

St Ives Land Sale Ordinance 2004

No 20, 2004

Long Title

An Ordinance to authorise the sale of certain land at St Ives and the application of the sale proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of land comprised in folio identifier 12/215973 known as 19 Murchison Street, St Ives (the "Murchison Street residence").

B. The Murchison Street residence is church trust property and is held on the trusts set out in the Schedule.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Murchison Street residence is held it is expedient to sell the Murchison Street residence and apply the proceeds 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 St Ives Land Sale Ordinance 2004.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Murchison Street residence is held it is expedient to sell the Murchison Street residence and apply the proceeds of sale in the manner set out in clause 4.

3. Authority to sell

The Property Trust is authorised to sell the Murchison Street residence by auction or private treaty any time during the 3 years following the date on which assent is given to this Ordinance (and thereafter only if approved by resolution of the Standing Committee) for such price and on and subject to such terms and conditions as the Property Trust considers appropriate.

4. Application of sale proceeds

The proceeds from the sale of the Murchison Street residence (and any income therefrom) after the payment of the costs of and incidental to this Ordinance and the sale of the Murchison Street residence, are to be paid to the Property Trust and applied as follows -

- (a) firstly, in payment of any goods and services tax (as defined in the *A New Tax System (Goods and Services Tax) Act 1999*) in connection with the sale of the Murchison Street residence; and
- (b) the balance, subject to the existing trusts set out in the Schedule toward the acquisition of a residence to replace the Murchison Street residence suitable for an assistant minister or other person employed by the churchwardens of a church of the parish of St Ives to undertake ministry in the parish.

Schedule

By clause 4 of the Christ Church St Ives Ordinance 1978 the land is held upon trust to permit the same to be used for a residence for a minister or full time lay worker or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the said Parish of Christ Church, St Ives or any parish or district into which such parish shall be formed or divided and to be subject to the provisions of the Sydney Church Ordinance 1912 or any other ordinance of the diocese of Sydney for the time being in force and applicable to the said property provided however that in the event of the Archbishop in Council at any time hereafter determining in his or their absolute discretion that the said property can no longer be used for the purposes aforesaid or any one or more of them in the parish of Christ Church, St Ives or any parish into which such parish

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shall be formed or divided upon trust to permit the same to be used for and by the Home Mission Society of the Church of England in the Diocese of Sydney for the general purposes thereof absolutely.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 July 2004.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
27/7/2004