

Blacktown Ordinance 1996

(Reprinted under the Interpretation Ordinance 1985.)

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Long Title

An Ordinance to authorise the sale of land at Blacktown, to provide for the application of the proceeds of sale and for other matters.

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Certificate of Title Folio Identifier 101/733716 upon which is erected a church building known as Christ Church Blacktown (the "Parish Land").

B. By the Christ Church Blacktown Vesting and Mortgage Ordinance 1956 the Parish Land is held upon trust to permit the same to be used as a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church of Australia in the Parish of Blacktown with Prospect Bungaribee and Doonside.

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

D. By reason of circumstances which have arisen after the creation of the trusts on which the Parish Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Parish Land be sold and the proceeds of sale be applied for the purposes set out in this ordinance, which purposes include the acquisition of land on the corner of Richmond Road and The Ring Road Blacktown (the "Richmond Road Land") being part lot 9, lots 10-13 and lots 17-19 in deposited plan 12242 and lot 101 in deposited plan 740311.

E. It is expedient to authorise the mortgaging and leasing of the Richmond Road Land upon its acquisition.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

Name of Ordinance

1. This ordinance is the Blacktown Ordinance 1996.

Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Parish Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Parish Land be sold and the proceeds of sale applied as provided herein.

Sale Authority

3. The Property Trust is empowered to sell the Parish Land by public auction or private contract at such time and at such price upon and subject to such terms and conditions as it may think fit. No such sale may be affected after the 3rd anniversary of the date on which assent is given to this ordinance without the consent of the Standing Committee given by resolution.

Application of Proceeds of Sale

4. After deduction of all outgoings to which the Parish Land may be subject and the costs of and incidental to the promotion of this ordinance the balance remaining shall be applied toward the costs of the acquisition of the Richmond Road Land and the erection of suitable facilities for use by the Parish including a long day care centre.

Declaration of Trusts

5. Upon acquisition, and subject to the power to mortgage in clause 6, the Richmond Road Land, shall be held for the purposes of the Anglican Church of Australia Diocese of Sydney at Blacktown for the sole benefit of the Parish or any other ecclesiastical district into which it may subsequently be formed.

Mortgage

6. (1) After the acquisition of the Richmond Road Land, the Property Trust is authorised to mortgage from time to time that Land or part thereof for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution.

(2) The amount borrowed on the security of any mortgage granted pursuant to this ordinance shall be applied towards one or more of the following –

- (a) the costs of acquisition of the Richmond Road Land;
- (b) the erection and maintenance of suitable improvements on the Richmond Road Land; and
- (c) such other purposes in the Parish as the Standing Committee may approve by resolution.

Certification

7. Any document certified by the Archbishop or the Diocesan Secretary as a copy of any resolution of the Standing Committee passed pursuant to this ordinance shall in favour of a mortgagee or any person claiming under a mortgage granted pursuant to this ordinance be conclusive evidence that the resolution was duly passed.

Parish to Account

8. While any money is secured by mortgage granted pursuant to this ordinance the churchwardens of Christ Church Blacktown in every statement of assets and liabilities prepared for the purpose of an annual vestry meeting of that church must disclose the amount secured by the mortgage on the last day of the financial year to which the statement of assets and liabilities relates.

Power to Lease

9. (1) After the acquisition of the Richmond Road Land, the Property Trust is authorised from time to time to enter into a lease or licence of any part of that Land upon the request made by resolution of a majority of the parish council of the Parish.

(2) The terms of any lease or licence shall be those agreed by the Property Trust, upon the request of the parish council of the Parish, after consultation between the Property Trust and the parish council of the Parish.

Rentals Payable

10. (1) The income from any lease or licence granted pursuant to clause 9 shall be paid to the churchwardens of Christ Church Blacktown and applied for such purposes of the Parish as the parish council of the Parish may determine.

(2) The authority in clause 10(1) to apply the income from any lease or licence terminates on that day being 25 years after the date of assent to this ordinance and thereafter such income shall be applied by resolution of the Standing Committee made at the request of the parish council of the Parish.

Notes

The original form of ordinance was assented to on 24 June 1996.

STEVE LUCAS
Manager, Legal Services

ROBERT WICKS
Diocesan Secretary

4 July 2012