

PENRITH LAND SALE AND VARIATION OF TRUST ORDINANCE

NO. 8 1984

AN ORDINANCE to authorise the sale of certain lands in the City of Penrith and to provide for the application of the proceeds of such sale.

WHEREAS

A. The Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Property Trust") is the registered proprietor of certain land more particularly described in the Schedule hereto (hereinafter called "the land") AND WHEREAS the said land was purchased with funds provided pursuant to clause 3(2)(b) of Penrith Land Variation of Trusts and Sale Ordinance 1975 which clause provides (inter alia) for the distribution of funds as follows.

"... for the purposes of construction of new church buildings, halls or other facilities in and for the benefit of the Parish of St. Stephen, Penrith or for such other purpose or purposes in the Diocese of Sydney as the Standing Committee may approve from time to time by resolution passed at the written request of a majority of the members of the Parish Council of the Parish of St. Stephen, Penrith ..."

and clause 1 of Penrith Land Sale and Variation of Trust Amendment Ordinance 1972-1982 which provides inter alia.

"The sum of forty eight thousand dollars (\$48,000.00) out of the capital of the said sum shall be held as to both corpus and income therefrom on or after the first day of April, 1982, upon trust to be paid or applied for future development within any part of the South Penrith area of the said Parish of Penrith in such manner as may be determined by the Parish Council of the said Parish and pending such payment or application such income shall be capitalised."

B. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied as hereinafter provided.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.
2. The Property Trust is hereby authorised and empowered to sell the land within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of Standing Committee by public auction or private contract at such time and at such price and upon such terms and directions as it may determine freed from the trusts upon which it is held.

3. The proceeds of sale shall be applied as follows:
- (a) firstly, to the costs of and incidental to this Ordinance and the sale of the said land pursuant hereto;
 - (b) the cost of acquiring other property being vacant land in the Parish of St. Stephen;
 - (c) towards the cost of the purchase, construction, renovation, improvement or extension of any building or buildings for the purposes of the Parish of St. Stephen, Penrith;
 - (d) pending any such determination as to the application of the balance of the proceeds of sale as aforesaid such balance shall be invested by the Property Trust and sufficient of the income arising from such investment shall be paid to the Churchwardens of the said church for the payment of costs and expenses associated with housing a Minister pending the acquisition or construction of a suitable residence and any residual income to be added to the capital sum; and
 - (e) for such purposes within the Parish of St. Stephen, Penrith as may be agreed to by resolution of the Standing Committee passed at the request of a majority of the Parish Council.
4. This Ordinance may be cited as the "Penrith Land Sale and Variation of Trust Ordinance 1984".

FIRST SCHEDULE

ALL THAT piece or parcel of land situated at South Penrith in the City of Penrith Parish of Mulgoa and County of Cumberland being Lot 111 in Deposited Plan 243976 and being the whole of the land contained in Certificate of Title Volume 11997 Folio 111.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of April 1984.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
30 / 4 / 1984