

Moss Vale Land Sale Ordinance 2018

No 9, 2018

Long Title

An Ordinance to permit the sale of certain land at Nowra Road, Fitzroy Falls.

Preamble

The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifier 1/934264 and the site of the Emmanuel Church (the "Land").

A. The Land is church trust property and forms part of the property of the ACPT – Berrima cum Moss Vale Trust which, under the Berrima cum Moss Vale Trust Ordinance 2014, is held for the purposes of the parish of Moss Vale (the "Parish").

B. 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 applied 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 Moss Vale Land Sale Ordinance 2018.

2. Declarations

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 or observe those trusts or to deal with the Land wholly for the use or benefit of the Parish and it is expedient that the Land be sold and the trusts varied in the manner set out in clause 3.

3. Variation of Trusts

The trusts on which the Land is held are varied to the extent necessary to permit the application under clause 5(1)(b).

4. Power of sale

(1) 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.

(2) The authority to sell the Land arises only after the licence or sentence of consecration of the church on the Land has been revoked.

5. Allocations from the ACPT – Berrima cum Moss Vale Trust

(1) Subject to clause 5(2), the Property Trust is directed that it may make the following payments from the capital of the ACPT – Berrima cum Moss Vale Trust –

- (a) firstly, the costs and expenses of and incidental to this Ordinance and the sale of the Land,
- (b) secondly, 5% of the proceeds be allocated to the Mission Property Committee for allocation to building development works for the new church plant at Leppington,
- (c) thirdly, towards the costs of and incidental to an application to rezone the land comprised in folio identifier 1/875157,
- (d) fourthly, towards the costs of and incidental to acquiring a residence suitable for an Assistant Minister, including the costs of and incidental to any renovations necessary to render the acquired property suitable for an Assistant Minister, and
- (e) fifthly, towards the costs of and incidental to the renovation and fit out of the church hall on the land comprised in auto consol 516-192 known as St John's Church on the corner of Waite Street and Browley Street Moss Vale.

(2) No payment is to be made under clause 5(1) until the Land has been sold and the proceeds of sale paid to the Property Trust.

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6. Capitalisation of income

Notwithstanding clause 7 of the Berrima cum Moss Vale Trust Ordinance 2014, all income arising from the investment of that part of the ACPT – Berrima cum Moss Vale Trust which comprises the proceeds of sale is to be capitalised.

7. Amendment to the Berrima cum Moss Vale Trust Ordinance 2014

The Berrima cum Moss Vale Trust Ordinance 2014 is to be amended by deleting each occurrence of the words “Berrima cum”.

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

R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 23 April 2018.

D GLYNN
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
10/05/2018