

BULLI VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1986

NO. 27, 1986

AN ORDINANCE to vary the trusts upon which certain monies are held by the Anglican Church Property Trust Diocese of Sydney for the benefit of St. Pauls Church Woonona in the Parish of Bulli, to authorise the sale of part of certain land at Bulli in the City of Wollongong following the subdivision thereof and to provide for the application of the proceeds of sale thereof.

WHEREAS

A. By Conveyance dated 20th July 1885 Registered No. 393 Book 316 the land described in the First Schedule hereto was conveyed to the Right Reverend Alfred Barry Doctor in Divinity Bishop of the Diocese of Sydney.

B. By virtue of the provisions of Section 20 of the Anglican Church of Australia Trust Property Act 1917 as amended the land in the First Schedule is now and for the time being vested in the Most Reverend Donald William Bradley Robinson Archbishop of the Diocese of Sydney.

C. It is expedient that the land in the First Schedule being church trust property be now vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

D. No trusts have been declared in writing concerning the land in the First Schedule.

E. Development Consent No. 86/346 as amended was issued by Wollongong City Council on 30th July 1986 for the subdivision of the land in the First Schedule into lots 800 and 801 but the final plan of subdivision (hereinafter call "the Plan of Subdivision") has not yet received the said Council's approval nor been registered in the Land Titles Office in Sydney with the result that minor variations to the Plan of Subdivision might be required by the said Council or by the Lands Titles Office as a condition precedent to the consent to and/or registration of the Plan of Subdivision.

F. The Corporate Trustee holds certain monies (hereinafter called "the Trust Monies") on trust for the sole benefit of St. Paul's Church Woonona in the Parish of Bulli but no trusts in writing have been declared concerning the same.

G. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land in the First Schedule is held and subsequent to the creation of the trusts upon which the Trust Monies are held it is inexpedient to carry out and observe the same and it is expedient that the land described in the Second Schedule hereto (being part of the land in the First Schedule) now be sold and the proceeds of sale together with the sum of \$20,000 of the Trust Monies be applied as hereinafter set out.

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. Consent is hereby given to the land in the First Schedule being vested in the Corporate Trustee.
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land in the First Schedule is held it is inexpedient to carry out and observe the same and it is expedient to subdivide the land in the First Schedule and to sell the land in the Second Schedule.
3. The Corporate Trustee is hereby authorised and empowered to sell the land in the Second Schedule within three (3) years after the date of the assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time and for such price and upon such terms and conditions as it shall think fit freed from the trusts upon which it is now held.
4. The proceeds arising from the sale after paying thereout the costs of and incidental to this Ordinance and the subdivision of the land in the First Schedule and the sale and transfer of the land in the Second Schedule and all outgoings to which it is subject (hereinafter called "the net proceeds of sale") shall be applied as hereinafter provided.
5. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Trust Monies are held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied.
6. The Corporate Trustee is hereby authorised and empowered to hold the sum of \$20,000 from the Trust Monies as hereinafter provided.
7. The Corporate Trustee is hereby authorised and empowered to apply the net proceeds of sale and the said sum of \$20,000 from the Trust Monies towards the cost of construction upon the land described in the Third Schedule hereto of a residence for a minister, assistant to the minister or person employed by the churchwardens PROVIDED that pending such application the amount held shall be invested and the income arising therefrom shall be capitalised.
8. (1) The Corporate Trustee is hereby empowered from time to time to mortgage the land described in the Third Schedule hereto for the purpose of borrowing such sum or sums for such purpose or purposes as the Standing Committee shall by resolution determine.
 - (2) The indebtedness under any such mortgage shall be reduced at such rate as the Standing Committee shall by resolution determine.
 - (3) No person or corporation advancing money pursuant to this Ordinance shall be concerned to inquire whether this clause has been complied with.
 - (4) A document purporting to be a certificate signed by the Archbishop or the Diocesan Secretary of the Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.
9. This Ordinance may be cited as "Bulli Variation of Trusts and Land Sale Ordinance 1986".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Bulli in the City of Wollongong Parish of Wonona County of Camden being part of the land conveyed by Richard Henry Denne to James Holden by Indenture dated the 13th October 1874 afterwards subdivided by the said James Holden and being Allotment No. 47 of the said subdivision COMMENCING on the East Side of the land conveyed by the said James Holden to the Bishop of Sydney at a point distant 187'6" north from the south east corner of that land and bounded on the south by Allotment No. 46 of the said subdivision sold to Henry Verhoeve being a line bearing easterly 3 chains to a reserved road 20' wide (separating the land hereby conveyed from Allotment 30 of the said subdivision conveyed to Edward Anderson by the said James Holden) on the east by the said reserved road 20' wide being a line bearing northerly 62'6" to land of Sir George Wigram Allen on the north by the last mentioned land being a line bearing westerly 3 chains to the said land sold to the Bishop of Sydney and on the west by the last mentioned land being a line bearing southerly 62'6" to the point of commencement.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Bulli in the Parish of Wonona County of Camden being Lot 800 in a proposed Plan of Subdivision by Mr Surveyor Dennis Smith ref P.R. 992D and annexed to Wollongong City Council Development Consent D86/346 as amended on 30th July 1986 and intended to be registered.

THIRD SCHEDULE

ALL THAT piece or parcel of land situate at Bulli in the Parish of Wonona County of Camden being Lot 801 in a proposed Plan of Subdivision by Mr Surveyor Dennis Smith ref P.R. 992 D and annexed to Wollongong City Council Development Consent D86/346 as amended on 30th July 1986 and intended to be registered.

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