
Cataract with Ambarvale (Appin) Land Sale Ordinance 1990

(Reprinted under the Interpretation Ordinance 1985.)

The Cataract with Ambarvale (Appin) Land Sale Ordinance 1990 as amended by the Cataract with Ambarvale (Appin) Land Sale Ordinance 1990 Amendment Ordinance 1998.

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Long Title

An Ordinance to permit the sale of certain land at Appin and to provide for the application of the proceeds thereof.

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the land comprised in Crown Grant made the 10th day of November 1842 and registered in Register of Grants of the United Church of England and Ireland No. 79 Page 15 more particularly described in the First Schedule hereto.

B. The land described in the First Schedule hereto is held upon trusts expressed in the Crown Grant namely "Upon Trust for the erection thereon of a school house in connection with the United Church of England and Ireland as by law established and for no other purpose whatsoever".

C. The land described in the Second Schedule hereto is held upon the trusts expressed in Crown Grant made the 10th day of November 1842 and registered in the Register of Grants of the United Church of England and Ireland No. 65 Page 25 namely "Upon Trust for the erection thereon of a church of the United Church of England and Ireland as by law established".

D. The Bishop of Sydney for the time being is trustee of that land.

E. It is appropriate that the Bishop of Sydney cease to be trustee of that land and that the land be vested in the Corporate Trustee.

F. The Corporate Trustee is the registered proprietor of the whole of the land comprised in Land Grant Volume 1841 Folio 222 more particularly described in the Third Schedule hereto.

G. The land in the Third Schedule is Church Trust Property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held for the purposes of the Anglican Church in the Diocese of Sydney and the Provisional Parish of Cataract with Ambarvale (hereinafter called the "Provisional Parish") but no evidence of trusts having been declared in writing has been found.

H. By reason of circumstances which have arisen subsequent to the creation of the trust it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land described in the First, Second and Third Schedules.

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.

Consent

1. Consent is hereby given to the land described in the Second Schedule vesting in the Corporate Trustee.

Declarations of Inexpediency

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedules is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

Power to Sell

3. The Corporate Trustee is hereby authorised to sell the land described in the Schedules within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

Application of Proceeds

¹ 4. The proceeds arising from the sale of the land described in the Schedules after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the sale shall be applied by the Corporate Trustee towards the costs of the acquisition of other land in the Appin district to be held upon trust for the Provisional Parish of Cataract with Ambarvale provided that pending the application pursuant to this clause the fund shall be invested by the Corporate Trustee and -

- (a) 20% of the income shall be capitalised; and
- (b) 80% of the income shall be paid to the churchwardens of the principal church of the Provisional Parish and applied by them towards general parochial purposes including the cost of the stipend and allowances of persons licensed or employed within the Provisional Parish, other than the stipend and allowances of the curate-in-charge.

PROVIDED further that at the request of the Churchwardens of the principal church of the Provisional Parish the Corporate Trustee may reimburse the Churchwardens for any assessment levied in respect of the investment of funds made pursuant to this clause.

² **Review**

5. (1) On 30 June 2003 the authority to apply the income under clause 4 terminates.

(2) The churchwardens of the principal church of the Provisional Parish must present an ordinance to the Standing Committee providing for the application after 30 June 2003 of the proceeds of sale, any capitalised income and other undistributed income which has not been applied under clause 4 on or before that date.

Citation

6. This Ordinance may be cited as the "Cataract with Ambarvale (Appin) Land Sale Ordinance 1990".

Endnotes

KEN BOWDEN
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9 May 2008

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- 1. Amended by Ordinance No 23, 1998.
 - 2. New clause inserted by Ordinance No 23, 1998.