

Wilberforce Land Sale Ordinance 2005

No 24, 2005

Long Title

An Ordinance to vary the trusts of certain land at Lower Portland, to authorise the sale of the land and to provide for the application of the proceeds of sale.

Preamble

A The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land being the land contained in Folio Identifier 1/1022812 and known as Wheelbarrow Ridge Road, Lower Portland (the "Land").

B The Land is church trust property and by Deed of Indenture Registered Book 188 Number 53 is held upon trust to permit and suffer to be erected and built on the Land a church or chapel in connection with the United Church of England and Ireland.

C The Land is situated in the provisional parish of Wilberforce (the "Parish") and is the site of St John's Lower Portland.

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 deal with 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.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Wilberforce Land Sale Ordinance 2005.

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 to deal with 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 clause 5.

3. New Trusts

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

4. Sale Authority

(1) Subject to subclauses (2) and (3) 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 whether given before or after the expiry date.

(2) Such sale may be by public tender or private agreement for such price and subject to such terms and conditions as the Property Trust considers appropriate.

(3) The authority to sell the Land arises only after the licence or sentence of consecration of St John's Lower Portland has been revoked.

5. Application for 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 7, 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) the balance (and any income earned thereon which is capitalised under clause 6) in or toward any or all of –
 - (i) in repayment of any Parish loans presently outstanding with the Sydney Church of England Finance and Loans Board;

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- (ii) the construction and other capital development costs associated with the ongoing development of the Education Centre and associated facilities on the premises of the Parish at 43 Macquarie Street, Wilberforce;
- (iii) 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 balance remaining from time to time) shall 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 of St John's Wilberforce 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.

P G KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 August 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
30/8/2005