

# Mulgoa Variation of Trusts Ordinance 2005

No 3, 2005

## Long Title

An Ordinance to vary the trusts of certain land at Mulgoa and funds held by the Anglican Church Property Trust Diocese of Sydney and for purposes incidental thereto.

## Preamble

- A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land described in column 1 of the table in the Schedule (the "Land").
- B. The Land is church trust property and is held upon trusts described in the corresponding cell in column 2 of the Schedule.
- C. The Sydney Anglican Schools' Corporation ("SASC") holds an amount of \$1,430,000 (the "Sum") on trust for the purposes of SASC.
- D. The Property Trust holds an amount of approximately \$70,000 (the "Davey Fund") pursuant to the Will of the late Mrs Ethel Mary Davey for the general use and benefit of St Thomas Church Mulgoa.
- E. By reason of circumstances which have arisen after the creation of the trusts on which the Land, the Sum and the Davey Fund are held it is inexpedient to carry out or observe those trusts or to deal with or apply the Land or the Sum for the same or like purposes as those trusts or to deal with or apply the Land wholly for the purposes of the Parish of Mulgoa (the "Parish") and it is expedient that those trusts be varied 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 Mulgoa Variation of Trusts Ordinance 2005.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land, the Sum and the Davey Fund are held –

- (a) it is inexpedient to carry out or observe those trusts or to deal with or apply the Land or the Sum for the same or like purposes as those trusts or to deal with or apply the Land wholly for the purposes of the Parish, and
- (b) it is expedient that those trusts be varied in the manner set out in clause 3 and the Sum and the Davey Fund applied in the manner set out in clauses 5 and 6.

### 3. Varied Trusts

(1) On and from the date on which SASC makes the payment referred to in clause 4 –

- (a) subject to subclause (2), the Land is to be held on trust for the purposes of SASC, and
- (b) the Davey Fund is to be held on trust for the purposes of St Thomas Church Mulgoa and its environs, and
- (c) the Sum is to be held on trust for the purposes of the Parish.

(2) The church situated on part of the Land and known as St Thomas Mulgoa may be used for the purposes of the Parish on such terms and conditions as are from time to time agreed in writing between SASC and the parish council of the Parish and approved by the Western Sydney Regional Council.

### 4. Payment by SASC

SASC is to pay the Sum to the Property Trust within 28 days of the date of assent to this Ordinance.

### 5. Application of the Davey Fund

On and from the date on which SASC makes the payment referred to in clause 4, the capital and the income derived from the investment of the capital of the Davey Fund may be applied by the Property Trust for the repair and maintenance of St Thomas Church Mulgoa and its environs upon written request from SASC.

## Mulgoa Variation of Trusts Ordinance 2005

### 6. Application of the Sum

The Sum, after payment of the costs of and incidental to this Ordinance, is to be applied by the Property Trust as follows –

- (a) first, to purchase land and to construct thereon a church centre in the Silverdale or Warragamba area, including the landscaping and fitting out of the church centre, and
- (b) second, to purchase land and construct a residence or purchase a residence for the Minister or an Assistant Minister of the Parish or a person employed to perform duties in the Parish, and
- (c) the balance, if any, is to be applied for such purposes of the Parish as may be approved by resolution of the Standing Committee.

### 7. Investment

Pending the application of the Sum pursuant to clause 6, the Sum or the remaining balance of the Sum from time to time is to be invested by the Property Trust and the income capitalised.

### Schedule

Column 1	Column 2
Folio Identifier 1/996994 known as the site of St Thomas' church Mulgoa.	By Deed of Conveyance Book 1050 No 334, the land is held upon trust for the maintenance there of the church known as St Thomas Church or some other church to be erected in lieu thereof for the celebration of divine service according to the rights and ceremonies of the United Church of England and Ireland and upon further trust to permit the said land or part thereof to be used as a burial ground for the members of the said United Church of England and Ireland.
Folio Identifier 1/1035490 known as the site of the St Thomas' glebe and former rectory.	By Deed of Conveyance Book 217 No 180, the land is held upon trust for the erection thereon of a dwelling house for a clergyman in Holy Orders to be licensed by the Bishop of Sydney for the time being to the cure of St Thomas Church also for a glebe and for the erection of a school house or for all or any of the said objects as the Bishop of Sydney shall from time to time determine.

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

R TONG  
Deputy Chairman of Committees

**Mulgoa Variation of Trusts Ordinance 2005**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 14 March 2005.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
15/3/2005