
MARRICKVILLE ORDINANCE 1988

No 16 ,1988

AN ORDINANCE to vest certain land at Marrickville in Anglican Church Property Trust Diocese of Sydney, to permit certain land at Marrickville to be transferred to The Council of the Municipality of Marrickville and to vary the trusts on which certain land at Marrickville is held.

Whereas

A. By virtue of Deed Registered no 544 Book 2261, Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Property Trust") is the trustee of the land described in the First Schedule.

B. The land described in the First Schedule is church trust property immediately adjacent to the site of St. Clement's Church at Marrickville and is believed to be held upon trust for the Anglican Church of Australia in the Parish of Marrickville but no written trusts have been declared in relation thereto.

C. By virtue of Indenture made the 8th day of November 1882 Registered No. 358 Book 259, George Robert Harrison, John Cornish and John Thomas Wood acquired the land described in the Second Schedule upon trust for and to permit the same to be used for the purposes of a church of England or a church of England School or a church of England Parsonage or all or any of them and to erect thereon for the purposes thereof a church School House or Parsonage or all or any of them which trusts include (inter alia) power to lease and to sell and are more fully set out in the said Indenture.

D. As far as can be ascertained, the said George Robert Harrison, the said John Cornish and the said John Thomas Wood died without appointing any new trustee or trustees of the land described in the Second Schedule.

E. The land described in the Third Schedule has been used for many years as part of the site of St. Clement's Church at Marrickville but no evidence exists as to the title thereto or as to the trusts on which that land is held.

F. The Council of the Municipality of Marrickville (hereinafter called "the Council") has approved an application made on behalf of the churchwardens of St. Clement's Church at Marrickville for consent to demolish certain improvements and to erect other improvements subject to a condition that the land described in the Fourth Schedule be transferred to the Council for no consideration.

G. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the First, Second and Third Schedules are held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

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. This ordinance may be cited as "Marrickville Ordinance 1988".

2. Consent is hereby given to the land described in the Second Schedule and in the Third Schedule vesting in the Property Trust.

3. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Fourth Schedule is held, it is inexpedient to carry out and observe the same and it is expedient that that land be transferred to the Council.

(2) The Property Trust is hereby authorised and empowered to transfer the land described in the Fourth Schedule to the Council for no consideration.

4. (1) By reason of circumstances which have arisen subsequent to the trusts upon which so much of the land described in the First Schedule, the Second Schedule and the Third Schedule as is not described in the Fourth Schedule is held it is inexpedient to carry out and observe such trusts to the extent that such trusts are hereby varied.

(2) So much of the land described in the First Schedule, the Second Schedule and the Third Schedule as is not part of the land described in the Fourth Schedule shall be held upon trust for:

- (a) a church,
- (b) a residence for a minister, assistant to the minister or person employed by the churchwardens,
- (c) a hall or halls,
- (d) a school or other place of assembly,

or partly for one or another or others for those purposes or any other purposes ancillary thereto in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Marrickville or any parish or ecclesiastical district into which it may subsequently be formed or form part and subject to sub-clause (3).

(3) The Property Trust may lease any improvements from time to time on so much of the land described in the First Schedule, the Second Schedule and the Third Schedule as is not part of the land described in the Fourth Schedule and pay the rents and other moneys derived thereby to the said churchwardens for the benefit of the said parish.

FIRST SCHEDULE

ALL THAT piece or parcel of land situate and lying in the Parish of Petersham in the County of Cumberland State of New South Wales and be the hereinafter mentioned dimensions all more or less being Lot 9 of Thomas subdivision Marrickville commencing on the Southern side of Marrickville Road one hundred and sixty feet easterly from the Petersham Road and bounded on the North by first named road bearing Easterly fifty feet on the East by the Western boundary of Lot Eight bearing southerly two hundred and seventy feet on the South by a line bearing Westerly forty feet and on the West by the Eastern boundary of Lot ten bearing Northerly two hundred and seventy three feet to the point of commencement.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate and lying in the Parish of Petersham in the County of Cumberland in the Colony of New South Wales and be the hereinafter mentioned dimensions all more or less being Lots ten and eleven of Thomas' subdivision at Marrickville commencing at the intersection of the Marrickville and Petersham Roads and bounded on the North by the first mentioned road one hundred and sixty feet Easterly on the East by the Western boundary of Mr Morgan's Lot 9 bearing Southerly two hundred and seventy three feet on the South by a line bearing Westerly fifty two feet six inches to the Petersham Road aforesaid and on the West by the last mentioned road bearing Northerly three hundred feet three inches to the point of commencement.

THIRD SCHEDULE

ALL THAT piece or parcel of land situate at Marrickville commencing at a point on the southern side of Marrickville Road lying three point three two five metres (or thereabouts) to the East of the North East corner of the land described in the First Schedule, bounded on the North by that road to the North Eastern corner of the land described in the First Schedule, bounded on the West by the Eastern boundary of the land described in the First Schedule, bounded on the South by Touhy Place to a point two point three one five metres to the East of the South Eastern corner of the land described in the First Schedule and thence bounded on the East by a line being approximately eighty two point four three metres in length to the point of commencement.

FOURTH SCHEDULE

ALL THAT land being part of the lands described in the First Schedule, the Second Schedule and the Third Schedule having a frontage of thirty point five one metres to Touhy Place and a depth of approximately two metres and being part of a Reserved Local Road under the Marrickville Local Environmental Plan No. 33.

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

N.M. 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 29th day of August 1988.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON
Archbishop of Sydney
29/ 8 /1988