

Wilberforce Land Sale Ordinance 2001

No 16, 2001

Long Title

An Ordinance to authorise the sale of certain land at Tizzana Road, Sackville and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land being Lot 500 in Deposited Plan 751665 known as Lot 500 Tizzana Road, Sackville Reach (the "Land") .

B. The Land is church trust property and by Crown Grant Volume 109 Folio 142 the grantees are described as "Trustees for a Church of England Church".

C. The Land is situated in the provisional parish of Wilberforce (the "Parish") and is the site of St Thomas', Sackville Reach (the "Church").

D. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out or observe those trusts and it is inexpedient to apply the Land for the same or like purposes as those trusts and it is expedient to vary those trusts so as to enable the Land to be sold and to apply the proceeds of sale 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 Wilberforce Land Sale Ordinance 2001.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out or observe those trusts and it is inexpedient to apply the Land for the same or like purposes as those trusts and it is expedient to vary those trusts so as to enable the Land to be sold and to apply the proceeds of sale in the manner set out in this Ordinance.

3. Sale Authority

(1) The Property Trust is authorised to sell the land at any time within 3 years from the date of assent to this ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) Such sale may be by public auction or private agreement in one or more lots for such price or prices and subject to such terms and conditions as the Property Trust considers appropriate.

(3) This authority is subject to the revocation of the sentence of consecration of the Church.

4. Application of Proceeds of Sale

(1) The costs of and incidental to this ordinance and the sale of the Land shall be paid from the proceeds of the sale of the Land.

(2) The remaining balance of the proceeds of sale shall be paid to the Property Trust and, subject to clause 6, shall be applied as follows -

- (a) first, in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the sale;
- (b) second, in payment to the Sydney Church of England Finance and Loans Board of all moneys owed under Finance and Loans Board loan 0021;
- (c) third, toward the costs of and incidental to the completion of the Education Centre constructed on the land at Macquarie Street, Wilberforce on which St John's church, Wilberforce is situated as requested by the churchwardens of St John's, Wilberforce (the "Churchwardens"); and
- (d) the balance (and any income earned thereon which is capitalised under clause 5) for such other capital purposes of the Parish as the parish council of the Parish shall by resolution direct.

5. Investment

Pending the application of proceeds of sale under clause 4, the proceeds (or balance remaining from time to time) shall be invested and the income capitalised.

6. Review

(1) On the review date, the authority to apply the proceeds of sale and any capitalised income under clause 4 terminates. As soon as possible thereafter, the Churchwardens must present an ordinance to the Standing Committee for the application of the proceeds of sale and any capitalised income.

(2) In this clause the "review date" is the 5th anniversary of the date of assent to this ordinance, or such later date as the Standing Committee may appoint by resolution.

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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 30 April 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

R J PIPER
Commissary for the Administrator of the Diocese of Sydney
30/4/2001