

NOWRA (VINCENTIA AND HUSKISSON LANDS) VARIATION
OF TRUSTS AND LAND SALE ORDINANCE 1979.

No. 4/0 1979.

AN ORDINANCE to vary the trusts of certain land at Huskisson and at Vincentia and to permit the sale of the Vincentia land and to amend the All Saints Nowra (Vincentia Land) Sale Ordinance 1959.

WHEREAS

A. The land in the First Schedule is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") and is held upon trust to permit the same to be used for the erection thereon of a Church in connection with the United Church of England and Ireland as by law established.

B. The land in the Second Schedule hereto was, with other land, by Indenture of Conveyance dated the 2nd May, 1919 registered number 623 Book 1155 made between Edward Richard Deas-Thomson of the one part and Church of England Property Trust Diocese of Sydney of the other part, granted and released unto the Corporate Trustee its successors and assigns, upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England at South Huskisson, Jervis Bay.

C. The All Saints Nowra (Vincentia Land) Sale Ordinance 1959 (hereinafter called the "1959 Ordinance") authorised the sale of certain land at Vincentia more particularly described in the Schedule to that Ordinance and the application of the proceeds thereof towards the purchase of a site for a church hall at Currarong in the Parish of All Saints Nowra.

D. By reason of circumstances which have arisen subsequent to the creation of the said 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 in the Second Schedule and to repeal a part of the 1959 Ordinance.

E. All the said lands are church trust property within the meaning of the Church of England Trust Property Act 1917, as amended.

25 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name
and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS 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 First Schedule
30 hereto is held, it is inexpedient to carry out and observe the same and it is
expedient that such trusts be varied as hereinafter set out.

2. The land described in the First Schedule shall henceforth be held upon
trust for a:-

- (a) church;
- 35 (b) residence for a minister, assistant to the minister or a person
employed by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

or partly for one or another or others of those purposes in connection with
40 the Church of England in Australia within the Diocese of Sydney for the sole
benefit of the Parish of All Saints Nowra or any Parish or ecclesiastical
district into which it may subsequently be formed or form a part.

3. By reason of circumstances which have arisen subsequent to the creation
of the trusts upon which the land described in the Second Schedule hereto is
45 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
purpose and it is expedient that the said land be sold.

4. The Corporate Trustee is hereby empowered to sell the land in the Second
Schedule by public auction or by private contract at such time or times and
50 at such price or prices and upon such terms and conditions as it may determine,
freed from the trusts upon which the land is now held.

5. By reason of circumstances which have arisen subsequent to the passing
of the 1959 Ordinance it is inexpedient to carry out and observe the trusts
thereby created to the extent that the same are hereby varied and clause 3 of
55 that Ordinance is hereby repealed.

6. (1) The Corporate Trustee shall apply the proceeds of the sale of the
land in the Second Schedule and the proceeds of the sale or sales authorised by
the 1959 Ordinance:-

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(a) in paying the costs of and incidental to this Ordinance and the sale or sales and all outgoings to which the said lands may be subject.

(b) As requested from time to time by a resolution of the Parish Council for the time being of the Parish of All Saints Nowra and in such proportions as may be determined by the said Parish Council, towards meeting the costs of:-

- (i) building a residence for a minister on the land in the First Schedule and the costs of carpeting and other internal furnishings; and
- (ii) purchasing a site for a church or church hall at St. George's Basin or St. George's Basin East in the Parish of All Saints Nowra.

(2) Pending the applications set out in sub-clause (1) of this clause the Corporate Trustee shall invest the net proceeds and capitalise the income.

7. This Ordinance may be cited as the "Nowra (Vincentia and Huskisson Lands) Variation of Trusts and Land Sale Ordinance 1979".

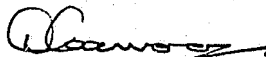
FIRST SCHEDULE

ALL THAT piece or parcel of land at Huskisson in the City of Shoalhaven Parish of Currambene County of St. Vincent being Lot 7 of Section 3 and the whole of the land in Land Grant Volume 486 Folio 137.

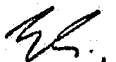
SECOND SCHEDULE

ALL THAT piece or parcel of land situate and lying at Vincentia formerly known as Huskisson in the Parish of Bherwerre County of St. Vincent and State of New South Wales being Lot 4 Section 26 of the Town of South Huskisson and being also part of Deas Thomson's 2,560 acre grant commencing at the intersection of the western boundary of Beach Street with the northern boundary of Susan Street being a line bearing westerly 125 links to the south eastern corner of Lot 3 of the said Section 26 thence by a line bearing northerly for 2 chains to the north eastern corner of the said Lot 3 thence by a line bearing easterly 125 links to Beach Street and bounded thence by part of the boundary of Beach Street being a line bearing southerly 2 chains to the point of commencement by the above mentioned dimensions all a little more or less.

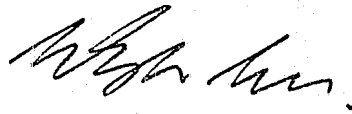
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



Chairman of Committees

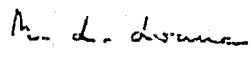


I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of October 1979.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
29/10/79