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*St. Andrew's Cronulla Land Sale Ordinance 1932.*

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No. 4. 1932.

AN ORDINANCE to authorise the sale and transfer to the Council of the Shire of Sutherland of certain lands situate at Cronulla in the County of Cumberland Parish of Sutherland and to provide for the application of the purchase money arising therefrom.

WHEREAS the Archbishop of Sydney is registered as the Proprietor under the provisions of the Real Property Act 1900 of an estate in fee simple in certain lands comprised in Certificates of Title Registered Volume 1797 Folio 17 and Registered Volume 2818 Folio 63 respectively and being more particularly described in the First Part of the First Schedule hereto and such lands are held by the Archbishop of Sydney upon trust to permit the same to be used for a site 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 Parish of Cronulla as appears by a Deed Poll or Declaration of Trust under the hand and seal of the Archbishop of Sydney bearing date the Twelfth day of March One thousand nine hundred and twenty-four AND WHEREAS Clarence Moss Short and William Ross Souter both of Cronulla are registered under the provisions of the said Act as the proprietors of an estate in fee simple in certain lands comprised in Certificate of Title Registered Volume 3144 Folio 71 and being more particularly described in the Second Part of the First Schedule hereto and such lands are held by the said Clarence Moss Short and William Ross Souter upon trust to permit the same to be used for a site 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 Parish of St. Andrew Cronulla as appears by a Deed Poll or Declaration of Trust under the hands and seals of the said Clarence Moss Short and William Ross Souter bearing date the Twenty-sixth day of October One thousand nine hundred and thirty-one AND WHEREAS the lands described in the First Part of the First Schedule hereto are subject to a charge in favour of the Home Mission Society under which there is owing for principal the sum of Nine hundred and thirty-one pounds three shillings and five pence (£931/3/5) and for interest to the Thirty-first day of March One thousand nine hundred and thirty-two the sum of Ninety-three pounds two shillings and four pence AND WHEREAS the lands described in the Second Part of the First Schedule hereto are subject to a Mortgage under the

provisions of the Real Property Act 1900 Registered No. B647460 bearing date the Twenty-fifth day of February One thousand nine hundred and twenty-eight to William Gerard (now deceased) under which Mortgage there is owing for principal the sum of Four hundred and fifty pounds (£450) AND WHEREAS Permanent Trustee Company of New South Wales Limited is the Attorney in New South Wales of the Executors of the Will of the said William Gerard deceased AND WHEREAS the Rector and Churchwardens of the Church of England in the Parish of St. Andrew Cronulla have agreed with the Council of the Shire of Sutherland for the sale to the said Council for the sum of Five hundred pounds (£500) of part of the land described in the First Schedule hereto (such part being that described in the Second Schedule hereto) for the purposes of the widening by the said Council of Ocean Grove Avenue and Gerrale Street to which roads the said land has frontages and for the purpose also of the construction by the said Council of a lane-way at the rear of the said land AND WHEREAS it is proposed by the Council of the said Shire forthwith after completion of the transfer to it of the land described in the Second Schedule hereto to kerb and gutter Ocean Grove Avenue and Gerrale Streets in front of and on the side nearest to the residue of the land described in the First Schedule hereto which will remain vested in the Trustees after completion of such transfer and the proportion of the cost of the kerbing and guttering to be borne by the Church of St. Andrew is estimated by the said Council to be the sum of Forty-eight pounds (£48) and it has been agreed by the said Rector and Churchwardens with the said Council that the amount of such proportion shall be deducted from the said sum of Five hundred pounds (£500) and retained by the said Council as payment of the proportion of the cost of such kerbing and guttering to be borne by the Church of St. Andrew AND WHEREAS it is intended by the said Rector and Churchwardens that the balance of the said sum of Five hundred pounds remaining after the said Council shall have deducted therefrom or retained the proportion of the cost of the aforesaid kerbing and guttering to be paid and borne by the Church of St. Andrew aforesaid and also after payment of the costs fees and expenses of and incidental to the obtaining of this Ordinance and of and incidental to the sale and transfer to the said Council of the land described in the Second Schedule hereto (including any costs fees and expenses payable to Mortgagees) should be applied as to Eighty-five pounds (£85) thereof by the payment of such sum to Permanent Trustee Company of New South Wales Limited or other the Attorney or Attorneys in New South Wales of the Executors of the Will of the said

William Gerard deceased on account of the principal moneys owing under the Mortgage of the land described in the Second Part of the First Schedule hereto to the said William Gerard deceased and as to the residue of such balance by the payment thereof to The Home Mission Society on account of the principal moneys and interest owing to such Society in respect of the land described in the First Part of the First Schedule hereto Now therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers conferred upon it by the "Church of England Trust Property Act 1917" and the "Land Ordinance Procedure and Delegation of Powers Ordinance 1926" and of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England in the State of New South Wales or otherwise in place of the Synod ordains directs declares and rules as follows:—

1. The Archbishop of Sydney as such Trustee as aforesaid and the said Clarence Moss Short and William Ross Souter as such Trustees as aforesaid and each of them are hereby directed and authorised to transfer to the Council of the Shire of Sutherland the land described in the Second Schedule hereto for the total price or sum of Five hundred pounds and the said Archbishop of Sydney and the said Clarence Moss Short and William Ross Souter and each of them are hereby authorised to enter into execute and do all such transfers deeds acts matters and things as are necessary for the purposes of transferring to and vesting in the said Shire Council the land described in the Second Schedule hereto Of the said sum of Five hundred pounds the sum of Eighty-five pounds shall be deemed to be the consideration for the transfer to the said Council of such part of the land to be transferred as is comprised in the Second Part of the First Schedule hereto And the sum of Four hundred and fifteen pounds shall be deemed to be the consideration for the transfer to the said Council of such part of the land to be transferred as is comprised in the First Part of the First Schedule hereto.

2. (a) Out of the said sum of Five hundred pounds the said Shire Council shall be entitled to deduct and retain the sum of Forty-eight pounds as the proportion of the cost of the proposed kerbing and guttering of Ocean Grove Avenue and Gerrale Street which will be payable by the Church of England in the Parish of St. Andrew Cronulla in respect of the residue of the land described in the First Schedule hereto which will remain Church Property after the transfer of the land described in the Second Schedule hereto.

(b) Out of the balance of the said sum of Five hundred pounds the sum of Eighty-five pounds (together with Mortgagee's legal costs of discharge of Mortgage) shall be paid to Permanent Trustee Company of New South Wales Limited or other the Attorney or Attorneys in New South Wales of the Executors of the Will of the said William Gerard deceased such sum of Eighty-five pounds to be paid in reduction of the principal moneys owing under the Mortgage of the land described in the Second Part of the First Schedule hereto and as the consideration for such Executors releasing and discharging from such Mortgage such of the land described in the Second Schedule hereto as forms part of the land included in such Mortgage.

(c) The balance of the said sum of Five hundred pounds remaining after the said Shire Council shall have made such deduction as aforesaid and after payment of the said sum of Eighty-five pounds and costs referred to in paragraph (b) of this clause shall be paid to the Church of England Property Trust Trust, Diocese of Sydney, and such part thereof as shall be necessary for that purpose shall be applied by it in payment of the costs charges fees and expenses of and incidental to the transfer of the land described in the Second Schedule hereto to the said Shire Council and of and incidental to this Ordinance or such of them as shall not be paid by the said Council and the residue thereof shall be paid by the said Church of England Property Trust, Diocese of Sydney to The Home Mission Society as the consideration for that Society releasing from its charge over the land described in the First Part of the First Schedule hereto such part of the land described in the Second Schedule hereto as is subject to that charge and such residue to be applied by that Society firstly in satisfaction of interest owing to it by the Church of England in the Parsh of St. Andrew Cronulla under and by virtue of the Charge aforesaid and as to the remainder thereof in reduction of the principal moneys owing to it by the Church of England in the said Parish and secured by the charge aforesaid.

3. This Ordinance may be cited as the "St. Andrew's Cronulla Land Sale Ordinance 1932."

#### THE FIRST SCHEDULE REFERRED TO.

##### FIRST PART.

All that piece or parcel of land situate in the County of Cumberland Parish of Sutherland and Shire of Sutherland at

the corner of Gerrale Street and Ocean Grove Avenue Cronulla having a frontage of about seventy-three feet (73') to Gerrale Street (formerly Glaisher Street) by a depth of about two hundred feet (200') (the Southern boundary being the Northern side of Ocean Grove Avenue) being Lot Five on Deposited Plan 5001 and being the whole of the land comprised in Certificate of Title dated the 29th day of July, 1907 Registered Volume 1797 Folio 17.

Also all that piece or parcel of land situate in the County Parish and Shire aforesaid at Cronulla having a frontage of about Fifty-four feet (54') to Gerrale Street aforesaid by a depth of about Two hundred feet (200') and being part of Lot Six Deposited Plan 5001 and being the whole of the land comprised in Certificate of Title dated the 22nd day of January 1918 Registered Volume 2818 Folio 63 such land adjoining the land previously described on the North.

## SECOND PART.

All that piece or parcel of land situate in the Municipality Parish and Shire aforesaid at Cronulla having a frontage of about Fifty-five feet (55') to Gerrale Street aforesaid by a depth of about Two hundred feet (200') being part of Lots Six and Seven Deposited Plan 5001 and being the whole of the land comprised in Certificate of Title dated the 29th day of December 1920 Registered Volume 3144 Folio 71 such land adjoining the land described in the First Part of this Schedule on the North.

## THE SECOND SCHEDULE REFERRED TO.

All those pieces or parcels of land being part of the lands comprised in the First Schedule hereto and described as follows:—

(a) All that piece or parcel of land having a frontage of about Two hundred feet (200') along Ocean Grove Avenue by a depth of about Sixteen feet two inches (16' 2") being part of Lot Five Deposited Plan 5001 aforesaid and being a strip of land along the entire frontage of such lot to Ocean Grove Avenue Sixteen feet two inches (16' 2") in width.

(b) All that piece or parcel of land having a frontage of about One hundred and sixty-five feet ten inches (165' 10") along Gerrale Street by a depth of about Sixteen feet two inches (16' 2") being part of Lots Five Six and Seven Deposited Plan 5001 aforesaid and being a strip of land along the Gerrale Street frontage of the land described in the First Schedule hereto Sixteen feet two inches (16' 2") in width extending from the Northern boundary of such land to land described in description

(a) of this Schedule together with such part of Lot Five aforesaid as is necessary to form a splayed corner with a radius of Twenty feet (20') where such strip of lands meets the strip of land described in description (a) aforesaid.

(c) A strip of land at the rear (from Gerrale Street) of the land described in the First Schedule hereto having a width of six feet nine and three-quarter inches (6' 9 $\frac{3}{4}$ "') and extending from the Northern boundary of the land described in the said First Schedule along the rear of such land to the strip of land described in description (a) of this Schedule.

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

A. J. GOULD,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-seventh day of June, 1932.

C. R. WALSH,

Registrar.

I assent to this ordinance.

JOHN CHARLES SYDNEY.

29th June, 1932.