dollars sixty three cents (\$80,805.63).~~


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  
10 / 12 / 1984