

Manly Land Sale Ordinance 2008

No 4, 2008

Long Title

An Ordinance to authorise the sale of certain land in Addison Road, Manly 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 A/360797 known as 30 Addison Road, Manly (the "Land").

B. The Land is church trust property and is held on trust for the purposes of the parish of Manly (the "Parish") although there are no written trusts.

C. By reason of circumstances which have arisen after the creation of the trusts which the Land is held 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 Manly Land Sale Ordinance 2008.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 4.

3. Power of Sale

The Property Trust is authorised to sell the Land at any time within 3 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 that date.

4. Application of the Proceeds of Sale

(1) The proceeds of sale are to be paid to the Property Trust and after payment of the costs of and incidental to this Ordinance and the sale of the Land are to be applied as follows –

- (a) in and towards the purchase of a residence, or the purchase of land and construction of a residence thereon, and the cost of any alterations considered necessary to make the residence comply with diocesan standards, for housing the Minister of the Parish,
- (b) in and towards the purchase of a residence, or the purchase of land and construction of a residence thereon, and the cost of any alterations considered necessary to make the residence comply with diocesan standards, for housing an assistant minister of the Parish or a person employed by the churchwardens of St Matthews Manly, and
- (c) 15% of any remaining balance to be applied to the acquisition of land within growth areas of the Northern Region of the Diocese as determined by resolution of the Northern Regional Council, and
- (d) the balance to be applied in and towards the costs and expenses of or incidental to –
 - (i) the alteration, extension, addition, demolition and/or redevelopment of buildings and structures erected on land held on trust for the general or specific purposes of the Parish,
 - (ii) the construction of new buildings or structures whether inside or adjacent to, or in replacement of, the residences on the land held on trust for the general or specific purposes of the Parish, and
 - (iii) the provisions of fixtures and fittings in, or adjacent to, or incidental to, such alteration, extension, addition, redevelopment or construction.

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(2) Pending application of the sale proceeds, the sale proceeds (or the balance remaining from time to time) are to be invested and the income applied after settlement of sale as follows –

- (a) 30% is to be capitalised, and
- (b) the balance is to be paid to the churchwardens of the church of the Parish to be applied in and towards the costs and expenses of housing the ministry staff of the Parish.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 February 2008.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
19/2/2008