

ANGLICAN YOUTH DEPARTMENT (GERROA) SALE ORDINANCE 1990

No 55, 1990

AN ORDINANCE to authorise the sale of land at Gerroa, to provide for the application of the proceeds of sale and for incidental purposes.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of the land comprised in Certificate of Title Volume 13686 Folio 180 (now folio identifier 1/594624) and the land comprised in Certificate of Title Volume 12860 Folio 144 (now folio identifier 10/578112).

B. Erected on both parcels of land are improvements used in connection with the ministry of the Anglican Youth Department Diocese of Sydney ("AYD") and the lands are church trust property.

C. The land firstly mentioned in recital A is held upon trust pursuant to Ordinance No. 17 of 1963 for the purposes of the Anglican Youth Department Diocese of Sydney as provided by the Youth Department Ordinance 1949 or any ordinance amending or taking the place of the same and the 1949 Ordinance has been replaced by the Anglican Youth Department Ordinance 1975.

D. The land secondly mentioned in recital A is held upon trust for the purposes of AYD but no trusts have been declared in writing.

E. The Anglican Youth Department (Gerroa) Land Ordinance 1978 (the "1978 Ordinance") authorised the corporate trustee to lend AYD \$300,000 from funds held under the CENEF Ordinance 1978 and charged the land firstly mentioned in recital A with the repayment of the loan and interest thereon and the balance of the loan is now about \$170,000.

F. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the lands are held it is expedient that the lands be sold and the proceeds of sale be applied towards the purchase of other land or lands and the erection of suitable improvements.

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. This Ordinance may be cited as the "Anglican Youth Department (Gerroa) Sale Ordinance 1990".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands are held it is expedient to sell the lands and to apply the proceeds of sale as set out hereunder.
3. The corporate trustee is hereby authorised and empowered to sell the lands within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time as it may determine freed from the trusts upon which the lands are held.
4. The proceeds arising from the sale or sales of the lands after deduction of costs and fees of and incidental to this Ordinance and the sale or sales thereof, subject to clause 5 shall be applied (but only with the prior approval of the Standing Committee given by resolution:
 - (1) towards the acquisition of a property suitable for use and development as a camping venue or conference site;
 - (2) towards the costs of renovations or alterations and additions to existing improvements on the land to be acquired or the erection and fitting out of improvements suitable to the purposes of AYD; and
 - (3) for such other purposes of AYD as are provided by the Anglican Youth Department Ordinance 1975 or any ordinance amending or taking the place of the same.

PROVIDED that pending such application the proceeds shall be invested by the corporate trustee and the income arising therefrom shall be capitalised.

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5. (1) Upon sale of the land firstly mentioned in recital A the security for the loan made to AYD by the corporate trustee pursuant to the 1978 Ordinance shall be the proceeds from such sale and any land purchased pursuant to clause 4.

(2) In any reprint of the 1978 Ordinance under the interpretation Ordinance 1985, the 1978 Ordinance shall be amended appropriately to reflect the actions taken under this Ordinance and the 1978 Ordinance shall be cited as the "Anglican Youth Department (CENEF Loan) Ordinance 1978".

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

E.D. CAMERON
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney

on the 17th day of December 1990.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
17 /12 /1990