

BEROWRA (BROOKLYN AND COWAN) SALE ORDINANCE 1986

No. 13, 1986

AN ORDINANCE to authorise the sale of land at Brooklyn and Cowan and to provide for the application of the proceeds of sale.

WHEREAS:

A. Anglican Church Property Trust Diocese of Sydney (formerly Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of land at Brooklyn being Lot 9 in Deposited Plan 2105 and being the whole of the land comprised in Certificate of Title Volume 881 Folio 11 and also land at Cowan being Lot 2A in Plan with Transfer D488669 and being the whole of the land comprised in Certificate of Title Volume 5649 Folio 64 (hereinafter called "Brooklyn" and "Cowan" respectively).

B. Erected on Brooklyn is a church known as St. Marys and erected on Cowan is a church known as St. Stephens. There is no evidence that trusts have been declared in writing however Brooklyn and Cowan are church trust property held for the purposes of the Anglican Church in the Diocese of Sydney.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which Brooklyn and Cowan are held it is firstly expedient that Brooklyn and Cowan be sold and secondly it is inexpedient to hold the proceeds of sale on the trusts hereinbefore recited or for similar trusts and thirdly it is expedient that the proceeds of sale be held on other trusts as hereinafter declared.

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. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited it is expedient that Brooklyn and Cowan be sold.

(2) The corporate trustee is hereby authorised and empowered to sell Brooklyn and Cowan freed from all trusts at such price and upon such terms and conditions as it may determine within a period of three years from the date of assent to this Ordinance and thereafter only by resolution of the Standing Committee.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited it is firstly inexpedient to carry out or observe such trusts in respect of the proceeds of sale of Brooklyn and Cowan, secondly it is inexpedient to deal with or apply such proceeds of sale for the sole use or benefit of the Parish of Berowra for the same or like purposes and thirdly instead the proceeds shall be applied for those purposes set out in Clauses 3 and 4.

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

- (a) To pay all outgoing to which Brooklyn and Cowan may be subject at the time of sale of the particular parcel and the costs of or incidental to the sale or sales authorised by this Ordinance.

- (a) To pay the sum of \$42,250 to the parish of Asquith for such purposes as that parish may determine.
- (b) To pay the residue in the following manner:-
 - (i) as to 75% thereof towards the cost of acquiring a residence for a minister or the acquisition of land and/or the cost of erection and fitting out of a residence for a minister,
 - (ii) as to the remaining 25% thereof to the Archbishop of Sydney's Vision for Growth Appeal Fund.

Pending such application as aforesaid the proceeds shall be invested and the interest capitalised and any part of any parish assessment attributable to the interest being capitalised may be drawn by the parish from such proceeds to pay that part of the assessment.

4. Notwithstanding the provisions of Clause 3 the whole of the proceeds of sale and interest if any may be applied for such purposes within or without or partially within and partially without the Parish of Berowra as the Standing Committee at the written request of a majority of the Parish Council may by resolution from time to time determine provided that in default of agreement either party may refer the question of the application to the Synod for determination.

5. This Ordinance may be cited as "Berowra (Brooklyn and Cowan) Sale Ordinance 1986".

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26th day of May 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
26/5/1986