

Berry with Kangaroo Valley Land Sale Ordinance 1993

No. 12, 1993

An Ordinance to authorise the sale of certain land situated at Princess Street, Berry and to provide for the application of the proceeds thereof.

Whereas

- A. The Property Trust is the registered proprietor of the land described in the schedule hereto ("the Land").
- B. Under the Berry Variation of Trusts and Land Sale Ordinance 1978 the Land is church trust property held for -
- (i) a church;
 - (ii) a residence for a Minister, assistant to the Minister or person employed by the Churchwardens;
 - (iii) a hall or halls;
 - (iv) a school or other place of assembly;

or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Berry or any parish or ecclesiastical district into which it may subsequently be formed or of which it may form a part.

- C. The Land is now situated in the parish of Berry with Kangaroo Valley ("Parish").
- D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe the same and it is expedient that the land be now sold and the proceeds applied as set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains, Declares, Rules and Directs as follows -

1. This Ordinance may be cited as the "Berry with Kangaroo Valley Land Sale Ordinance 1993".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.
3. The Property Trust is authorised to sell the land within three (3) years after the date of the assent to this ordinance and thereafter only with the consent by resolution of the Standing Committee by public auction or private agreement for such price and on and subject to such terms and conditions as to the Property Trust may seem appropriate freed from the trusts upon which it is now held.
4. The proceeds arising from the sale of the land, after paying thereout the costs of and incidental to this ordinance and the subdivision, sale and transfer pursuant thereto and all outgoings to which the Land is subject, are to be applied towards the cost of erecting and furnishing a home on land owned by the Property Trust in the Parish for use as a rectory.
5. All monies held by the Property Trust under this Ordinance after the erection and furnishing of the rectory under clause 4 must be applied towards the cost of the restoration and renovation of St Luke's Church Berry and the church hall at Berry and for such other capital purposes of the Parish upon the written request made to the Property Trust of a majority of the parish council of the Parish.
6. Pending application of the proceeds of sale under clauses 4 and 5, the proceeds shall be invested. Income earned by the Property Trust on the investment of the property for sale shall be applied as follows -
 - (a) an amount equal to eleven percent (11%) of the net income earned in each financial year is to be paid to the churchwardens of St Luke's Church Berry to enable diocesan assessments to be paid; and
 - (b) the balance of the income shall be capitalised.
7. If the balance of the proceeds of sale and any capitalised interest, after any application or applications made under clauses 4, 5 or 6, is less than the Minimum Sum, such balance is to be paid to the churchwardens of St Luke's Church Berry and applied for the purposes set out in clauses 4, 5 and 6. The expression "Minimum Sum" means, at any time, the amount last determined prior to that time by the Property Trust to be the smallest sum in relation to which the Property Trust wishes to act as trustee.

First Schedule

Lot 20 on Plan of Subdivision prepared by Scarratt & Associates surveyors reference 13912 of Lot 2 D.P. 605825 Princess Street, Berry.

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

N.M. Cameron
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 31st day of May 1993.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
31/5/1993