



Peakhurst Land Sale Ordinance 1999

No 7, 1999

Long Title

An Ordinance to authorise the sale of certain land at Peakhurst, to provide for the proceeds of sale and for purposes incidental thereto.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of lot 1 in deposited plan 953763 ("Lot 1") and lot 47 in deposited plan 15624 ("Lot 47") which together are known as 669-671 Forest Road, Peakhurst.

B. By clause 1 of the Herne Bay, Peakhurst, Narwee, and Lugarno Declaration of Trust Ordinance 1956, Lot 1 is held upon trust to permit the same to be used for a church, parsonage and school hall or partly for one and partly for another of such purposes in connection with the Church of England at Peakhurst in the provisional district of Herne Bay, Peakhurst, Narwee and Lugarno or any parish of which the lot may thereafter form part.

C. Lot 1 now forms part of the parish of Peakhurst/Mortdale (the "Parish").

D. Paragraph B of the Preamble to the Peakhurst Land Sale Ordinance 1995 recites that Lot 47 is church trust property and is held upon trust for the purposes of the parish of Peakhurst, although there are no written trusts.

E. Lot 47 now forms part of the Parish.

F. It is expedient that Lot 1 and Lot 47 be sold but it is inexpedient to deal with or apply the proceeds of sale solely for the same purposes as the trusts on which those lots are respectively held.

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

1. Name

This Ordinance is the Peakhurst Land Sale Ordinance 1999.

2. Declarations

(1) By reason of the circumstances which have arisen after the creation of the trusts on which Lot 1 is held, it is expedient that Lot 1 be sold but it is inexpedient to carry out and observe the trusts on which the Lot is presently held and it is inexpedient to deal with or apply the proceeds of sale solely for the same or like purposes as the trusts on which the Lot is presently held.

(2) By reason of circumstances which have arisen after the creation of the trusts on which Lot 47 is held, it is expedient that Lot 47 be sold but it is inexpedient to carry out and observe the trusts on which the Lot is presently held and it is inexpedient to deal with or apply the proceeds of sale solely for the purposes of the parish for which the property is presently held or solely for the same or like purposes as the trusts on which the Lot is presently held.

3. Authority to Sell

(1) The Property Trust is authorised to sell Lot 1 and Lot 47, free from the trusts on which the lots are respectively held 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.

(2) Such sale may be by private agreement or agreements for such price or prices and subject to such terms and conditions as the Property Trust considers appropriate.

4. Application of Proceeds

(1) The proceeds arising from the sale of Lot 1 and Lot 47 are to be applied in any one or more of the following ways -

(a) in payment of all outgoings to which the lot may be subject, and the costs of and incidental to the sale of the lot;

(b) the construction (including work on existing buildings) and fitting out of buildings on land situated in the Parish;

(c) the purchase of land in the Parish for use as a residence for the minister or assistant minister;

(d) the cost of leasing, until that date being 24 months from the date of completion of the sale of Lot 1, of a residence suitable for use by the minister, an assistant minister or other person employed by the churchwardens of Christ Church, Mortdale.

(2) Any remaining balance of the proceeds of sale shall be applied for such purposes determined by the Standing Committee by resolution, upon the written request of the majority of the parish council of the Parish.

5. Investment

Pending application in accordance with clause 4, the proceeds of sale (or balance remaining from time to time) must be invested and the income capitalised.

6. Repeal

The Peakhurst Land Sale Ordinance 1995 is repealed.

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 22 March 1999.

M A PAYNE

Secretary

I Assent to this Ordinance.

R H GOODHEW

Archbishop of Sydney

22/3/1999