

No. 22, 1973

AN ORDINANCE to vary the trusts upon which certain land at Summer Hill in the Municipality of Ashfield is held to authorise the sale of such land and to provide for the investment and application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land described in the Schedule hereto (hereinafter called "the land") AND WHEREAS the land is church trust property within the meaning of the Church of England Trust Property Act 1917 and held for the sole benefit of St. Andrew's Church Summer Hill but no trusts appear to have been declared in writing concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same AND WHEREAS it is expedient that the land be now sold and the proceeds paid or applied as hereinafter set forth 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 trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be now varied as hereinafter set out and that the land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the land or any part or parts thereof by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as it shall determine freed from the trusts upon which it is now held.

3. The proceeds arising from the sale of the land after paying thereout any outgoings to which the land is subject and the costs of and incidental to this Ordinance and of the sale or sales and transfer in pursuance thereof shall be invested by the Corporate Trustee and the income arising from such investment shall be applied and paid as follows:-

(a) As to 10% thereof or such lesser percentage as shall be determined from time to time by resolution of the Standing Committee at the request of the Parish Council of St. Andrew's Church Summer Hill the same shall be added to the principal sum of the investment as aforesaid.

(b) Subject thereto the Churchwardens for the time being of the said Church to be applied by them for any one or more of the following purposes:-

(i) The acquisition, development, maintenance and repair of church trust property within the said Parish,

(ii) The salary or stipend of the said Parish staff or workers,

(iii) The cost of literature and promotion of literature for use within or outside the said Parish,

(iv) The support or assistance of organisations and corporate bodies under the control of the Synod which engage in the furtherance of the Gospel,

(v) Such amount as the said Churchwardens may determine to be the increase in diocesan assessments caused by the aggregation of the said income to other receipts of the said Parish, or

(vi) For such other purpose or purposes as the Parish Council of

the said Parish may from time to time determine with the approval by resolution of Standing Committee

PROVIDED HOWEVER that the said principal sum for the time being of the investment or any part thereof may be paid or applied for such parochial or extra parochial purpose or purposes as may from time to time be determined by the said Parish Council and as may be approved by the resolution of the Standing Committee.

4. This Ordinance may be cited as "St. Andrew's Summer Hill Variation of Trust and Land Sale Ordinance 1973".

SCHEDULE

ALL THAT land situate in the Municipality of Ashfield, Parish of Petersham and County of Cumberland having a frontage of about 200' 9" to Henson Street, a frontage of about 185' 6" to Smith Street and a frontage of about 173' to Short Street and a rear measurement of about 200' being Lots 16, 17 and 18 of Section A in Deposited Plan No. 249 and being the whole of the land comprised in Certificate of Title Volume 6384 Folio 73.

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 the 27th day of August, 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

MARCUS LOANE
Archbishop of Sydney
27/8/1973