

ST. JAMES PITT TOWN ORDINANCE 1974

No. 30, 1974

AN ORDINANCE to vary the trusts and authorise the sale of certain lands situate at Wellesley Street, Pitt Town and to provide for the application of the proceeds of such sale.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the lands comprised in the Schedule hereto AND WHEREAS the land comprised in the First Part of the Schedule is held upon the trusts declared by St. James Pitt Town Vesting Variation of Trusts and Land Sale Ordinance 1970 (No. 14,1970) AND WHEREAS no trusts have been declared in writing in respect of the land described in the Second Part or Third Part of the Schedule AND WHEREAS the said lands are church trust property within the meaning of the Church of England Trust Property Act 1917 and are held for the sole benefit of the Parish of St. James Pitt Town NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. By reason of circumstances that have arisen subsequent to the creation of the trusts upon which the lands comprised in the Schedule hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold.
2. The Corporate Trustee is hereby authorised and empowered to sell the said lands comprised in the Schedule hereto by public auction or private contract for such price and upon such terms and conditions as the Corporate Trustee may think fit freed from the trusts upon which the same are held and to do any such act or execute any such document as may be necessary to give effect to the provisions of this Ordinance.
3. The proceeds of the sale or disposition of the said lands after paying thereout all outgoings to which the said lands are subject shall be applied by the Corporate Trustee as follows:
  - (a) First in payment of the cost of and incidental to this Ordinance and any subdivision sale or disposition or other matter ancillary thereto;
  - (b) Second towards the cost of erection and completion of a parish hall and rectory within the Parish of St. James Pitt Town or in re-imbusement of any moneys expended for that purpose or in payment of any moneys borrowed for that purpose including any accrued interest on such borrowed moneys first from the Sydney Church of England Finance and Loans Board and then from any other bodies;
  - (c) Third towards the cost of furnishing the Church Hall at St. James Pitt Town or in re-imbusement of any moneys expended for that purpose or in repayment of any moneys borrowed as above for that purpose including any accrued interest on such borrowed moneys;
  - (d) Fourth as to the balance (which balance is hereinafter referred to as "The Capital Investment") to invest the same and to apply the income therefrom from time to time in the manner following that is to say:
    - (i) as to one-third to re-invest the same by way of addition to the capital investment; and
    - (ii) to pay the balance to the Churchwardens of St. James Church Pitt Town from time to time to be applied by them as may be determined by resolution of Standing Committee of the Synod of the Diocese of Sydney with the consent of the churchwardens for the time being of the said Parish.

4. This Ordinance may be cited as "St. James Pitt Town Ordinance 1974".

SCHEDULE

FIRST PART

ALL THAT piece or parcel of land situate at Pitt Town in the Municipality of Windsor Parish of Pitt Town and County of Cumberland being Lot 4 in Deposited Plan 520118 and being the whole of the land in Certificate of Title Volume 12254 Folio 221.

SECOND PART

ALL THAT piece or parcel of land situate as aforesaid being Lot 5 in Deposited Plan 520118 and being the whole of the land in Certificate of Title Volume 12254 Folio 222.

THIRD PART

ALL THAT piece or parcel of land situate as aforesaid being Lot 6 in Deposited Plan 544353 and being the whole of the land in Certificate of Title Volume 12254 Folio 223.

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

D. Cameron  
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of September 1974.

W.G.S. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
30/9/1974