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*Dapto with Albion Park Variation of Trust Vesting and Sale  
Ordinance 1951.*

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No. 22, 1951

AN ORDINANCE to vary the trusts upon certain land at West Dapto; to vest in the Church of England Property Trust Diocese of Sydney certain land at Tullimbar near Albion Park; to authorise the sale of the said parcels of land and certain land at Albion Park and to provide for the application of the proceeds from the sales of the said lands and for purposes other and incidental thereto.

WHEREAS the land described in the First Schedule hereto was originally granted to certain persons as trustees of the Episcopalian School at Dapto and subsequently by the Dapto with Albion Park Vesting and Sale Ordinance of 1946 was vested in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Corporate Trustees).

AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it has become impossible or inexpedient to carry out or observe such trusts and it is expedient to vary them.

AND WHEREAS by Certificate of Title bearing date the 25th day of March 1926 Registered Volume 3845 Folio 182 the land at Albion Park therein and hereinafter in the Second Schedule hereto described was vested in the Corporate Trust as subject to Caveat Number B423061 dated 21st October 1926 by the Registrar General pursuant to the Declaration of Trust next hereinafter recited.

AND WHEREAS by Declaration of Trust bearing date the 24th day of September 1926 the Corporate Trustees declared that the Trust and its assigns should stand seised of interested in and registered as proprietor of the land comprised in the said Certificate of Title Volume 3845 Folio 182 upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the said Parish.

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*Dapto with Albion Park Variation of Trust Vesting and Sale  
Ordinance 1951.*

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AND WHEREAS the land at Tullimbar described in the Third Schedule hereto forms part of certain lands which by Conveyance bearing date the twenty-third day of November 1868 Registered Number 994 Book 111 were conveyed to one William Gritton in fee simple.

AND WHEREAS there were erected upon the said land at Tullimbar described in the Third Schedule hereto certain buildings which were used for many years for the purposes of a School and Church in connection with the Church of England in that district and the said Church claims a possessory title to the said land and it is expedient to vest such title in the Corporate Trustees.

AND WHEREAS the Crown or the Council of the City of Greater Wollongong may resume the said land at West Dapto described in the First Schedule hereto and in the event of such resumption being effected prior to the completion of the sale of such land by the Corporate Trustees it is expedient that the Corporate Trustees be authorised to receive the compensation moneys payable in respect of any such resumption and to give an effectual receipt and discharge therefor and execute any necessary Release in respect thereof required by the Resuming Authority and to apply the compensation moneys in manner hereinafter appearing.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts affecting the lands described in the First Second and Third Schedules hereto it has become expedient to sell the said lands and to apply the proceeds for the purposes and in the manner hereafter appearing

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

1. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the First Schedule hereto is held it has become impossible or inexpedient to carry out or observe the said trusts to the extent to which they are varied by this Ordinance and it is expedient that such trusts be varied accordingly.

2. By reason of circumstances subsequent to the creation of the trusts concerning the land at Tullimbar described in the Third Schedule hereto it is expedient to vest the same in the Corporate Trustees.

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Ordinance 1951.*

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3. The Synod hereby consents to the land at Tullimbar described in the Third Schedule hereto being vested and the same is hereby vested in the Corporate Trustees.

4. By reason of circumstances subsequent to the creation of the trusts concerning the lands described in the First Second and Third Schedules hereto it is expedient to sell the same.

5. The Corporate Trustees are hereby empowered to sell the said lands described in the First Second and Third Schedules hereto or any of them or any portion or portions thereof at any time hereafter and from time to time by public auction or private contract either in one lot or several lots at such price or prices and upon such terms and conditions as the Corporate Trustees may deem expedient.

6. The proceeds of any such sale or sales shall stand charged with the payment of all outgoings properly chargeable against the land to which such proceeds relate and all costs charges or expenses of and incidental to this Ordinance and the said sale or sales apportioned as deemed expedient by the Corporate Trustees and subject thereto shall be applied to the Corporate Trustees in manner following that is to say:—

- (a) Out of the proceeds relating to the land at West Dapto described in the first schedule hereto a sum not exceeding £700 to be paid to the Rector and Churchwardens for the time being of the Parish of Dapto with Albion Park whose receipt shall be sufficient discharge therefor to be applied by them in or towards the cost of carrying out repairs to the fabric and fencing of the Osborne Memorial Church of St. Luke at Dapto.
- (b) As to the proceeds relating to the land at Albion Park described in the second schedule hereto towards the purchase of more suitable land in that locality.
- (c) As to the proceeds relating to the land at Tullimbar described in the third schedule hereto towards the purchase of more suitable land at Oak Flats.
- (d) Any balance in the hands of the Corporate Trustees shall be invested on behalf of the Parish of Dapto with Albion Park in accordance with the provisions of the Investment of Church Trust Property Ordinance of

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1944 and the capital of such moneys shall, from time to time be paid by the Corporate Trustees to the Rector and Churchwardens of the Parish of Dapto with Albion Park (whose receipt shall be a sufficient discharge therefor) to be applied for or towards such purposes in connection with the said Parish normally requiring the expenditure of capital moneys as shall be requested by the said Rector and Churchwardens and approved by the Standing Committee and in the meantime the income arising from the investment of the said moneys shall be paid to the said Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefore) to be used by them for such general purposes in connection with the said Parish as the said Rector and Churchwardens may from time to time determine.

7. In the event of the resumption hereinbefore recited being made in respect of the land at West Dapto described in the First Schedule hereto the Synod hereby directs that the Corporate Trustees be authorised to receive from the Resuming Authority the compensation moneys payable in respect thereof and that the receipt of the Corporate Trustees shall be a sufficient discharge to the Resuming Authority therefor and that the Corporate Trustees shall execute any necessary release in connection therewith.

8. The compensation moneys received in respect of any such resumptions as aforesaid shall stand charged and be applied in the same manner mutatis mutandis as is hereinbefore provided in the case of the proceeds of sale of the said land at West Dapto as aforesaid.

9. This Ordinance shall be called the "Dapto with Albion Park Variation of Trust Vesting and Sale Ordinance 1951."

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THE FIRST SCHEDULE HEREINBEFORE MENTIONED.

All that piece of land situated at West Dapto containing about 23 acres 3 roods and being the whole of the land comprised in Grant by Purchase dated the 22nd September 1846 enrolled in the Registrar General's Office Sydney in the Register of Land Purchases Number 16 Page 19.

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*Dafto with Albion Park Variation of Trust Vesting and Sale Ordinance 1951.*

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THE SECOND SCHEDULE HEREINBEFORE MENTIONED.

All that piece of land situated at the corner of Burroo and Windang Streets Albion Park being Lot 9 of Section B in Deposited Plan Number 11034 containing an area of  $37\frac{1}{2}$  perches and being the whole of the land in Certificate of Title Volume 3845 Folio 182.

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THE THIRD SCHEDULE HEREINBEFORE MENTIONED.

All that piece or parcel of land situate in Main Road No. 262 in the locality known as Tullimbar near Albion Park in the Municipality of Shellharbour Parish of Jamberoo County of Camden and State of New South Wales being part of Lot 3 of a subdivision of John Paul's 1400 acres grant and being also an area denoted School Site shown on a plan attached to Instrument of Transfer No. A25981 commencing at a point on the south alignment of Main Road No. 262 bearing 250 degrees 23 minutes 00 seconds and distant  $985.3/10$  links from the point of intersection of the said southern alignment with the western alignment of a road 50 links wide leading to Tullimbar Public School and bounded thence on the east by a line bearing 147 degrees 59 minutes 00 seconds for a distance of  $461.6/10$  links bounded thence on the south by a line bearing 250 degrees 23 minutes 00 seconds for a distance of 496 links bounded thence on the West by a line bearing 338 degrees 12 minutes 00 seconds for a distance of 451 links to a point on the southern alignment of Main Road No. 262 aforesaid and bounded thence on the North by that southern alignment being a line bearing 70 degrees 23 minutes 00 seconds for a distance of 414 links to the point of commencement be the said several dimensions all a little more or less containing an area of 2 acres 8 perches or thereabouts.

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

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 this 19th day of  
December, 1951.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance,  
HOWARD SYDNEY

19/12/51.