

# Enmore with Stanmore (St Augustine's) Sale Ordinance 1994

No 19, 1994

## Long Title

An Ordinance to authorise the sale of certain land at Stanmore and to provide for the application of the proceeds of sale.

## Preamble

### Whereas

- A. The Property Trust is the registered proprietor of the land (the "Land") described in the schedule.
- B. The Land is church trust property held on trust for the purposes of the parish of Enmore with Stanmore ("Parish") although there are no written trusts.
- C. It is expedient that the Land be sold but it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same purposes as the trusts on which the Land is held. 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.

## Citation

1. This ordinance may be cited as the "Enmore with Stanmore (St Augustine's) Sale Ordinance 1994".

## Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same purposes as the trusts on which the Land is held.

## Authority to Sell

3. (1) The Property Trust is authorised to sell the Land, free from the trusts on which it is held, at any time within 3 years after the date of assent of this ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) Such sale may be by public auction or private agreement at such time and at such price and upon such terms and conditions as the Property Trust may determine with the consent of the churchwardens ("Churchwardens") of St Luke's Church Enmore.

## Application of Proceeds

4. (1) The proceeds arising from the sale of the Land shall be applied as follows -
  - (a) in payment of all costs, expenses and outgoings in relation to or arising from the preparation and promotion of this ordinance; and
  - (b) in payment of all outgoings to which the Land may be subject and the costs of and incidental to the sale of the Land.
- (2) The balance of the proceeds of sale shall be applied as follows -
  - (a) a sum equal to 66.66% of the balance shall be paid to the Churchwardens for the restoration, preservation, renovation, refurbishment and improvement of St Luke's Church, St Luke's Hall and St Luke's Rectory all located at 11 Stanmore Road, Enmore.
  - (b) a sum equal to 5% of the balance shall be paid to the Property Trust for the use and benefit of the Inner City Committee;
  - (c) a sum equal to 5% of the balance shall be paid to the Property Trust for the use and benefit of the Australian Board of Missions; and
  - (d) the balance to be invested and the income applied as follows -
    - (i) 30% is to be capitalised; and
    - (ii) the balance is to be paid to the Churchwardens for the use and benefit of the Parish by equal quarterly instalments in arrears.

## Schedule

The whole of the land situated at Stanmore in the Municipality of Petersham, Parish of Petersham and County of Cumberland being lots 55 to 59 inclusive of section Y in deposited plan 4705 and being the whole of the land comprised in Certificate of Title Volume 2130 Folio 60 together with all improvements erected thereon and known as 61a Albany Road, Stanmore.

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

N.M. Cameron  
Chairman of Committees

## **Enmore with Stanmore (St Augustine's) Sale Ordinance 1994**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 2 May 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
2/5/1994