

# Canterbury with Hurlstone Park Variation of Trusts and Amendment Ordinance 2023

No 11, 2023

## Long Title

An Ordinance to vary the trusts on which certain property is held, to consolidate the property in the ACPT – Canterbury with Hurlstone Park Trust, and make consequential amendments to the *Canterbury with Hurlstone Park Trust Ordinance 2022*.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the trustee of the property described in each of the cells in column 1 of the table in Schedule 1 (the **Canterbury with Hurlstone Park Property**).

B. By clause 5 of the *Canterbury with Hurlstone Park Trust Ordinance 2022*, the Canterbury with Hurlstone Park Property is held on trust for the purposes of the Parish of Canterbury with Hurlstone Park (**Former Parish of Canterbury with Hurlstone Park**).

C. The Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the trustee of the property described in each of the cells in column 1 of the table in Schedule 2 (the **Ashbury Property**).

D. The property described in a cell in column 1 of the table in Schedule 2 is held on the trusts described in the corresponding cell in column 2 of Schedule 2.

E. The Parish of Canterbury with Hurlstone Park and the Parish of Ashbury have been amalgamated under the *Parishes Ordinance 1979* to form a parish under the name 'Parish of Canterbury with Hurlstone Park' (**Current Parish of Canterbury with Hurlstone Park**).

F. The ACPT is also the trustee of the property described in each of the cells in column 1 of the table in Schedule 3 arising from the sale of certain land at the Corner of Dunstaffenage Street and New Canterbury Road, Hurlstone Park under *the Hurlstone Park Sale Ordinance 1983*. (the **Hurlstone Park Sale Property**).

G. The property described in a cell in column 1 of the table in Schedule 3 is held on the trusts described in the corresponding cell in column 2 of Schedule 3.

H. By reason of circumstances which have arisen after the creation of the trusts on which the Canterbury with Hurlstone Park Property, the Ashbury Property and the Hurlstone Park Sale Property are held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

## 1. Name of ordinance

This Ordinance is the Canterbury with Hurlstone Park Variation of Trusts and Amendment Ordinance 2023.

## 2. Declarations

(1) By reason of circumstances which have arisen after the creation of the trusts on which the Canterbury with Hurlstone Park Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Former Parish of Canterbury with Hurlstone Park, and it is expedient that those trusts be varied in the manner set out in clause 4.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the Ashbury Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish of Ashbury, and it is expedient that those trusts be varied in the manner set out in clause 4.

(3) By reason of circumstances which have arisen after the creation of the trusts on which the Hurlstone Park Sale Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Former Parish of Canterbury with Hurlstone Park or the Georges River Regional

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Council (now South Western Regional Council), and it is expedient that those trusts be varied in the manner set out in clause 4.

### 3. Amendment

The *Canterbury with Hurlstone Park Trust Ordinance 2022* is amended as follows –

- (a) insert a new recital C in the Preamble as follows (and consequentially renumber the existing recital C as recital D) –  
‘The Parish of Canterbury with Hurlstone Park and the Parish of Ashbury were amalgamated under the *Parishes Ordinance 1979* on 1 April 2023 to form a parish under the name ‘Parish of Canterbury with Hurlstone Park’ (the “Parish”).’
- (b) in clause 5 delete the matter ‘the parish of Canterbury with Hurlstone Park (the “Parish”)’ and insert instead the words ‘the Parish’.

### 4. Variation of trusts

The trusts of the Canterbury with Hurlstone Park Property, the Ashbury Property and the Hurlstone Park Sale Property are varied so that they are held on the trusts set out in clause 5 of the *Canterbury with Hurlstone Park Trust Ordinance 2022* (as amended by this Ordinance), as an addition to the capital of the ACPT – Canterbury with Hurlstone Park Trust.

### 5. Repeal

The *Hurlstone Park Sale Ordinance 1983* is repealed without affecting or invalidating any act undertaken under that ordinance prior to the repeal.

### 6. Authorisation of payment

The ACPT is directed under clause 6(2)(e) of the *Canterbury with Hurlstone Park Trust Ordinance 2022* that it may apply that part of the capital of the ACPT– Canterbury with Hurlstone Park Trust comprising the Hurlstone Park Sale Property in and towards the costs of and incidental to building works on the site of St Paul’s Church, Canterbury.

### 7. Parish report

The Rector of the Parish is to provide a report to the Standing Committee on or before the date that is three years after the date of assent to this Ordinance (or such longer period if determined by the Regional Bishop), for the purpose of the Standing Committee reviewing progress against the goals set out in the Ministry and Evangelism Plan prepared upon amalgamation of the Parishes of Canterbury with Hurlstone Park and Ashbury.

### Schedule 1

Column 1	Column 2
The land in folio identifier 1/747020 known as Church Street, Canterbury and the site of St Paul’s Church, parish halls, rectory and a cemetery.	The property is held on trust for the Parish of Canterbury with Hurlstone Park by clause 5 of the <i>Canterbury with Hurlstone Park Trust Ordinance 2022</i> .
ACPT Client Fund 0449	The funds are held on trust for the Parish of Canterbury with Hurlstone Park by clause 5 of the <i>Canterbury with Hurlstone Park Trust Ordinance 2022</i> .

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### Schedule 2

Column 1	Column 2
The land in folio identifier 186/10247 and Auto Consol 4274-175 known as 44 Goodlet Street Ashbury and the site of a rectory.	By Declaration of Trust registered No.40 Book 1601 the land is held on trust for the use and benefit of the Parish Council for the time being of the Parish of Ashbury as a site for a rectory and/or such other purpose as the Parish Council may from time to time determine.
The land in folio identifier 11/13296 known as corner of Leith Street and Crieff Street Ashbury, and the site of St Matthew's Church and a parish hall.	By clause 1 of St Matthews Ashbury Mortgaging Ordinance 1939, the land is held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Ashbury.

### Schedule 3

Column 1	Column 2
ACPT Client Fund 0568	Under subclause 3(e) of the <i>Hurlstone Park Sale Ordinance 1983</i> the funds are applied for such purposes within or without or partially within and partially without the Parish of St Paul's Canterbury in accordance with a resolution or resolutions, from time to time, of the Standing Committee.
ACPT Client Fund 0613	Under subclause 3(d) of the <i>Hurlstone Park Sale Ordinance 1983</i> the funds are paid to the Georges River Regional Council for the purposes of parish ministry within the Georges River Region.

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

P COLGAN  
Chair of Committee

## **Canterbury with Hurlstone Park Variation of Trusts and Amendment Ordinance 2023**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 22 May 2023.

B BOUNDS  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

22/05/2023