

AUSTINMER (COLEDALE) LAND SALE ORDINANCE 1989

No 46, 1989

AN ORDINANCE to vary the trusts of land at Coledale to permit the same to be sold and to provide for the application of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seized of an estate in fee simple in the land comprised in Indenture of Conveyance dated the 28th November 1907 Registered Number 472 Book 1135 more particularly described in the Schedule hereto.

B. The land in the Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon trust "for and under the authority of the Churchwardens for the time being of the Parish of Bulli for such purposes in connection with the Church of England and the erection and use of any buildings thereon and to be dealt with and disposed of as they shall from time to time direct and authorise".

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land described in the Schedule.

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. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

2. The Corporate Trustee is hereby authorised to sell the land described in the Schedule within three (3) years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

3. The proceeds arising from the sale of the land described in the Schedule after paying thereout the costs of and incidental to this ordinance and the costs of and incidental to the sale, shall be paid to the Corporate Trustee and applied as follows -

(a) As to twenty percent thereof to be paid to the Anglican Home Mission Society to be used by that Society in its Careforce Division within the Area Deanerys' of Wollongong and Lake Illawarra.

(b) As to the balance;

(i) to be invested for a period not exceeding two years with fifty percent of the income arising therefrom to be capitalized and the remaining fifty percent to be paid to the Churchwardens of the Parish of Austinmer (hereinafter called "the Churchwardens") and applied by them towards the stipend of a person employed by the said Churchwardens; and thereafter

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(ii) to be paid by the Corporate Trustee to the said Churchwardens and applied by them towards the cost of construction of and alterations and additions to buildings held upon trust for the Parish of Austinmer.

(c) Pending the application in paragraph (b)(ii) hereof the Corporate Trustee shall invest the balance and capitalize the income.

4. This ordinance may be cited as the "Austinmer (Coledale) Land Sale Ordinance 1989".

**SCHEDULE**

ALL THAT piece or parcel of land containing 32 perches being Lots 7 and 8 of Section A of the Village of Coledale being the whole of the land in Indenture of Conveyance dated the 28th November 1907 Registered Number 472 Book 1135.

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 December 1989.

**W.G.S. COTLEY**  
Secretary

I ASSENT to this Ordinance.

**DONAL ROBINSON**  
Archbishop of Sydney

18/12/89