

CAMPBELLTOWN (APPIN) ORDINANCE 1986

NO. 22, 1986

AN ORDINANCE to vary the trusts of the balance of the proceeds held under the Campbelltown (Appin Land) Variation of Trusts and Land Sale Ordinance No. 45 of 1985 and to provide for the application thereof.

WHEREAS

- A. The Campbelltown (Appin Land) Variation of Trusts and Land Sale Ordinance No. 45 of 1985 empowered Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") to sell certain lands and after the payment out of the proceeds arising from such sale of certain costs to hold the balance upon the trusts set out therein.
- B. The land has been sold and the balance of proceeds will be held by the Corporate Trustee upon those trusts.
- C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is also inexpedient to deal with or apply the same or the income therefrom for the sole use or benefit of the Church of St Mark the Evangelist Appin (hereinafter called the "Appin Church") in the Parish of Campbelltown.
- D. The land in the First Schedule is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) but no trusts in writing have been declared concerning the same.
- E. The land in the Second Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon trust to permit the same to be used for Church of England church purposes.
- F. The Bishop of Sydney for the time being is trustee of the land in the First and Second Schedules.
- G. It is appropriate that the Bishop of Sydney cease to be trustee of that land and that the land be vested in the Corporate Trustee.
- H. It is proposed pursuant to clauses 4 and 5 of the Parishes Ordinance 1979 to form the Provisional Parish of Cataract with Ambarvale (hereinafter called the "proposed Provisional Parish").

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 the circumstances which have arisen subsequent to the creation of the trusts upon which the said proceeds are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is also inexpedient to deal with or apply the whole of the same or the income therefrom for the sole benefit of the Appin Church in the Parish of Campbelltown and it is expedient that such trusts be varied as hereinafter set out.
2. Consent is hereby given to the land described in the First and Second Schedules vesting in the Corporate Trustee.

3. (1) The balance of proceeds held under Ordinance No. 45 of 1985 shall be applied as follows:-

- (a) first in payment of costs and incidental to this Ordinance;
- (b) secondly to repay the following indebtedness of the Church Committee of St Mark the Evangelist Appin:
 - (i) to Wollondilly Shire Council in respect of outstanding rates;
 - (ii) to the Metropolitan Water Sewerage and Drainage Board in respect of outstanding rates;
 - (iii) in satisfaction or discharge of any outstanding liability of the Church Committee to the Glebe Administration Board;
- (c) thirdly up to One hundred and sixty eight thousand dollars (\$168,000) to be paid to the Churchwardens of the Appin Church and applied by them as follows:-
 - (i) One hundred thousand dollars (\$100,000) towards the erection of a residence for a Minister on the land in the First Schedule thereto;
 - (ii) Fifty thousand dollars (\$50,000) towards the alterations and additions to the church hall on the land in the Second Schedule hereto;
 - (iii) up to Eighteen thousand dollars (\$18,000) towards alterations and repairs to the Appin Church.
- (d) fourthly the remainder of the said proceeds shall be invested by the Corporate Trustee and applied as to the capital and income in accordance with an ordinance passed by Standing Committee at the request of the majority of the Church Committee of the Church of St. Mark the Evangelist Appin and majority of the members of the Parish Council of the Parish of St. Peter Campbelltown and pending such application the Corporate Trustee shall capitalize the income.

4. This ordinance may be cited as the "Campbelltown (Appin) Ordinance 1986"

FIRST SCHEDULE

ALL THAT piece or parcel of land at Appin in the Shire of Wollondilly Parish of Appin and County of Cumberland being Allotment No. 11 of Section 2 and the land in Town Purchase No. 82 page 245.

SECOND SCHEDULE

ALL THAT piece or parcel of land similarly situated being Lots 19 and 20 of Section 3 and part of the land in Land Grant Volume CLVIII Folio 133.

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 189h day of August 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
12/9/1986