

# Mission Property (Worrowing Heights) Variation of Trusts Ordinance 2020

No 37, 2020

## Long Title

An Ordinance to vary the trusts of sale of certain land at Worrowing Heights and to direct purposes for which certain capital of the ACPT– Huskisson Trust may be applied.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the registered proprietor of the land in folio identifiers 1756/28785, 1757/28785, 1758/28785 and 1759/28785 known as the corner of The Wool Road and Naval College Road, Worrowing Heights (the “Worrowing Heights Land”).

B. The Worrowing Heights Land is church trust property and by clause 5A of the *Mission Property Ordinance 2002* is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney.

C. The *Huskisson Land Sale Ordinance 2017* authorised the sale of the land in folio identifiers 7/3/758530 and 8/3/758530 known as 17 Hawke Street, Huskisson and the site of Holy Trinity Church, together with a hall and rectory (the “Huskisson Land”) and the also land in folio identifier 80/817353 known as 48 – 52 Paradise Beach Road, Sanctuary Point and the site of St Peter’s Church (the “Sanctuary Point Land”).

D. By clause 5 of the *Huskisson Trust Ordinance 2017*, the Huskisson Street Land and the Sanctuary Point Land are held on trust for the purposes of the Parish of Huskisson (the “Parish”) as part of the capital of the ACPT – Huskisson Trust.

E. The Property Trust proposes to consolidate and then subdivide the Worrowing Heights Land according to the proposed plan of subdivision set out in the Schedule to create 2 lots (the “Proposed Plan of Subdivision”). It is further proposed that Lot 1 of the Proposed Plan of Subdivision (the “Wool Road Site”) be developed for use as a ministry site by the Parish.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Wool Road Site is held, it is inexpedient to carry out or observe those trusts or to deal with or wholly apply the Wool Road Site for the same or like purposes and it is expedient that the trusts be varied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name of ordinance

This Ordinance is the Mission Property (Worrowing Heights) Variation of Trusts Ordinance 2020.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Wool Road Site is held, it is inexpedient to carry out or observe those trusts or to deal with or wholly apply the Wool Road Site for the same or like purposes and it is expedient that the trusts be varied in the manner set out in clause 3.

### 3. Variation of Trusts

With effect from the date that the payment under clauses 4(1)(c) is made, the trusts of the Wool Road Site are varied so that it is held on trust for the purposes of the Parish, as an addition to the ACPT – Huskisson Trust.

### 4. Allocations from the ACPT – Huskisson Trust

(1) The ACPT is directed to make payments for the following purposes from that part of the capital of the ACPT – Huskisson Trust which comprises proceeds from the sale of the Huskisson Land and the Sanctuary Point Land –

- (a) the costs of and incidental to this Ordinance,
- (b) reimbursing the Mission Property Committee for costs it has incurred on behalf of the Parish,

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- (c) making a payment of \$670,000 to the Mission Property Fund held under the *Mission Property Ordinance 2002* as a contribution from the Parish towards the purchase of the Wool Road Site,
- (d) towards the costs of an incidental to the design, approval and construction of a new church on the on the Wool Road site, and
- (e) towards the costs of and incidental to one of the following –
  - (i) the purchase of land and the construction of a residence thereon, or
  - (ii) the purchase of an existing residence, or
  - (iii) the construction of a residence on the Wool Road site, for use as a rectory.

(2) No payment is to be made under subclause 4(1) except to the extent that the Huskisson Land and the Sanctuary Point Land has been sold and the proceeds of sale paid to the ACPT.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

D S MARR  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 July 2020.

D GLYNN  
Secretary

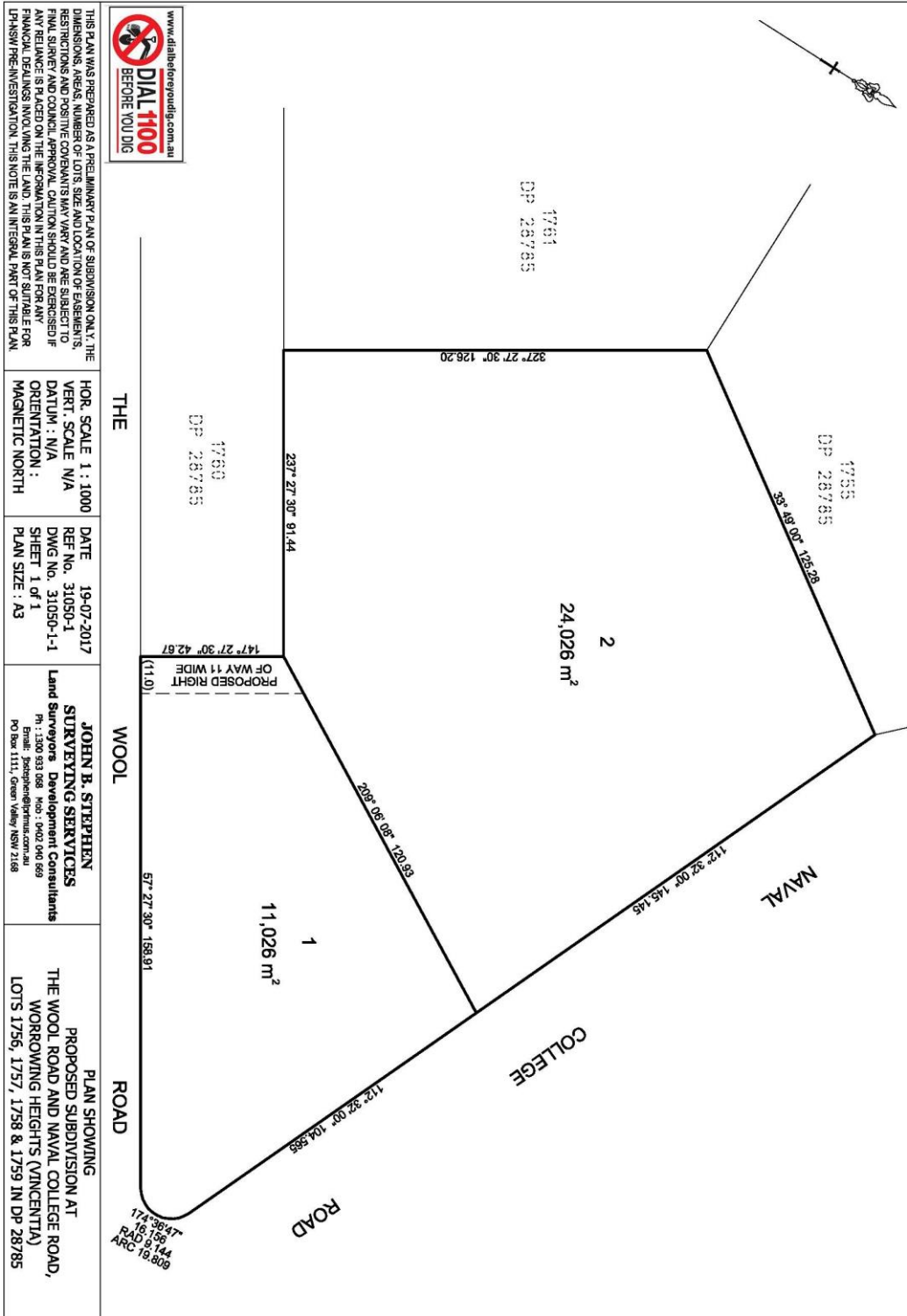
I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney

27/07/2020

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## Schedule



THIS PLAN WAS PREPARED AS A PRELIMINARY PLAN OF SUBMISSION ONLY. THE DIMENSIONS, AREAS, NUMBER OF LOTS, SIZE AND LOCATION OF EASEMENTS, RESTRICTIONS AND POSITIVE COVENANTS MUST BE VERIFIED BY THE APPLICANT BEFORE ANY FINANCIAL DEALINGS INVOLVING THE LAND. THIS PLAN IS NOT SUITABLE FOR LPHANSW PRE-INVESTIGATION. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.



HOR. SCALE 1 : 1000  
 VERT. SCALE N/A  
 DATUM : N/A  
 ORIENTATION :  
 MAGNETIC NORTH

DATE 19-07-2017  
 REF No. 31050-1  
 DMG No. 31050-1-1  
 SHEET 1 OF 1  
 PLAN SIZE : A3

**JOHN B. STEPHEN**  
 SURVEYING SERVICES  
 Land Surveyors & Development Consultants  
 Ph: +350 833 098 Fax: +602 060 659  
 Email: jbs@stephenjbs.com.au  
 PO Box 1111, Green Valley NSW 2168

PLAN SHOWING  
 PROPOSED SUBDIVISION AT  
 THE WOOL ROAD AND NAVAL COLLEGE ROAD,  
 WORROWING HEIGHTS (VICENTIA)  
 LOTS 1756, 1757, 1758 & 1759 IN DP 28785