

Lane Cove Land Sale Ordinance 2001

No 40, 2001

Long Title

An Ordinance to permit the sale of certain land at Lane Cove and to amend the Lane Cove Trust Ordinance 2001.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in certificate of title folio identifier 6/13316 known as 4 Mars Road Lane Cove (the "Land").

B. The Land is church trust property and forms part of the property of the Lane Cove Trust which, under the Lane Cove Trust Ordinance 2001 (the "Principal Ordinance"), is held for the purposes of the parish of Lane Cove (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.

D. By reason of circumstances which have arisen after the creation of the trusts on which the property of the Lane Cove Trust is held it is inexpedient to carry out or observe those trusts.

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

1. Name

This Ordinance is the Lane Cove Land Sale Ordinance 2001.

2. Declarations

(1) 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.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the property of the Lane Cove Trust is held it is inexpedient to carry out or observe those trusts and it is expedient that they be varied in the manner set out in clause 5.

3. Power of sale

The Property Trust is authorised to sell the Land 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 Lane Cove Trust

(1) Subject to clause 4(2), the Property Trust is directed to make the following payments from the capital of the Lane Cove Trust for any one or more of the following purposes -

- (a) first, in payment of the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second, to reimburse the churchwardens of St Andrew's, Lane Cove for moneys expended on the Land to prepare it for sale,
- (c) third, towards the costs of erecting and fitting out a new residence for the minister of the Parish, and
- (d) fourth, towards the costs of carrying out repairs and improvements to the existing church, hall and grounds in accordance with the Master Plan prepared by the Architect for 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 Property Trust.

5. Amendment to Principal Ordinance

(1) The Principal Ordinance is amended as follows -

- (a) renumber the existing clause 7 as clause 7(1), and
- (b) insert the matter "(other than income referred to in clause 7(2))" after the first occurrence of the words "trust fund" in renumbered clause 7(1), and
- (c) delete the matter "except in relation to income of the trust fund that is rental or licence fees earned under the licence granted under clause 9(3)," in renumbered clause 7(1)(a), and
- (d) insert a new clause 7(2) as follows -
 - "(2) The income of the trust fund arising from -
 - (a) a residential lease granted pursuant to clause 9(1) for a weekly rental which does not exceed \$750 or such other amount as the Standing Committee determines by resolution, and
 - (b) the licence granted pursuant to clause 9(3),
is to be applied in accordance with clause 7(1)(b).", and
- (e) delete the matter "7(b)" in clause 8(1) and insert instead the matter "7(1)(b)".

(2) Despite the provisions of the Principal Ordinance, from the date of assent to this Ordinance to the first to occur of -

Lane Cove Land Sale Ordinance 2001

- (a) the date which is 1 year after the date of assent to this Ordinance, and
- (b) the date on which the Property Trust grants a lease over the residence known as 6 Finlayson Street, Lane Cove,

the capitalisation rate referred to in clause 7(1)(a) of the Principal Ordinance is taken to be reduced from 30% to 0%.

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

P G KELL
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 24 September 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
9/10/2001