
ST PAUL'S BELFIELD SALE ORDINANCE 1987

NO. 46 ,1987

AN ORDINANCE to authorise the sale of certain property at Belfield and to provide for the disposal of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney (and hereinafter called the "Corporate Trustee") is the registered proprietor of the land and property described in the Schedule hereto (hereinafter called "the Property"). 5

B. The Property is church trust property held by the Corporate Trustee upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in Australia in the Provisional Parish of Belfield or any parish into which may subsequently be formed. 10

C. There is constructed upon the Property a church, a parish hall and a minister's residence.

D. On 29 March 1987 a duly convened Vestry Meeting of the Parish (hereinafter called "the last Vestry Meeting") resolved to recommend the closure of the church on the Property for church services as from 30 April 1987 and the amalgamation of various parts of the Provisional Parish with adjoining Parishes of Enfield and Campsie, the sale of the Property and the disposal of the sale proceeds. 20

E. The church situated on the Property was de-licensed for church purposes by the Archbishop as from 30 April 1987 and by reason of such circumstances which have arisen subsequent to the creation of the trusts upon which the Property is held it is inexpedient to carry out and observe the same to the extent that 25

[Handwritten signature]

the same are hereby varied and it is expedient that the Property be sold.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows.

1. This Ordinance may be cited as the "St Paul's Belfield Sale Ordinance 1987".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Property is held it is inexpedient to carry out and observe the same and it is expedient that the Property be sold.

3. The Corporate Trustee is hereby empowered to sell the Property 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 in one or more lots and for such price or prices and upon and subject to such terms and conditions as the Corporate Trustee may determine, freed from the trusts upon which the Property is now held.

4. The proceeds from the sale of the Property shall be applied in meeting all costs of and incidental to this Ordinance and to the sale of the Property including any incidental sub-division costs and then in or towards the following.

(a) In repayment of any moneys owing by the said Provisional Parish to the Sydney Church of England Finance and Loans Board.

(b) ~~In discharge of any liabilities incurred by the Churchwardens for the time being of the said church in the said Provisional Parish in relation to the repair and maintenance of the buildings and fixtures on the Property and that there also be paid to the said Churchwardens such sum as is required to reimburse or pay them for moneys paid in respect of any such repairs and maintenance.~~

Any unpaid amounts in respect of making the property safe or saleable.

In payment of \$50,000 to the Vision for Growth Appeal. *W*

(c) ~~In accordance with the recommendation of the last Vestry Meeting, in paying the Reverend John Wyndham, the former Minister of the said Provisional Parish prior to the said de-licensing of the church on the Property, the following sums:-~~

(i) a sum equivalent to the amount to which the Reverend John Wyndham would be entitled for annual leave or holiday pay in respect of a period of eight (8) weeks immediately prior to such closure which said sum is calculated at \$4,363.40;

(ii) all or any arrears of stipend to which he is entitled and which remain unpaid to him the total sum of which is calculated at \$8,215; and

(iii) the sum of \$10,000 in consideration for services rendered by him while Minister of the Provisional Parish in circumstances where he was paid a stipend which was substantially less than a stipend which in view of the former Parish Council of the Provisional Parish should have

~~been paid.~~

(d) *In payment of \$12,100 to the Rev. John Wyndham for arrears of holiday leave pay and stipend.*
~~In accordance with the recommendation of the last Vestry Meeting and in consideration of the long traditional~~

association between the Parish and the organisation known as "Sharing of Ministries Abroad", the sum of \$20,000 be paid to that organisation in recognition that if the Provisional Parish had continued and the said church had not been de-licensed then such moneys would have been paid to such organisation as a missionary

~~donation from and on behalf of the Parish Council, Pending a further ordinance dealing with the application of the balance, in payment to the Property Trust for investment payment of the purchase price and incidental purchase and the income to be capitalised. costs and expenses of the acquisition of a residence to be held by the Corporate Trustee upon trust for the~~

~~Marrickville Area Deanery Committee and to be occupied~~
by such person or persons as may be employed by the
Marrickville Area Deanery Committee to work primarily in
the Parish of Campsie and in other parishes in the
Marrickville Area Deanery Area or otherwise at the
discretion of the said Committee to be occupied by such
other person or persons (whether paying rent or not) as
the said Committee shall from time to time by resolution
determine.

- (f) In distributing the residue of the aforementioned
proceeds after payment or appropriation as aforesaid in
accordance with paragraphs (a) to (e) as follows:-
- (i) as to a thirty-five per centum (35%) share
thereof such sum shall be invested by the
Corporate Trustee and that ten per centum (10%)
of the income therefrom be capitalised and the
balance of the income be paid or applied in or
towards the payment of stipends, salaries or
other payments in connection with the employment
of a Youth Worker or Youth Workers or other lay
person or persons employed by the Marrickville
Area Deanery Committee for the purpose of
pastoral ministry within the Marrickville Area
Deanery Area and any income not so paid or applied
shall be capitalised provided however that the
whole or any part or parts of any such money so
capitalised may be used in or towards such
purposes as aforesaid in accordance with this
sub-paragraph at the discretion of the said
Committee from time to time if it resolves that
the use of such moneys is necessary or desirable
~~in the best interests of the Marrickville Area~~

~~(Deanery Area or any parish or parishes situate therein;~~

(ii) as to an eighteen per centum (18%) share thereof such sum shall be paid to the Archbishop's Vision for Growth Appeal;

(iii) as to a thirty-five per centum (35%) share such sum shall be paid to the Parish of Campsie for such purposes in the said parish or outside the said parish as the Parish Council thereof from time to time may by resolution determine; and

(iv) as to a twelve per centum (12%) share such sum shall be paid to the Parish of Enfield for such purposes in the said Parish or outside the said Parish as the Parish Council thereof from time to time may by resolution determine.

5

10

15

SCHEDULE

All that parcel of land in the Municipality of Canterbury Parish of St George and County of Cumberland containing 2 roods 30 perches or thereabouts being Lots 5, 6, 7 and 8 of Section G in Deposited Plan No 8832 and comprising the whole of the land in Certificate of Title Volume 2806 Folio 38.

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 14th day of December 1987.

Secretary

I ASSENT to this Ordinance.

Archbishop of Sydney

14/12/1987