

MITTAGONG (WELBY) VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1989

No 27, 1989

AN ORDINANCE to vary the trusts upon which certain land at Welby is held, to authorise the sale of the land and to authorise the application of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the proprietor of the land described in the Schedule hereto (hereinafter called "the land").

B. The land, being church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1917 is believed to be held upon trust for the Anglican Church of Australia within the Parish of Mittagong but no trusts have been declared in writing concerning the same.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same and it is expedient that the same be varied and that the land be subdivided and sold. 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.

1. This Ordinance may be cited as the "Mittagong (Welby) Variation of Trusts and Land Sale Ordinance 1989".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied and that the land be sold.

3. The Corporate Trustee is hereby empowered to sell the land following subdivision within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee 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 Corporate Trustee, may seem appropriate.

4. (1) The proceeds arising from the sale of the land after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the sale shall be applied by the Corporate Trustee as follows:-

(a) First the sum of approximately \$13,000 shall be paid to the Churchwardens of the Church of St Stephen Mittagong to be applied by them in repayment of any loans outstanding on the newly erected Rectory.

(b) Secondly towards the construction, alterations or additions to, furbishment or beautification of a:-

- (i) Church,
- (ii) Residence for a minister, assistant to the Minister or person employed by the churchwardens;
- (iii) Hall or halls;
- (iv) School or other place of assembly;

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

(2) An application of funds pursuant to subclause 1(b) shall be determined by a resolution of the Parish Council of the Parish of Mittagong and approved by a resolution of the Standing Committee. Pending application the Corporate Trustee shall invest the proceeds and apply the income as follows:-

- (a) one third to be capitalised; and
- (b) two thirds to be paid to the said Churchwardens and applied towards the costs of employing a Youth Worker to assist the Minister of the Church of St Stephen, Mittagong to foster and promote ministry to the youth of the Parish.

SCHEDULE

ALL that piece or parcel of land situate at Welby in the Shire of Wingecarribee Parish of Jellore County of Camden being land having an area of 1 acre and being Lots 6 and 7 Section 1 Village of Fitzroy and being the whole of the land in Certificate of Title Volume 1131 Folio 136.

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

E.D. CAHERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on this 25th day of September 1989.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
27 / 9 / 89