

# Dundas/Teloepa Land Sale Ordinance 2014

No 44, 2014

## Long Title

An Ordinance to provide for sale of certain land at Dundas and Teloepa and for purposes incidental thereto.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in the First Schedule (the "Dundas Land") and the Second Schedule (the "Teloepa Land").

B. The Dundas Land and the Teloepa Land comprise church trust property and by clause 5 of the Dundas/Teloepa Trust Ordinance 2012 are held for the purposes of the parish of Dundas/Teloepa (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Dundas Land and the Teloepa Land are held it is expedient to sell the whole or any part of the Dundas and the Teloepa Land, and 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 Dundas/Teloepa Land Sale Ordinance 2014.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Dundas Land and the Teloepa Land are held it is expedient to sell the whole or any part of the Dundas Land and the Teloepa Land and apply the proceeds of sale in the manner set out in clauses 4 and 5.

### 3. Power of Sale

(1) The Property Trust is authorised to sell the whole or any part of the Dundas Land at any time within 3 years, and thereafter only with the consent of the Standing Committee given by resolution, whether given before or after the expiry date.

(2) The Property Trust is authorised to sell the whole or any part of the Teloepa Land at any time within 3 years after contracts have been exchanged for the purchase of land that has been approved by the Mission Property Committee as a site for a new ministry centre for the Parish (the "New Site"), and thereafter only with the consent of the Standing Committee given by resolution, whether given before or after the expiry date.

### 4. Application of proceeds of sale of Dundas Land

The Property Trust is directed that it may make the following payments from that part of the capital of the Dundas/Teloepa Trust comprising the sale proceeds of the Dundas Land and any capitalised income therefrom –

- (a) first, the costs and expenses of and incidental to this Ordinance and sale of the Dundas Land,
- (b) second, to repay the parish's existing loan for the purchase of 79A Kissing Point Road, Dundas,
- (c) third, in and towards the costs of and incidental to the purchase of land and the construction of a residence thereon, or the purchase of a residence and the cost of any alterations considered necessary to render the residence suitable for housing a Minister, Assistant Minister or any person employed by the wardens of a church of the Parish,
- (d) fourth, in and towards the costs of and incidental to the purchase of the New Site, and

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- (e) the balance, in and towards the costs of and incidental to the construction of a ministry centre on the New Site, or the modification of existing improvements on the New Site to render them suitable for a ministry centre, and any other related improvements.

### **5. Application of proceeds of sale of Telopea Land**

The Property Trust is directed that it may make the following payments from that part of the capital of the Dundas/Telopea Trust comprising the sale proceeds of the Telopea Land and any capitalised income therefrom –

- (a) first, in payment of the costs and expenses of and incidental to sale of the Telopea Land, and
- (b) the balance, in and towards the costs of and incidental to the construction of a ministry centre on the New Site, or the modification of existing improvements on the New Site to render them suitable for a ministry centre, and any other related improvements.

### **6. Capitalisation of income**

Notwithstanding clause 7 of the Dundas/Telopea Trust Ordinance 2012, any income from investment of the sale proceeds of the Dundas Land and the Telopea Land is to be capitalised.

#### **Schedule 1**

The land in folio identifier 10/219954 known as 7 St Andrews Place Dundas and vacant land.

The land in folio identifiers 7/219954 and 8/219954 known as 7 St Andrews Place Dundas and the site of St Andrews Church, parish hall and a residence.

The land in folio identifier 2/869976 known as 79A Kissing Point Road, Dundas and the site of a residence.

#### **Schedule 2**

The land in folio identifiers 580/36692, 581/36692 and 582/36692 known as 26 Lord Avenue Telopea and the site of St Stephens church, parish hall, and a residence.

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

R TONG  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 8 December 2014.

R WICKS  
Secretary

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I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
09./12/2014