



## **Concord West with Concord North Land Sale Ordinance 1996**

No 21, 1996

### **Long Title**

An Ordinance to authorise the sale of certain lands at Concord and to provide for the application of the proceeds of sale.

### **Preamble**

Whereas

A. Anglican Church Property Trust Diocese of Sydney ('the Property Trust') is the registered proprietor of the lands described in the First, Second and Third Schedules to this Ordinance.

B. By clause 3 of the St Mary's Church Mortlake Sale and Mortgage Ordinance 1938 the land described in the First Schedule is held upon trust to permit the same to be used 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 provisional district of St Mary's Mortlake.

C. By clause 7 of the St Mary's Church Mortlake Sale and Mortgage Amending Ordinance 1941, the land described in the Second Schedule is held upon trust to permit the same to be used 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 provisional district of Mortlake.

D. By declaration of trust made by the Property Trust dated 29 September 1922 the land described in the Third Schedule is held upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the parish of Concord West.

E. The name of the provisional district of Mortlake was changed to the provisional district of Concord North in 1941 and the provisional district became a parish in 1942.

F. In 1985 the parish of Concord North was amalgamated with the parish of Concord West to form the parish of Concord West with Concord North (the "Parish").

G. It is expedient that the lands described in the First, Second and Third Schedule be sold and that the proceeds be applied in a manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

### **Name of Ordinance**

1. This ordinance is the Concord West with Concord North Land Sale Ordinance 1996.

### **Declarations of Inexpediency**

2. By reason of circumstances which have arisen after the creation of the trusts upon which the land described in the First, Second and Third Schedule are respectively held it is expedient that the land be sold but it is inexpedient to apply the proceeds of sale for the same or like purposes as the trusts on which such land is held.

### **Sale Authority**

3. (1) The Property Trust is empowered to sell the land described in the First, Second and Third Schedule by public auction or private contract at such time and at such price and subject to such terms and conditions as it may think fit.

(2) No such sale may be effected after the 3rd anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

### **Application of the Proceeds of Sale**

4. The proceeds arising from the sale of the land shall be applied in the following order of priority -

(a) In payment of all outgoings to which the land described in the First, Second or Third Schedule may be subject and the costs of and incidental to this ordinance and to the sale of the land.

(b) An amount not exceeding \$500,000 shall be applied at the written request of a majority of the parish council of the Parish for the purpose of purchasing a residence for use as a rectory and meeting the costs of any necessary renovations repairs extensions and fitting out.

(c) An amount of \$5,000 shall be paid to the churchwardens of Holy Trinity Church Concord West (the "Churchwardens") to be applied by them towards fees and professional charges for preparing plans and obtaining approvals and consents for repairs extensions renovations and fitting out of St Mary's Concord North and Holy Trinity Concord West.

(d) Subject to paragraph (e), the balance of any funds then remaining together with funds not yet applied under paragraphs (a), (b) or (c) shall be invested and the interest capitalised.

(e) Out of the invested balance of funds the Property Trust will pay to the Churchwardens for Parish purposes an amount of \$10,000 in 4 equal quarterly payments.

### **Review**

5. Within 12 months of the completion of the sale of at least two of the three properties authorised to be sold by this Ordinance the Churchwardens must present an Ordinance to the Standing Committee for the application of all amounts invested under this Ordinance which have not been applied, or authorised to be applied, under paragraphs (a), (b), (c) or (e) of clause 4 and any expected sale proceeds on any property yet to be sold.

### **First Schedule**

All that land being Lot 153 in Deposited Plan 7564 being the whole of the land comprised in Certificate of Title Folio Identifier 153/7564 and known as 62 Brays Road Concord North.

### **Second Schedule**

All that land being Lot 9 Section 1 in Deposited Plan 5578 being the whole of the land comprised in Certificate of Title Folio Identifier 9/1/5578 and known as Corner Brays Road and Rickard Street Concord North.

### **Third Schedule**

All that land being Lot 3 in Deposited Plan 854835 being the whole of the land comprised in Certificate of Title Folio Identifier 3/854835 and known as 270 Concord Road Concord West.

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

### ***N.M. CAMERON***

*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 July 1996.

### ***W.G.S. GOTLEY***

*Secretary*

I Assent to this Ordinance.

**R.H. GOODHEW**  
*Archbishop of Sydney*  
29/7/1996