

Huskisson Land Sale Ordinance 2017

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

Clause	
1Name
2Declarations
3Power of sale
4Allocations from the ACPT – Huskisson Trust
5Capitalisation of income
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Long Title

An Ordinance to permit the sale of certain land at 17 Hawke Street, Huskisson and 48-52 Paradise Beach Road, Sanctuary Point.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the “Property Trust”) is the registered proprietor of the land in folio identifiers 7/3/758530 and 8/3/758530 at 17 Hawke Street, Huskisson and the site of Holy Trinity Church, together with a hall and rectory (the “Huskisson Land”).

B. The Huskisson Land is church trust property and forms part of the property of the ACPT – Huskisson Trust which, under the Huskisson Trust Ordinance 2017, is held for the purposes of the parish of Huskisson (the “Parish”).

C. The Property Trust is also the registered proprietor of the land in folio identifier 80/817353 at 48 – 52 Paradise Beach Road, Sanctuary Point 2540 and the site of St Peter’s Church (the “Sanctuary Point Land”) (collectively, the “Land”).

D. The Sanctuary Point Land is church trust property and forms part of the ACPT – Huskisson Trust which, under the Huskisson Trust Ordinance 2017, is held for the purposes of the Parish.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and the proceeds applied in the manner set out in this Ordinance.

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

1. Name

This Ordinance is the Huskisson Land Sale Ordinance 2017.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold.

3. Power of sale

(1) Subject to clause 3(2), the Property Trust is authorised to sell either or both the Huskisson Land and the Sanctuary Point 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.

(2) The authority to sell the Land arises only after the licence or sentence of consecration of the church on the Land has been revoked.

4. Allocations from the ACPT – Huskisson Trust

(1) Subject to clause 4(2), the Property Trust is directed that it may make a payment from the capital of the ACPT – Huskisson Trust for the costs of and incidental to this Ordinance and the sale of the Land.

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

(3) The wardens are to promote an ordinance for the further application of the sale proceeds to the Standing Committee within 12 months of the Huskisson Land and the Sanctuary Point Land being sold.

5. Capitalisation of income

Notwithstanding clause 7 of the Huskisson Trust Ordinance 2017, all income arising from the investment of that part of the ACPT – Huskisson Trust which comprises the proceeds of sale is to be capitalised.

Notes

1. The original form of ordinance was assented to on 13 February 2017.
2. On 17 February 2020 the Standing Committee approved under clause 3(1) of the Ordinance an extension of the land sale date to 13 February 2023.

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