
Kellyville Land Sale Ordinance 1994

(Reprinted under the Interpretation Ordinance 1985.)

The Kellyville Land Sale Ordinance 1994 as amended by the Kellyville Land Sale Ordinance 1994 Amendment Ordinance 1998 and the Kellyville Land Sale Ordinance 1994 Amendment Ordinance 2001.

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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 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 outgoings 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, to pay the sum of \$200,000 to Fund 390 - New Sites Ordinance 1982 - clause 3;
 - (c) thirdly, 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 of the principal or only church of the Parish ("Churchwardens");

- (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;
- (iii) 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;
- (v) the costs of construction of an educational facility;
- (vi) the payment of outgoings in relation to the land in President Road Kellyville being lot 2 in deposited plan 558307 including, without limiting the generality thereof, the payment of municipal council and water rates, repairs to boundary fences and clearing of vegetation from the site;
- (vii) the costs in relation to the fitting out of a residence for the minister and/or assistant minister, removal and storage expenses, and the costs of any alterations or additions which may be required by the Churchwardens or which may be required to bring any such residence up to the Diocesan standard;
- (viii) the costs and expenses relating to removal of furniture and fittings from the Land, including the minister's residence, and removal of rubbish therefrom;
- (ix) the costs and expenses of further repairs and improvements to the Rouse Hill Church;
- (x) the costs and expenses for signage and/or advertising of the new location of the Kellyville/Rouse Hill Ministry Centre to a sum not exceeding \$1,000; and
- (xi) for such purposes as may be approved by the Standing Committee at the request of a majority of the parish council of the Parish.

5. Pending the application of the proceeds of sale under clause 4, the proceeds are to be invested by the Property Trust and the income of such investments earned from 1 January 2001 is to be applied as follows -

- (a) 30% is to be capitalised; and
- (b) 70% is to be applied for the general purposes of the Parish upon written request of the Churchwardens other than the payment of the stipend of the rector.

Review

5A. The authority to apply income under clause 5(b) earned after 31 December 2003 terminates on 31 December 2003.

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.

Table of Amendments

Recital B	Amended by Ordinance No 4, 2001.
Clause 4	Amended by Ordinances No 43, 1998 and 4, 2001.
Clause 5	Deleted and new clause inserted by Ordinance No 4, 2001.
Clause 5A	New clause inserted by Ordinance No 4, 2001.

ROBERT WICKS
Legal Officer

MARK PAYNE
Diocesan Secretary

13 March 2001