

Bowral Land Sale Ordinance 2010

No 20, 2010

Long Title

An Ordinance to vary the trusts of certain land in the parish of Bowral, permit the subdivision and sale of such land and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Folio Identifier 2/587573 (the "Land").

B. By clause 5 of the Bowral Trust Ordinance 2002, the Land is church trust property held on trust for the purposes of the parish of Bowral (the "Parish") as part of the fund known as the Bowral Trust.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Bowral Trust is held it is –

- (a) inexpedient to carry out or observe those trusts or to deal with or apply that part of the Bowral Trust which comprises the Land for the same or like purposes as those trusts or to deal with or apply that part of the Bowral Trust wholly for the benefit of the Parish,
- (b) expedient to subdivide the Land into 3 allotments and to create such easements and restrictions reasonably necessary in connection with the subdivision as foreshadowed in the Plan of Subdivision dated 11 May 2010 and signed by the Diocesan Secretary (the "Plan of Subdivision"), and
- (c) expedient to sell up to three of the subdivided allotments.

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

1. Name

This Ordinance is the Bowral Land Sale Ordinance 2010.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is –

- (a) inexpedient to carry out or observe those trusts or to deal with or apply that part of the Bowral Trust which comprises the Land for the same or like purposes as those trusts or to deal with or apply that part of the Bowral Trust wholly for the benefit of the Parish and it is expedient that the trusts be varied in the manner set out in clause 3,
- (b) expedient to subdivide the Land into 3 allotments and to create such easements and restrictions as are reasonably necessary in connection with the subdivision in the manner set out in clause 4,
- (c) expedient to sell up to three of the allotments in the subdivided land in accordance with clause 5.

3. Variation of Trusts

The trusts of that part of the Bowral Trust comprising the Land are varied to the extent necessary to permit the application under clause 6(1)(c).

4. Authority to Subdivide

(1) The Property Trust is authorised at any time within 3 years from 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 this date) to subdivide the Land into 3 allotments in accordance with the Plan of Subdivision and to create such easements and restrictions as are reasonably necessary in connection with the subdivision.

(2) The Property Trust is authorised to execute all documents in connection with the subdivision.

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5. Authority to Sell

The Property Trust is authorised to sell up to 2 allotments (or up to 3 allotments if approved by resolution of the Standing Committee) in the subdivided land by auction or private treaty at any time during the 3 years following the date specified by the Standing Committee by resolution (and thereafter only if approved by resolution of the Standing Committee whether given before or after this date) for such price and subject to such terms and conditions as the Property Trust considers appropriate.

6. Application of proceeds of sale

(1) Subject to clause 6(2) the Property Trust is directed that it may make the following payments from the capital of the Bowral Trust –

- (a) first, the costs of and incidental to this Ordinance and the subdivision and sale of up to 3 allotments of the subdivided land,
- (b) second, in payment of goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the sales, and
- (c) third, 15% of the net sale proceeds to be paid to the Mission Property Committee to be applied in and towards the costs of and incidental to the construction of a new ministry centre at Oran Park, and
- (d) fourth, towards the costs and expenses of and incidental to the construction and fitting out of new and existing ministry facilities on the site of St Jude's Bowral.

(2) No payment is to be made under clause 6(1) until the 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.

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 26 July 2010.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
27/07/2010