



Caringbah (Taren Point) Land Sale Ordinance 1996

No 27, 1996

Long Title

An Ordinance to authorise the sale of land at Taren Point and provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of Lots 16, 17 and 18 in Deposited Plan 9230 known as 12 Old Taren Point Road, Taren Point (the "Land").

B. By clause 2 of the St Stephen's Taren Point Variation of Trust and Mortgaging Ordinance 1965, Lot 16 is held on trust to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at Taren Point in the parish of St Philip Caringbah with Taren Point.

C. By Declaration of Trust made by the Property Trust dated 12 June 1919, Lots 17 and 18 are held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England at Taren Point.

D. It is expedient that the Land be sold and the proceeds of sale 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 Caringbah (Taren Point) Land Sale Ordinance 1996.

Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is expedient that the Land be sold and the proceeds of sale be applied in accordance with clause 4.

Sale Authority

3. (1) The Property Trust is empowered to sell the Land at any time within 3 years from the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) The Property Trust is authorised to sever the church building from the Land and to transfer the ownership of that building to the Department of School Education upon terms agreed between it and the Department of School Education upon the recommendation of the churchwardens of the Parish of Caringbah.

(3) Such sale may be by public auction or private contract at such times and at such price upon and subject to such terms and conditions as the Property Trust considers appropriate.

Application of Proceeds of Sale

4. (1) The costs of and incidental to this Ordinance and the sale of the Land including removal and relocation and ancillary work of the church building shall be paid from the proceeds of sale.

(2) An amount of \$50,000 from the proceeds of the sale shall be paid to the Diocesan Endowment Fund.

(3) If the sale price of the land exceeds \$950,000 then 15% of that excess shall be paid to the Diocesan Endowment Fund.

(4) After payment of the amounts authorised by sub clauses (1), (2) and (3) the balance of the proceeds of sale shall be applied upon written request by the Churchwardens of St Phillip's Church Caringbah following a resolution made by the Parish Council of the parish towards all or any of the costs of the erection of new buildings and the renovation of existing buildings including any necessary and ancillary works on the St Phillip's Church site at Port Hacking Road, Caringbah being Lot Y in Deposited Plan 412953 and Lot 7 of Section 6 in the Deposited Plan 5805 or for such other purpose as may be determined by resolution of the Standing Committee upon the written request of the churchwardens of St Phillip's Caringbah following a resolution made by the Parish Council of the Parish.

Investment of Proceeds Pending Application

5. Pending application of the proceeds of sale under clause 4 the Property Trust must invest those proceeds and capitalise the income.

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 21 October 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

21/10/1996