



Ryde (Kirkby Gardens Archbold Building & 2 Little Church Street) Ordinance 1968 Amendment Ordinance 1999

No 14, 1999

Long Title

An Ordinance to amend certain provisions of the Ryde (Kirkby Gardens Archbold Building and 2 Little Church Street) Ordinance 1968.

Preamble

A. Clause 8A of the Ryde (Kirkby Gardens Archbold Building and 2 Little Church Street) Ordinance 1968 (the "Principal Ordinance") provides for the provisions of Clause 8 of the Principal Ordinance to be reviewed as soon as reasonably possible after 31 December 1996.

B. The review has taken place.

C. The Parish of Ryde (the "Parish") has resolved to provide for part of the moneys presently held in the fund established in accordance with paragraph 8(i)(b) of the Principal Ordinance (the "Maintenance Fund") and to provide for part of the income arising under the Principal Ordinance (the "Income") to repay principal and interest under a further mortgage the principal of which shall be applied for the purposes of establishing a Parish Ministry Centre for the Parish proposed to be located on land contained in Lot 2 Deposited Plan 541856 and Lot 1 Deposited Plan 113532 being land held on certain trusts for the Parish.

D. The Parish wishes to continue the distribution of the Income subject to the variations set out in this ordinance established for the period from 1 January 1992 for a further period of three (3) years when a further review will be required to take place as soon as reasonably possible after 31 December 2002.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land subject to the Principal Ordinance is held it is inexpedient to carry out or observe those trusts and it is expedient that the trusts be varied to the extent hereinafter provided.

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

1. Name

This Ordinance is the Ryde (Kirkby Gardens Archbold Building & 2 Little Church Street) Ordinance 1968 Amendment Ordinance 1999.

2. Declaration of Expediency

By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land subject to the Principal Ordinance is held -

(a) it is inexpedient to carry out and observe those trusts; and

(b) it is inexpedient to deal with or apply the Income or the Maintenance Fund for the same or like purposes as those trusts; and

(c) it is expedient that those trusts be varied to the extent hereinafter provided.

3. Variation as to the Application of Income and the Maintenance Fund

The Principal Ordinance shall be varied as follows -

(a) to insert at the end of subparagraph 8(i)(b) the words "and subject to the provision of sub-clause 8(iv) hereof the maximum amount to be held at the end of each calendar year shall be four hundred thousand dollars (\$400,000) and any balance in excess of that amount shall be applied in accordance with the provisions of subparagraph 8(i)(d)(cc) hereof".

(b) to insert the following sub-clause:

"8(iv) the Property Trust is hereby empowered to pay to the Churchwardens of the Parish all moneys held in the fund established under paragraph 8(i)(b) in excess of Four hundred thousand dollars (\$400,000.00) as at 31 December 1998 and such moneys shall be applied -

(i) to meet the costs of converting the land and buildings constructed on the land held in Certificate of Title Volume 13114 Folio 43 into strata units; and

(ii) the costs of the Parish Ministry Centre."

(c) Pursuant to clause 6(i)(b) of the Principal Ordinance the Standing Committee hereby authorises and resolves to permit the subsequent exercise of the power granted pursuant to clause 5 of the Principal Ordinance to enable the Property Trust to further exercise the power to mortgage the land described in the First Schedule of the Principal Ordinance for the purposes of borrowing a sum of money not exceeding five hundred thousand dollars (\$500,000) and such sum shall be paid to the churchwardens of St Anne's Church (the "Churchwardens") who shall apply the proceeds thereof towards the costs of the Parish Ministry Centre provided that the term of the loan shall not exceed 15 years and such debt shall be reduced by payments of principal and interest of approximately Sixty thousand dollars (\$60,000.00) per annum until the principal sum and all interest thereon has been repaid.

(d) to amend Clause 8(i)(a) by adding the following words at the end -

"and principal and interest on the further mortgage or charge authorised by the St Anne's Ryde (Kirkby Gardens Archbold Building and 2 Little Church Street) Ordinance 1968 Amendment Ordinance 1999".

4. Review Provision

Clause 8A of the Principal Ordinance is hereby amended by the deletion of the matter "1996" and the insertion of the matter "2002" instead.

5. Parish Ministry Centre

The Principal Ordinance is amended as follows -

(a) by inserting the following provision -

"8B. For the purposes of this ordinance the Parish Ministry Centre shall mean the new building for worship and Parish purposes proposed to be constructed on land held on certain trusts for the Parish being the land described in the Third Schedule to this Ordinance and the costs associated therewith shall include all necessary statutory and other approvals including development consent, building approval, consultants' fees, construction costs, fitting out and furnishing expenses".

(b) by inserting the following schedule -

"Third Schedule

ALL THAT land contained in Lot 2 Deposited Plan 541856 and Lot 1 Deposited Plan 113532."

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

R TONG

Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 June 1999.

M A PAYNE
Secretary

I Assent to this Ordinance.

P R WATSON
Commissary
21/6/1999