

# Mt Druitt Land Sale Ordinance 2001

No 26, 2001

## Long Title

An Ordinance to declare new trusts for certain properties at Whalan and Mt Druitt, to authorise the sale of the properties and to provide for the application of sale proceeds.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of land comprised in certificate of title folio identifier 755/231834 known as 64 Torres Crescent, Whalan (the "Whalan Property").

B. The Whalan Property is held on trust for the parish of Mt Druitt (the "Parish") although there are no written trusts.

C. The Property Trust is the registered proprietor of land comprised in certificate of title folio identifier 489/242536 known as 8 Devaney Street, Mt Druitt (the "Mt Druitt Property").

C. By clause 3 of the New Areas Variation of Trusts Ordinance 1999 the Mt Druitt Property is held on trust for the Western Sydney Regional Council to be applied in providing a pastoral ministry in areas which by reason of rapid increase in population are or were unable in their early development to support a ministry.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Whalan Property and the Mt Druitt Property (the "Properties") are held:

- (a) it is inexpedient to carry out and observe those trusts or to deal with or apply the Properties for the same or like purposes as those trusts and it is expedient to declare other trusts upon which the Properties are to be held, and
- (b) it is expedient to sell the Properties 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 of Ordinance

This Ordinance is the Mt Druitt Land Sale Ordinance 2001.

## 2. Declarations of Inexpediency

- (1) By reason of circumstances which have arisen after the creation of the trusts on which the Properties are held:
  - (a) it is inexpedient to carry out and observe those trusts or to deal with or apply the Properties for the same or like purposes as those trusts and it is expedient that the Properties are henceforth held on the trusts referred to in subclause (2), and
  - (b) it is expedient to sell the Properties and apply the proceeds of sale in the manner set out in this ordinance.
- (2) The Properties are held on trust for the Parish.

## 3. Authority to Sell

- (1) The Property Trust is authorised to sell the Properties at any time within 3 years from the date of assent to this ordinance and thereafter only with the approval of the Standing Committee given by resolution.
- (2) Such sale may be by public auction or private agreement in 1 or more lots and for such price or prices and subject to such terms and conditions as the Property Trust considers appropriate.

## 4. Application of Proceeds of Sale

The proceeds from the sale of the Properties (and any income therefrom) after the payment of all outgoings to which the Properties may be subject and the costs of and incidental to this ordinance and sale of the Properties, are to be paid to the Property Trust and applied in or towards -

- (a) first, the payment of any goods and services tax (as defined in the *A New Tax System (Goods and Services Tax) Act 1999*) in connection with the sale of the Properties; and
- (b) second, to purchase a residence suitable for a minister or assistant minister (or other person or persons employed by the churchwardens of any church in the Parish and engaged in ministry) and to alter, renovate, furnish and equip the same for ministry in addition to its function as a residence; and
- (c) third, the remaining balance and any income earned thereon which is capitalised under clause 5 shall be applied for such purposes within the Parish as the Standing Committee at the written request of the majority of the parish council of the Parish may by resolution determine.

## 5. Investment

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

## 6. Amendment

The matter contained in Item 1 of Schedule 1 of the New Areas Variation of Trusts Ordinance 1999 is deleted.

## **Mt Druitt Land Sale Ordinance 2001**

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 13 August 2001.

M A PAYNE  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
15/8/2001