Anglican Church Diocese of Sydney

# Sadleir (Busby) Land Sale Ordinance 1997

No 4, 1997

**Long Title**

An Ordinance to authorise the sale of certain land at Busby and 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 being Lot 917 in Deposited Plan 223956, together with the improvements erected thereon, situated at the corner of St John's Road and Orchard Road Busby (the "Land").

B. By clause 1 of the Sadleir Variation of Trusts Ordinance 1985 the Land is held upon trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney in the Provisional Parish of Sadleir (the "Parish").

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

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

**Name of Ordinance**

1. This ordinance is the Sadleir (Busby) Land Sale Ordinance 1997.

**Declarations of Inexpediency**

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

**Power of Sale**

3. (1) The Property Trust is empowered to sell the Land by public auction or private contract at such time and at such price upon and subject to terms and conditions as it may think fit.

(2) No such sale may be effected 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 Sale Proceeds**

4. (1) The proceeds arising from the sale of the Land shall be applied as follows -

(a) First, to pay all outgoings to which the Land may be subject and the costs of and incidental to this Ordinance and the sale of the Land.

(b) Secondly, the balance (including any capitalised income referred to in clause 4(2)) must be applied in accordance with a written request from the Bishop of Georges River, made with the concurrence of the parish council of the Parish, towards the costs of all or any of -

(i) the acquisition of land for the purposes of a residence for the minister of the Parish;

(ii) the construction and fitting out of buildings suitable for ministry purposes in the Parish or such parochial units into which the Parish may be divided; and

(iii) the repayment of any loan raised to meet the purposes in subclause (i) and (ii).

(2) Pending application under clause 4(1) the proceeds of sale must be invested and the income applied as follows -

(a) 30% is to be capitalised; and

(b) 70% must be paid to the churchwardens of the principal church of the Parish and applied by them for the purposes of the Parish.

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

***N.M. CAMERON***
*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 24 February 1997.

***W.G.S. GOTLEY***
*Secretary*

I Assent to this Ordinance.

***P.W. BARNETT***
*Commissary for the Archbishop of Sydney*
24/2/1997