

ALL SAINTS' MATRAVILLE (ST. ANDREW'S PHILLIP BAY)  
DECLARATION AND VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1973

No. 26, 1973

AN ORDINANCE to declare and vary the trusts and to authorise the sale of certain land at Yarra Road, Phillip Bay and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Land Grant Volume 5258 Folio 157 more particularly described in the first part of the Schedule hereto AND WHEREAS the said land is church trust property held for the benefit of the Provisional District of Matraville with Phillip Bay but no trusts in writing have been declared concerning the same AND WHEREAS it is now expedient to declare the trusts of the said land AND WHEREAS it is proposed to subdivide the said land to enable part of the said land to be sold AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that part of the said land being Lots 1 and 2 as more particularly described in the second part of the Schedule hereto be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY DECLARES ORDAINS RULES AND DIRECTS as follows:-

1. The land described in the first part of the Schedule hereto shall be 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 and partly for another or others of such purposes in connection with the Provisional District of Matraville with Phillip Bay or with any Parish of which the Church of St. Andrew Phillip Bay shall form part.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the land described in the second part of the Schedule hereto be sold.

3. The Corporate Trustee is hereby empowered to sell the said lands described in the second part of the Schedule hereto by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions (including the granting of a right of carriageway for the benefit of Lot 1 as shown in the plan referred to in the second part of the Schedule hereto) as the Corporate Trustee may determine freed from any trusts whatsoever.

4. The proceeds arising from the sale or sales of the said land after paying thereout the costs of and incidental to this Ordinance and of the subdivision and sale or sales and transfer or transfers in pursuance thereof and all outgoings to which the said land may be subject, shall be applied as follows:-

(a) First in discharge of the liability to the Commonwealth Savings-Bank of Australia in respect of any moneys outstanding on the security of the said land.

(b) Secondly in discharge of the liability of the Provisional District of Matraville with Phillip Bay to Sydney Church of England Finance and Loans Board in respect of:-

(1) The principal and interest on the loans granted by the said Board for the purpose of purchasing the land described in the first part of the Schedule and for the erection of the buildings at present erected thereon.

(ii) The principal and interest on the loan granted by the said Board to the Church of All Saints' Matraville.

- (c) Thirdly in discharge of the liability to the Commonwealth Trading Bank of Australia in respect of the overdrawn current account styled "All Saints' Church of England, Matraville-Working Account" and the interest then outstanding on such account.
- (d) Fourthly in discharge of the liability to Mutual Life and Citizens' Assurance Company Limited in respect of an advance to the Church of All Saints' at Matraville and the interest then outstanding on such advance.
- (e) Fifthly by the payment to the Churchwardens of St. Andrew's Church Phillip Bay of such sum as may be necessary for the purpose of erecting a toilet block to adjoin the existing Church Hall erected on the land described in the first part of the Schedule hereto.
- (f) Sixthly as to any balance to be paid to the Churchwardens of St. Andrew's Church Phillip Bay to be applied by them for such purpose or purposes as may be determined by resolution of the Parish Council of the Provisional District of Matraville with Phillip Bay and approved by resolution of the Standing Committee.

5. This Ordinance may be cited as "All Saints' Matraville (St. Andrew's Phillip Bay) Declaration and Variation of Trusts and Land Sale Ordinance 1973".

SCHEDULE

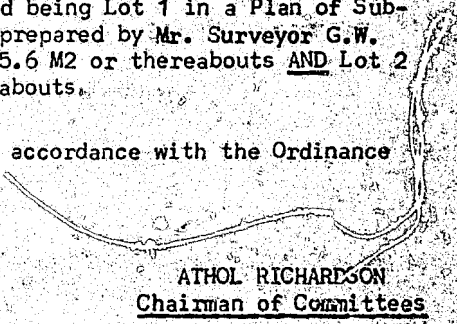
First Part.

ALL THAT parcel of land situate at Yarra Road Phillip Bay in the Municipality of Randwick Parish of Botany and County of Cumberland being the whole of the land comprised in Land Grant Volume 5258 Folio 157.

Second Part

ALL THOSE parcels of land situate as aforesaid being Lot 1 in a Plan of Sub-division of Land Grant Volume 5258 Folio 157 prepared by Mr. Surveyor G.W. Oborn on the 30th August 1973. Containing 555.6 M2 or thereabouts AND Lot 2 in the said plan containing 563.3 M2 or thereabouts.

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



ATHOL RICHARDSON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of September, 1973.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

MARCUS LOANE  
Archbishop of Sydney  
24/9/1973