



Kellyville (Rouse Hill) Land Sale Ordinance 1997

No 43, 1997

Long Title

An Ordinance to vest certain land at Rouse Hill in Anglican Church Property Trust Diocese of Sydney, to authorise the sale of the land and to provide for the application of the proceeds of sale.

Preamble

A. The Right Reverend Frederick Barker is the owner in fee simple of the land at Rouse Hill being Lots 23, 24 and 49 in Deposited Plan 193021 (the "Land").

B. By Deed of Conveyance registered Number 573 Book 123 the Land is held upon trust to be appropriated and used as a burial ground for the use of Christ Church Church of England in the District of Rouse Hill.

C. The Land is situated in the parish of Kellyville (the "Parish").

D. It is expedient to consent to the vesting of the Land in Anglican Church Property Trust Diocese of Sydney (the "Property Trust").

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 but it is inexpedient to apply the proceeds of sale for the same or like purposes as the trusts upon which the Land is held.

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

Name of Ordinance

1. This Ordinance is the Kellyville (Rouse Hill) Land Sale Ordinance 1997.

Consent to Vesting

2. Consent is given to the vesting of the Land in Anglican Church Property Trust Diocese of Sydney (the "Property Trust").

Declarations of Inexpediency

3. 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 and it is expedient that the Land be sold but it is inexpedient that the proceeds of sale be applied solely in the District of Rouse Hill or wholly for the same or like purposes as the trusts on which the Land is held.

Authority to Sell

4. The Property Trust is authorised to sell the whole or any part of the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private treaty at such time or times as it may determine free from the trusts on which the Land is held.

Application of Proceeds

5. The proceeds from the sale of the Land or any part or parts thereof, after payment of all outgoings to which the sale of the Land may be subject and the costs of and incidental to this Ordinance and to the sale of the Land, shall be applied as follows -

(a) \$25,000, and any income earned thereon which is capitalised under 6, shall be applied towards the cost of repairing and restoring buildings, and constructing additional buildings, on the Christ Church Rouse Hill site, being the land known as part Lots 78 and 79 in Deposited Plan 752020; and

(b) the remaining balance, and any income earned thereon which is capitalised under clause 6, shall be applied toward one or more of the following -

(i) the cost of constructing a residence for a minister or an assistant minister licensed to the Parish or person employed by the churchwardens of any church in the Parish including all incidental costs of furniture and fittings therein;

(ii) the payment of architectural fees and other professional fees in respect of the sale of the St Stephen's Kellyville Church site, being Lot 4 in Deposited Plan 17152, and the purchase and development of the new Kellyville church site, being Lot 2 in Deposited Plan 558307; and

(iii) the cost of repairing and restoring buildings, and constructing additional buildings, on the Christ Church Rouse Hill site, being the land known as part Lots 78 and 79 in Deposited Plan 752020.

Investment

6. Pending the application of the proceeds of sale referred to in clauses 5(a) and (b), the proceeds must be invested and the income capitalised.

Minimum Sum

7. If the balance of the proceeds of sale and any capitalised income, after any application or applications made under clause 5 is less than the minimum sum, such balance is to be paid to the churchwardens of the principal church of the Parish and applied for the purposes set out in clause 5. The expression "minimum sum" at any time means 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.

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 17 November 1997.

M.A. PAYNE

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

17/11/1997