

PENDLE HILL LAND, CHURCH AND RECTORY
SALE ORDINANCE 1978

No. § 9 1978

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AN ORDINANCE to authorise the subdivision and sale of certain property situate at Old Toongabbie and Pendle Hill and to provide for the application of the proceeds thereof and to provide for the application of certain funds held pursuant to the St. John's Girraween (Holy Trinity Toongabbie West) Land Sale Ordinance 1970.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of certain land and buildings situate at the corner of Binalong Road and Burrabogee Road, Old Toongabbie being the whole of the land comprised in Deed of Conveyance registered No. 325 Book 513 and more particularly described in the First Schedule hereto (hereinafter referred to as "the Old Toongabbie land") AND WHEREAS the said land and buildings are presently used and occupied as the Church of St. Mary and parish hall within the Provisional Parish of Pendle Hill but no trusts have been declared concerning the same AND WHEREAS it has been determined to construct a new church on the said land together with a new rectory for the said Provisional Parish of Pendle Hill and to extend the said parish hall (hereinafter collectively referred to as "the St. Mary's development") AND WHEREAS it has been determined to seek approval to the subdivision of the Old Toongabbie land AND WHEREAS it is expedient to sell such portion of the Old Toongabbie land as is not required for the St. Mary's development and the provision of parking therefor and to apply the proceeds of sale as hereinafter provided AND WHEREAS the Corporate Trustee is the registered proprietor of certain land and buildings situate at 10 Pendle Way Pendle Hill being the whole of the land comprised in Certificates of Title Volume 8320 Folio. 240 and Volume 3485 Folio 22 and more particularly described in the Second Schedule hereto AND WHEREAS portion of the said land and buildings are presently used and occupied as the Church of St. Mark within the Provisional Parish of Pendle Hill and the remainder of the said land and buildings are presently used and occupied as the rectory for the said Provisional Parish (which land and building are hereinafter collectively referred to as "St. Mark's Church and rectory") but no trusts have been declared concerning the same AND WHEREAS in view of the St. Mary's development it is expedient to sell the St. Mark's Church and rectory and to apply the

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proceeds of sale as hereinafter provided AND WHEREAS by Ordinance known as St. John's Gurrween (Holy Trinity Toongabbie West) Land Sale Ordinance 1970 and numbered 29 of 1970 the Corporate Trustee was empowered to sell certain land and invest the proceeds thereof after payment of certain outgoings and debts AND WHEREAS the said proceeds have been invested by the Corporate Trustee AND WHEREAS the accumulated capital sum from the said investment as at the 31st July 1977 is Six thousand nine hundred and fifty seven dollars seventy one cents (\$6,957.71) AND WHEREAS interest has continued to accrue thereon (which capital sum together with interest payable thereon is hereinafter referred to as "the Gurrween proceeds") NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES AND DIRECTS as follows:-

1. The Corporate Trustee is hereby empowered to seek approval to the subdivision of the Old Toongabbie land in such manner as it shall think fit and to proceed subsequently with the registration of such plan of subdivision as may be approved.
2. The Corporate Trustee is hereby empowered to sell such portions of the Old Toongabbie land as it shall think fit and as is not required for the St. Mary's Development by public auction or private contract in one parcel or separate parcels at such time at such place and upon such terms and conditions as it shall think fit provided that parcel or separate parcel upon which the present Church of St. Mary Old Toongabbie stands be not sold unless or until the Archbishop has declared in writing that the said Church is no longer licensed for public worship.
3. The proceeds arising from the sale of any portions of the Old Toongabbie land after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the subdivision of the said land and the sale and transfer of any portions thereof pursuant hereto shall be paid to the churchwardens for the time being of the Church of St. Mary Old Toongabbie who shall invest the same with the Glebe Administration Board for such term as they shall think fit and thereafter shall be applied by them towards the cost of the St. Mary's development and all other costs incidental or ancillary thereto including the provision of such furnishings and fittings as the minister and the said churchwardens shall determine PROVIDED that any funds not so required shall be applied by the said churchwardens towards capital expenditure within the Provisional Parish of Pendle Hill and PROVIDED ALSO that any such funds not immediately

60 required shall be invested by the said churchwardens with the Glebe Administration Board and the income arising therefrom shall be applied for such purposes as the said churchwardens may determine.

65 4. The Corporate Trustee is hereby empowered to sell the St. Mark's church and rectory by public auction or private contract in one parcel or separate parcels at such time at such price and upon such terms and conditions as it shall think fit.

70 5. The proceeds arising from the sale of the St. Mark's church and rectory after paying thereout the costs of and incidental to the sale and transfer pursuant hereto and such sum as may be owing to the Sydney Church of England Finance and Loans Board in respect of the said property shall be paid to the churchwardens for the time being of the Church of St. Mary Old Toongabbie who shall invest the same with the Glebe Administration Board for such term as they shall think fit and thereafter shall be applied by them towards the cost of the St. Mary's development and all other costs incidental or ancillary thereto including the provision of such furnishings and fittings as the said churchwardens shall determine PROVIDED that any funds not so required shall be applied by the said churchwardens towards capital expenditure within the Provisional Parish of Pendle Hill and PROVIDED ALSO that any such funds not immediately required shall be invested by the said churchwardens with the Glebe Administration Board and the income arising therefrom shall be applied for such purposes as the said churchwardens may determine.

85 6. The Girraween proceeds shall be applied towards the cost of the St. Mary's development and all other costs incidental or ancillary thereto including the provision of such furnishings and fittings as ^{the minister and} the churchwardens for the time being of the Church of St. Mary Old Toongabbie shall determine provided that any funds not so required shall be applied towards capital expenditure within the Provisional Parish of Pendle Hill.

7. This Ordinance may be cited as "Pendle Hill Land, Church and Rectory Sale Ordinance 1978".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Old Toongabbie in the County of Cumberland Parish of Prospect and City of Parramatta being more particularly described in Deed of Conveyance dated 14th January 1893 Registered No. 325 Book 513.

SECOND SCHEDULE

ALL THOSE pieces or parcels of land situate at Pendle Hill in the County of Cumberland Parish of Prospect and Municipality of Holroyd being Lot C part of portion 200 and the whole of the land comprised in Certificate of Title Volume 8320 Folio 240 and being part lot 423 in Deposited Plan No. 8746 and the whole of the land comprised in Certificate of Title Volume 3485 Folio 22.

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



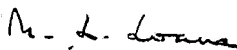
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 20th day of March 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
20/3/1978