



Belmore with McCallums Hill and Clemton Park Land Sale Ordinance 1997

No 47, 1997

Long Title

An Ordinance to authorise the sale of certain land at McCallums Hill and the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney is the registered proprietor of Lots 214-217 inclusive in Deposited Plan 12233 situated at McCallum Street and Moorefields Road Roselands (the "Land").

B. The Land is held on trust for the parish of Belmore with McCallums Hill and Clemton Park (the "Parish") although there are no written trusts.

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 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 -

Name of Ordinance

1. This Ordinance is the Belmore with McCallums Hill and Clemton Park 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, it is expedient that the Land be sold but it is inexpedient that the proceeds of sale be applied solely for the purposes of the Parish or for the same or like purposes as the trusts on which the Land is presently held.

Sale Authority

3. (1) The Property Trust is empowered to sell the Land by private contract at such time and at such price upon and subject to such 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 Proceeds of Sale

4. (1) After payment of all outgoings to which the Land may be subject and the costs of and incidental to the promotion of this Ordinance and to the sale of the Land the balance remaining shall be applied as follows -

(a) an amount not exceeding \$15,000 shall be applied toward the costs of relocating the columbarium situated on the Land, or to reimburse the churchwardens of any church in the Parish for such costs;

(b) subject to clause 4(3), an amount not exceeding \$350,000 shall be applied for the purchase, and any necessary alterations repairs or fitting out, of a residence suitable for an assistant minister or other person employed by the churchwardens of any church in the Parish; and

(c) the balance then remaining shall be divided into 2 equal parts which shall be applied as follows -

(i) 1 part shall be paid to the Archbishop of Sydney's Vision 2001 Ministry and Development Program to be applied towards the costs of erecting a multi purpose parish building at Hoxton Park; and

(ii) the other part shall be applied in accordance with paragraph (2) and, pending such application, shall be invested and the income applied as follows -

(A) 30% of the income shall be capitalised, and

(B) the balance of the income shall be paid to the churchwardens of the principal church of the Parish for such purposes of the Parish as the parish council may determine from time to time other than the payment of the stipend, allowances and benefits of the minister of the Parish.

(2) The Property Trust is authorised to pay out of the amount referred to in clause 4(1)(c)(ii) the following-

(a) an amount not exceeding \$190,000 towards the building and fitting out of a residence on Lot 213 in Deposited Plan 12233 suitable for occupation by the minister of the Parish;

(b) an amount not exceeding \$20,000 for essential repairs of Parish properties; and

(c) an amount not exceeding \$5,000 for the cost of temporary housing for the parish worker of the Parish.

(3) Any amount not expended under clause 4(1)(b) within 2 years of the date of this Ordinance shall be divided into 2 equal parts. 1 part shall be added to the amount referred to in clause 4(1)(c)(i) and the other part added to the amount referred to in clause 4(1)(c)(ii).

Review

5. No later than 6 months before the 5th anniversary of assent to this Ordinance the churchwardens of the principal church of the Parish will promote an Ordinance to further deal with funds invested under clause 4(1)(c)(ii) of this Ordinance. The authority to apply income contained in clause 4(1)(c)(ii) will cease on the 5th anniversary of assent to this Ordinance.

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 8 December 1997.

M.A. PAYNE

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

19/12/1997