

Kellyville Land Sale Ordinance 2002

No 49, 2002

Long Title

An Ordinance to authorise the sale of certain land at Kellyville 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 contained in the folio identifier 18/870667 known as 8 Cigolini Place, Kellyville (the "Land").
- B. The land is church trust property and is held upon trust for the parish of Kellyville (the "Parish") although there are no written trusts.
- 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 those trusts and it is expedient that the Land be sold and the proceeds of sale be applied 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 Kellyville Land Sale Ordinance 2002.

2. Declaration

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 those trusts and it is expedient that the Land be sold and the proceeds of sale be applied in the manner set out in this Ordinance.

3. Authority to Sell

- (1) The Property Trust is authorised to 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.
- (2) The sale authorised by clause 3(1) may be by public auction or private treaty and for such price and subject to such terms and conditions as the Property Trust may determine.

4. Application of Proceeds of Sale

The proceeds from the sale authorised by clause 3(1), after payment of the costs of and incidental to this Ordinance and sale of the Land, are to be paid to the Property Trust and 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, and
- (b) secondly, to purchase land and construct and fit out a new residence or residences on such land to be held for the Parish as a residence for the minister or an assistant minister or a person employed by the churchwardens of the church of the Parish, or if there is more than 1 church of the Parish, of the principal church for the time being of the Parish, and
- (c) thirdly, for the costs of constructing, landscaping and fitting out the church centre being constructed on the land being part of lot 2 in deposited plan 558307 at President Road, Kellyville, and
- (d) fourthly, the balance, if any, is to be applied for such purposes of the Parish as may be approved by resolution of the Standing Committee.

5. Investment

Pending the application of the proceeds of sale referred to in clause 4, the proceeds or the balance remaining from time to time are to be invested by the Property Trust and the income capitalised.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 23 September 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
14/10/2002