

KIAMA LAND SALE ORDINANCE 1986

NO. 59, 1986

AN ORDINANCE to vary the trusts of land at Foxground in the Municipality of Kiama to permit the same to be sold and to provide for the application of the proceeds thereof.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 6570 Folio 52 more particularly described in the Schedule hereto.

B. The land in the Schedule is church trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held for the sole benefit of the Parish of Kiama but no trusts in writing have been declared concerning the same.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is also inexpedient to deal with or apply the same or the income therefrom for the sole use or benefit of the Parish of Kiama and it is expedient to sell the land described in the Schedule.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is also inexpedient to deal with or apply the same or the income therefrom for the sole use or benefit of the Parish of Kiama and it is expedient that such trusts be varied and that the land be sold.

2. The Corporate Trustee is hereby authorised to sell the land described in the Schedule within three (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 agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

3. (1) The proceeds arising from the sale after paying thereout the costs of and incidental to this Ordinance and the cost of and incidental to the sale shall be applied as follows:-

- (a) first to the Australia and New Zealand Banking Group Limited in reduction of the indebtedness of the Parish of Kiama in connection with the Gerringong Rectory;
- (b) secondly as to seventy five per centum of the balance to the Churchwardens for the time being of the principal church of the Provisional Parish of Huskisson to be used by them for capital works within the said Provisional Parish pursuant to a resolution of the Parish Council of the said Provisional Parish;

(c) thirdly as to twenty five per centum of the balance to the Churchwardens of St Georges Gerringong to be applied by them towards the costs of connection of sewerage to the church site at Gerringong.

(2) Pending the application in sub-paragraphs (1)(b) and (c) hereof the Corporate Trustee shall invest the sums and capitalise the income.

4. This ordinance may be cited as the "Kiama Land Sale Ordinance 1986"

SCHEDULE

THAT piece or parcel of land at Foxground in the Municipality of Kiama Parish of Broughton and County of Camden being Lot A in a plan annexed to instrument of Transfer F720581 and being the whole of the land in Certificate of Title Volume 6570 Folio 52.

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

E.D. 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 15th day of December 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
15/12/1986