

Ingleburn with Denham Court and Rossmore Land Sale and Variation of Trusts Ordinance 1994

No 28, 1994

Long Title

An Ordinance to permit the sale of certain land at Ingleburn, to provide for the application of the proceeds of sale and to vary the trusts of certain land at Denham Court.

Preamble

Whereas

A. The Property Trust is the registered proprietor of the land comprised in Certificate of Title Folio Identifier 726/255393 being lot 726 in deposited plan 255393 ("Ingleburn Land").

B. The Ingleburn Land is church trust property and under the Ingleburn Vesting Declaration of Trusts and Mortgaging Ordinance No.47 of 1983 is held for the sole benefit of the parish of Ingleburn with Denham Court and Rossmore ("Parish").

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

D. The Property Trust is the registered proprietor of the land in Certificate of Title Folio Identifier 19/725739 being lot 19 in deposited plan 725739 ("Denham Court Land").

E. The Denham Court Land is church trust property and under an indenture of release dated 14 November 1844 Registered Number 34 Book 10 is held upon trust to permit the erection thereon of a church or chapel and minister's dwelling of the United Church of England and Ireland with the appurtenances thereto belonging and also to permit and suffer the same or a part thereof to be used as a burial ground.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Denham Court Land is held it is inexpedient to carry out and observe those trusts to the extent that they are hereby varied. 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.

Citation

1. This ordinance may be cited as the "Ingleburn with Denham Court and Rossmore Land Sale and Variation of Trusts Ordinance 1994".

Declaration of Inexpediency

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

Power of Sale

3. (1) The Property Trust is authorised and empowered to sell the Ingleburn 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 to the Property Trust may seem appropriate.

Application of Proceeds

4. The proceeds arising from the sale of the Ingleburn Land, after the payment of all outgoing to which that land may be subject, the costs of and incidental to this ordinance and the sale shall be applied by the Property Trust towards the construction on the Denham Court Land of a residence for a minister, assistant to the minister, or person employed by the churchwardens of any church in the Parish.

Declaration of Inexpediency

5. By reason of the circumstances which have arisen after the creation of the trusts on which the Denham Court Land is held it is inexpedient to carry out and observe those trusts and it is expedient that such trusts be varied.

Trusts of Denham Court Land

6. The Denham Court Land shall henceforth be held on trust for a -

- (a) church;
- (b) residence for a minister, assistant to the minister, or person employed by the churchwardens of any church in the Parish;
- (c) hall or halls;
- (d) school or other place of assembly;
- (e) burial ground;

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.

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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 25 July 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
25/7/1994