

BALGOWLAH ORDINANCE 1986

NO. 63, 1986

AN ORDINANCE to authorise the variation of trusts for the sale of certain land at Balgowlah in the Municipality of Manly and provide for the application of the proceeds thereof.

WHEREAS

A. The land described in the Schedule hereto (hereinafter called "the land") is vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") and is held upon trust for a church, residence for Minister or assistant Minister or person employed by churchwardens, hall or halls, school or other place of assembly or partly for one or another of those purposes in connection with the Anglican Church in Australia within the Diocese of Sydney for the sole benefit of the Parish of All Saints Balgowlah or with St. James Balgowlah Heights or any Parish or ecclesiastical district into which it may subsequently be formed or form a part.

B. By reason of circumstances which have arisen subsequent to the creation of the said trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purpose to the extent that they are hereby varied and it is expedient to sell the land.

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 upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purpose and it is expedient that the land be sold.

2. The Corporate Trustee is hereby authorised to sell the land 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 agreement in one or more lots and for such price or prices and on and subject to such terms and conditions as to the Corporate Trustee may seem appropriate freed from the trusts upon which the land is now held.

3. The proceeds arising from the sale or sales shall be applied by the Corporate Trustee as follows:-

- (a) first, in payment of the costs of and incidental to this Ordinance and of any sale or sales of the land;
- (b) secondly, the net balance to be held upon trust to be applied for such purposes within or without or partially within or partially without the Parish of Balgowlah as the Standing Committee at the written request of a majority of the Parish Council of the said parish may by resolution from time to time determine provided that in default of agreement either party may refer the question of the application to the Synod for determination;
- (c) thirdly, pending any application as aforesaid the proceeds shall be invested and the income capitalised.

4. This Ordinance may be cited as the "Balgowlah Ordinance 1986".

SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Manly Parish of Manly Cove and County of Cumberland being Lot 17 in Deposited Plan 9335 and being the whole of the land comprised in Certificate of Title Volume 3371 Folio 144.

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

E.D. 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 15th day of December 1986.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
15/12/1986