

Thornleigh-Pennant Hills Land Sale Ordinance 2006

No 3, 2006

Long Title

An Ordinance to permit the sale of certain land located at Pennant Hills Road, Thornleigh.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the properties known as 323 Pennant Hills Road, Pennant Hills and 325 Pennant Hills Road, Pennant Hills, comprised in folio identifiers 6/613193 (part being lot 26 in DP263536) and 25/263536 respectively (the "Land").

B. The land being lot 26 in DP263536 is held upon trusts pursuant to the Thornleigh-Pennant Hills Sale Ordinance 1980 for a –

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens of any church in the Parish;
- (c) hall or halls;
- (d) school or other place of assembly ,

or partly for one or another of such purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish of Thornleigh-Pennant Hills or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

C. With respect to the land contained in folio identifier 6/613193, the Land is church trust property and is held by the Property Trust upon trust for the Anglican Parish of St Luke and St Mark at Pennant Hills (the "Parish") pursuant to a bequest in which the property was bequeathed to the Anglican Church in Australia Diocese of Sydney for and on behalf of 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 trusts varied with respect to the proceeds of sale of the Land.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Thornleigh-Pennant Hills Land Sale Ordinance 2006.

2. Declarations

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 that the trust with respect to the proceeds of sale be varied to permit the proceeds of sale to be applied for the purposes of the Anglican Church in Australia Diocese of Sydney both within the Parish and outside the Parish but within the Anglican Church Diocese of Sydney.

3. Power of Sale

Subject to the deconsecration of the church known as St Luke's Anglican Church Thornleigh erected on part of the Land, the Property Trust is authorised to –

- (a) sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution; and
- (b) to take all such actions and do all acts and things necessary to prepare the Land for sale including the subdivision of the Land.

4. Allocations from proceeds of sale

(1) Subject to subclause (2), the Property Trust is directed to make the following payments in the following priority from the proceeds of sale of the Land –

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- (a) firstly, the costs and expenses of and incidental to this Ordinance and the sale of the Land together with all costs incurred by the Parish in preparing the contract for sale;
- (b) secondly, in payment of any goods and services tax (as defined in *A New Tax System (Goods & Services Tax) Act 1999*) payable in connection with any sale authorised by clause 3;
- (c) thirdly, for the repayment of loans totalling \$680,000 taken out by or on behalf of the Parish for or in connection with the acquisition of the property located at 25 Rosemount Avenue, Pennant Hills and the costs associated with such loans (other than the payment of interest), in the following priority –
 - (i) loans made by Glebe Investment Company Pty Limited, and
 - (ii) loans made by parishioners of the Parish;
- (d) fourthly, subject to the prior written approval of the Archdeacon of the Northern Region to acquire a residence for a minister, an assistant minister or any person employed by the churchwardens of churches in the Parish;
- (e) fifthly, an amount of \$100,000 plus any difference between the sum of \$1 million and the cost of the acquisition of the residence referred to in sub-paragraph (d) hereof (if the cost of acquisition referred to in paragraph (d) is less than \$1 million) to be applied for the purposes of –
 - (i) the refurbishment, extension, alteration and/or renovation and other works to be carried out on the church known as St Mark's Anglican Church, Pennant Hills and the associated church hall and office; and an adjoining residence; or
 - (ii) for such other purposes as may be approved by a resolution of Standing Committee upon request or requests of the majority of the Parish Council of the Parish; and
- (f) the balance of the proceeds of sale after meeting the payments referred to in the preceding sub-paragraphs shall be applied for any project or class of projects for the purposes of the Anglican Church in Australia Diocese of Sydney identified by a resolution or resolutions of the Standing Committee to advance the Diocesan Mission.

(2) No payment is to be made under subclause (1) until the Land has been sold and the proceeds of sale paid to the Property Trust.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 March 2006.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
28/3/2006