

ST. THOMAS' ROZELLE ORDINANCE 1986

NO. 24, 1986

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

WHEREAS

A. Glebe Administration Board ("GAB") is the trustee and registered proprietor of the land described in the First Schedule.

B. The land is church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1917.

C. Pursuant to the St. Thomas', Balmain West (Rozelle) Land Leasing Ordinance 1909 ("the 1909 Ordinance") and the St. Thomas' Rozelle Leasing Ordinance 1954 ("the 1954 Ordinance") the land is held upon trust -

- (a) for the purposes of public worship in connection with the Church of England and subject to the regulations (so far as they may be applicable) contained in the Sydney Church Ordinance or any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the Sydney Church Ordinance; and
- (b) to be demised or leased in accordance with the provisions of the 1909 Ordinance and the 1954 Ordinance.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First Schedule is held -

- (a) 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 the proceeds applied as set out in this Ordinance; and
- (b) it is inexpedient that the GAB be the trustee of certain property arising from the sale of the land described in the Second Schedule or that it continue as trustee of the land described in the Third Schedule and it is expedient that the Anglican Church Property Trust Diocese of Sydney ("the Corporate Trustee") be appointed trustee of that property and that land and that the trusts on which that land is held be varied in accordance with this Ordinance.

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. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule 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.

2. The GAB is hereby authorised and empowered to sell the land described in the Second Schedule within three years after the

date of assent to this Ordinance (and thereafter only with the consent of the Standing Committee) by public auction or private agreement in one or more lots and for such price or prices and on or subject to such terms and conditions as the GAB may think fit, freed from the trusts upon which it is now held.

3. On completion of the sale of the land described in the Second Schedule, the GAB shall pay or direct the payment of the proceeds arising from the sale to the Corporate Trustee to be held by the Corporate Trustee upon the trust set out in clause 4.

4. The proceeds arising from the sale, after paying the costs of and incidental to this Ordinance, any subdivision of the land described in the First Schedule, any sale or sales under this Ordinance and all outgoings to which the land described in the First Schedule may be subject (including, without limiting the generality of the foregoing, the valuation and survey fees and the interest on those fees incurred and charged by the GAB), shall be invested and the income arising from the investment in respect of the first 6 months of the investment shall be paid to the Churchwardens for the time being of St. Thomas' Church, Rozelle, and may be applied by those Churchwardens for purposes within the Provisional Parish of Rozelle.

5. On completion of the sale of the land described in the Second Schedule, the consent of the Standing Committee of the Synod of the Diocese of Sydney, in the place of the Synod, shall be deemed to have been given under section 19 of the Anglican Church of Australia Trust Property Act 1917, to the vesting of the land described in the Third Schedule in the Corporate Trustee upon trust to permit the land to be used for a Church, Rectory or Hall or Halls or partly for one and partly for another or others for such purposes in connection with the Anglican Church of Australia in the Provisional Parish of Rozelle.

6. The Churchwardens for the time being of St. Thomas' Church, Rozelle, shall, within 6 months after the date of completion of the sale of the land described in the Second Schedule, present an ordinance to the Synod of the Diocese 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 of Rozelle and organisations within the Diocese of Sydney.

7. This Ordinance may be cited as the "St. Thomas' Rozelle Ordinance 1986".

FIRST SCHEDULE

The whole of the land in certificate of title Volume 13893 Folio 34.

SECOND SCHEDULE

Part of the land in certificate of title Volume 13893 Folio 34, being Lots 2 and 3 in the plan of subdivision prepared by Timothy Alfred Rolles, Surveyor, dated 7 February 1986.

THIRD SCHEDULE

Part of the land in certificate of title Volume 13893 Folio 34, being Lot 1 in the plan of subdivision prepared by Timothy Alfred Rolles, Surveyor, dated 7 February 1986.

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 18th day of August 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
18/8/1986