

BADGERYS CREEK LAND SALE ORDINANCE 1989

No 14, 1989

AN ORDINANCE to authorise the sale of land at Badgerys Creek/Luddenham and to provide for the application of the proceeds of the sale.

WHEREAS

A. The Church of England Property Trust Diocese of Sydney (now called the Anglican Church Property Trust Diocese of Sydney) (hereinafter called "the property trust") is registered as proprietor of land at Badgerys Creek/Luddenham being part of Lot 32 in Deposited Plan 1841 and being the whole of the land in Certificate of Title Volume 2237 Folio 229 (hereinafter called "the land").

B. The land is church trust property within the meaning of Anglican Church of Australia Trust Property Act 1917 and is believed to be held upon trust for the Anglican Church at St John's Badgerys Creek in the Parish of Mulgoa, but no trusts in writing have been declared concerning the land.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts in respect of the land it is inexpedient to carry out and observe the same and it is expedient that the land be sold.

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 land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.

2. The property trust is hereby authorised and empowered to sell the land freed from all trusts at such price and upon such terms and conditions as it may determine within a period of three years from the date of assent to this Ordinance and thereafter only by resolution of the Standing Committee.

3. The proceeds of the sale shall be applied as follows:-

(1) To pay all outgoings to which the land may be subject to at the time of the sale together with the costs of or incidental to the sale authorised by this Ordinance.

(2) The balance of the proceeds of the sale are to be held upon trust for the purchase of land and buildings for the purposes of a church, place of worship, residence for a minister assistant to the minister or person employed by the churchwardens, hall, halls, schools or place of assembly in and for the Parish of Mulgoa.

PROVIDED THAT pending payment or application of the said proceeds as aforesaid the property trust shall invest the proceeds and capitalise the income.

4. This Ordinance may be cited as "Badgerys Creek Land Sale Ordinance 1989".

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26th day of June 1989.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

JOHN R REID
Commissary for the Archbishop of Sydney
26 / 6 / 89