

PLUMPTON SALE AND VARIATION OF TRUSTS ORDINANCE 1987

NO. 11, 1987

AN ORDINANCE to vary the trusts and to authorise the sale of certain land at Plumpton and to provide for the application of the proceeds of sale.

WHEREAS:

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of the land being Lots 4 and 5 of section 1 in D.P. 5172 comprised in Certificates of Title Volume 1910 Folio 6 and Volume 2741 Folio 207 respectively. The land is church trust property within the meaning of the Anglican Church of Australia Trust Property Act 1917.

B. Erected on the land is a church known as St. Marks Plumpton which was a branch church in the Parish of Rooty Hill. On 1st June 1986 the New Housing District of Plumpton was created and that district now includes the said land.

C. 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 land be sold and the trusts on which the proceeds of sale are held be varied as hereinafter provided.

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

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited it is firstly inexpedient to carry out or observe such trusts in respect of the proceeds of sale. Secondly it is inexpedient to deal with or apply such proceeds of sale for the sole use or benefit of the Parish of Rooty Hill for the same or like purposes and instead the proceeds shall be applied for those purposes set out in Clause 4.

3. The corporate trustee is hereby authorised and empowered to sell the land within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time as it may determine freed from the trusts upon which the land is held.

4. The proceeds arising from the sale or sales shall be applied as follows.

(1) To pay all outgoings to which the land may be subject and the costs of and incidental to this Ordinance and the sale or sales pursuant thereto.

(2) To pay the balance to the Anglican Home Mission Society to be used towards the costs of the erection and fitting out of facilities for church services and/or a residence for a minister on the land contained in Certificate of Title Volume 3719 Folio 161 known as Jersey Road Plumpton.

5. This Ordinance may be cited as the "Plumpton Sale and Variation of Trusts Ordinance 1987".

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 29th day of June 1987.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
29/6/1987