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ST MARY'S BALMAIN (LAND SALE) ORDINANCE 1987

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NO. 22, 1987

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

WHEREAS

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").

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B. The land is church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1917, held in connection with the Provisional Parish of St Mary Balmain, (hereinafter called "the Provisional Parish") upon the trusts declared in the St Mary's Balmain Ordinance 1983.

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C. The land is not required for any purpose in connection with the Provisional 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 purpose hereinafter set forth.

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D. It is expedient that the St Mary's Balmain Ordinance 1983 be repealed.

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:

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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.

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2. The St Mary's Balmain Ordinance 1983 is repealed.

*W. H. [Signature]*

3. 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 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.

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4. The proceeds arising from the sale of the land, after paying thereout all outgoing's 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 invested and the income arising from the investment in respect of the first 12 months of the investment shall be applied as follows:

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(a) 50 per cent shall be capitalised;

(b) 25 per cent shall be paid to the Inner City Committee to be applied for that Committee for its purposes; and

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(c) 25 per cent shall be paid to the Churchwardens for the time being of St Mary's Church, Balmain, to be applied by those Churchwardens for purposes within the Provisional Parish.

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5. The Churchwardens for the time being of St Mary's Church, Balmain, within 12 months after the date of completion of the sale of the land described in the Schedule, shall present an ordinance to the Synod of the Dioceses of Sydney or the Standing Committee for the purpose of providing for the distribution of the money invested under this Ordinance or the income arising from the investment, or both, having regard to the needs and commitments of the Provisional Parish and organisations within the Diocese of Sydney.

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6. This Ordinance may be cited as the "St Mary's Balmain (Land Sale) Ordinance 1987".

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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.

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

*David Cummins*  
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  
*21st* day of *August* 1987.

*W. J. H. M.*

Secretary

I ASSENT to this Ordinance.

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Archbishop of Sydney

*21 / 8 / 1987*