

ENGADINE AND HELENSBURGH (HEATHCOTE WATERFALL AND STANWELL  
PARK) ORDINANCE 1978

No. 17 1978

AN ORDINANCE to vary the trusts of certain lands; to authorise the sale of some of those lands and to provide for the application of the proceeds thereof and to declare the trusts of certain lands.

WHEREAS

- A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the lands described in the Schedules hereto and such lands are church trust property within the meaning of the Church of England Trust Property Act 1917 as amended.
- 5 B. Prior to 1 February 1978 all of the said lands were situated in the Parish of St. George Engadine but from that date the lands in the Second, Sixth and Seventh Schedules are situated in the Provisional District of Helensburgh.
- C. No trusts have been declared in writing in respect of the land in the First Schedule but that land was purchased in 1970 at the request of the Engadine  
10 Parish Council by Sydney Church of England Finance and Loans Board (hereinafter called "the Board") which declared that "should the Parish (of Engadine) in the future wish to proceed with a development in the area the Board will make available the site ... at not less than cost plus interest plus expenses".
- D. The Board has consented to the sale of the said land and the application  
15 of the proceeds in paying the Board a sum equal to the costs referred to in recital C (estimated at \$17,016 at 31 December 1977 and hereinafter called the "book value") plus \$1,000, in repaying the loans described in the Eight Schedule and thereafter for parish purposes.
- E. No trusts have been declared in writing in respect of the lands described  
20 in the Second, Third, Fourth, Fifth and Sixth Schedules.
- F. Pursuant to a Declaration of Trust dated 21 July 1924 No. 14373 the land  
described in the Seventh Schedule is held upon trust 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 District of Helensburgh.
- 25 G. There is erected on the said lands a curate's residence (Second Schedule) and a rectory (Third Schedule) for the Parish of St. George, Engadine, Christ Church, Heathcote (Fourth Schedule), the Church of the Holy Redeemer, Helensburgh (Sixth Schedule) and St. George's Church Stanwell Park (Seventh Schedule).

30 H. By reason of circumstances which have arisen subsequent to the creation of the trusts of the lands in the Schedules it is inexpedient to carry out and observe the same to the extent that they are hereinafter varied and it is expedient to sell the lands in the First and Second Schedules and apply the proceeds as hereinafter set out.

35 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 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 to vary  
40 such trusts, to authorise the sale of the lands in the First and Second Schedules and to apply the proceeds as hereinafter set out.

2. The Corporate Trustee is hereby authorised and empowered to sell the lands in the First and Second Schedules by public auction or private contract at such time or times upon such price or prices and upon such terms and conditions as  
45 it may consider fit freed from the trusts on which those lands are now held.

3. The Corporate Trustee shall apply the proceeds of the sale or sales of the land in the First Schedule:-

(a) in paying the costs of this ordinance, the sale or sales and all outgoings to which the land may be subject;

50 (b) in paying the Board a sum equal to the book value of such land plus an additional sum of \$1,000;

(c) in discharging any balances then remaining in respect of the loans in the Eighth Schedule in the order in which those loans are listed in that Schedule;

55 (d) as requested by the Churchwardens for the time being of St. George's Church Engadine towards meeting the cost of improving the rectory of the Parish of St. George; Engadine or of building or acquiring a residence for a curate in that Parish.

4. The Corporate Trustee shall apply the proceeds of the sale of the land in  
60 the Second Schedule in paying:-

(a) the costs of the sale and all outgoings to which the land may be subject except any moneys owing to the Board;

(b) as requested by the Churchwardens for the time-being of the Church of the Holy Redeemer, Helensburgh towards meeting the cost of building a residence for a minister on the land described in the Sixth Schedule.

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5. The land in the Third Schedule shall henceforth be held upon trust for a minister's residence at Engadine in connection with the Church of England in Australia in the Parish of Engadine.

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6. The land in the Fourth Schedule shall henceforth be held upon trust for a church, church hall or minister's residence or partly for one and partly for another or others of such purposes at Heathcote in connection with the Church of England in Australia in the Parish of Engadine.

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7. The land in the Fifth Schedule shall henceforth be held upon trust for a church, church hall or minister's residence or partly for one and partly for another or others of such purposes at Waterfall in connection with the Church of England in Australia in the Parish of Engadine.

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8. The land in the Sixth Schedule shall henceforth be held upon trust for a church, church hall or minister's residence or partly for one and partly for another or others of such purposes at Helensburgh in connection with the Church of England in Australia in the Provisional District of Helensburgh.

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10. This Ordinance may be cited as the "Engadine and Helensburgh (Heathcote Waterfall and Stanwell Park) Ordinance 1978".

FIRST SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 11373 Folio 87 Shire of Sutherland being Lots 2 and 3 in Section 36 corner of Old Bush Road and Wheatley Road (now Loftus Avenue), Engadine.

SECOND SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 9590 Folio 247 City of Wollongong being Lot 25 in Deposited Plan 27687 corner of Walker and Francis Streets, Helensburgh.

THIRD SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 7508 Folio 74 Shire of Sutherland being Lot A in Deposited Plan 22092 Cambrai Avenue, Engadine.

FOURTH SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 3260 Folio 190 Shire of Sutherland being Lot Parts 4 and 5 Section 6 Roseberry Street, Heathcote.

FIFTH SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 12026 Folio 201 Shire of Sutherland being Lot 2 Section 14 Yanagang Street, Waterfall.

SIXTH SCHEDULE

ALL THAT piece or parcel of land in Certificates of Title Volume 7322 Folio 91 and Volume 7246 Folio 192 City of Wollongong being Portions 845, 846 and 863 Parkes Street, Helensburgh.

SEVENTH SCHEDULE

ALL THAT piece or parcel of land in Certificate of Title Volume 2320 Folio 18 Shire of Bulli being Lot 68 Deposited Plan 5275 Stanwell Avenue, Stanwell Park.

EIGHTH SCHEDULE

Amounts Owed to Sydney Church of England Finance and Loans Board at 31 December 1977

<u>Loan No.</u>	<u>Security</u>	<u>Amount</u>
A 25/1959	Land in Third Schedule	\$ 1,202
A 89/1964	Land in Second Schedule	2,425
A 89/1964	Land in Sixth Schedule	516
A139/1969	Land in Fifth Schedule	1,151

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

*[Signature]*  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29<sup>th</sup> day of May 1978.

*[Signature]*  
Secretary.

I ASSENT to this Ordinance.

*[Signature]*  
Archbishop of Sydney.  
29/5/1978.