

# West Wollongong Land Sale Ordinance 1994

No 17, 1994

## Long Title

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

## Preamble

### Whereas

- A. The Property Trust is the registered proprietor of the land (the "Land") described in the schedule.
- B. Under the St Mark's West Wollongong (St Matthew's Mt. St Thomas) Declaration of Trusts and Mortgage Ordinance 1970 (the "Principal Ordinance") the Land is church trust property held on trust for a church, parsonage or parish hall or partly for one or partly for another of such purposes in connection with the parish of St Mark's West Wollongong, St Matthew's Mt. St Thomas (the "Parish"), or any parish, provisional parish or provisional district in to which it may subsequently be formed.
- C. By reasons 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 trusts be varied 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 said Synod Hereby Ordains Declares Directs and Rules as follows.

## Citation

1. This ordinance may be cited as the "West Wollongong 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 that the Land be sold.

## Authority to Sell

3. (1) The Property Trust is authorised to sell the Land, free from the trusts on which it is held, at any time within 3 years after the date of assent of this ordinance and thereafter only with the consent of the Standing Committee given by resolution.  
(2) Such sale may be by public auction or private agreement at such time and at such price and upon such terms and conditions as the Property Trust may determine appropriate.

## Application of Proceeds

4. (1) The proceeds arising from the sale of the Land shall be applied in payment of all costs, expenses and outgoings in relation to or arising from the preparation and promotion of this ordinance and the sale of the Land and all outgoings to which the Land may be subject. The balance shall be applied as follows -
  - (a) an amount or amounts in total not exceeding \$300,000, shall be applied in accordance with a resolution of the parish council of the Parish for the purpose of capital expenditure or repair or reduction of debt within the Parish; and
  - (b) the amount by which the balance exceeds \$300,000, shall be applied in accordance with a resolution of the Standing Committee made after consultation with the parish council of the Parish.
- (2) Pending application of the proceeds arising from the sale of the Land under subclause (1), those proceeds shall be invested and the income shall be applied as follows -
  - (a) a sum equal to 30% of the income must be capitalised; and
  - (b) the balance of any income in any year must be paid to the parish council of the Parish for the general purposes of ministry within the Parish apart from meeting any costs of stipend and allowances of the minister of the Parish.

## Schedule

The land known as 12-14 Phillips Crescent, Mangerton being lots 6 to 7 in deposited plan 24087.

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

N.M. Cameron  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 2 May 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
2/5/1994