

Dapto (Compton Street) Land Sale Ordinance 2003

No 56, 2003

Long Title

An Ordinance to authorise the sale of certain land at Dapto and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in folio identifier 58/251391 and known as 37 Compton Street, Dapto (the "Land").

B. The Land is church trust property and by clause 3 of the Dapto Land Sale Ordinance 1986 is held upon trust for the parish of Dapto (the "Parish") to be used as a residence for a person employed by the churchwardens of the Parish.

C. 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 or observe those trusts and it is expedient –

- (i) to vary those trusts, and
- (ii) to sell the Land and apply the proceeds of sale 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 Dapto (Compton Street) Land Sale Ordinance 2003.

2. Declarations

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 or observe those trusts and it is expedient –

- (a) to vary those trusts in the manner set out in clause 3; and
- (b) to sell the Land and to apply the proceeds of sale in the manner set out in clause 5.

3. Variation of trusts

The Land is held on trust for the purposes of the Parish.

4. Authority to sell

The Property Trust is authorised to sell the Land by auction or private treaty any time during the 3 years following the date on which assent is given to this Ordinance (and thereafter only if approved by resolution of the Standing Committee) for such price and on and subject to such terms and conditions as the Property Trust considers appropriate.

5. Application of proceeds of sale

(1) The costs of and incidental to this Ordinance and the sale of the Land are to be paid from the proceeds of the sale of the Land.

(2) The remaining balance of the proceeds of sale are to be paid to the Property Trust and applied as follows –

- (a) first, in payment of any goods and services tax (as defined in *A New Tax System (Goods & Services Tax) Act 1999*) payable in connection with the sale;
- (b) second, in or towards the costs of and incidental to any one or more of the following –
 - (i) purchasing and fitting out a residence or residences for an assistant minister or any other person employed by the churchwardens of a church in the Parish,
 - (ii) purchasing land upon which to construct such a residence or residences,
 - (iii) constructing and fitting out such a residence or residences on land held on trust for the purposes of the Parish;
- (c) the balance for such capital purposes of the Parish as the Standing Committee may by resolution approve at the written request of the parish council of the Parish.

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6. Investment

Pending the application of the proceeds of the sale referred to in clause 5, the proceeds are to be invested by the Property Trust and the income applied upon written request of the churchwardens of the principal church of the Parish for the time being toward the cost of accommodation for any assistant minister licensed to the Parish or other full-time ministry staff employed by the churchwardens of a church in the Parish.

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 17 November 2003.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
25/11/2003