

Kurrajong Land Sale and Variation of Trusts Ordinance 2013

No 1, 2013

Long Title

An Ordinance to authorise the sale, and variation of the trusts, of certain land at North Richmond 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 Folio Identifier 1/870269 (the "Land") known as 151 Bells Line of Road, North Richmond and the former site of St Philip's Church and Hall, North Richmond.

B. The Land is church trust property and forms part of the property of the Kurrajong Parish Trust which under the Kurrajong Trust Ordinance 2001 is held for the purposes of the parish of Kurrajong (the "Parish").

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 or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or to deal with or apply the Land wholly for the benefit of the Parish, and it is expedient that the Land be sold and that the proceeds 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 Kurrajong Land Sale and Variation of Trusts Ordinance 2013.

2. Declarations

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 or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or to deal with or apply the Land wholly for the benefit of the Parish, and it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 5.

3. Variation of Trusts

The trusts of the Land are varied to the extent necessary to permit the application of the proceeds in clause 5(1)(c).

4. Authority to Sell

The Property Trust is authorised to sell the Land, and to register such easements and rights of way as may be necessary in connection with the sale, within three years after 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 this date.

5. Application of proceeds of sale

(1) Subject to clause 5(2) the Property Trust is directed that it may make the following payments from that part of the capital of the Kurrajong Trust comprising the proceeds from the sale of the Land –

- (a) first, the costs of and incidental to this Ordinance and the sale of the Land,
- (b) second, in payment of goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the sale, and
- (c) third, 15% to be paid to the Mission Property Committee to be applied towards the costs of and incidental to the construction of a new ministry centre at Oran Park, and
- (d) fourth, in and towards the costs and expenses of and incidental to the construction of a residence on existing land held on trust for the Parish, the purchase of additional 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 a person employed by the Wardens of St Stephen's Kurrajong, and

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- (e) the balance is to be applied towards the costs and expenses of and incidental to the following on the site of St Stephen's Kurrajong –
 - (i) constructing a new multi-purpose ministry centre,
 - (ii) integrating the existing Christian Education Centre with the said multi-purpose ministry centre, and
 - (iii) constructing a car park.

(2) No payment is to be made under clause 5(1) until the Land has been sold and the proceeds of sale paid to the Property Trust.

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

K SOWADA
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 February 2013.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
26/02/2013