

Shellharbour Land Sale Ordinance 1993

No 25, 1993

An Ordinance to authorise the sale of land at Barrack Heights and to provide for the application of the proceeds of sale.

Whereas

A. The Property Trust is the registered proprietor of the land (the "Church Land") in Certificate of Title Volume 10125 Folio 81 being the land more particularly described in the Schedule.

B. The Church Land is church trust property held on trust for the purpose of the parish of Shellharbour ("Parish") although no trusts exist in writing.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Church Land is held it is inexpedient to carry out and observe those trusts to the extent that they are hereby varied and it is expedient to sell the Church Land.

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.

1. This ordinance may be cited as the "Shellharbour Land Sale Ordinance 1993".

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Church Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the Church Land be sold.

3. The Property Trust is authorised to sell the Church Land at any time within three (3) years after the date of assent of this ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions as may seem appropriate to the Property Trust.

4. (1) The proceeds of the sale of the Church Land, after paying thereout the costs of and incidental to this ordinance, shall be applied by the Property Trust towards the acquisition of other land in the Parish (the "Acquired Land") to be held upon trust for a residence for a minister, assistant to the minister, or person employed by the churchwardens of St Paul's Church, Shellharbour ("Churchwardens") for the sole benefit of the Parish or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

(2) The balance of the proceeds of sale, if any, shall be paid by the Property Trust to the Churchwardens and applied by them towards the construction of a building upon the Acquired Land consistent with the trusts impressed on that land.

5. Pending the application of the proceeds of sale in accordance with clause 4 the Property Trust must invest the proceeds and capitalise the income.

Schedule

All That piece or parcel of land at Barrack Heights in the Municipality of Shellharbour Parish of Terragong and County of Camden being Lot 21 in Deposited Plan 226538 and the whole of the land in Certificate of Title Volume 10125 Folio 81.

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 30 August 1993.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
10/9/1993