

Rooty Hill Land Sale Ordinance 1995

No 38, 1995

Long Title

An ordinance to authorise the subdivision and sale of certain land at Rooty Hill and to provide for the application of the proceeds of sale.

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land (the "Land") comprised in Certificate of Title Volume 10709 Folio 231.

B. The Land is church trust property and under the Rooty Hill and Mount Druitt Variation of Trust and Land Sale Ordinance 1966 is held upon trust to permit the same to be used for a Church, Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at Rooty Hill in the Provisional District of Rooty Hill with Mt Druitt or any Provisional Parish or Parish into which it may be subsequently formed.

C. The Land is now situated in the provisional parish of Rooty Hill (the "Parish").

D. It is proposed to subdivide the Land and to sell part thereof.

E. 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 subdivided and part of the Land sold but it is impossible or inexpedient to deal with or apply the proceeds of the sale wholly for the use or benefit of the Parish or for the same purposes as the trusts on which the Land is held.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Hereby Ordains Declares Directs and Rules as follows -

Citation

1. This ordinance may be cited as the "Rooty Hill Land Sale Ordinance 1995".

Declarations

2. 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 subdivided and part of the Land sold and it is inexpedient to deal with or apply the proceeds of the sale wholly for the use or benefit of the Parish or for the same or like purposes as the trusts on which the Land is held.

Sale Authority

3. The Property Trust is authorised and empowered to subdivide the Land and sell that part of the Land described in the schedule, free from the trusts on which the land is held, within 3 years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee given by resolution by public auction or private contract at such time or times as it may determine free from the trusts on which the Land is held.

Application of Proceeds

4. (1) The proceeds arising from the sale of the Land or any part or parts thereof shall be applied as follows -

- (a) first, in payment of all outgoings to which the Land may be subject and the costs of and incidental to the promotion of this ordinance, to the subdivision of the Land and sale of part of the Land;
- (b) secondly, in the payment of assessments imposed on the Parish by ordinance of the Synod which are unpaid at the date of assent to this ordinance; and
- (c) thirdly, towards the cost of constructing a residence on the residue of the Land for a minister or an assistant minister or a person employed by the churchwardens of St Alban's Church Rooty Hill (the "Churchwardens") including all incidental costs of furniture and fittings therein.

(2) Any balance which remains after the applications referred to in subclause (1) may be applied for such purposes within or without or partially within or partially without the Parish as the Standing Committee at the written request of the majority of the Parish Council may by resolution determine.

Investment Pending Application

5. Pending the application of the proceeds of sale under clause 4, the proceeds must be invested by the Property Trust and the income capitalised.

Minimum Sum

6. (1) If the balance of the proceeds of sale and any capitalised interest, after any application or applications made under clause 4 is less than the minimum sum, such balance is to be paid to the Churchwardens and applied by them for the purposes set out in clause 4.

(2) The expression "minimum sum" means, at any time, the amount last determined prior to that time by the Property Trust to be the smallest sum in relation to which the Property Trust wishes to act as trustee.

Schedule

That part of the Land being lot 11 in the proposed plan of subdivision prepared by E.J. Britten & Associates Pty Ltd, Drawing No. 8348/1, dated September 1995.

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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 23 October 1995.

W.G.S. GOTLEY
Secretary

I Assent to this Ordinance.

R.H. GOODHEW
Archbishop of Sydney
14/11/1995