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*St. Philip's Glebe Sale Ordinance 1972*

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No. 2, 1972

AN ORDINANCE to authorise the sale of certain land situate at Glebe in the Municipality of Leichhardt Parish of Petersham and County of Cumberland known as St. Philip's Glebe and to provide for the appropriation of the proceeds thereof and for other purposes.

WHEREAS by Crown Grant under the hand of Sir George Gipps Governor of New South Wales dated the thirteenth day of September One thousand eight hundred and forty-two entered in the Register of Grants of the United Church of England and Ireland No. 78 page 17 certain land situated at Glebe in the Municipality of Leichhardt Parish of Petersham and County of Cumberland containing an area of 32 acres 3 roods 19 perches known as St. Philip's Glebe was granted to the Right Reverend William Grant Broughton Bishop of Australia or the Bishop of Australia for the time being John Campbell and Francis Mitchell upon trust for the appropriation thereof as the Glebe annexed to the Church of the United Church of England and Ireland as by law established erected at Sydney and known as St. Philip's AND WHEREAS by Deed of Consent dated 31st March 1914 Registered Book No. 7 the Most Reverend John Charles Wright Archbishop of Sydney and the Trustees of St. Philip's Glebe pursuant to power contained in Section 4 of Church of England Trust Property Incorporation Act 1881 consented to St. Philip's Glebe being vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") and the same was vested accordingly AND WHEREAS by Ordinance intituled St. Philip's Glebe Land Vesting Management Ordinance 1920 assented to on 25th March 1920 a portion of St. Philip's Glebe being Lots 1 to 38 of Section 1 (referred to as portion A of St. Philip's Glebe) was vested in a Board of Trustees thereby constituted but the remainder of St. Philip's Glebe continued to be vested in the said Corporate Trustee AND WHEREAS by Ordinance intituled Glebe Administration Ordinance No. 15 of 1930 assented to on 20th October 1930 Registered Book 3025 No. 418 after reciting that portion A of St. Philip's Glebe was then vested in a Board of Trustees and that the remaining portion thereof (hereinafter referred to as portion B) was still vested in the Corporate Trustee and that portions A and B excepting certain areas which had been dedicated or resumed and all moneys received or receivable in respect of the said resumed areas were thereafter referred to as St. Philip's Glebe and Synod of the Diocese of Sydney ordained and ruled:—

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- (i) that the said portion A of St. Philip's Glebe should be and the same was thereby vested in the said Corporate Trustee
- (ii) that Glebe Administration Board should be and the same was thereby created
- (iii) that Glebe Administration should have absolute and full powers of managing and controlling St. Philip's Glebe

AND WHEREAS by Section 9 (1) (a) of Church of England (Bodies Corporate) Act 1938 the members of the Board appointed under the said Glebe Administration Ordinance No. 15 of 1930 Registered Book 3025 No. 418 as amended by subsequent Ordinances of the Synod of the Diocese of Sydney became a body corporate under the name of Glebe Administration Board (hereinafter called "the Body Corporate") and subject to the provisions of Section 9 (2) thereof all real and personal property which immediately before the commencement of this Act was vested in or held by any person including the said Corporate Trustee upon any trust for the management government or control for which the said Body Corporate was constituted without any conveyance or other assurance in the law became vested in the said Body Corporate subject to the aforesaid provisions contained in Section 9 (2) AND WHEREAS by Section 9 (2) (a) of Church of England (Bodies Corporate) Act 1938 it was provided that where the property referred to in the said Section 9 (1) is vested in the Corporate Trustee and is subject to any mortgage such property should not vest in the said Body Corporate unless and until either the mortgage was discharged or the Corporate Trustee and the person entitled to the benefit of the mortgage had consented in writing to such vesting AND WHEREAS by a Deed of Mortgage dated 10th December 1926 Registered Book 1453 No. 563 the Corporate Trustee as mortgagor in consideration of certain advances and accommodation made to the mortgagor by the Bank of New South Wales (hereinafter called "the Bank") as mortgagee the mortgagor conveyed by way of mortgage to the mortgagee St. Philip's Glebe excluding dedications and resumptions subject to the usual proviso for redemption AND WHEREAS by Deed of Consent dated 19th July 1963 Registered Book 2667 No. 887 in pursuance of Section 9 (2) (a) of Church of England (Bodies Corporate) Act 1938 the Corporate Trustee and the Bank thereby consented to the vesting of St. Philip's Glebe excepting dedications and resumptions in the Body Corporate AND WHEREAS by Memorandum endorsed on the said Deed of Mortgage Registered Book 1453 No. 563 which Memorandum is Registered Book 2982 No. 812 the Bank acknowledged to have re-

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ceived all moneys secured thereby and the said Deed of Mortgage was discharged accordingly AND WHEREAS at the date of this Ordinance St. Philip's Glebe excepting dedications and resumptions is vested in the Body Corporate subject only to a Deed of Mortgage given by that Body Corporate to Permanent Nominees Limited on 9th November 1971 Registered Book 3030 No. 493 AND WHEREAS the powers of managing governing and controlling St. Philip's Glebe conferred from time to time on the Corporate Trustee or on the Board of Trustees or on the Body Corporate did not include a power to sell the said Glebe or any part thereof AND WHEREAS it has become expedient to confer upon the Body Corporate a power from time to time to sell the residue of St. Philip's Glebe after dedications and resumptions by public auction or private contract and either in one Lot or several Lots at such price or prices and upon such terms and conditions as the Standing Committee of the Synod by resolution from time to time shall determine NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the Synod HEREBY DECLARES DIRECTS ORDAINS AND RULES as follows:—

1. (1) The land comprised in the said Crown Grant dated the thirteenth day of September, One thousand eight hundred and forty-two (other than so much thereof as has been resumed or dedicated as aforesaid) as hereinafter called "St. Philip's Glebe".
- (2) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the St. Philip's Glebe is held, it is expedient that the St. Philip's Glebe be sold.

2. Glebe Administration Board may from time to time sell the St. Philip's Glebe or any portion or portions thereof by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Standing Committee of the Synod of the Diocese of Sydney may approve from time to time by resolution after notice given to members prior to the meeting at which the resolution is to be moved provided that Standing Committee may by resolution declare a matter to be a matter of urgency and deal with such a resolution without the afore-mentioned notice being given. The Standing Committee may revoke or vary any such approval prior to the sale of the portion or portions of the St. Philip's Glebe to which such approval relates.

3. A certificate under the hand of the Archbishop or of the Secretary of the Standing Committee to the effect that the Standing

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Committee has approved of the sale of the land described in the certificate (being part of the St. Philip's Glebe) and that such approval has not been revoked shall, in favour of any purchaser of the land described in the certificate who is dealing bona fide and for value with the Glebe Administration Board, be conclusive evidence of the facts so stated.

4. The Standing Committee shall not approve any such sale unless a comprehensive written report of the proposed sale has been submitted previously to the Standing Committee by Glebe Administration Board. Such report shall include:—

- (a) a description of the land proposed to be sold and the current value of the same,
- (b) the price at which the said land is proposed to be sold,
- (c) the reasons for the sale, and
- (d) any reasons against the sale,

provided that the provisions of this clause shall not apply to any approval given in relation to the land described in the schedule hereto.

5. The purchase money arising from such sale or sales shall be paid to the Glebe Administration Board and shall be held upon the same trusts as to capital and income as those on which the St. Philip's Glebe is held.

6. This Ordinance may be cited as "St. Philip's Glebe Sale Ordinance 1972".

### SCHEDULE

ALL THAT piece or parcel of land situated at Glebe and bounded on the South-west by Glebe Point Road, on the South-east by Norton Street, on the North-East by a lane twelve feet wide and on the North-west by the common boundary between the said land and the property situated at and known as 183 Glebe Point Road, being the site of the Glebe Post Office, which piece or parcel of land is part of the land comprised in the said Crown Grant dated the thirteenth day of September, One thousand eight hundred and forty-two and is known as 153 to 181 Glebe Point Road.

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

ATHOL RICHARDSON,  
Chairman of Committees.

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I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of February, 1972.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

28/2/1972.