

ANGLICAN CHURCH OF AUSTRALIA – DIOCESE OF NEWCASTLE

MERRIWA (GLEBE & GOOCH STREETS) BOUNDARY ADJUSTMENT ORDINANCE 2018

LONG TITLE

AN ORDINANCE to authorise the boundary adjustment of the land at 20 Gooch Street, **MERRIWA** in the Parish of **MERRIWA** County of **BRISBANE**

PREAMBLE

- A. The Trustees of Church Property for the Diocese of Newcastle (the "Trustees") is the registered proprietor of the land contained in Folio Identifier 310/619566 and known as 20 Gooch Street, Merriwa (the "Merriwa Land").
- B. The Merriwa Land is a vacant parcel of land with no improvements or structures erected thereon.
- C. The Merriwa Land is church trust property, forming part of the property held on trust for the Parish of Merriwa (the "Parish").
- D. The Church Rectory building, which is utilised by the Parish, sits adjacent to the Merriwa Land and within Lot 270 in DP1119570 (the "Wightman Land") being land owned by David John Wightman (Mr Wightman). Lot 270 was sold by the Trustees to Mr Wightman in 1979. There are no records to clarify whether it was intentional or not that the Church Rectory be included in the land sold to Mr Wightman.
- E. There is a further parcel of land, being a strip or land that sits between the Merriwa Land and the Church Rectory, being land owned by Dallas Reader (the "Reader Land"). Again, there are no records to clarify why this land is configured as it presently is.
- F. Mr Wightman has offered to gift that part of the Wightman Land on which the Church Rectory is located to the Trustees.
- G. Mr Reader has agreed to a boundary adjustment which will result in Reader Land being gifted to the Trustees and forming part of the newly defined lot owned by the Trustees.
- H. The boundary adjustment to reconfigure the Merriwa Land, the Wightman Land and the Reader Land is to be achieved by registration at Land Registry Services (NSW) of a delimitation plan.
- I. The result of the boundary adjustment and registration of the plan of delimitation is that the Trustees retain the Merriwa Land, acquire that part of the Wightman Land on which the Church Rectory is located and also that part of the Reader Land that sits between the Land the Church Rectory.
- J. Attached as Annexure "A" is a plan of the relevant parcels of land, showing the current lot configuration and the showing the proposed new lot configuration.
- K. Given the Trustees are acquiring land as a result of the boundary adjustment and registration of the delimitation plan, the Trustees have agreed to pay the survey fees, the registration fees and the legal fees (capped at \$3,500.00 each) of Mr Wightman and Mr Reader.

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- L. The agreement is to be documented by a Deed of Partition and Arrangement of which Mr Wightman, Mr Reader and the Trustees will be parties.
- M. The Synod has in the Administration of Parishes Ordinance 2010 conferred on the Diocesan Council the authority to exercise the powers contained in the Anglican Church of Australia Trust Property Act 1917.

The Diocesan Council of the Diocese of Newcastle hereby ordains as follows:

DECLARATION OF OPINION

- (1) By reason of circumstances of the offer and opportunity to acquire the Church Rectory and the land strip that sits between the Church Rectory and the Merriwa Land, it is expedient to authorise the entering into of the deed of partition to document the boundary adjustment and to register a plan of delimitation at the Land Registry Services.

AUTHORITY TO ADJUST BOUNDARIES & REGISTER DELIMITATION PLAN

- (2) Authority is hereby given for the boundary adjustment to re-configure the Merriwa Land by way of registration of a plan of delimitation.

HOW BOUNDARY ADJUSTMENT TO BE CARRIED OUT

- (3) The Trustees of Church Property for the Diocese of Newcastle are hereby authorised to execute and do all necessary deeds, agreements, plans, transfers assurances and other instruments acts and things for giving full and complete effect to the provisions of this ordinance according to its true intent and meaning.

SHORT TITLE

This ordinance may be cited for all purposes as "*The Merriwa (Glebe & Gooch Streets) Boundary Adjustment Ordinance 2018.*"

PASSED BY DIOCESAN COUNCIL on the Twenty Fourth day of May 2018.



Mrs Linda Wilson
Secretary, Diocesan Council

THE ASSENT of the Peter Derrick James Stuart, Bishop of the Diocese was given to the above Ordinance on the Twenty Fourth day of May 2018 in the Tenth year of our Consecration.



PRESIDENT

MERRIWA (GLEBE & GOOCH STREETS) BOUNDARY ADJUSTMENT ORDINANCE 2018

ANNEXURE

Plan

LOCATION PLAN

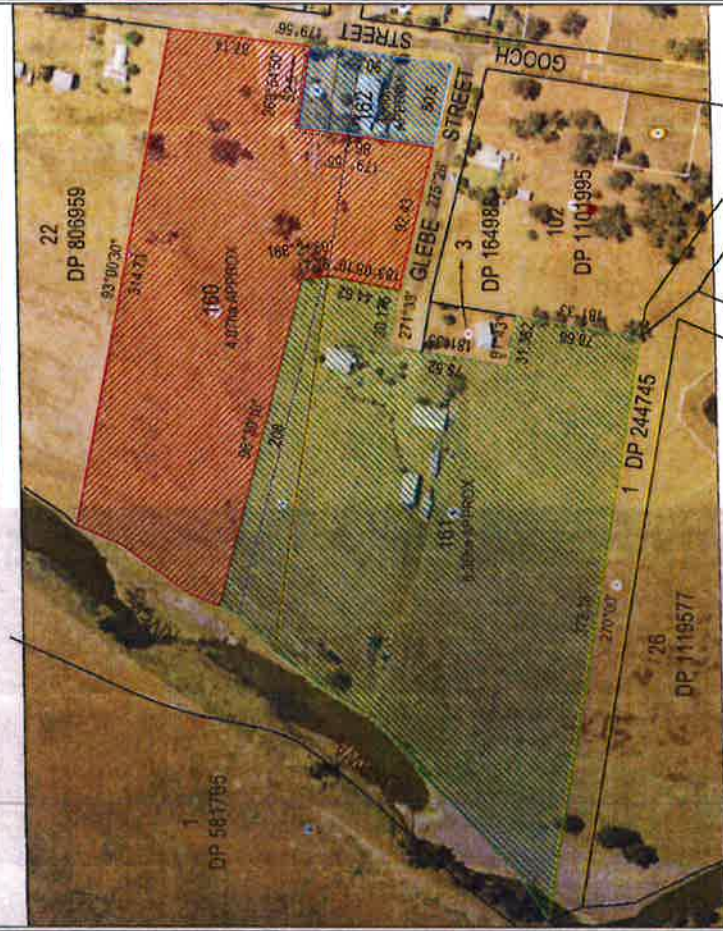


SUBJECT TO CERTIFIED SURVEY

MR DALLAS READER, MR & MRS DAVID WIGHTMAN & THE ANGLICAN CHURCH
 PROPOSED BOUNDARY ADJUSTMENT OF ALLOTMENT 16 IN DP 1119563 (MR D READER),
 ALLOTMENTS 270 AND 271 IN DP 1119570 (MR & MRS D WIGHTMAN) AND
 ALLOTMENT 310 IN DP 619566 (ANGLICAN CHURCH)
 GLEBE & GOOCH STREETS, MERRIWA



PROPOSED NEW LOT CONFIGURATION SUBJECT TO DELIMITATION PLAN



NEW LOT DIMENSIONS AND AREAS ARE SUBJECT TO THE FINAL TITLE SURVEY
 FINAL BOUNDARY LOCATIONS TO BE AGREED ONSITE BY ALL PARTIES INVOLVED



EXISTING CADASTRE



NOTE: AREAS SHOWN HEREON ARE APPROXIMATE ONLY AND ARE NOT BASED ON A PLAN OF SURVEY

IMAGE SHOWN HEREON HAS BEEN DERIVED FROM SIXMAPS AND IS INDICATIVE ONLY

	BEVI 2 LOT 162 (MERRIWA) DIMENSIONS AND NOTES ADDED 3 PROPOSED BOUNDARY ADJUSTMENT PREPARED	DESCRIPTION GLEBE ST, CHRD	DATE BY CHRD	SHEET NO. 1 OF 1 JOB NO. 24411 PLAN NO. 1 SCALE: 1:2011 M. DATUM SOURCE: RL CO. OF: 201108/1
		MR D READER, MR & MRS D WIGHTMAN & THE ANGLICAN CHURCH PROPOSED BOUNDARY ADJUSTMENT OF ALLOTMENT 16 IN DP 1119563 ALLOTMENTS 270 & 271 IN DP 1119570 AND ALLOTMENT 310 IN DP 619566	MR D READER, MR & MRS D WIGHTMAN & THE ANGLICAN CHURCH PROPOSED BOUNDARY ADJUSTMENT OF ALLOTMENT 16 IN DP 1119563 ALLOTMENTS 270 & 271 IN DP 1119570 AND ALLOTMENT 310 IN DP 619566	DATE: 20/11/2011
	Fyfe Pty Ltd 54 Bloor Street East Melbourne, VIC 3002 PH: 03 9443 2000 FAX: 03 9443 2001	Also Surveyed: 1. Public 2. Church of England 3. Municipal Council 4. State of Victoria 5. State of Victoria 6. State of Victoria 7. State of Victoria 8. State of Victoria 9. State of Victoria 10. State of Victoria	MR D READER, MR & MRS D WIGHTMAN & THE ANGLICAN CHURCH PROPOSED BOUNDARY ADJUSTMENT OF ALLOTMENT 16 IN DP 1119563 ALLOTMENTS 270 & 271 IN DP 1119570 AND ALLOTMENT 310 IN DP 619566	MR D READER, MR & MRS D WIGHTMAN & THE ANGLICAN CHURCH PROPOSED BOUNDARY ADJUSTMENT OF ALLOTMENT 16 IN DP 1119563 ALLOTMENTS 270 & 271 IN DP 1119570 AND ALLOTMENT 310 IN DP 619566

