

# Normanhurst Variation of Trusts and Mortgaging Ordinance 2012

No 20, 2012

## Long Title

An Ordinance to provide for the variation of trusts and mortgaging of certain land at Normanhurst and for purposes incidental thereto.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in certificate of title folio identifier 1/965848, known as the corner of Pennant Hills Road and Kenley Road Normanhurst and the site of St Stephen's Normanhurst and the parish rectory (the "Land").

B. The Land is church trust property and by clause 2 of the St Stephens Normanhurst Variation of Trust and Mortgage Ordinance 1971 part of the Land is held upon trust to permit the same to be used for a church, parsonage, Christian education centre or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the parish of St Stephen Normanhurst. By Declaration of Trust dated 11 December 1931 the remainder of the Land is held upon 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 St Pauls Wahroonga at Normanhurst.

C. The Parish wishes to mortgage the Land to finance a redevelopment of its ministry facilities on the site St Stephen's Church.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient to mortgage the Land and apply the proceeds of such mortgage in the manner set out in this Ordinance.

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

### 1. Name

This Ordinance is the Normanhurst Variation of Trusts and Mortgaging Ordinance 2012.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts, and it is expedient to vary those trusts and it is expedient to mortgage the Land and apply the proceeds of such mortgage in the manner set out in clause 5.

### 3. Variation of Trusts

The Land is held on trust for the purposes of the parish of Normanhurst.

### 4. Authority to mortgage

The Property Trust is authorised to grant a mortgage or mortgages over the Land to secure a loan amount or loan amounts not exceeding in total the amount of \$1.5 million or such greater amount or amounts as the Standing Committee may by resolution approve.

### 5. Application of proceeds of mortgage

The proceeds of any mortgage authorised under clause 4 are to be applied by the Property Trust as follows –

- (a) in payment of the costs, charges and expenses of and incidental to this Ordinance and any such mortgage, and
- (b) the balance is to be applied in and towards the costs and expenses of and incidental to redevelopment of the ministry facilities on the Land.

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

PG KELL  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 17 September 2012.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
09/10/2012