

ST. JOHN'S MAROUBRA ORDINANCE 1979No. 8 1979

AN ORDINANCE to authorise the sale of certain land at Maroubra, to provide for the application of the proceeds thereof and to declare the trusts of certain other land.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the lands described in the Schedules hereto and such lands are church trust property within the meaning of the Church of England Trust Property Act 1917 as amended.

B. There is erected on the land described in the First Schedule a residence for a minister and on the land described in the Second Schedule there is erected a church and a hall.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts of the lands in the Schedules it is inexpedient to carry out and observe the same to the extent that they are hereinafter varied and it is expedient to sell the land in the First Schedule and apply the proceeds as hereinafter set out.

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 lands in the Schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient to vary such trusts, to authorise the sale of the land in the First Schedule and to apply the proceeds as hereinafter set out.

2. The Corporate Trustee is hereby authorised and empowered to sell the land in the First Schedule by public auction or private contract at such price and upon such terms and conditions as it may consider fit freed from the trusts on which that land is now held.

3. The Corporate Trustee shall apply the proceeds of the sale of the land in the First Schedule:-

- (a) in paying the costs of and incidental to this ordinance and sale and all outgoings to which the land may be subject including the costs and fees of survey and subdivision of the said land and registration;

- 30 (b) as requested by the Churchwardens for the time being of St. John's
Church Maroubra towards meeting the cost of building a residence for
a minister on the land described in the Second Schedule together with
architect's, engineering and other necessary fees, outgoings and
35 expenses of pre-building preparation of the land and costs of carpeting
and other internal furnishing and requirements;
- (c) subject thereto in reduction or satisfaction of the existing debts on
the parish hall or diocesan assessments of the said Parish then out-
standing;
- (d) pending uses set out in paragraphs (b) and (c) of this clause the
40 Corporate Trustee shall invest the amount held and the income arising
from such investment shall be capitalised.

4. The land in the Second Schedule shall henceforth be held upon trust for a:-


- (a) church;
- (b) residence for a minister, assistant to the minister or person employed
45 by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

or partly for one or another or others of those purposes in connection with the
Church of England in Australia within the Diocese of Sydney for the sole benefit
50 of the parish or other ecclesiastical district of St. John Maroubra or any parish
or ecclesiastical district into which it may subsequently be formed or form a part.

5. This Ordinance may be cited as the "St. John's Maroubra Ordinance 1979".

FIRST SCHEDULE

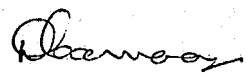
All that piece or parcel of land containing an area of 368 square metres a little
more or less situated at Maroubra in the Municipality of Randwick, Parish of
Botany, County of Cumberland being lot 1 of a plan of proposed subdivision of
lot B1 in Deposited Plan No. 356082 commencing at a point on the south eastern
alignment of Maroubra Road at the westernmost corner of lot A in Deposited Plan
No. 338612 and bounded thence on the north east by the south western boundary of
lot A in Deposited Plan No. 338612 aforesaid being a line bearing $145^{\circ}26'$ 20.485
metres, on the south west by north western boundaries of Portions 1370 and 1371
and of Lot A in Deposited Plan No. 322382 being a line bearing $209^{\circ}51'$ 16.915
metres, on the south west by the north eastern boundary of lot 2 of the aforesaid
plan of proposed subdivision of lot B1 in Deposited Plan No. 356082 being a line
bearing $325^{\circ}28'$ 27.8 metres to the south eastern alignment of Maroubra Road afore-
said and thence on the north west by that alignment bearing $55^{\circ}28'$ 15.24 metres to
the point of commencement.



SECOND SCHEDULE

All that piece or parcel of land containing an area of 2248 square metres a little more or less situated at Maroubra in the Municipality of Randwick, Parish of Botany, County of Cumberland being lot 2 of a plan of proposed subdivision of lot B1 in Deposited Plan No. 356082 commencing at a point on the south eastern alignment of Haig Street at the northernmost corner of lot B2 in Deposited Plan No. 356082 and bounded thence on the north west by the south eastern alignments of Haig Street and Maroubra Road being lines bearing 60°00' 23.315 metres and 55°28' 34.265 metres respectively, on the north east by the south western boundary of lot 1 of the aforesaid plan of proposed subdivision of lot B1 in Deposited Plan No. 356082 being a line bearing 145°28' 27.8 metres, on the south east by north western boundaries of lots A, B, C and D in Deposited Plan No. 322382 and Portions 1366, 1365 and 1364 being lines bearing 209°51' 10.14 metres, 220°27' 45.27 metres and 232°51' 8.31 metres and thence on the south west by the north eastern boundary of lot B2 in Deposited Plan No. 356082 aforesaid being a line bearing 330°00' 46.28 metres to the point of commencement.

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 26th day of March 1979.



Secretary

I ASSENT to this Ordinance.

M. L. Drane.

Archbishop of Sydney
26/3/1979