

# Belmore with McCallums Hill and Clemton Park Land Sale and Variation of Trusts Ordinance 2007

No 7, 2007

## Long Title

An Ordinance to provide for the sale of certain land at Clemton Park, the variation of the trusts of certain land at Kingsgrove and payments from the Belmore with McCallums Hill and Clemton Park Trust.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in folio identifier 3/11281 and known as St Marks Anglican Church corner Bexley Road and Homer Street, Clemton Park (the "Clemton Park Land") and the land contained in folio identifier 1/246543 and known as 8 Miller Street, Kingsgrove (the "Kingsgrove Land").

B. The Clemton Park Land and the Kingsgrove Land are church trust property and form part of the property of the Belmore with McCallums Hill and Clemton Park Trust which, under the Belmore with McCallums Hill and Clemton Park Trust Ordinance 2001 is held for the purposes of the parish of Belmore with McCallums Hill and Clemton Park (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Clemton Park Land and the Kingsgrove Land are held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Clemton Park Land and the Kingsgrove Land wholly for the use or benefit of the Parish or wholly for the same or like purposes as those trusts and it is expedient to vary those trusts and sell the Clemton Park Land and apply the proceeds 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 Belmore with McCallums Hill and Clemton Park Land Sale and Variation of Trusts Ordinance 2007.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Clemton Park Land and the Kingsgrove Land are held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Clemton Park Land and the Kingsgrove Land wholly for the use or benefit of the Parish or wholly for the same or like purposes as those trusts and it is expedient to vary those trusts and sell the Clemton Park Land and apply the proceeds in the manner set out in clause 5.

### 3. Variation of trusts

(1) The trusts of the Clemton Park Land are varied to the extent necessary to permit the application under paragraphs 5(1)(b)–(c).

(2) On and from the later of 31 December 2007 and the date 6 months after the settlement of the sale of the Clemton Park Land, the Kingsgrove Land is held on trust for the purposes of the Parish of Earlwood.

### 4. Power of sale

The Property Trust is authorised to sell the Clemton Park Land whether in whole or part 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 whether given before or after that date.

### 5. Payments from the Belmore with McCallums Hill and Clemton Park Trust

(1) Subject to clause 5(2), the Property Trust is directed that the capital of the Belmore with McCallums Hill and Clemton Park Trust may be used to make the following payments -

- (a) an amount equal to 5% of the proceeds of the Clemton Park Land (the "Proceeds") is to be applied towards the maintenance, repair or renovation of the buildings on the properties known as lot A in deposited plan 325724 and lot 101 in deposited plan 4475, and

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- (b) an amount equal to 20% of the Proceeds is to be applied towards the replacement of the rectory building on the property at Bossley Park known as lot 1 in deposited plan 545647, and
  - (c) an amount equal to 45% of the Proceeds is to be applied at the direction of the Georges River Regional Council toward the acquisition or development of land outside the Parish or the construction or renovation of any building within the Georges River region or for loans for such purposes.
- (2) No payment is to be made under clause 5(1) until the Clemton Park Land has been sold and the proceeds of sale paid to the Property Trust.

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 26 March 2007.

CJ MORONEY  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
27/3/2007