

# Toongabbie (Girraween) Land Sale Ordinance 1994

No 35, 1994

An Ordinance to provide for the sale of certain land and other improvements at Girraween and to provide for the application of the proceeds of sale.

## Whereas

A. The Property Trust is the registered proprietor of the land comprised in Certificate of Title Folio Identifier Auto-Consol 7702-143 (the "Land") upon which is constructed the church known as St John's Girraween, a hall and a cottage.

B. The Land is church trust property and, under the St John's Girraween Declaration of Trusts and Mortgaging Ordinance 1963, is held on trust in connection with the Church of England in Australia at Girraween in the provisional district of Girraween with Toongabbie.

C. The Land is now situated in the parish of Toongabbie (the "Parish").

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and that the proceeds be applied for the purposes both within and outside the Parish in the manner set out in this ordinance.

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

## Citation

1. This ordinance may be cited as the "Toongabbie (Girraween) Land Sale Ordinance 1994".

## Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient to vary the trusts to the extent necessary to enable the Land to be sold and for the proceeds to be applied for the purposes both within and outside the Parish in the manner set out in this ordinance.

## Authority to Sell

3. The Property Trust is authorised and empowered to sell the Land within 3 years after date of assent to this ordinance and thereafter only with the consent by resolution of the Standing Committee by private treaty in one or more lots at such time and at such price or prices and upon such terms and conditions as it may determine free from the trusts upon which the Land is held.

## Application of Proceeds

4. (1) The proceeds arising from the sale of the Land shall be applied by the Property Trust in the following order of priority -

- (a) first, in payment of or reimbursing the churchwardens of St Mary's Church Pendle Hill ("Churchwardens") for, all outgoings to which the Land may be subject, the costs of and incidental to this ordinance and to the sale of the Land;
- (b) secondly, a sum not exceeding \$5,000 shall be applied to pay, or to reimburse the Churchwardens for, the expenses incurred in commissioning a master plan and site utilisation plan for the site of St Mary's Church Pendle Hill;
- (c) thirdly, \$20,000 shall be paid to the Anglican Home Mission Society Diocese of Sydney for use in its Parish Support and Development Division;
- (d) fourthly, a sum not exceeding \$230,000 shall be applied in or towards the construction or development of a family education centre (parish hall) on the land comprised in Certificate of Title Folio Identifier 1/595937 (being the land on which St Mary's Church Pendle Hill is erected); and
- (e) fifthly, the balance shall be applied in or towards one or both of the following -
  - (i) the purchase or construction of a residence in the Parish for use as a residence for a minister or assistant minister licensed to the Parish or lay person employed by the Churchwardens or engaged in the ministry conducted together with the cost or costs associated with and incidental to the purchase of the residence and the fitting out and provision of any necessary fixtures and fittings; or
  - (ii) for such other purpose or purposes as may be determined by the Standing Committee by resolution upon the request of the majority of the parish council of the Parish.

(2) If at any time -

- (a) the total amount applied under paragraphs (b) or (d) of subclause (1) is less than the amount specified in the relevant paragraph; and
- (b) the majority of the Churchwardens from time to time certify in writing to the Property Trust that no further amounts are required to be applied under paragraphs (b) or (d) of subclause (1), as the case may be,

then no further application shall be made under the paragraph of subclause (1) to which the Churchwardens' certificate relates.

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### **Investment of Proceeds**

5. Pending the application of the proceeds arising from the sale of the Land, the proceeds shall be invested and the income capitalised.

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

R. Tong  
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 August 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
29/8/1994