

Brighton/Rockdale Land Sale Ordinance 2016

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

Clause	
1Name
2Declarations
3Power of sale
4Allocations from the ACPT – Brighton/Rockdale Trust
5Capitalisation of income
Schedule	
	χ χ χ χ χ χ χ χ χ χ

Long Title

An Ordinance to permit the sale of certain land at 431-431A Princes Highway, Rockdale and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “Property Trust”) is the registered proprietor of the land comprised in folio identifiers 11/825235 and 1/919657 known as 431-431A Princes Highway Rockdale and the site of St John’s church and hall (the “Land”).

B. The Land is church trust property and forms part of the property of the ACPT – Brighton/Rockdale Trust which, under the Brighton/Rockdale Trust Ordinance 2016, is held on trust for the purposes of the parish of Brighton/Rockdale (the “Parish”).

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that one or more of the lots comprising the Land be sold and that the proceeds 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 Brighton/Rockdale Land Sale Ordinance 2016.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that one or more of the lots comprising the Land be sold and that the proceeds be applied in the manner set out in clause 4.

3. Power of sale

(1) Subject to subclause 3(2), the Property Trust is authorised to sell one or more of the lots comprising the Land, including air space rights, within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) The authority to sell the Land arises only after –

- (a) the licence or sentence of consecration of the church on the Land has been revoked, and
- (b) the Property Trust has a contractual or other legal entitlement to acquire space within the proposed redevelopment of the Land for use as a church and associated car parking.

4. Allocations from the ACPT – Brighton/Rockdale Trust

(1) Subject to subclause 4(2), the Property Trust is directed that it may make the following payments from the capital of the ACPT – Brighton/Rockdale Trust –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land,

- (b) second, repayment of the Parish's existing borrowings from the Sydney Church of England Finance and Loans Board,
- (c) third, reimbursement of any expenses incurred by the Mission Property Committee in relation to this Ordinance and the sale of the Land, and
- (d) fourth, in and towards the costs and expenses of and incidental to –
 - (i) the purchase of space within the development on the Land for use as a church and associated car parking,
 - (ii) any development, alteration or fitout considered necessary to render the space suitable for a church, and
 - (iii) the purchase of additional space within the development.

(2) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the Property Trust.

5. Capitalisation of income

Notwithstanding clause 7 of the Brighton/Rockdale Trust Ordinance 2016, all income arising from the investment of that part of the ACPT – Brighton/Rockdale Trust which comprises the proceeds of sale is to be capitalised.

Notes

1. The original form of ordinance was assented to on 12 December 2016.
2. On 18 November 2019 the Standing Committee approved under clause 3(1) of the Ordinance an extension of the land sale date to 18 November 2022.

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22 November 2019