

Malabar (Phillip Bay) Land Sale Ordinance 1994

No 31, 1994

Long Title

An Ordinance for the sale of land at Phillip Bay and to provide for the application of the proceeds of sale.

Preamble

Whereas

- A. The Property Trust is the registered proprietor of the land ("Land") described in the schedule.
- B. The Land is church trust property and, by clause 1 of the All Saints' Matraville (St Andrew's Phillip Bay) Declaration and Variation of Trusts and Land Sale Ordinance 1973 ("1973 Ordinance"), is held upon trust for a church, parsonage or parish hall or partly for one or partly for another of such purposes in connection with the provisional parish of Matraville with Phillip Bay or with any other parish of which the Church of St Andrew's Phillip Bay shall form part.
- C. The Church of St Andrew's Phillip Bay is now part of the parish of Malabar("Parish").
- D. The 1973 Ordinance authorised the sale of land including the Land.
- E. It is expedient to confirm the power of sale.
- F. It is impossible or inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same purposes as the trusts on which the Land is held.

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.

Citation

1. This ordinance may be cited as the "Malabar (Phillip Bay) Land Sale Ordinance 1994".

Confirmation of Authority to Sell

2. The power of sale contained in the 1973 Ordinance in relation to the Land is confirmed.

Declaration of Inexpediency

3. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same or like purposes as the trusts on which the Land is held.

Application of Proceeds

4. (1) Clause 4 of the 1973 Ordinance is repealed but without invalidating anything done under that clause prior to the date of assent to this ordinance.
(2) The costs of and incidental to this ordinance and the sale of the Land shall be paid from the proceeds of sale of the Land.
(3) The remaining balance of the proceeds of sale shall be paid to the Property Trust and invested.

Application of Income

5. The income from the investment of the remaining balance of the proceeds of sale shall be applied as follows -
 - (a) 30% of the income is to be capitalised; and
 - (b) the balance is to be paid to the churchwardens ("Churchwardens") of St Mark's Church Malabar to be applied for such purposes of the Parish as the parish council of the Parish shall from time to time determine.

Review

6. (1) On the Review Date the authority to apply the income under clause 5 terminates.
(2) The Churchwardens must present an ordinance to the Standing Committee providing for the application after the Review Date of the proceeds of sale, any capitalised income and other undistributed income.
(3) The Review Date is the 5th anniversary of the date of assent to this ordinance.

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Schedule

All That piece or parcel of land at Phillip Bay in the Local Government Area of Randwick Parish of Botany and County of Cumberland being Lot 2 in Deposited Plan No 570035 and being whole of the land comprised in Certificate of Title Volume 12772 Folio 233

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

N.M. Cameron
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 July 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
26/7/1994