

# Dapto (Wongawilli) Land Sale Ordinance 2005

No 32, 2005

## Long Title

An Ordinance to authorise the sale of certain land at Wongawilli and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in folio identifier 3/18020 and known as Old Church, Wongawilli (the "Land").

B. The Land is church trust property and by clause 3 of the Wongawilli Exchange Ordinance 1943 the Land is held on 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 parish of Dapto (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient to sell the Land and apply the proceeds of sale 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 Dapto (Wongawilli) Land Sale Ordinance 2005.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient to sell the Land and to apply the proceeds of sale in the manner set out in clause 5.

### 3. Authority to Sell

(1) Subject to subclause (2), the Property Trust is authorised to sell the Land by private treaty or public tender any time during the 3 years following the date on which assent is given to this Ordinance (and thereafter only if approved by resolution of the Standing Committee whether given before or after this date) for such price and on and subject to such terms and conditions as the Property Trust considers appropriate.

(2) The authority to sell the Land arises only after the licence or sentence of consecration of the church on the Land has been revoked.

(3) Clause 11 of the Church Grounds and Buildings Ordinance 1990 does not apply to the church on the Land. The Archbishop may revoke the licence or sentence of consecration as and when he sees fit.

### 4. Application of Proceeds of Sale

(1) The costs of and incidental to this Ordinance and the sale of the Land are to be paid from the proceeds of the sale of the Land.

(2) The remaining balance of the proceeds of sale are to be paid to the Property Trust and applied as follows –

- (a) first, in payment of any goods and services tax (as defined in *A New Tax System (Goods & Services Tax) Act 1999*) payable in connection with the sale, and
- (b) second, in or toward the costs of and incidental to the purchase of additional land at Dapto to be consolidated with the land upon which the Church Centre Moombara Street, Dapto stands or other land for the purchase of a church site, and
- (c) the balance for such other capital purposes as are consistent with the trusts of the Land as the Parish Council may by resolution determine.

(3) Pending the application of the sale proceeds, the sale proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

**Dapto (Wongawilli) Land Sale Ordinance 2005**

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

P G KELL  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 September 2005.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
5/10/2005