

ST. MICHAEL'S SYDNEY ORDINANCE 1979

No. 35 1979

AN ORDINANCE to authorise the sale of certain property and to vary the trusts on which that and other property is held.

WHEREAS

- A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the land described in the first schedule hereto and holds the same on the trusts set forth in the St. Michael's Sydney (St. David's Surry Hills Development) Ordinance 1972-1976.
- B. Glebe Administration Board (hereinafter called "the Board") is the registered proprietor of the land described in the second schedule hereto and holds the same on the trusts set forth in the said Ordinance.
- C. The Corporate Trustee holds certain investments on the trusts set forth in the St. Michael's Surry Hills Resumption Ordinance of 1915 as amended by the St. Michael's Surry Hills Resumption Ordinance of 1915 Amendment Ordinance of 1918.
- D. The Corporate Trustee holds certain investments on the trusts set forth in the St. Simon and St. Jude's Resumption Ordinance of 1924.
- E. By reason of circumstances which have arisen since the creation of the said trusts it is inexpedient to carry out and observe the same and it is expedient that the land described in the first schedule hereto be sold.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS

DIRECTS AND RULES as follows:-

1. (1) 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 said land be sold.

(2) The Corporate Trustee is hereby authorised and empowered to sell the said land by private treaty or public auction for such price and on and subject to such terms and conditions as, to the Corporate Trustee, may seem appropriate.

(3) The proceeds from such sale shall be applied in meeting all costs of and incidental to this ordinance and to such sale and then in accordance with Clause 4 hereof.

2. The Standing Committee hereby consents to the land described in the second schedule hereto becoming vested in the Corporate Trustee.

3. (1) By reason of circumstances which have arisen subsequent to the creation of the respective trusts on which the investments held pursuant to the St. Michael's Surry Hills Resumption Ordinance of 1915 as amended by the St. Michael's Surry Hills Resumption Ordinance of 1915 Amendment Ordinance of 1918 and pursuant to the St. Simon and St. Jude's Resumption Ordinance of 1914, and all income therefrom which has not been distributed prior to the date on which assent is given to this ordinance are held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) The said investments and income shall be held upon trusts set forth in Clause 4 hereof.

4. All property directed to be held or applied in accordance with this clause shall be held upon trust for the Parish of St. Michael's Sydney and the capital therefrom shall be applied towards any or all of the following:-

- (a) in meeting the cost of effecting such repairs to the church building known as St. Michael's Church and the adjoining hall and rectory as may be approved from time to time by the Inner City Committee,
- (b) in meeting the cost of purchasing a bus,

(c) in meeting the cost of surveying the organ in the said church and in effecting such repairs thereto as may be approved from time to time by the Inner City Committee,

and any income derived from the investment of the whole or any part of the capital pending such application shall be paid to the churchwardens of the said church and applied by them firstly in paying all assessments imposed by the Synod on the said Parish and then in or towards the salaries and allowances of persons employed to work in the said Parish.

5. This ordinance may be cited as "St. Michael's Sydney Ordinance 1979".

FIRST SCHEDULE

All that land at Surry Hills being the whole of the land in Certificate of Title Volume 13228 Folio 210 and known as 17 Arthur Street, Surry Hills.

SECOND SCHEDULE

All that land at Surry Hills being the whole of the land in Certificate of Title Volume 13234 Folio 229 and known as 14 Arthur Street.

All that land at Surry Hills being the whole of the land in Certificate of Title Volume 13234 Folio 230 and known as 16 Arthur Street.

All that land at Surry Hills being the whole of the land in Certificate of Title Volume 13341 Folio 149 and known as 427 Crown Street.

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 1979.

W.G.S. GOTLEY

Secretary

I ASSENT to this Ordinance.

M.L. LOANE

Archbishop of Sydney
24/9/1979