

Westmead Leasing Ordinance 2004

No 27, 2004

Long Title

An Ordinance to vary the trusts of certain land at Westmead, to authorise the leasing or licensing of land and to provide for the application of income received.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land at Westmead (the "Land") being lot B in deposited plan 334311 being the land in folio identifier B/334311.

B. By deed of trust dated 9 April 1937 the Land is held upon trust to permit the same to be used as a site for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the parish of St John Parramatta at Westmead.

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

D. By reason of the circumstances which have arisen after the creation of the trusts on which the Land is held –

- (a) it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or to deal with or apply the Land for the purposes of the parish of St John Parramatta; and
- (b) it is expedient to vary those trusts in the manner set out in this Ordinance, and
- (c) it is expedient that the part of the Land shown as portions A and B ("Portions A and B") in the plan signed by the Diocesan Secretary for identification dated 15 September 2004 and having an area of 1,770 square metres and 875 square metres respectively be licensed or leased for a playground facility for the adjoining school, being The Sacred Heart Primary School, Westmead (the "School"), and that the income therefrom be applied 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 Westmead Leasing Ordinance 2004.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held –

- (a) it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or for the purposes of the parish of St John Parramatta; and
- (b) it is expedient to vary those trusts in the manner set out in clause 3, and
- (c) it is expedient that Portions A and B be leased or licensed and that the income be applied in accordance with clause 4.

3. Variation of Trusts

The Land is held on trust for the purposes of the provisional parish of Westmead.

4. Authority to Lease

The Property Trust is authorised to enter into a lease or licence of Portions A and B, or any part thereof, for a term of up to 5 years with the Trustees of the Roman Catholic Church for the Diocese of Parramatta on behalf of the School.

5. Application of Proceeds

The income from any lease or licence granted under clause 4 is to be paid to the Property Trust and applied as follows –

- (a) firstly, in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the lease or licence, and

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- (b) the balance, to be paid to the churchwardens of the church of the Parish and applied for the purposes of the Parish other than the payment of the stipend, allowances and benefits paid or provided to the minister of the Parish.

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

MN CAMERON
Acting Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 September 2004.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
21/10/2004