



St John's Park Land Sale and Variation of Trust Ordinance 1999

No 23, 1999

Long Title

An Ordinance to authorise the sale of certain land at Canley Vale and the application of the proceeds of sale and the distribution of certain accumulated income.

Preamble

A. The Property Trust is the registered proprietor of the land comprised in folio identifiers 2/984059 and 1/817982 known as 96 Canley Vale Road, Canley Vale (the "Land").

B. The Land is church trust property and by declaration of trust dated 26 May 1915 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 other of such purposes in connection with the Anglican Church at Canley Vale.

C. The provisional district of St Paul's Canley Vale is now part of the provisional parish of St John's Park with Canley Heights (the "Parish").

D. By the St Paul's Canley Heights Lease Ordinance 1981 the Land is presently leased to Mobil Oil Australia Ltd ("Mobil"). Mobil has removed a service station that was erected on the Land and is in the process of decontaminating the Land. Mobil has waived its option to renew the lease after 13 December 1999.

E. 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.

F. The Property Trust holds Client Fund 474 on the trusts set out in the St Paul's Canley Vale Leasing Ordinance 1978 (the "Client Fund").

G. By reason of circumstances which have arisen after the creation of the trusts on which the Client Fund is held it is impossible or inexpedient to carry out or observe such trusts and it is expedient that the Client Fund be 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 the St John's Park Land and Variation of Trusts Ordinance 1999.

2. Declarations

(1) 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 of sale and any income derived therefrom be applied for the purposes of the Parish in the manner set out in this Ordinance.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the Client Fund and any income derived therefrom are held -

(a) it is impossible or inexpedient to carry out or observe those trusts or to deal with the Client Fund and any income derived therefrom for the same or like purposes of those trusts; and

(b) it is expedient to vary those trusts in the manner set out in this Ordinance.

3. Sale Authority

(1) The Property Trust is empowered to sell the Land by public auction or private contract at such time and at such place and subject to such terms and conditions as it may think fit.

(2) No such sale may be effected after the third anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

4. Application of Proceeds of Sale

After payment of all outgoings to which the Land may be subject and the costs of and incidental to the promotion of this Ordinance and to the sale of the Land the balance of the proceeds of sale and any income derived therefrom shall be applied (subject to clause 6) towards the building and fitting out of additional facilities in the Parish on the properties known as 73 Edensor Road and 7 and 8 Toorak Close St John's Park (the "Project").

5. Client Fund 474

The Client Fund and any income derived therefrom shall be applied (subject to clause 6) towards the Project.

6. Funding of Project

The total amount to be applied to the Project from the following sources shall not exceed \$1,700,000 without further Ordinance promoted by the Parish -

(a) St John's Park (Canley Heights) Land Sale and Variation of Trusts Ordinance 1998 clause 6(b);

(b) St John's Park (Canley Heights) Land Sale and Variation of Trusts Ordinance 1998 clause 8; and

(c) clauses 4 and 5 of this Ordinance.

7. Further Ordinance

The Parish shall within six months of completion of the Project promote an ordinance to provide for the application of any remaining funds from the sources referred to in clause 6 in excess of \$1,700,000.

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

P KELL

Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 July 1999.

M A PAYNE

Secretary

I Assent to this Ordinance.

R H GOODHEW

Archbishop of Sydney

26/7/1999