
Glebe Administration Board
Variation of Trusts and Land Sale Ordinance 1968

No. 49, 1968

AN ORDINANCE to authorise the sale of certain land at Edgecliff in the Municipality of Woollahra to provide for the application of the proceeds and for purposes incidental thereto.

WHEREAS by Crown Grant dated 3rd September 1842 entered as No. 8, Folio 8 in the Register No. IV of Grants of the United Church of England and Ireland in the Surveyor General's Office Sydney on the 20th September, 1842 all that parcel of land containing 29 acres more or less as more particularly described in the First Schedule hereto was together with another parcel containing 11 acres more or less granted to The Right Reverend William Grant Broughton D.D. Bishop of Australia or the Bishops of Australia for the time being Alexander McLeay, Richard Jones, William Macpherson and John Lamb being respectively trustees nominated and appointed under an Act passed on the 8th year of His late Majesty King William the Fourth entitled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales and to their heirs and assigns upon trust as a Glebe annexed to the Church known as Saint James at Sydney AND WHEREAS the said land together with the said area of 11 acres is known as St. James Glebe AND WHEREAS by the St. James Glebe Vesting and Management Ordinance 1926 Registered No. 451 Book 1455 the land described in the schedules hereto was inter alia vested in Church of England Property Trust Diocese of Sydney subject to the trusts to which the same was subject and the management and control of the said land was committed to the Glebe Administration Board (hereinafter called the "Board") AND WHEREAS by virtue of the provisions of the Church of England (Bodies Corporate) Act 1938 the Board was constituted as a Body Corporate and pursuant to Section 9 (1) (a) of the said Act all real and personal property which immediately prior to the commencement of the said Act was vested in or held by any person including Church of England Property Trust Diocese of Sydney upon any trusts for the management government or control of which the Board was constituted should without any conveyance vest in the said Board AND WHEREAS the land described in the Second Schedule hereto forms part of the said 29 acres described in the First Schedule AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held it is inexpedient to carry out and observe the same and it is expedient that the land sold to the Board of Church of England

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Retirement Villages Diocese of Sydney (hereinafter called the "Retirement Villages") a Body Corporate constituted pursuant to the provisions of the said Church of England (Bodies Corporate) Act 1938 including the conditions hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES DIRECTS AND RULES as follows:—

1. 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 held it is inexpedient to carry out and observe the same and it is expedient that the land be now sold to the Retirement Villages subject to the conditions hereinafter appearing.

2. The Board is hereby authorised and empowered to sell the land described in the Second Schedule freed from the trusts upon which it is now held upon the following terms:—

- (i) The purchase price shall be the sum of One hundred and thirty thousand dollars (\$130,000);
- (ii) The land shall be held by the Retirement Villages solely for the purposes for which it is constituted pursuant to the Church of England Retirement Villages (Diocese of Sydney) Constitution Ordinance 1961-1968 and used in such manner as shall be approved by resolution of Standing Committee;
- (iii) (a) In the event of that part of the said land marked "B" in the plan produced to Standing Committee and signed by the Diocesan Secretary for identification at the time of the passing of this Ordinance being resumed for road widening purposes by the Department of Main Roads within five years after the transfer of the said land to the Retirement Villages all compensation money paid in respect of such resumption to the Retirement Villages shall be paid by it to the Board. The date of resumption for the purposes of this clause and the time hereinbefore stated shall be determined by the date of the Government Gazette containing notice of such resumption.
- (b) Should no part of the land marked "B" be resumed within the said period of five years Retirement Villages shall pay to the Board within three months from the expiration of the said period a further sum which bears to \$130,000 the same ratio which the area of part "B" bears to the area of part "A" on the said plan.

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- (c) Should a lesser area of part "B" be resumed within the said period then Retirement Villages shall pay to the Board the compensation money for that part actually resumed and a further sum calculated on the same basis in respect of the part not resumed as provided in sub-clause (b) hereof.

3. In the event of Retirement Villages ceasing to use the land hereby authorised to be sold in accordance with sub-clause 2 (ii) the Board shall be entitled to have the first option to purchase such land at the same price taking into account any resumption moneys paid by Retirement Villages to the Board.

4. The proceeds arising from the said sale shall after paying thereout the costs of and incidental to this Ordinance and the conveyance or transfer pursuant thereto and all outgoing to which the land may be subject be held and applied by the Board for the use and purposes of the Board pursuant to the Glebe Administration Ordinance 1930-1968.

5. This Ordinance may be cited as "Glebe Administration Board Variation of Trusts and Land Sale Ordinance 1968".

FIRST SCHEDULE

All that piece or parcel of land in our said territory containing by admeasurement 29 acres, be the same more or less, situated in the County of Cumberland and Parish of Alexandria near Rushcutter's Bay commencing at a point on the Point Piper Road and bounded on the South West by a fence running North 19 degrees 45 minutes West 1 chain and 99 links, North 14 degrees West 7 chains, North 16 degrees 30 minutes West 3 chains North 39 degrees 30 minutes West 3 chains West 7 degrees North 1 chain and 30 links West 29 degrees 15 minutes North 1 chain and 50 links, West 32 degrees North 6 chains West 37 degrees North 3 chains and 50 links and West 40 degrees North 4 chains and 80 links, thence on the South by a continuation of the fence being a line bearing West 22 degrees South 1 chain and 95 links thence again on the South West by a line bearing North 19 degrees 30 minutes West 7 chains and 50 links to a road and then by that road 6 chains and 80 links, thence on the North West by a line bearing East 33 degrees 30 minutes North 50 links to the New South Head Road, thence on the North East and North by that road to its junction with the Double Bay and Point Piper Roads and thence on the East by the Point Piper Road to the point of commencement.

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SECOND SCHEDULE

All that piece of land containing 1 acre 2 roods 12¼ perches being part of St. James Glebe situated at Paddington in the City of Sydney Parish of Alexandria County of Cumberland and State of New South Wales commencing at the Easternmost corner of Portion 648 of the Parish of Alexandria being a point on the North Western alignment of Jersey Road bearing 28 degrees 05 minutes and distant 50 feet 1½ inches from the intersection of the North Western alignment of Jersey Road with the North Eastern alignment of Quarry Street and bounded thence on the South West by part of the South Western boundary of St. James Glebe being the North Eastern boundaries of Portion 648 and 1308 of the Parish of Alexandria and parts of the North Eastern boundaries of Portions 541 and 1597 of the Parish of Alexandria being lines bearing successively 354 degrees 47 minutes for 276 feet 10½ inches 355 degrees 56 minutes 40 seconds for 225 feet 7¼ inches 357 degrees 19 minutes for 51 feet 7 inches and 348 degrees 07 minutes 30 seconds for 1 foot 4¼ inches to the South Western corner of Lot 39 as shown upon Deposited Plan No. 104 thence on the North East by the South Western boundary of that Lot 39 and part of the South Western alignment of Thorne Street being in all a line bearing 103 degrees 39 minutes 10 seconds for 219 feet 8½ inches to the intersection of that alignment of Thorne Street with the North Western alignment of Jersey Road thence on the South East by parts of the North Western alignment of Jersey Road being lines bearing 191 degrees 34 minutes for 273 feet 8½ inches 203 degrees 04 minutes for 99 feet 7 inches and 208 degrees 05 minutes for 160 feet 11¼ inches to the point of commencement.

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 16th day of December, 1968.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

16/12/1968.