

MITTAGONG (RECTORY LAND) SALE ORDINANCE 1986

NO. 53, 1986

AN ORDINANCE to vary the trusts upon which certain land in the parish of Mittagong is held and to authorise the sale of the said land and to authorise the application of the proceeds of the sale.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the proprietor of the land described in the First Schedule and the Second Schedule hereto.

B. The land described in the First Schedule is occupied by the Rectory for the Parish of Mittagong and being church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) is held upon trust to permit the same to be used for any purpose in connection with the Anglican Church of Australia in the Parish of Mittagong but no trusts have been declared in writing.

C. The land described in the Second Schedule is vacant land and being church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) is held upon trust to permit the same to be used for any purpose in connection with the Anglican Church of Australia in the Parish of Mittagong but no trusts have been declared in writing.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule is held it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient that the said land be sold.

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. This Ordinance may be cited as the "Mittagong (Rectory Land) Sale Ordinance 1986".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule is held it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied and that the said land be sold.
3. The Corporate Trustee is hereby authorised and empowered to sell the land described in the First Schedule within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time and for such price and upon such terms and conditions as it may determine freed from the trusts upon which the said land is held.
4. The proceeds arising from the sale of the land described in the First Schedule shall be applied as follows:-
  - (a) First to pay all outgoings to which the said land may be subject and the costs of and incidental to this ordinance and to the sale of the said land;

- (b) Secondly towards meeting the costs of the construction and furbishment of a new rectory and landscaping of the grounds on the land described in the Second Schedule;
- (c) Thirdly the balance to be paid to the churchwardens of the Church of St. Stephen at Mittagong.

and pending such applications the proceeds arising from the sale shall be invested by the Corporate Trustee and the interest arising therefrom shall be capitalised.

#### FIRST SCHEDULE

ALL THAT piece or parcel of land situate in the Shire of Wingecarribee parish of Mittagong County of Camden being land having an area of 1 rood and being part lots 187 and 186 in Deposited Plan 1289 and being the whole of the land comprised in Certificate of Title Volume 2919 Folio 26.

#### SECOND SCHEDULE

ALL THAT piece or parcel of land situate in the shire of Wingecarribee Parish of Mittagong County of Camden being land having an area of 1 rood and being Lot 189 of Section R in Deposited Plan 1289 and being the whole of the land comprised in Certificate of Title Volume 6846 Folio 145.

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

E.D. CAMERON  
Chairman of the Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of November 1986.

W.G.S. GOTLEY  
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney.  
24/11/1986