

ST. PAUL'S SEAFORTH (NORTH BALGOWLAH) SALE ORDINANCE 1979

No. 11 of 1979

AN ORDINANCE to vary the trusts upon which certain land at North Balgowlah is held to authorise the sale of such land together with buildings thereon and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land described in the schedule hereto (hereinafter called "the land") AND WHEREAS the land is church trust property within the meaning of the Church of England Trust Property Act 1917 as amended held upon the trusts contained in St. Paul's West Manly Exchange Ordinance 1961 which said trusts provided inter alia that the Corporate Trustee hold the said land upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Paul, West Manly, AND WHEREAS the hereinbefore recited Ordinance provided that the Parish of St. Paul West Manly should pay certain moneys to the Provisional District of Forestville-Narraweena cum Belrose and Oxford Falls over a term of years AND WHEREAS the said moneys have been paid in full to the said Provisional District AND WHEREAS the Parish of St. Paul West Manly is now named the Parish of St. Paul Seaforth AND WHEREAS the land is now no longer required for any purpose in connection with the said Parish and it is expedient that 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 such Synod HEREBY DECLARES RULES AND ORDAINS 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 in respect thereof it is expedient that the trusts be now varied as hereinafter set out and that the land be sold.
2. The Corporate Trustee is hereby authorised and empowered to sell the land or any part of the said land in one or more parcels by public auction or private contract at such time or times at such price or prices and upon such terms and conditions as it shall think fit freed from all trusts upon which it is now held.
3. The proceeds arising from the sale or sales after paying thereout all outgoings to which the land is subject the costs of an incidental to this Ordinance and the subdivision sale or sales and transfer or transfers pursuant thereto shall be applied as follows:-

- (a) Firstly as to a sum not exceeding Sixty Thousand dollars in or towards the cost of and incidental to the purchase and renovation of a property within the said parish such property to be held upon trust for a
 - (i) church;
 - (ii) residence for a minister, assistant to the minister or person employed by the churchwardens;
 - (iii) hall or halls;
 - (iv) school or other place of assembly

or partly for one or another or others of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Seaforth or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

- (b) Secondly as to a sum not exceeding Thirty Five Thousand dollars in or towards satisfaction payment or discharge of any outstanding liability of the parish of the Bank of New South Wales Savings Bank Limited in respect of principal and interest on any loan granted by the said

bank for the construction of the parish hall buildings adjacent to St. Paul's Seaforth.

- (c) Thirdly a sum of Ten Thousand dollars shall be invested by the Corporate Trustee and the net income arising therefrom shall be paid or applied as follows:-
- (i) as to ten percentum thereof or such other percentage as shall be determined from time to time by resolution of Standing Committee at the request of the parish council of the said parish the same shall be added to the amount so invested; and as to sixty-seven and one-half percentum thereof or such other percentage as shall be determined from time to time by resolution of Standing Committee at the request of the parish council of the said parish the same shall be paid to the Moore College Committee to be applied by it (pursuant to a resolution of the said Committee) in or towards the maintenance support and assistance of a full or part time student or students of Moore Theological College nominated from time to time by the Federal Council of the Church Missionary Society of Australia and approved from time to time by the Principal of the said College and by the said Committee thereof and it is declared that the receipt of the Treasurer or Secretary for the time being of the said Committee shall be full and sufficient discharge to the Corporate Trustee which shall not be concerned to see to the application of moneys in accordance with the within trusts; and
- (ii) as to twenty-two and one-half percentum thereof or such other percentage as shall be determined from time to time by resolution of Standing Committee at the request of the parish council of the said parish the same shall be paid to the Federal Council of the Church Missionary Society of Australia to be applied by it (pursuant to a resolution of the said Council) in or towards the maintenance support and assistance of a full or part time student or students carrying out a course of study at any theological or bible college outside Australia nominated from time to time at the absolute discretion of the said Council and it is declared that the receipt of the Treasurer or Secretary for the time being of the said Council shall be full and sufficient discharge to the Corporate Trustee which shall not be concerned to see to the application of moneys in accordance with the within trusts.
- (d) Fourthly as to the balance thereof such moneys shall be applied for such purpose or purposes as the said parish council from time to time may determine with the approval of a resolution of the Standing Committee.

4. This Ordinance may be cited as "St. Paul's Seaforth (North Balgowlah) Sale Ordinance 1988".

SCHEDULE

ALL THAT piece of land situate at North Balgowlah in the Shire of Warringah Parish of Manly Cove County of Cumberland and being Lot 2 in Deposited Plan No.547055 and being the whole of the land in Certificate of Title Volume 11546 Folio 128.

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

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 23rd day of April 1979.

W.G. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane

Archbishop of Sydney
23/4/1979