

SOUTH SYDNEY ORDINANCE 1990

No 25, 1990

AN ORDINANCE to authorise the sale of certain land at Waterloo, to extinguish an easement encumbering and to create an easement appurtenant to such land and to vary the trusts on which the sale proceeds of the same shall be held.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter call "the Corporate Trustee") is registered as the proprietor of the land described in the First Schedule hereto.

B. The land described in the First Schedule hereto is church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1917 as amended and is held upon the trusts set out in the St Paul's Redfern with St Silas' Waterloo Declaration of Trusts Variation of Trusts and Mortgaging Ordinance 1968 and the St Saviour's South Sydney Ordinance 1978.

C. A portion of the land described in the First Schedule hereto (being the land described in the Second Schedule hereto) is surplus to the requirements of the rest and residue of the land described in the First Schedule.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the land described in the Second Schedule be sold and that the trusts on which the proceeds from the sale of the same will be held be varied to the extent hereinafter provided.

E. Erected on the balance of the land described in the First Schedule, and not being the land described in the Second Schedule there is a building which encroaches upon the neighbouring land by up to 0.015 metres in respect of roof coping and as to the wall and footings by a lesser amount.

F. The title to the land in the First Schedule hereto is encumbered by an Easement to Drain Sewage created by Section 88B of the Conveyancing Act 1919 as amended and the registration of Deposited Plan 534273.

G. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First Schedule hereto is held it is expedient that the Easement to Drain Sewage aforesaid be extinguished and that an easement be created which is appurtenant to such of the land described in the First Schedule hereto other than the land described in the Second Schedule hereto and which shall maintain the projection of the present coping of the roof and the walls and footings of the building erected on the land described in the First Schedule hereto over the neighbouring land.

H. Pursuant to South Sydney Sale Ordinance 1979 being Ordinance No 52 of 1979 the Corporate Trustee holds on trust certain moneys until 31st December 1990 and thereafter on trust for such application as the Inner City Committee and the Parish Council of the Parish of South Sydney may determine.

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 the "South Sydney Sale Ordinance 1990".**
- 2. By reason of the circumstances which have arisen subsequent to the creation of the trusts on which the land described in the Second Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.**
- 3. The Corporate Trustee is hereby authorised to sell the whole of the land described in the Second Schedule hereto by public auction or private agreement and 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.**
- 4. The proceeds from the sale of the land described in the Second Schedule hereto shall be added to and form part of the money invested by the Corporate Trustee in accordance with the South Sydney Sale Ordinance 1979 and the income therefrom is to be applied in accordance with the trusts on which that money is held.**

SOUTH SYDNEY SALE ORDINANCE 1990

5. The Corporate Trustee is hereby authorised to do all such things as may to the Corporate Trustee seem appropriate to extinguish the Easement to Drain Sewage burdening the title to the land described in the First Schedule hereto.

6. The Corporate Trustee is hereby authorised to all such things as may to the Corporate Trustee seem appropriate to create an easement to maintain the projection of the present coping of the roof and of any portion of the walls or footings of the building erected on the land described in the First Schedule hereto over the neighbouring land.

FIRST SCHEDULE

All that land situated at Waterloo in the City of South Sydney Parish of Alexandria and County of Cumberland being comprised in Folio Identifier 1/534273.

SECOND SCHEDULE

All that land situated at Waterloo in the City of South Sydney Parish of Alexandria and County of Cumberland and being part of the land described in Folio Identifier 1/534273 and being more particularly described as that piece or portion of land commencing at a point on the western side of Cope Street 34.095 metres from the corner of Cope and McEvoy Streets and then proceeding in a westerly direction along the north-western boundary of Lot 1 Deposited Plan 733356 for 5.485 metres thence proceeding in a north westerly direction 1.83 metres thence proceeding in a line parallel to the boundary with Lot 1 Deposited Plan 733356 for 5.485 metres to Cope Street and thereafter proceeding 1.83 metres south easterly along the boundary with Cope Street to the point of commencement and containing an area of 10.376 square metres be all such measurements a little more or less.

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 24th day of September 1990.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
24 / 9 / 1990