

ST. JAMES LUDDENHAM VARIATION OF TRUST AND LAND
SALE ORDINANCE 1982

No. 52 1982

AN ORDINANCE to vary the trusts on which certain land at Luddenham is held and to authorise the sale of the said land and to provide for the application of the proceeds of such sale.

WHEREAS

A. By Conveyance dated 1st January 1873 No. 36 Book 135 certain land at Northern Road, Luddenham of which the land more particularly described in the Schedule hereto forms part, was conveyed by Sir Charles Nicholson to the Bishop of Sydney.

B. The said Conveyance imposed a trust on the land in the Schedule hereto that it was to be used as a Glebe in connection with a church (to be erected on another part of the land, namely St. James Church Luddenham) and as a site for the erection of a dwelling house for the Minister for the time being licensed or otherwise authorised to officiate within the Church erected or to be erected as aforesaid.

C. The Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is now the proprietor of the said lands more particularly described in the Schedule hereto subject to the trusts above referred to.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same.

E. It is expedient that the said lands be now sold and the proceeds applied as hereinafter set out

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 circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is

inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the said land within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee either by public auction or private treaty upon such terms and conditions and at such price or prices as it thinks fit.

3. The proceeds of such sale or sales shall be applied:-

(a) First, in payment of all fees, costs and expenses of and incidental to this Ordinance and to the subdivision and sale of the said land, and

(b) Secondly, for such purpose within the Parish of Mulgoa as the Parramatta Anglican Regional Council may determine by resolution at the written request of the members of the Parish Council of the said Parish provided that pending such application the funds shall be invested by the Corporate Trustee upon such terms and conditions as may be agreed upon by the Churchwardens for the time being of St. Thomas' Church at Mulgoa and the income derived therefrom shall be applied:-

(i) As to 10% to be re-invested and added to the capital sum;

(ii) As to 7.5% per annum to be re-invested in a separate fund with the Corporate Trustee and used:-

(a) first, for the maintenance, fabric and upkeep of St. James' Luddenham church building and grounds, and

(b) secondly, to be applied to any ministry being exercised or to be exercised to a congregation based at St. James' Luddenham.

such decision to be made as the Rector and

Churchwardens from time to time see fit.

(iii) and as to the residue to be applied to the use and needs of the said Parish as the Rector and Churchwardens from time to time of the said church at Mulgoa see fit.

4. This Ordinance shall be reviewed by the Parramatta Anglican Regional Council and the Standing Committee before 31 December 1992.

5. This Ordinance may be cited as the "St. James Luddenham Variation of Trust and Land Sale Ordinance 1982".

SCHEDULE

ALL THAT piece or parcel of land situate at Luddenham in the City of Penrith Parish of Bringelly and County of Cumerland comprising 2.023 hectares or thereabouts having a frontage to The Northern Road, Luddenham of 80 metres or thereabouts and being prt of the land in Conveyance No. 36 Book 135.

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 13th day of December 1982.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
13 / 12 / 1982