



Dapto Ordinance 1995

No. 1, 1995

Long Title

An Ordinance to permit the sale of certain land at Dapto, to authorise the application of the proceeds of sale and to vary the trusts on which a certain fund is held.

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in Certificate of Title Folio Identifier 1/413039 being lot 1 in Deposited Plan 413039 (the "Land").

B. The Land is church trust property and under the Dapto Ordinance No 16, 1986 is held upon trust for a-

(a) church;

(b) residence for a minister, assistant to the minister or person employed by the churchwardens;

(c) hall or halls;

(d) school or other place of assembly,

or partly for one or another or other of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish of Dapto (the "Parish") or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and the proceeds of sale be applied in the manner set out in this ordinance.

D. Certain property ("the Fund") comprising the balance of insurance proceeds received following the destruction by fire of a parish hall formerly erected on land owned by the Property Trust at Dapto, and accumulated income thereon, is church trust property which under the Dapto Variation of Trusts, Land Sale, Mortgaging and Dedication Ordinance No 51, 1985 is held by the Property Trust upon trust for a -

(a) residence for a minister, assistant to the minister or person employed by the churchwardens;

(b) hall or halls;

(c) school, pre-school or other place of assembly,

or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Fund is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied and that the Fund be dealt with and applied in the manner set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains, Directs, Declares and Rules as follows -

Part 1 - Citation

Citation

1. This ordinance may be cited as the "Dapto Ordinance 1995".

Part 2 - The Land

Declaration

2. By reason of the circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and it is inexpedient to deal with or apply the proceeds of sale for the same or like purposes as the trusts on which the Land is held.

Power of Sale

3. (1) The Property Trust is authorised and empowered to sell the Land within 3 years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) Such sale may be 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 the Property Trust may deem appropriate.

Application of Proceeds

4. (1) The proceeds arising from the sale of the Land after the payment of all outgoing to which the Land may be subject, the costs of and incidental to this ordinance and the sale shall be applied by the Property Trust towards the cost of acquiring a house within the Parish to be held upon trust for the Parish for use as residence for a minister or assistant minister licensed to the Parish, including the cost of alterations, additions or refurbishment of such a house or towards the cost of acquiring Land within the Parish to be held upon trust for the Parish and the erection thereon of a house as a residence for a minister or assistant minister including the costs of refurbishing such a house.

(2) The balance of the proceeds of sale, not required for the purposes specified in subclause (1) shall, on the application by the churchwardens of St Luke's Church Dapto, be applied towards the acquisition of other land to be held upon trust for the Parish or for or towards the erection of buildings on land held upon trust for the Parish.

Part 3 - The Fund

Declaration

5. By reason of the circumstances which have arisen after the creation of the trusts on which the Fund is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply the Fund for the same or like purposes on which it is currently held.

Variation of Trusts

6. The trusts on which the Fund are held are varied so as to permit the application of the Fund in the same manner that the proceeds arising from the sale of the Land are to be applied under clause 4.

Part 4 - Investment

Investment

7. Pending the application of the proceeds of sale and the Fund under clauses 4 and 6, the Property Trust must invest the sums and capitalise the income.

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 1 February 1995.

W.G.S. Gotley
Secretary

I Assent to this ordinance.

R.H. Goodhew
Archbishop of Sydney
1/2/95