
*Nathaniel George Bull Memorial Church of St. Andrew
Cronulla Purchasing Building and Sale (Amendment)
Ordinance 1955.*

No. 32, 1955.

AN ORDINANCE to amend the Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale Ordinance of 1933; to authorise the sale of certain land situate in Burraneer Bay Road Cronulla dealt with by the said Ordinance and to provide for the application of the proceeds of sale; to vary the trusts of the sum of £894 7s. 3d. also dealt with by the said ordinance; to provide for the purchase of certain land at Caringbah and for purposes of and incidental to the beforementioned matters and for other purposes.

WHEREAS the Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale Ordinance of 1933 (hereinafter called the principal ordinance) ordained directed and ruled by Clause 5 that the said Trust (Church of England Property Trust Diocese of Sydney) was thereby authorised to hold in trust the said land described in the Fourth Schedule thereto as a site for such building or buildings as may be required in connection with the Church of England in the Parish of St. Andrew Cronulla.

AND WHEREAS the said land is situate in Burraneer Bay Road Cronulla and is the whole of the land comprised in Certificate of Title Volume 3327 Folio 155.

AND WHEREAS the said land will not be required for such purposes.

AND WHEREAS it is expedient to sell the same and make provision for the application of the proceeds.

AND WHEREAS the principal ordinance also ordained directed and ruled by Clause 7 that the said Trust was thereby authorised to hold and invest in proper investments the sum of £894 7s. 3d. and all future accretions thereto and pay therefrom all rates and

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taxes and proper outgoings on the land described in the Fourth Schedule thereto and hold the balance in or towards the erection on the said land of such building or buildings as may be required in connection with the said Parish.

AND WHEREAS the said sum of £894 7s. 3d. with the accretions less the outgoings referred to now amounts to the sum of £1,247 10s. 7d.

AND WHEREAS it is expedient to utilise the said sum of £1,247 10s. 7d. and the accretions thereto in the manner herein provided.

AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter designated "the said Trust") is the purchaser under a certain Contract of Sale dated the 30th August 1955 from Ida Adelaide Brown of certain land at Caringbah being the whole of the land comprised in Certificates of Title Volume 5013 Folios 98 and 99 for the sum of Five thousand three hundred pounds (£5,300).

AND WHEREAS the equitable interest in the said land is Church Trust Property held for the sole benefit of the said Parish.

AND WHEREAS it is expedient to provide for the balance of purchase money required to complete the said recited Contract.

AND WHEREAS the said Contract contained a condition that on completion the said Trust would sell to the said Ida Adelaide Brown or her nominee part of the land comprised in the said Fourth Schedule for the price of eight hundred pounds (£800).

AND WHEREAS it is expedient for all or some of the aforesaid reasons or purposes to amend in certain particulars the principal ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains directs and rules as follows:—

1. (a) This Ordinance may be cited as the Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale (Amendment) Ordinance 1955.

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- (b) The Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale Ordinance of 1933 is referred to in this ordinance as "the principal ordinance."

2. The principal ordinance is amended by inserting the following fifth schedule.

THE FIFTH SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Caringbah in the Shire of Sutherland Parish of Sutherland County of Cumberland and State of New South Wales containing in all three roods twenty-five and one half perches and being the whole of the land comprised in Certificates of Title dated the third day of February One thousand nine hundred and thirty-nine Volume 5013 Folios 98 and 99.

3. The principal ordinance is amended by omitting Clause 5 and by inserting in lieu thereof the following clause:—

5. (a) By reason of circumstances subsequent to the creation of the Trusts upon which the land described in the Fourth Schedule hereto is now held it is expedient to sell the said land.

- (b) The said Trust is hereby authorised to sub-divide and to sell the said land by Public Auction or Private Contract and either as a whole or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the said Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the said Trust is hereby authorised to execute and do all such transfers assurances receipts and things as it shall deem proper.

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(c) The nett proceeds of sale of the said land or any part or parts thereof shall be applied firstly in payment of the costs charges and expenses of and incidental to the passing of the Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale (Amendment) Ordinance 1955 and of any sale or sales of the said land or any part thereof hereby authorised and the balance shall be applied by the said Trust as follows:—

- (i) In payment or on account of the purchase money owing to the said Ida Adelaide Brown in respect of the purchase of the land described in the fifth Schedule hereto and of the costs charges and expenses of and incidental to such purchase.
- (ii) Subject thereto to invest in proper investments the balance and hold such investments and all future accretions thereof and apply the same as and when the Standing Committee of the Synod of the Diocese of Sydney shall by resolution deem expedient in or towards the erection of building or buildings on the land described in the Fifth Schedule hereto.

4. The principal ordinance is amended by omitting Clause 7 and by inserting in lieu thereof the following clause:—

7. (a) By reason of circumstances subsequent to the creation of the trusts upon which the sum of £1,247 10s. 7d. and all future accretions in respect thereof are now held it has become inexpedient to carry out or observe such trusts to the extent to which they are hereby varied.

(b) The said Trust is hereby authorised to invest in proper investments the sum of £1,247 10s. 7d. and all future accretions in respect thereof and to hold

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such investments and accretions upon and subject to the same trusts as are declared concerning the nett proceeds of sale of the land comprised in the fourth Schedule hereto more particularly declared in Sub-Clause 5 (c) hereof.

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

W. G. HILLIARD, Bishop.

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 14th day of December, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

16/12/1955.