

Lithgow Land Sale Ordinance 2002

No 4, 2002

Long Title

An Ordinance to authorise the sale of certain property situated in the parish of Lithgow.

Preamble

- A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the property described in the cell in column 1 of the table in Schedule 1 and of an undivided one half share of the property described in the cell in column 1 of the table in Schedule 2 (the "Property").
- B. The Property is held on the trusts described in the corresponding cell in column 2 of the table in each of Schedules 1 and 2.
- C. By reason of circumstances which have arisen after the creation of the trusts on which the Property is held, it is inexpedient to carry out or observe those trusts and it is expedient that the Property be sold and the proceeds of sale be applied in a 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 Lithgow Land Sale Ordinance 2002.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Property is held it is inexpedient to carry out or observe those trusts or to apply the Property wholly for the benefit of the parish of Lithgow (the "Parish") and it is expedient that the Property be sold and the proceeds of sale be applied in a manner set out in this Ordinance.

3. Authority to Sell

- (1) Subject to subclauses (2) and (3), the Property Trust is authorised to sell the Property in 1 or more parcels by public auction or private treaty within 3 years from the date of assent to this Ordinance and thereafter only with consent of the Standing Committee given by resolution for such price or prices and subject to such terms and conditions as the Property Trust considers appropriate.
- (2) The Property Trust is specifically authorised to accept a nominal price for the sale under subclause (1) of its interest in the part of the Property known as St John's Church Wallerawang comprised in Volume 6589 Folio 111.
- (3) The authority under subclause (1) to sell any part the Property upon which a church is situated arises only after the church has been de-licensed or de-consecrated as the case may require.

4. Application of Proceeds of Sale

The proceeds from the sale of the Property (and any income therefrom) after the payment of the costs of and incidental to this Ordinance and the sale of the Property, are to be paid to the Property Trust and applied as follows:

- (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 Property or any part thereof; and
- (b) second, an amount of \$5,000 to be paid to the churchwardens of the principal church of the parish of Blackheath to be used to support the ministry of an assistant minister in that parish; and
- (c) third, to purchase a residence or residences suitable for the minister or an assistant minister of the Parish (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 any such residence for ministry in addition to its function as a residence and/or to purchase land suitable to be used for such a residence or residences and to construct, furnish and equip any such residence in a like manner; and
- (d) fourth, towards the cost of improving the properties known as St Paul's Church and Hall, Lithgow; and
- (e) 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 Property, the proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

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Schedule 1

Column 1	Column 2
Folio Identifier 61/1124 known as the site of St Thomas' Church and hall, Wallerawang	By the Wallerawang Land Sale Ordinance 1902 Amending Ordinance 1931 the land is held on trust for the purposes of a rectory or parish hall or partly for one or partly for the other of such purposes.
Folio Identifier 25/L/19972 known as the site of St Barnabas' Church, Littleton	Held on trust for the parish of Lithgow although there are no written trusts.
Folio Identifier 402/5255 and 1/724037 known as 9 Laurence Street, Lithgow	By the St Paul's (Lithgow) Declaration of Trust and Mortgage Ordinance 1957 the land is held on trust to permit the same to be used for a church, rectory, parish hall or other parochial purpose or partly for one and partly for another or others of such purposes in connection with the Church of England in the parish of St Paul's Lithgow.
Folio Identifier 40/600845 known as the Rectory, Great Western Highway, Marrangaroo	Held on trust for the parish of Lithgow although there are no written trusts.

Schedule 2

Column 1	Column 2
Volume 6589 Folio 111 known as the site of St John's Church, Wallerawang	By declaration of trust dated 19 July 1953 the Property Trust declared that it held its undivided one half share on trust to permit the same to be jointly used for the purpose of a church by the Church of England in the parish of Wallerawang and by the Presbyterian Church of NSW in accordance with the recommendations set out in the declaration.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 February 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
25/2/2002