

# Berowra Land Sale Ordinance 1992

No 7, 1992

An Ordinance to authorise the sale of certain land and to vary certain trusts.

Whereas

A. The late Frederick Barker, formerly Archbishop of Sydney is the registered proprietor of the land (the "Land") described in the Schedule.

B. The land in part 1 of the Schedule is held upon trust for a site for a church in connection with the Anglican Church of Australia in New South Wales.

C. The land in part 2 of the Schedule is held upon trust as a site for the interment of the Dead according to the use of the Anglican Church of Australia in New South Wales.

D. The land is situated in the Provisional Parish of Berowra (the "Provisional Parish").

E. Pursuant to Clause 4 of the St Peter's Hornsby Variation of Trusts and Land Sale Ordinance 1978, \$25,000 ("the Loan") was advanced by the Property Trust and applied for the purposes of the Provisional Parish.

F. Pursuant to the Berowra (Brooklyn and Cowan) Sale Ordinance 1986, the Property Trust holds a fund (the "Rectory Fund") upon trust to acquire a residence for a minister or for the acquisition of land and/or the cost of erection and fitting out of a residence for a minister.

G. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts, it is expedient that the Land be sold, and it is inexpedient to deal with or apply the proceeds from the sale of the Land wholly for the use or benefit of the Provisional Parish or for the same or like purposes to those stated in recitals B and C.

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 on which the Land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied, it is expedient that the Land be sold and it is inexpedient to deal with or apply the proceeds from the sale of the Land wholly for the use or benefit of the Provisional Parish or for the same or like purposes to those stated in recitals B and C.

2. Consent is hereby given to the Land vesting in the Property Trust.

3. The Property Trust is hereby empowered to sell the whole or any part or parts of Land free from the trusts on which it is presently held in one or more parcels by public auction or by private contract at such time or times, at such price or prices and upon and subject to such terms, conditions, covenants and reservations as it may think fit provided that no such sale may be effected after the third anniversary of the date on which assent is given to this ordinance without the consent of the Standing Committee given by resolution thereof.

4. The proceeds from the sale of the Land (after paying thereout all costs of and incidental to this ordinance and to the sale of the Land) and any income therefrom must be applied by the Property Trust in the following order of priority -

- (a) in or towards repayment of the Loan;
- (b) in or towards repayment of moneys lent by ANZ Banking Group Limited and applied for the purposes of the Provisional Parish;
- (c) as to \$100,000 - as an addition to the Rectory Fund;

## **Berowra Land Sale Ordinance 1992**

- (d) as to the balance - to Anglican Home Mission Society Diocese of Sydney for the purposes of making parish grants as part of the Parish Support and Development Division of that body corporate.

5. This ordinance may be cited as "Berowra Land Sale Ordinance 1992".

### **Schedule**

#### **Part 1**

All that land situated on Bar Island being portion 22, having an area of 1 acre 3 roods and being the whole of the land in Certificate of Title Volume 561 Folio 73.

#### **Part 2**

All that land situated on Bar Island being portion 23, having an area of 1 acre 1 rood and being the whole of the land in Certificate of Title Volume 561 Folio 74.

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

**N.M. 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 6th day of April 1992.

**W.G.S. Gotley**  
Secretary

I Assent to this Ordinance.

**Donald Robinson**  
Archbishop of Sydney  
6/4/1992