

Concord West Land Sale and Variation of Trusts Ordinance 2014

No 26, 2014

Long Title

An Ordinance to permit the sale of certain land at Concord North, to provide for the application of the sale proceeds and to vary the trusts of certain other land at Concord North.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in folio identifier 153/7564 known as 62 Brays Road Concord North and the site of a residence (the "Residential Land").

B. The Property Trust is also the registered proprietor of the land contained in folio identifiers 1/113024, 1/1964 and 2/1964 known as 58 Brays Road Concord North and the site of St Mary's Church (the "Church Land").

C. The Property Trust is also the registered proprietor of the other land and funds listed in the Schedule to the Concord West with Concord North Trust Ordinance 2002 (the "Concord West with Concord North Trust").

D. The Residential Land, the Church Land and the Concord West with Concord North Trust comprise church trust property and by clause 5 of the Concord West with Concord North Trust Ordinance 2002, are held for on trust for the former parish of Concord West with Concord North.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Residential Land, the Church Land and the Concord West with Concord North Trust are held, it is inexpedient to carry out and observe those trusts or to deal with or apply the Residential Land, Church Land and the Concord West with Concord North Trust for the same or like purposes as those trusts or to deal with or apply them wholly for the purposes of the parish of Concord West with Concord North, and it is expedient that the trusts be varied and that the Residential Land be sold in the manner set out in this ordinance.

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

1. Name

This Ordinance is the Concord West Land Sale and Variation of Trusts Ordinance 2014.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Residential Land, the Church Land and the Concord West with Concord North Trust are held, it is inexpedient to carry out and observe those trusts or to deal with or apply the Residential Land, Church Land and the Concord West with Concord North Trust for the same or like purposes as those trusts or to deal with or apply them wholly for the purposes of the parish of Concord West with Concord North, and it is expedient that the trusts of the Church Land be varied in the manner set out in clause 3, that the trusts of the Residential Land and the Concord West with Concord North Trust be varied in the manner set out in clause 6, and that the Residential Land be sold in the manner set out in clause 4.

3. Variation of Trusts

The Church Land is held on trust for the purposes of the provisional parish of Concord North.

4. Power of Sale

The Property Trust is authorised to sell the Residential Land at any time within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution whether given before or after the expiry of the 3 year period.

5. Application of the Proceeds of Sale

(1) Subject to clause 5(2) the Property Trust is directed that it may make the following payments from that part of the capital of the Concord West Trust comprising the proceeds from the sale of the Residential Land –

- (a) first, to meet the costs of and incidental to this Ordinance and the sale, including the payment of any goods and services tax payable in connection with the sale,

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- (b) second, to repay the parish of Concord West's existing loan from the Sydney Church of England Finance and Loans Board,
- (c) third, to reimburse the parish of Concord North for licence fees it has paid in the period January to July 2014 for use of St Mary's Concord North, and
- (d) fourth, in and towards the costs of and incidental to the purchase of land and the construction of a residence thereon, or the purchase of a residence and the cost of any alterations considered necessary to render the residence suitable for housing a Minister, Assistant Minister or any person employed by the wardens of a church of the parish of Concord West.

(2) Pending application of the sale proceeds, the income arising from investment of that part of the Concord West Trust comprising the sale proceeds is to be applied as follows –

- (a) in the 12 month period following the date of settlement the income is to be applied in accordance with clause 7 of the Concord West Trust Ordinance 2002, and
- (b) thereafter all of the income is to be capitalised.

6. Amendment to the Concord West with Concord North Trust Ordinance 2002

The Concord West with Concord North Trust Ordinance 2002 is amended by –

- (a) deleting the words “with Concord North” wherever they appear in the ordinance,
- (b) deleting the number “10” in clause 8(2) and inserting instead the number “20”, and
- (c) deleting the following matter from the table in the Schedule –

Folio Identifiers 1/1964 and 2/1964 and Volume 826 Folio 12 known as 58 Brays Road, Concord.	By clause 1 of the St Mary's Concord North Declaration of Trusts Ordinance 1968 the land is held on trust to permit the same to be used for a church parsonage or parish hall or party for one and party for another of such purposes in connection with the Church of England in Australia in the parish of St Mary's Concord North.
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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

R TONG
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 28 July 2014.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
29/07/2014