

ST. MARY'S BALMAIN ORDINANCE 1983

No. 42 . 1983

AN ORDINANCE to vary the trusts upon which certain land is held, to authorise the subdivision and sale of the land and the improvements erected thereon and to provide for the application of the proceeds of sale.

WHEREAS

5 A. The land described in the Schedule hereto (hereinafter called "the land") is vested in fee simple in the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

10 B. The land is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917, as amended, held in connection with the Parish of St. Mary, Balmain, (hereinafter called "the Parish") but no trusts in writing have been declared concerning the land.

15 C. The land is not required for any purpose in connection with the Parish and it is expedient that, following the registration of a plan of subdivision to constitute the land as one allotment, the land be sold and that the net proceeds of sale be applied for the purposes hereinafter set forth.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY ORDAINS
DECLARES DIRECTS AND RULES as follows:-

20 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 expedient that the trusts be varied as hereinafter set forth and that the land be sold.

25 2. The Corporate Trustee is hereby authorised and empowered, within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the

[Handwritten signature]

Standing Committee, to sell the land by public auction or private contract at such time or times, at such price or prices and upon such terms and conditions as it may determine freed from the trusts upon which the land is now held.

3. The proceeds arising from the sale of the land shall, after paying thereout all outgoings to which the land may be subject, the costs of and incidental to this Ordinance and the costs of and incidental to the sale of the land shall be applied towards any one or more of the following:-

(a) the provision of a rectory by means of -

(i) the acquisition and, if necessary, the renovation, of a property within the Parish for use for that purpose; or

(ii) the construction of a suitable building, or the alteration or renovation of an existing building or buildings, on land vested in fee simple in the Corporate Trustee and held on trust in connection with the Parish;

(b) the provision of a hall by means of the construction of a suitable building, or the alteration or renovation of an existing building or buildings, on land referred to in paragraph (a)(ii) of this clause;

(c) the provision of residential accommodation by means of the construction of a suitable building or buildings, or the alteration or renovation of an existing building or buildings, on land referred to in paragraph (a)(ii) of this clause.

4. Pending the application, in accordance with clause 3, of the proceeds arising from the sale of the land, the proceeds shall be invested and the income arising from the investment shall be applied as follows:-

Q. S. L.

W.

L.

60

(a) ~~firstly, in payment of the Diocesan Assessments, to the extent to which they apply to the income for the Parish; and~~

Handwritten initials

(b) ~~as to the balance--~~

65

Handwritten initials and numbers: 'H' and '10'

(~~10~~) 15 per cent per annum shall be capitalised;

(~~11~~) 20 per cent per annum shall be paid to the New Areas Committee to be applied by that

Committee for its purposes;

Handwritten initials and numbers: 'H' and '11'

(~~11~~) ²⁵ 20 per cent per annum shall be paid to the Churchwardens for the time being of St.

70

Mary's Church, Balmain, to be applied by those Churchwardens for the purposes of the Parish; and

Handwritten initials and numbers: 'H' and '12'

(~~12~~) the remainder shall be applied towards such purposes as the Standing Committee may, at the written request of a majority of the members for the time being of the Parish Council of the Parish, by resolution from time to time approve, but where, as at the 31st December in any year, no such resolution is in force, the income, if any, to which this sub-paragraph applies which on that day is undistributed shall be capitalised.

75

80

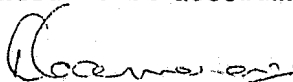
5. This Ordinance may be cited as the "St. Mary's Balmain Ordinance 1983".

SCHEDULE

ALL THAT piece or parcel of land in the Municipality of Leichhardt, Parish of Petersham and County of Cumberland having a frontage to Duke Street, Balmain, of approximately 26.11 metres, a depth of approximately 41.85 metres and containing an area of approximately 1,083 square metres, being the whole of the land in Certificate of Title Volume 10619 Folio 199 and part of the land in Certificate of Title Volume 10120 Folio 207.

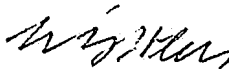
Handwritten initials and signature

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



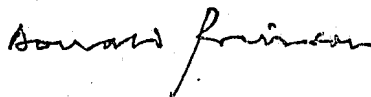
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the ~~21st~~ day of ~~November~~ 1983.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

~~21/11~~ / 1983

1 / 12 / 1983

AR.

