
North Epping Land Sale Ordinance 1994

(Reprinted under the Interpretation Ordinance 1985.)

The North Epping Land Sale Ordinance 1994 as amended by the North Epping Land Sale Ordinance 1994 Amendment Ordinance 1997.

Long Title

An Ordinance to provide for the sale of certain land at North Epping and to provide for the application of the proceeds of sale.

Preamble

Whereas

A. The Property Trust is the registered proprietor of the land comprised in Certificate of Title Volume 9515 Folio 99 (the "Land") upon which is constructed a cottage used as the rectory for the parish of All Saints, North Epping ("the Parish").

B. The land is church trust property and is held on trust for the purposes of the Anglican Church of Australia Diocese of Sydney in the Parish, formerly part of the parish of Epping, 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 inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and the proceeds be applied for the purposes within the Parish 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 Synod Ordains Declares Directs and Rules as follows -

Citation

1. This ordinance may be cited as the "North Epping Land Sale Ordinance 1994".

Declaration 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 and it is expedient to vary the trusts to the extent necessary to enable the Land to be sold and for the proceeds to be applied for the purposes within the Parish in the manner set out in this ordinance.

Authority to Sell

3. The Property Trust is authorised and empowered to sell the Land within 3 years after the date of assent to this ordinance and thereafter only with the consent by resolution of the Standing Committee by private treaty in one or more lots at such time and at such price or prices and upon such terms and conditions as it may determine free from the trusts upon which the Land is held.

Application of Proceeds

4. The proceeds arising from the sale of the Land shall be applied by the Property Trust in the following order of priority -

- (a) first, in payment of or reimbursing the churchwardens of All Saints Church North Epping (the "Churchwardens") for, all outgoing to which the Land may be subject, the costs of and incidental to this ordinance and to the sale of the Land;
- (b) secondly, the sum of \$10,000 shall be paid to the Archbishop of Sydney's Vision 2001 Appeal for the purposes of that Appeal;
- (c) thirdly, the balance is to be applied in or towards one or both of the following -
 - (i) the purchase or construction of a residence in the Parish for use as a residence for a minister or assistant minister licensed to the Parish or lay person employed by the Churchwardens together with the cost or costs associated with and incidental to the purchase of the residence and the fitting out and provision of any necessary fixtures and fittings; and
 - (ii) for such purpose or purposes as may be approved by the Standing Committee by resolution upon application by the majority of the parish council of the Parish.

Investment of Proceeds

5. Pending the application of the proceeds arising from the sale of the Land, the proceeds shall be invested and the income, as may be available, paid to the Churchwardens by way of reimbursement for rent paid to

lease a dwelling to be used as a rectory pending the provision of a rectory pursuant to paragraph 4(c)(i) hereof and any balance of the income shall be capitalised.

Endnotes

MARK PAYNE
Legal Officer

WARREN GOTLEY
Diocesan Secretary
27 February 2008

1. Amended by Ordinance No 14, 1997.