

*St. Barnabas Sydney (St. Bartholomew's Pyrmont) Variation  
of Trusts and Land Sale Ordinance 1968*

No. 47, 1968

AN ORDINANCE to vary the trusts and to authorise the sale of certain land at the corner of Church and Point Streets Pyrmont and to provide for the application of the proceeds.

WHEREAS by Indenture of Conveyance dated the 13th day of August 1849 (unregistered) between Edward Macarthur of the one part and The Lord Bishop of Sydney of the other part the land and hereditaments firstly described in the First Schedule hereto were vested in The Lord Bishop of Sydney in fee simple AND WHEREAS such land is Church Trust Property held upon trust to permit and suffer to be erected and built upon the said land and hereditaments a Church or Chapel or Minister's Dwelling and School House of the United Church of England and Ireland and also to permit and suffer the same or part thereof to be used as a burial ground the said United Church of England and Ireland AND WHEREAS by Indenture of Conveyance dated the 10th day of November 1855 between the said Edward Macarthur of the one part and The Bishop of Sydney of the other part Registered No. 178 Book 217 the land and hereditaments secondly described in the First Schedule hereto were vested in the Bishop of Sydney in fee simple AND WHEREAS such land is Church Trust Property held upon trust to permit and suffer to be erected and built upon the said land a Church or Chapel or Minister's Dwelling and School House of the United Church of England and Ireland and also permit and suffer the same or part thereof to be used as a burial ground of the said United Church of England and Ireland AND WHEREAS the land secondly described in the First Schedule contains within it the land firstly described in the First Schedule AND WHEREAS there is now erected on the said land the Church known as St. Bartholomew together with a Parsonage and Parish Hall AND WHEREAS no record can be found in the Diocesan Registry that the said church has been consecrated AND WHEREAS by reason of the decrease of members of the Church of England in Australia residing in the neighbourhood of the said Church and other circumstances which have since occurred it has become inexpedient to continue to use the same as a Church of the Church of England in Australia AND WHEREAS by Indenture of Conveyance dated the 16th day of December 1932 between The Municipal Council of Sydney of the one part and Church of England Property Trust Diocese of Sydney of the other part Registered No. 56 Book 1654 the land and hereditaments thirdly described in the First

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Schedule hereto were vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "The Corporate Trustee") in fee simple AND WHEREAS such land is Church Trust Property held for the sole benefit of the Parish of St. Barnabas Sydney (St. Bartholomew's Pymont) but no trusts in writing have been declared concerning the same AND WHEREAS the land described in the First Schedule is by more recent Survey described by the metes and bounds set out in the Second Schedule AND WHEREAS by reason of circumstances as aforesaid it is expedient that the said land together with the improvements thereon hereinbefore mentioned be sold and the proceeds thereof applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule and the Church of St. Bartholomew Pymont together with the Parsonage and Parish Hall erected thereon is held, it is inexpedient to carry out and observe the same and it is expedient that the said land and such improvements be sold.

2. The Corporate Trustee is hereby empowered to sell the land described in the Second Schedule hereto at such time or times and upon such term or terms and conditions as the Parish Council of the said Parish and the Corporate Trustee may determine freed from any trusts whatsoever.

3. The proceeds arising from the sale of the said lands after paying thereout the costs of and incidental to this Ordinance and of the sale or sales and transfers in pursuance thereof and all outgoings to which the said land may be subject shall be held by the Corporate Trustee to be credited to a fund to be called "St. Barnabas Sydney Building Fund".

4. The moneys paid to the said "St. Barnabas Sydney Building Fund" shall be held both as to capital and income upon trust for the said Parish and invested by the Corporate Trustee provided that the Synod or the Standing Committee thereof may from time to time by resolution determine that the capital and/or income of such fund be paid to the Churchwardens of the said Parish and applied by them towards the purchase of land with or without improvements and/or in the erection of buildings for use in connection with the said Parish.

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5. This Ordinance may be cited as "St. Barnabas Sydney (St. Bartholomew's Pyrmont) Variation of Trusts and Land Sale Ordinance 1968".

FIRST SCHEDULE

FIRST PART

All that piece or parcel of land situate lying and being at Pyrmont in the County of Cumberland in the Colony of New South Wales aforesaid containing by admeasurement 2 roods and 14 perches little more or less bounded on the West by Point Street commencing at a point on the East side thereof being the junction of the said Street with Church Street bearing North 19 degrees West 209 feet 2 inches on the North by a line bearing North 53 degrees 10 minutes East 85 feet 9 inches dividing the land being described from Allotment No. 16 on the East by a line bearing South 36 degrees 30 minutes East 235 feet 7 inches dividing it from Allotment No. 17 and on the South by Church Street bearing West 22 degrees 45 minutes South 149 feet to the point of commencement be the said several dimensions a little more or less.

SECOND PART

All that piece or parcel of land situate lying and being at Pyrmont in the County of Cumberland in the Colony of New South Wales aforesaid containing by admeasurement 3 roods and  $4\frac{1}{2}$  perches little more or less bounded on the West by Point Street commencing at a point on the East side thereof being the junction of the said Street with Church Street bearing North 19 degrees West 335 feet 2 inches on the North by a line bearing North 54 degrees 30 minutes East 41 feet 4 inches dividing the land being described from Allotment No. 15 on the East by a line bearing South 35 degrees 30 minutes East 355 feet 7 inches dividing it from part of Allotment No. 16 and from Allotment No. 17 and on the South by Church Street bearing West 22 degrees 45 minutes South 149 feet to the point of commencement be the said several dimensions a little more or less.

THIRD PART

All that piece or parcel of land containing an area of 14 perches situate in the City of Sydney Parish of St. Andrew County of Cumberland and State of New South Wales being part of Lot 17 of the Pyrmont Estate part of 55 acres granted to Thomas Jones on

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the 14th day of March 1795 and part of the land resumed by The Municipal Council of Sydney by Notice of Resumption published on the 8th day of October 1923 commencing at a point on the North Western building line of Church Street being the Easternmost corner of St. Bartholomew's Church land and bounded thence on the South West by the North Eastern boundary of that land being lines bearing 327 degrees 16 minutes 25 seconds for 59 feet 326 degrees 45 minutes 50 seconds for 64 feet 3 inches and 324 degrees 49 minutes 20 seconds for 46 feet 5 inches respectively to the Northernmost corner of that land thence on the North West by the North Easterly prolongation of the North Western boundary of that land being a line bearing 61 degrees 28 minutes 20 seconds for 22 feet 2 inches to the South Western side of Ways Terrace as laid out 26 feet wide by The Municipal Council of Sydney thence on the North East by part of that side of Ways Terrace being lines bearing 145 degrees 17 minutes 35 seconds for 147 feet and  $\frac{3}{4}$  inch and 158 degrees 2 minutes 25 seconds for 20 feet  $1\frac{1}{2}$  inch respectively to the building line common to Ways Terrace and Church Street thence on part of the South East by that common building line being a line bearing 202 degrees 54 minutes for 7 feet 1 inch to the North Western building line of Church Street aforesaid and thence on the remainder of the South East by that building line of Church Street being a line bearing 247 degrees 45 minutes 25 seconds for 15 feet  $3\frac{3}{4}$  inches to the point of commencement.

**SECOND SCHEDULE**

Take in annexure.

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

**ATHOL RICHARDSON,**  
Chairman of Committees

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December, 1968.

**W. L. J. HUTCHISON,**  
Secretary.

I assent to this Ordinance.

**MARCUS LOANE,**  
Archbishop of Sydney

16/12/1968.