

Wahroonga (St Paul's) Land Sale and Mortgaging Ordinance 1994

No 23, 1994

Long Title

An Ordinance to authorise the sale of land at Wahroonga, to provide for the application of the proceeds of sale and to further amend the Wahroonga (St Paul's) Land Sale and Mortgaging Ordinance 1993.

Preamble

Whereas

A. The Wahroonga (St Paul's) Land Sale and Mortgaging Ordinance 1993 as amended (the "1993 Ordinance") authorised the mortgaging and subsequent sale of the land known as unit 2, 1709 Pacific Highway, Wahroonga.

B. The parish of St Paul's Wahroonga ("Parish") now wishes to retain unit 2 and, to sell instead the home unit ("Home Unit") known as unit 1, 1709 Pacific Highway, Wahroonga being lot 1 in SP15189.

C. The Home Unit is held upon trust for the Parish although there are no written trusts.

D. It may be necessary to mortgage the Home Unit to secure bridging finance to undertake one or more of the transactions contemplated by clause 7 of the 1993 Ordinance.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Home Unit is held it is inexpedient to carry out and observe the same and it is expedient to sell the Home Unit.

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 "Wahroonga (St Paul's) Land Sale and Mortgaging Ordinance 1994".

Declaration of Expediency

2. By reason of the circumstances which have arisen after the creation of the trusts on which the Home Unit is held it is expedient that that land be mortgaged and, in due course, sold.

Power to Mortgage

3. The Property Trust is hereby empowered to mortgage the Home Unit from time to time for the purpose of securing any loan authorised by clause 2 of the 1993 Ordinance.

Certificates

4. Any document certified by the Archbishop or the Diocesan Secretary as a copy of any resolution of the Standing Committee passed pursuant to clause 2 of the 1993 Ordinance shall, in favour of the mortgagee or any person claiming under a mortgage granted pursuant to this ordinance, be conclusive evidence that such resolution was duly passed.

Power to Sell

5. The Property Trust is authorised and empowered to sell the Home Unit by public auction or private contract at such time and at such price or prices and upon such terms and conditions as it may determine provided that 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.

Application of Proceeds

6. (1) The proceeds from the mortgage of the Home Unit and/or the sale of the Home Unit shall be applied for all or any of the following purposes -

- (a) to repay any indebtedness secured by mortgage over the Rectory, the Home Unit and/or the Isis Street Property;
- (b) to acquire the Isis Street Property;
- (c) to demolish the existing building on the Isis Street Property;
- (d) to build a new rectory on the Isis Street Property;
- (e) to demolish the improvements erected on the land being lot A in Deposited Plan 323414 and to undertake landscaping works in respect of that land;
- (f) to pay all costs of and incidental to this ordinance and the costs of and incidental to the sale or mortgage of any land authorised by this ordinance and the purchase of the Isis Street Property; and
- (g) to pay the costs of accommodating the rector of the Parish pending the building of the new rectory on the Isis Street Property.

(2) Any balance of the proceeds of sale after application under subclause (1) shall be applied towards completion of the hall to the church link works on the land comprised in Certificate of Title Volume 4301 Folio 24.

(3) Terms used in this clause which are not defined in this ordinance but which are defined in the 1993 Ordinance have the meaning ascribed to them in the 1993 Ordinance.

Investment Pending Application of Proceeds

Wahroonga (St Paul's) Land Sale and Mortgaging Ord 1994

7. Pending the application of any proceeds under clause 6 the proceeds shall be invested and the income capitalised.

Amendment to the 1993 Ordinance

8. The 1993 Ordinance is amended as follows -

- (a) in paragraph A of the preamble the matter "and the land comprised in Certificate of Title Folio Identifier 2/SP15189 (the "Home Unit")" is deleted;
- (b) in paragraph B of the preamble the matter "and the Home Unit are both" is deleted and is replaced with the word "is";
- (c) in paragraph C of the preamble the matter "and the Home Unit" is deleted;
- (d) in paragraph D of the preamble the matter "all or any of the Rectory Land, the Home Unit" is deleted and is replaced with "one or both of the Rectory Land";
- (e) in paragraph E of the preamble and in clauses 2(a) and 6 matter "and the Home Unit" is deleted;
- (f) in clause 3 the matter "and the Home Unit are" is deleted and is replaced with the word "is";
- (g) in clause 7(1) the words "and Home Unit" where first appearing are deleted and the matter " , the Home Unit" where first appearing is also deleted; and
- (h) a new clause 7(3) is added in the following terms - "'Home Unit' has the same meaning as the Wahroonga (St Paul's) Land Sale and Mortgaging Ordinance 1994."

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 20 June 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
20/6/1994