



Punchbowl with Greenacre Land Sale Ordinance 1996

No 46, 1996

Long Title

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

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney is the registered proprietor of Lots 23 and 24 of section F in Deposited Plan 5720 being the whole of the land comprised in Certificate of Title Volume 2515 Folio 91 and known as 119 Highclere Avenue Punchbowl (the "Land").

B. By clause 1 of the St Barnabas' Punchbowl Declaration of Trusts and Mortgaging Ordinance 1962 the Land is 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 or others of such purposes in connection with the Church of England at Punchbowl in the Provisional District of St Barnabas' Punchbowl.

C. The Land is now situated in the parish of Punchbowl with Greenacre (the "Parish").

D. 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 -

Name of Ordinance

1. This ordinance is the Punchbowl with Greenacre Land Sale Ordinance 1996.

Declarations

2. 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 it is inexpedient to deal with or apply the proceeds of sale for the same or like purposes as the trusts on which the Land is held.

Sale Authority

3. (1) The Property Trust is authorised to sell the Land by public auction or 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. No sale may be completed until the urns in the burial ground and the associated plaques have been relocated to another burial ground.

Application of Proceeds of Sale

4. The proceeds arising from the sale of the Land shall be applied as follows -

(a) In payment of all outgoings to which the Land may be subject including the costs of relocating the urns in the burial ground and the costs of and incidental to this Ordinance and to the sale of the Land.

(b) The balance shall be applied upon written request made pursuant to a resolution of the parish council of the Parish for any one or more of the following -

(i) the acquisition of a residence suitable for use as a residence of the minister and any necessary alterations or additions to that residence; and

(ii) the acquisition of land presently owned by the Department of Housing which adjoins the land (the "Greenacre Site") situated in Waterloo Road and Pandora Street, Greenacre owned by the Property Trust.

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

6. The churchwardens of St Barnabas' Punchbowl must promote an ordinance to deal with the balance of the proceeds within 6 months of the exchange of contracts for sale of the property.

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 18 November 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

6/12/1996