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# Robertson (Kangaloon and Glenquarrie) Land Sale Ordinance 1993

(Reprinted under the Interpretation Ordinance 1985.)

The Robertson (Kangaloon and Glenquarrie) Land Sale Ordinance 1993 as amended by the Robertson (Kangaloon and Glenquarrie) Land Sale Ordinance 1993 Amendment Ordinance 1994, the Robertson (Kangaloon and Glenquarrie) Land Sale Ordinance 1993 Amendment Ordinance 1997 and the Robertson (Kangaloon and Glenquarrie) Land Sale Amendment Ordinance 2002 .

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### Long Title

An Ordinance to provide for the sale of certain land situated at Kangaloon and Glenquarrie in the Parish of Robertson and to provide for the application of the proceeds of sale of those lands.

### Preamble

#### Whereas

- A. The Property Trust is the registered proprietor of the land at Kangaloon ("Kangaloon Land") being the land comprised in Certificate of Title Volume 4431 Folio 12 and being the land on which is erected the building known as St Mark's Church, Kangaloon.
- B. The Kangaloon Land is church trust property held 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 in the Parish of Wingecarribee at Kangaloon.
- C. The Kangaloon Land is now situated in the Parish of Robertson ("Parish").
- D. The Property Trust is the registered proprietor of the land at Glenquarrie ("Glenquarrie Land") being the land comprised in Certificate of Title Volume 2170 Folio 246 and being the land on which is erected the building known as St Luke's Church, Glenquarrie.
- E. The Glenquarrie Land is church trust property held for the purposes of the Anglican Church in the Parish although no trusts have been declared in writing.
- F. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Kangaloon Land and the Glenquarrie Land are respectively held it is expedient that the Kangaloon Land and the Glenquarrie Land be sold and further it is inexpedient to deal with or apply the proceeds of sale of the Kangaloon Land and the Glenquarrie Land for the same or like purposes and it is expedient to amend those trusts so as to permit the application of the proceeds of sale 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 Synod Hereby Ordains Declares Directs and Rules as follows.

### Citation

- 1. This ordinance may be cited as the "Robertson (Kangaloon and Glenquarrie) Land Sale Ordinance 1993".

### Declarations

- 2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Kangaloon Land and the Glenquarrie Land are respectively held it is expedient that the Kangaloon Land and the Glenquarrie Land be sold and further it is inexpedient to deal with or apply the proceeds of sale of the Kangaloon Land and the Glenquarrie Land for the same or like purposes and it is expedient to amend the trusts on which such lands are held so as to permit the application of the proceeds of sale in the manner set out in this ordinance.

### Power of Sale

3. The Property Trust is hereby authorised to sell the Glenquarry Land and the Kangaloon Land within 3 years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by resolution, by public auction or private contract in one or more lots at such time and at such price or prices and upon such terms and conditions as the Property Trust may determine.

#### **Application of Proceeds**

4. The proceeds of sale of the Kangaloon Land and the Glenquarry Land, and any income capitalised under clause 5, must be applied by the Property Trust in the following order of priority -

- (a) First, to pay the costs and fees of and incidental to the preparation and passing of this ordinance, the preparation for sale of the Kangaloon Land and the Glenquarry Land and the subsequent sale or sales of those lands.
- (b) Secondly, from the proceeds of sale of the Glenquarry Land, an amount equal to 10% of the sale price of that land for such extra parochial purposes as may be determined by the majority of the parish council of the Parish.
- (c) Thirdly, to repay the outstanding balance of the loan made by the Sydney Church of England Finance and Loans Board to the Parish for the renovation of the Parish rectory.
- (d) Fourthly, as to any balance, for such purposes of the Parish as may be determined by the majority of the parish council of the Parish from time to time and approved by resolution of Standing Committee.

5. Pending application of the proceeds of sale under clause 4, the proceeds must be invested and the income applied as follows -

- (a) an amount equal to 25% of the income is to be paid to the churchwardens of St John's Church, Robertson to be applied by them for such purposes of the Parish as are determined from time to time by the parish council, other than the payment of the stipend, allowances and benefits of the minister;
- (b) an amount equal to 25% of the income is to be applied toward any cost recoveries charge, assessments and arrears of assessments owed by the Parish from time to time; and
- (c) the balance of the income must be capitalised.

6. The authority to apply the remaining proceeds of sale under clause 4 and the authority to apply the income under clause 5 each terminate on 30 June 2007. The churchwardens of St John's Robertson must, by 31 March 2007, promote a further ordinance to provide for the application after 30 June 2007 of the remaining proceeds of sale and the income.

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#### **Table of Amendments**

Clause 5	Original clause amended by Ordinance No 62, 1994. New clause inserted by Ordinance No 11, 1997 and amended by Ordinance No 19, 2002.
Clause 6	New clause inserted by Ordinance No 11, 1997 and amended by Ordinance No 19, 2002.

ROBERT WICKS  
**Legal Officer**

MARK PAYNE  
**Diocesan Secretary**

20 May 2002