

Kellyville Land Sale Ordinance 1994

No 48, 1994

Long Title

An Ordinance to authorise the sale of certain land at Kellyville and to provide for the application of the proceeds of sale.

Preamble

Whereas

A. The Property Trust is the registered proprietor of the whole of the land (the "Land") comprised in Certificate of Title Volume 5365 Folio 153.

B. The Land is church trust property and is held on trust for the purposes of the Anglican Church Diocese of Sydney in the parish of St Stephen's Kellyville ("Parish") although there are no written trusts.

C. The Land is capable of being subdivided.

D. 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 of sale be applied in the manner set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said such Synod Hereby Ordains, Directs, Declares and Rules as follows -

Citation

1. This ordinance may be cited as the "Kellyville Land Sale Ordinance 1994".

Declaration of Expediency

2. By reason of the 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.

Authority to Sell

3. The Property Trust is authorised and empowered to subdivide and sell the whole or part of the Land within 3 years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private treaty at such time or times as it may determine free from the trusts on which the Land is held.

Application of Proceeds

4. The proceeds from the sale of the Land or any part or parts thereof shall be applied -

- (a) first, to pay all outgoing to which the sale of the Land may be subject and the costs of and incidental to this ordinance and to the subdivision and sale of the Land;
- (b) secondly, the balance is to be applied toward one or more of the following -
 - (i) the acquisition of land or lands for a church, worship centre, place of worship, residence for a minister, an assistant minister, curate or persons employed by the churchwardens for the time being ("Churchwardens") of St Stephen's church;
 - (ii) the cost of constructing a church, worship centre, place of worship, residence for a minister, residence for an assistant minister, residence for a curate or other persons employed by the Churchwardens including all incidental costs of furniture and fittings therein;
 - (ii) the cost of constructing a hall or halls for administration and ministry use or a day care centre and/or play centre;
 - (iv) the costs of relocation of buildings on the Land and the modification, repair or renovation thereof; and
 - (v) the costs of construction of an educational facility.

5. Pending the application of the proceeds of sale under clause 4, the proceeds shall be invested by the Property Trust and the income capitalised.

6. If the balance of the proceeds of sale and any capitalised interest, after any application or applications made pursuant to clause 4 is less than the minimum sum, such balance is to be paid to the Churchwardens and applied for the purposes set out in clause 4. The expression "minimum sum" at any time means the amount last determined prior to that time by the Property Trust to be the smallest sum in relation to which the Property Trust wishes to act as trustee.

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

N.M. Cameron
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 November 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
6/12//1994