

# Moss Vale Variation of Trusts and Land Sale Ordinance 2023

No 57, 2023

## Long Title

An Ordinance to permit the sale of certain land at Old Hume Highway Berrima, and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the registered proprietor of the land contained in folio identifier 1/875157 known as 3281 Old Hume Highway Berrima and the site of vacant land (the "Land").

B. The Land is church trust property and forms part of the property of the ACPT – Moss Vale Trust which, under the *Moss Vale Trust Ordinance 2014*, is held for the purposes of the parish of Moss Vale (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 that the Land be sold and that the proceeds be applied 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 Moss Vale Variation of Trusts and Land Sale Ordinance 2023.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 5.

### 3. Variation of Trust

The trusts of the ACPT – Moss Vale Trust are varied to the extent necessary to permit the payment set out in clause 5(1)(b).

### 4. Power of Sale

The ACPT is authorised to sell the Land subject to such terms and conditions as it may think fit within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

### 5. Allocations from the ACPT – Moss Vale Trust

(1) Subject to clause 5(2), the ACPT is directed that it may make the following payments from the capital of the ACPT – Moss Vale Trust –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second, 10% to be paid to NCNC Funds Limited to fund the construction of new ministry centres in the Diocese, and
- (c) third, towards one or both of the following–
  - (i) the costs of and incidental to build or purchase a new property for the purpose of housing an assistant minister, and the costs of and incidental to making any necessary improvements to the acquired property, and
  - (ii) the costs of and incidental to purchase an income-stream property, and the costs of and incidental to making any necessary improvements to the acquired property, and
- (d) fourth, the costs of and incidental to completing major repairs to 14 Waite Street Moss Vale being the site of a residence.

(2) No payment is to be made under clause 5(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

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### **6. Capitalisation of income**

Notwithstanding clause 7 of the *Moss Vale Trust Ordinance*, all income arising from the investment of that part of the ACPT – Moss Vale Trust which comprises proceeds from the sale of the Land is to be capitalised.

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

R TONG  
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 December 2023.

B BOUNDS  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

11/12/2023