

South Western Regional Council Land Sale Ordinance 2022

No 23, 2022

Long Title

An Ordinance to permit the sale of certain land at Canterbury, 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 12/15411 known as 14 Glenore Road, Canterbury and the site of a residence (the **Land**).

B. The Land is church trust property and by clause 3 of the *South Western Region (Belfield Proceeds) Ordinance 1998* (the **1998 Ordinance**), the Land is held on trust for the general purposes of the South Western Regional Council (the **Council**) as are determined from time to time by the Council.

C. The ACPT is also the trustee of certain funds held under the 1998 Ordinance known as ACPT - Client Fund 0438 (the **Funds**). The Funds are held on the trusts set out in clause 2(b) of the *Marrickville Area Deanery (Belfield Proceeds) Ordinance 1988*.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land and the Funds are held, it is inexpedient to carry out and observe the trusts on which the Funds are held and it is expedient to vary those trusts, and to sell the Land, 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 South Western Regional Council Land Sale Ordinance 2022.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land and the Funds are held, it is inexpedient to carry out and observe the trusts on which the Funds are held and it is expedient to vary those trusts, and to sell the Land, in the manner set out in this Ordinance.

3. 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.

4. Application of the Proceeds of Sale

(1) The proceeds of sale are to be paid to the ACPT as an addition to the Funds held under the 1998 Ordinance and applied as follows –

- (a) first, the costs, charges and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) the balance is to be applied in accordance with clause 4 of the 1998 Ordinance.

(2) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

5. Variation of Trust

The trusts of the Funds are varied so that they are henceforth held on trust for the general purposes of the Council as are determined from time to time by the Council.

6. Amendment to the 1998 Ordinance

The 1998 Ordinance is amended by deleting the text in subclause 4(b) and inserting the following instead -

South Western Regional Council Land Sale Ordinance 2022

“the balance is to be paid to the Council to be applied for such purposes of the Council as the Council may from time to time determine”.

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

K SOWADA
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 July 2022.

B BOUNDS
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

25/07/2022