

Sylvania Land Sale Ordinance 1992

No 44, 1992

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

Whereas

A. The Property Trust is the registered proprietor of Lot 3 of Section 3 in Deposited Plan 800 and Lot A in Deposited Plan 398653 ("the Land").

B. The Land is church trust property held for the purposes of the Anglican Church of Australia in the Parish of Sylvania ("Parish") although no written trusts have been found.

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 the same and it is expedient to vary the trusts to enable the Land to be sold and further it is inexpedient to deal with or apply the proceeds of sale of the Land for the sole use or benefit of the Parish and it is expedient to vary the trusts so that such proceeds may be dealt with in the manner provided by 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.

1. This ordinance may be cited as the "Sylvania Land Sale Ordinance 1992".

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 the same and it is expedient to vary the trusts to enable the Land to be sold and further it is inexpedient to deal with or apply the proceeds of sale of the Land for the sole use or benefit of the Parish and it is expedient to vary the trusts so that such proceeds may be dealt with in the manner provided by this ordinance.

3. The Property Trust is hereby empowered to sell the Land by public auction or private contract at such time and at such price upon and subject to such terms, conditions, covenants and reservations as it may think fit provided that 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. The proceeds from the sale of the Land shall be held and invested by the Property Trust and the interest capitalised. Out of such proceeds and any capitalised interest the following payments are authorised -

- (a) The payment of the ordinance fee of \$500 and all other costs of and incidental to this ordinance and the sale of the Land.
- (b) An amount not exceeding Seven hundred thousand dollars (\$700,000) or such other sum as may be authorised by resolution of the Standing Committee shall be applied towards the acquisition of a suitable site for a rectory and if necessary the demolition of any existing improvements and the erection of a residence suitable for occupation by the minister of the Parish.
- (c) An amount equal to eleven percent of the net income earned in each financial year is to be paid by the Property Trust, as soon as convenient, to the Churchwardens of St John's Sylvania Heights to enable diocesan assessments to be paid.
- (d) The balance of the proceeds shall be applied for such purposes as Standing Committee may by resolution approve following a recommendation by resolution of the majority of the Parish Council of the Parish not later than six (6) months after the completion of the acquisition and works authorised by clause 4(b).

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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 the 23rd day of November 1992.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robison
Archbishop of Sydney
23/11/1992