

ST. JUDE'S RANDWICK VARIATION OF TRUSTS
LAND SALE AND AMENDMENT ORDINANCE 1973

No. 5 1973

AN ORDINANCE to amend St. Jude's Randwick Ordinance 1970, to vary the trusts of and authorise the sale of certain land at Randwick in the Municipality of Randwick, and to provide for the application of the proceeds of such sale and for purposes ancillary thereto.

WHEREAS:-

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land comprised in the First Part of the Schedule hereto;

B. The said land is church trust property within the meaning of the Church of England Trust Property Act 1917;

C. The said land is at present held upon trust for the sole benefit of the Parish of St. Jude at Randwick for the interment of the dead;

D. The land described in the Second Part of the Schedule hereto (which land is hereinafter referred to as "the subject land") comprises that part of the land comprised in the First Part of the Schedule which is vacant and which has not been used;

E. Certain moneys (hereinafter referred to as "the Fund") have been or are about to be received and are held by the Churchwardens of St. Jude's Church Randwick pursuant to clause 6(iii) of St. Jude's Randwick Ordinance 1970 (No. 65 1970) (hereinafter referred to as "the Principal Ordinance");

F. The moneys comprised in the Fund are church trust property within the meaning of the Church of England Trust Property Act 1917;

G. The Fund is held upon trust to apply the same in accordance with clause 6(iii) of the Principal Ordinance for the sole benefit of the Parish of St. Jude at Randwick.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES its opinion that by reason of circumstances subsequent to the creation of the trusts to which the said land is subject it has become inexpedient (in the case of the subject land) and impossible (in the case of the Fund) to carry out and observe such trusts to the extent to which the same are hereinafter varied and that it appears by reason of circumstances subsequent to the creation of such trusts expedient that the land comprised in the Second Part of the Schedule be subdivided out of the land comprised in the First Part of the Schedule and sold AND ACCORDINGLY ORDAINS as follows:-

1. This Ordinance may be cited as "St. Jude's Randwick Variation of Trusts Land Sale and Amendment Ordinance 1973".

2. St. Jude's Randwick Ordinance 1970 (No. 65 1970) as amended by this Ordinance may be cited as "St. Jude's Randwick Ordinance 1970-1973".

3. St. Jude's Randwick Ordinance 1970 (hereinafter referred to as "the Principal Ordinance") is hereby amended as follows:-

(a) By the omission therefrom of clauses 2, 8, 9, 10, 12 and 13;

(b) By the omission therefrom of clause 6(iii) and by substituting in place thereof the following:-

"(iii) Thirdly in payment of the costs of and incidental to the application for amendment of Certificate of Title Volume 10963 Folio 216 and in reimbursement to the Parish of any such costs already paid.

(iv) Fourthly the residue to be invested by the Corporate Trustee and the income thereof applied as to one third to be capitalised and as to two thirds to be paid to the Churchwardens of St. Jude's Church Randwick to be applied by them in or towards the payment of the stipend of any curate or curates of the Parish of St. Jude or for such other purpose or purposes as the Standing Committee may from time to time by resolution approve.

PROVIDED HOWEVER that sums not exceeding Four thousand dollars (\$4,000) in the aggregate shall forthwith be paid to the Churchwardens of St. Jude's Church Randwick to be applied by them in or towards the costs of complying with outstanding notices of the Randwick Municipal Council requiring repairs to the Parish hall together with any other urgent repairs thereto and in or towards the cost of urgent repairs and urgent maintenance required upon St. Jude's Church Randwick respectively, such sums to be recouped from the proceeds of any sale pursuant to the provisions of St. Jude's Randwick Variation of Trusts Land Sale and Amendment Ordinance 1973";

4. The Corporate Trustee is hereby authorised and empowered to subdivide the land comprised in the Second Part of the Schedule (hereinafter referred to as "the subject land") out of the land comprised in the First Part of the Schedule and to sell the subject land by private contract or public auction for such price and upon such terms and conditions as the Corporate Trustee may think fit freed from the trusts upon which it is held and to do any such act or execute any such documents as may be necessary to give effect to the provisions of this Ordinance.

5. The proceeds of sale or disposition of the said land after paying thereout all outgoings to which the land is subject shall be applied as follows:-

- (a) First in payment of the costs of and incidental to this Ordinance and any subdivision sale or disposition or other matter ancillary thereto;
- (b) Secondly the sum of Sixty Thousand dollars (\$60,000) to be paid to the Standing Committee of the Synod of the Diocese of Sydney to be applied by the Standing Committee for the general purposes of the Diocese in such manner as the Standing Committee may in its absolute discretion determine;
- (c) Thirdly in reimbursement of the capital sums referred to in clause 6 (iv) of the Principal Ordinance;
- (d) Fourthly a sum not exceeding Eighty thousand dollars (\$80,000) or such greater sum as Standing Committee may by resolution approve in or towards the costs of erection of a new parish and appurtenances in the said Parish;
- (e) Fifthly a sum not exceeding Fifty thousand dollars (\$50,000) in or towards the cost of restoration of the fabric of the Church of St. Jude at Randwick;
- (f) Sixthly a sum not exceeding Six thousand five hundred dollars (\$6,500) in payment of any outstanding loans incurred for the

restoration of the organ contained in the said Church;

- (g) Seventhly a sum not exceeding Forty thousand dollars (\$40,000) in or towards the cost of restoration of the rectory in the said Parish;
- (h) Eighthly, a sum not exceeding Twenty thousand dollars (\$20,000) in or towards the cost of restoration of the verger's residence in the said Parish;
- (i) Ninthly, as to the balance (which balance is hereinafter referred to as "the capital investment") to invest the same and to apply the income thereof from time to time in the manner following that is to say:
 - (i) As to one third, to re-invest the same by way of addition to the capital investment;
 - (ii) To pay the balance to the Churchwardens of St. Jude's Church at Randwick to be applied by them first in payment from time to time of the amounts by which the Diocesan assessments payable by the Parish from time to time exceed the amounts which would have been payable by the Parish if the Parish were not in receipt of any income from the capital investment and secondly in or towards the cost of maintenance repairs and outgoings on the land cemetery and buildings of the said Parish.

PROVIDED ALWAYS that the capital investment shall be held for the sole benefit of the Parish of St. Jude at Randwick.

SCHEDULE

First Part

ALL THAT piece or parcel of land in the Municipality of Randwick Parish of Alexandria and County of Cumberland containing an area of 2 acres 3 roods 6 $\frac{1}{4}$ perches or thereabouts being Lot 1 in file Plan 499713 and being the whole of the land in Certificate of Title Volume 11985 Folio 81.

Second Part

ALL THAT piece or parcel of land situate at Randwick in the Municipality of Randwick Parish of Alexandria County of Cumberland commencing on the northern alignment of Alison Road 169' 6" east of the eastern alignment of The Avenue and bounded thence on the west by a line bearing 0 degrees 21 minutes distant 326' 7" bounded thence on the south by lines bearing 269 degrees 49 minutes distant 70' 10 $\frac{3}{4}$ ", 269 degrees 56 minutes distant 83' 1 $\frac{1}{2}$ ", 269 degrees 20 minutes distant 15' 6 $\frac{1}{2}$ " bounded thence on the west by the eastern alignment of The Avenue bearing 0 degrees 21 minutes distant 120' bounded thence on the north by lines bearing 90 degrees 21 minutes distant 80', 180 degrees 21 minutes distant 45', 90 degrees 21 minutes distant 65', 0 degrees 21 minutes distant 30', 90 degrees 21 minutes distant 56', 90 degrees 21 minutes distant 51' bounded thence on the east by a line bearing 180 degrees 21 minutes distant 155' bounded thence on the north by a line bearing 90 degrees 21 minutes distant 40' 11 $\frac{1}{2}$ " bounded thence on the east by a line bearing 180 degrees 21 minutes distant 65' 10 $\frac{3}{4}$ " bounded thence on the south by a line bearing 270 degrees 15 minutes distant 89' 10 $\frac{3}{4}$ " bounded thence on the east by a line bearing 180 degrees 45 minutes distant 33' 11 $\frac{3}{4}$ " bounded thence on the south by a line bearing 111 degrees 45 minutes distant 2' 0 $\frac{3}{4}$ " bounded thence on the east by a line bearing 180 degrees 45 minutes distant 224' 4" bounded thence on the south by the northern alignment of Alison Road bearing 270 degrees 28 minutes 10 seconds distant 35' 8" to the point of commencement having an area of approximately 1 acre 0 roods 23 perches.

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

ATHOL RICHARDSON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26th day of March, 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

MARCUS LOANE
Archbishop of Sydney
28/3/1973