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**SOUTH COOGEE RECTORY SALE ORDINANCE 1988**

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NO 42, 1988

**AN ORDINANCE** to authorise the sale of certain land and to provide for the application of the proceeds.

**WHEREAS**

A. Anglican Church Property Trust Diocese of Sydney (formerly Church of England Property Trust Diocese of Sydney) is registered as proprietor of the whole of the land contained in Certificate of Title Volume 6528 Folio 121 ("the Church Land").

B. Anglican Church Property Trust Diocese of Sydney (formerly Church of England Property Trust Diocese of Sydney) is registered as proprietor of the whole of the land contained in Certificate of Title Volume 7633 Folio 108 ("the Rectory Land").

C. While no evidence can be found of trusts having been declared in writing concerning the Church Land and the Rectory Land both parcels have been held upon trust for the purposes of the Anglican Church in the Diocese of Sydney for the Parish of South Coogee.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Rectory Land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied as hereinafter provided.

**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. By reason of circumstances which have arisen subsequent to the creation of the trust on which the Rectory Land is held, it is inexpedient to carry out and observe the same and it is expedient that part of the Rectory Land be sold.

2. The Property Trust is hereby authorised and empowered to sell that part of the Rectory Land which is not retained by the Property Trust under clause 3 within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time and at such price and upon such terms and conditions as it may determine freed from the trusts upon which it is held.

3. The Property Trust is hereby authorised and empowered to subdivide the Rectory Land so that the improvements consisting of the Church Hall which presently straddles the Church Land and the Rectory Land remain on land which is retained by the Property Trust.

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

(a) To pay all outgoings to which the Rectory Land may be subject, the costs of and incidental to this Ordinance, the sale pursuant thereto and the subdivision.

(b) Secondly, the net balance to be paid to the Property Trust for investment.

5. Until the promotion by the Parish of an ordinance to deal with the proceeds of sale invested under clause 4 or the expiration of twelve months from the date of the completion of the sale (whichever is the earlier) thirty per centum (30%) of the interest earned on the investment shall be capitalised and the balance of the interest shall be paid to the churchwardens of the Parish to be applied by them towards the cost of alternative accommodation for the minister.

6. The contemplated ordinance shall make provision first, for the erection (on the Church Land) and fitting out of a residence for the minister, and secondly, for the extension and improvement of existing buildings on the Church Land and may make provision for the application of part of the proceeds of sale invested under clause 4 for other purposes.

7. This Ordinance may be cited as "South Coogee Rectory Sale Ordinance 1988".

I CERTIFY that this 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 12th day of December 1988.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON  
Archbishop of Sydney  
21/12 /1988