

# Kensington Eastlakes Land Sale Ordinance 2023

No 48, 2023

## Long Title

An Ordinance to permit the sale of certain land at Mascot, and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the registered proprietor of the land contained in folio identifier 1/536401 known as 8 Walker Avenue Mascot and the site of vacant land (the "Land").

B. The Land is church trust property and forms part of the property of the ACPT – Kensington Eastlakes Trust which, under the *Kensington Eastlakes Trust Ordinance 2017*, is held for the purposes of the parish of Kensington Eastlakes (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 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 Kensington Eastlakes Land Sale Ordinance 2023.

### 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 the Land be sold and that the proceeds be applied in the manner set out in clause 4.

### 3. Power of Sale

The ACPT is authorised to sell the Land subject to such terms and conditions as it may think fit within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

### 4. Allocations from the ACPT – Kensington Eastlakes Trust

(1) Subject to clause 4(2), the ACPT is directed that it may make the following payments from the capital of the ACPT – Kensington Eastlakes Trust –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second, to purchase property to be leased out to provide an income for the Parish or to house a minister of the Parish, including the costs of and incidental to any renovations or improvements necessary to render the acquired property suitable for leasing or for housing a minister of the Parish.

(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 ACPT.

### 5. Capitalisation of income

Notwithstanding clause 7 of the *Kensington Eastlakes Trust Ordinance 2017*, all income arising from the investment of that part of the ACPT – Kensington Eastlakes Trust which comprises proceeds from the sale of the Land is to be capitalised.

### 6. Use of excess funds

On or before 12 months after sale of the Land, or a later date determined by Standing Committee by resolution, the Wardens of the Principal Church of the Parish are to promote an Ordinance to the Standing Committee to provide for application of the remaining proceeds of sale.

## **Kensington Eastlakes Land Sale Ordinance 2023**

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

R TONG  
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 20 November 2023.

B BOUNDS  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

20/11/2023