



Ryde (Livingstone Lodge) Sale Ordinance 1999

No 15, 1999

Long Title

An Ordinance to authorise the sale of certain land at Ryde known as Livingstone Lodge, to provide for the application of certain moneys held for the maintenance of Livingstone Lodge and associated matters.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the whole of the land in Certificates of Title Volume 13114 Folio 43 (the "Land").

B. The Land is church trust property and is held upon trust for the Parish of Ryde (the "Parish") subject to certain trusts set out in the Ryde (Livingstone Lodge) Ordinance 1973 as amended (the "1973 Ordinance").

C. Erected on the Land is a building known as Livingstone Lodge (the "Building") containing 12 residential units which have been leased.

D. The rental arising from the Land has been applied towards certain purposes as set out in the 1973 Ordinance including a maintenance fund established under paragraph 6(b) of the 1973 Ordinance to, inter alia, repair, renovate and maintain the Building (the "Maintenance Fund").

E. 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 and observe those trusts. It is expedient that the Land be sold and the proceeds of sale applied in the manner set out in this ordinance. It is expedient that the trusts on which the Maintenance Fund and net rental income derived from the Land from 1 January 1999 are held are varied 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 Ryde (Livingstone Lodge) Sale Ordinance 1999.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held-

(a) it is inexpedient to carry out and observe those trusts; and

(b) it is inexpedient to deal with or apply the net rental income derived from the Land from 1 January 1999 or the Maintenance Fund for the same or like purposes as the trusts on which the same are presently held; and

(c) it is expedient that the Land be sold but it is inexpedient to deal with or apply the proceeds of sale for the same or like purposes as the trusts on which the Land is presently held.

3. Sale Authority

The Property Trust is authorised to register a strata plan with respect to the Land and thereafter to sell the Land or any part or parts thereof by public auction or private contract at such time and at such price upon and subject to such terms and conditions as it may think fit provided that no such sale may be effected after the third anniversary of the date on which assent is given to this ordinance without the consent of the Standing Committee given by resolution.

4. Application of Maintenance Fund & Rental Income

The Property Trust is empowered to pay to the churchwardens of St Anne's Church, Ryde (the "Churchwardens") all the net income arising under the 1973 Ordinance as and from 1 January 1999 and the Maintenance Fund for the purposes of developing the Land and Building into strata units and any surplus arising therefrom shall be paid to the Churchwardens to assist in meeting the costs of the Parish Ministry Centre.

5. Application of Proceeds of Sale

The proceeds of sale of the Land of any part or parts thereof shall be applied by the Property Trust as follows -

(a) firstly in payment of all outgoing to which the Land may be subject and the costs of and incidental to this ordinance and such sale of the Land;

(b) secondly to purchase and furnish a residence for an assistant minister or other employee of the Parish up to a value of \$500,000; and

(c) the remaining balance shall be invested and held upon trust for the purpose of meeting the costs associated with the Parish Ministry Centre at the written request of a majority of the parish council of the Parish.

6. Parish Ministry Centre

For the purposes of this ordinance the Parish Ministry Centre shall mean the new building for worship and Parish purposes proposed to be constructed on land held on certain trusts for the Parish, being the land contained in Lot 2 Deposited Plan 541856 and Lot 1 Deposited Plan 113532. The costs associated therewith shall include all necessary statutory and other approvals including development consent, building approval, consultants' fees, construction costs, fitting out and furnishing expenses.

7. Review of this Ordinance

In the event that the Churchwardens are unable to obtain the development consent for the construction of the Parish Ministry Centre on or before 31 December 2000 then the Property Trust shall not pay any further moneys to the Churchwardens and the Churchwardens shall seek to have the provisions of the 1973 Ordinance and this ordinance reviewed as soon as reasonably possible after 31 December 2000.

8. Review of the 1973 Ordinance

The provisions of the 1973 Ordinance shall continue to apply to 31 December 1998 with respect to the income arising thereunder.

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

R TONG

Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 June 1999.

M A PAYNE

Secretary

I Assent to this Ordinance.

P R WATSON

Commissary

21/6/1999