
*Engadine Declaration of Trust and Land Sale
Ordinance 1967*

No. 42, 1967.

AN ORDINANCE to declare the trusts of certain land at Otford in the City of Greater Wollongong to authorise the sale of such land and certain other land at Engadine, and to provide for the application of the proceeds of such sales.

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 Certificate of Title Volume 9300 Folio 231 more particularly described in the first schedule hereto AND WHEREAS the said land was acquired by the Corporate Trustee pursuant to a devise under the will of the late Albert Lucas for its general purposes absolutely but with the wish of the testator expressed but without creating a binding trust that the Church of England should erect a Church thereon AND WHEREAS no Church has been erected on the said land which is considered to be unsuitable for a church in that area AND WHEREAS the Corporate Trustee has resolved that the said land be deemed to be held by it upon trust for the use and benefit of the Provisional Parish of Engadine with Heathcote, Helensburgh, Stanwell Park, Waterfall and Otford in which it is situated and it is expedient that such trust be declared accordingly AND WHEREAS the Corporate Trustee is also registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 3978 Folio 137 of which the land described in the Second Schedule forms part AND WHEREAS the said land is held for the sole use and benefit of the said Provisional Parish but no trusts in writing have been declared concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient that such lands be now sold and the proceeds severally 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 DECLARES DIRECTS AND RULES as follows:-

1. That the land described in the first schedule hereto be held upon trust for the use and benefit of the Provisional Parish of Engadine with Heathcote, Helensburgh, Stanwell Park, Waterfall and Otford for the erection of a church thereon.

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2. By reason of circumstances which have arisen since the creation of the trusts upon which the lands described in both the first and second schedules hereto are held it is inexpedient to carry out and observe such trusts and it is expedient that the said lands be sold.
3. The Corporate Trustee is hereby authorised and empowered to sell the said lands by public auction or private contract at such time or times for such price or prices and upon such terms and conditions as it shall think fit freed from the said trusts.
4. The proceeds arising from the sale of the land described in the first Schedule shall after payment of all outgoing to which the land is subject and so far as not otherwise paid of the costs and expenses of and incidental to this Ordinance and the costs of the sale and transfer of the said land be applied towards the acquisition of another site for a church in the Otford-Helensburgh area in the said Provisional Parish and pending such application shall be invested by The Corporate Trustee in accordance with the provisions of the Investment of Church Trust Property Investment Ordinance 1944 as amended or any Ordinance subsequently amending or taking the place of the same and the income arising therefrom accumulated and applied for the same purposes.
5. The proceeds arising from the sale of the land described in the second schedule shall after paying thereout all outgoing to which it may be subject and so far as not otherwise paid the costs of and incidental to this Ordinance and the sale and transfer of the said land be paid to the Churchwardens of St. George's Church Engadine to be applied by them towards the erection of a new church upon part of the residue of the land comprised in the said Certificate of Title Volume 3973 Folio 317.
6. This Ordinance may be cited as "Engadine Declaration of Trust and Land Sale Ordinance 1967".

FIRST SCHEDULE

All that piece or parcel of land at Otford in the County of Cumberland Parish of Bulgo City of Greater Wollongong, having a frontage of 99 feet to Station Street by depths of about 241 feet and 225 feet being Lot 6 Sec. 7 D.P. 4591 and the whole of the land in Certificate of Title Volume 9300 Folio 231.

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SECOND SCHEDULE

All that triangular piece or parcel of land situated at Engadine in the County of Cumberland Parish of Heathcote Shire of Sutherland having a frontage of about 35 feet 6 inches to Waratah Road with depths of about 75 feet on the west and 78 feet on the east (being the eastern corner of the present site of St. George's Church Engadine) and part of the land in Certificate of Title Volume 3973 Folio 137.

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 30th day of October, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

30/10/1967.