

Wilberforce Land Sale Ordinance 2003

No 25, 2003

Long Title

An Ordinance to declare new trusts in respect of certain land at Tizzana Road, Sackville, to authorise the sale of the land 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 501 in Deposited Plan 751665 (formerly Portion 501 in the parish of Wilberforce, County of Cook, Local Government Area of Hawkesbury) and known as Lot 501 Tizzana Road, Sackville (the "Land").

B. The Land is church trust property and by Crown Grant Volume 109 Folio 143 the grantees are described as "Trustees for a Church of England School".

C. The Land is situated in the provisional parish of Wilberforce (the "Parish") and is immediately adjacent to land being the former site of St Thomas' Sackville Reach which was sold on 22 August 2002.

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 or to apply the Land for the same or like purposes as those trusts and it is expedient to declare new trusts in respect of the Land and it is expedient that the Land be sold and the proceeds of sale 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 Wilberforce Land Sale Ordinance 2003.

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 or apply the Land for the same or like purposes as those trusts and it is expedient to declare new trusts in respect of the Land and it is expedient that the Land be sold and the proceeds of sale applied in the manner set out in this Ordinance.

3. New Trusts

The Land is held on trust for the purposes of the Parish.

4. 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.

5. Application for Proceeds of Sale

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

(2) The remaining balance of the proceeds of sale is to be paid to the Property Trust and, subject to clause 7, is to be applied as follows –

- (a) firstly, 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) the balance (and any income earned thereon which is capitalised under clause 6) in or toward either or both of –
 - (i) the purchase of another residence within the Parish as may be determined suitable by the churchwardens of St John's Wilberforce and approved by resolution of the parish council, including payment of all costs reasonably associated with the purchase of such property;

Wilberforce Land Sale Ordinance 2003

- (ii) such purposes of the Parish as the Standing Committee may direct by resolution at the request of the parish council of the Parish.

6. Investment

Pending the application of the proceeds of sale under clause 5, the proceeds (or the balance remaining from time to time) is to be invested and the income capitalised.

7. Review

(1) On the review date, the authority to apply the proceeds of sale and any capitalised income under clause 5 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.

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

R TONG
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 28 July 2003.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
29/7/2003