
*Seaforth (St. Michael's North Balgowlah) Variation of
Trust and Land Sale Ordinance 1970*

No. 15, 1970

AN ORDINANCE to vary the trusts upon which certain land at North Balgowlah in the Parish of Manly Cove is held to authorise the sale of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Land Grant Volume 8449 Folio 66 more particularly described in the First Schedule hereto AND WHEREAS the said land is church trust property held pursuant to the trusts contained in the St. Paul's West Manly Exchange Ordinance, 1961, being No. 3 of 1961, which said trusts provide inter alia that the Corporate Trustee hold the said land upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Paul, West Manly, AND WHEREAS the hereinbefore recited Ordinance provided that the Parish of St. Paul West Manly should pay certain moneys to the Provisional District of Forestville-Narraveena cum Belrose and Oxford Falls over a term of years AND WHEREAS the said moneys have been paid in full to the said Provisional District AND WHEREAS the Parish of St. Paul West Manly is now named as the Parish of St. Paul Seaforth AND WHEREAS the whole of the said land is now no longer required for any purpose in connection with the said Parish and it is expedient that the part of the said land which is comprised in the Second Schedule be sold and that the net proceeds of sale be applied for the purposes of construction of new buildings or for repayment of any loans in respect thereof and for such other purposes as the Parish Council shall think fit NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES AND ORDAINS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same in respect of that part of the said land which is described in the Second Schedule hereto and in respect thereof it is expedient that the trusts be now varied as hereinafter set out and that the land described in the Second Schedule be sold.

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2. The Corporate Trustee shall henceforth and pending the sale of the land described in the Second Schedule hold the same upon trust for the sole benefit of the Parish of St. Paul Seaforth.

3. The Corporate Trustee is hereby authorised and empowered to sell the land described in the Second Schedule hereto or any part of the said land by public auction or private contract at such time at such price and upon such terms and conditions as it shall think fit freed from all trusts.

4. The Corporate Trustee shall continue to hold the residue upon the trusts contained in the said St. Paul's West Manly Exchange Ordinance, 1961.

5. The proceeds arising from the said sale after paying thereout all outgoings to which the land is subject the costs of and incidental to this Ordinance and the subdivision sale and transfer of the said land pursuant thereto shall be paid to the Churchwardens for the time being of St. Michael's Church North Balgowlah who shall apply the same for the purposes of construction of new buildings or for repayment of any loans in respect thereof and thereafter any balance shall be applied for such other purposes as the Parish Council shall think fit.

6. This Ordinance may be cited as "Seaforth (St. Michael's North Balgowlah) Variation of Trust and Land Sale Ordinance, 1970".

FIRST SCHEDULE

ALL THAT land situate at Balgowlah North in the County of Cumberland Parish of Manly Cove containing by admeasurement 1 acre 22½ perches having a frontage of about 82 feet 8½ inches to Mons Road side measurements on the Northern side of about 600 feet 11 inches and on the Southern side of about 600 feet 10½ inches and a frontage of about 82 feet 10 inches to Clontarf Street and being Portion 2667 as shown in Plan Catalogued Number C8484-2030 in the Department of Lands and being the whole of the land contained in Land Grant Volume 8449 Folio 66.

SECOND SCHEDULE

ALL THAT land situate at Balgowlah North in the County of Cumberland Parish of Manly Cove COMMENCING at the Eastern side

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of Clontarf Street at the North-western corner of Portion 2667 and bounded on the West by that street 67 feet 10 inches on the South 300 feet on the East 68 feet and on the North 300 feet to the point of commencement.

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 29th day of June, 1970.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

29/6/1970.