

Penshurst Land Sale Ordinance 2002

No 70, 2002

Long Title

An Ordinance to permit the sale of certain land at 521 Forest Road, Penshurst and 43 Laycock Road, Penshurst.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the properties known as 521 Forest Road, Penshurst and 43 Laycock Road, Penshurst comprised in Folio Identifiers D/15533 and 1/315590 respectively (the "Land").

B. The Land is church trust property and forms part of the property of the Penshurst Trust which, under the Penshurst Trust Ordinance 2002, is held for the purposes of the parish of Penshurst (the "Parish").

C. 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 inexpedient to deal with or apply the Land solely for the use or benefit of the Parish and it is expedient that the Land be sold.

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

1. Name

This Ordinance is the Penshurst Land Sale Ordinance 2002.

2. Declarations

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 inexpedient to deal with or apply the Land solely for the use or benefit of the Parish and it is expedient that the Land be sold and the proceeds be applied in accordance with the trusts declared in clause 4(1).

3. Power of sale

The Property Trust is authorised to sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

4. Allocations from the Penshurst Trust

(1) Subject to clauses 4(2), the Property Trust is directed to make the following payments from the capital of the Penshurst Trust -

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land;
- (b) second, in payment of any goods and services tax (as defined in 'A New Tax System (Goods and Services Tax) Act 1999') payable in connection with any sale authorised by clause 3;
- (c) third, to reimburse the Parish all moneys spent in preparation for the sale of the Land; and
- (d) fourth, an amount up to \$600,000 towards the cost of -
 - (i) carrying out demolition, construction, alterations, improvement, renovations and/or landscaping on the residences at 1 Carrington Street, Penshurst and 20 Dardanelles Street, Mortdale; and
 - (ii) carrying out of all capital works including the painting of the church building, installation of steps, ramps, paths and ground works around the church and/or such other capital works as determined by a majority of the parish council with respect to the property at 2 Carrington Street, Penshurst.
- (e) as to the balance, 10% thereof to be applied to the costs of fitting out a multi-purpose parish building at Hoxton Park in accordance with a direction given by the Georges River Regional Council.

(2) No payment is to be made under clause 4(1) until either one of the properties comprising the Land has been sold and the proceeds of sale paid to the Property Trust.

5. Commencement

This Ordinance commences on the date assent is given to the Penshurst Trust Ordinance 2002.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 November 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
21/11/2002