

Campbelltown Boundary Adjustment and Variation of Trusts Ordinance 2016

No 18, 2016

Long Title

An Ordinance to authorise a boundary adjustment of certain land and to provide for application of the proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the trustee of the land in folio identifier 50/811930 known as Cordeaux Street, Campbelltown and the site of St Peter's Campbelltown Church, church hall and old rectory (the "Land").

B. The Land is church trust property and forms part of the property of the ACPT – Campbelltown Trust (the "trust fund") which, under the Campbelltown Trust Ordinance 2016, is held for the purposes of the parish of Campbelltown (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or to deal with or apply the Land wholly for the purposes of the Parish, and it is expedient that a boundary adjustment be made in respect of the land and the proceeds be 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 Campbelltown Boundary Adjustment and Variation of Trusts Ordinance 2016.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that a boundary adjustment be made in respect of the land.

3. Variation of Trusts

The trusts of the Land are varied to the extent necessary to permit the application of the proceeds in the manner provided in clause 5(1)(b).

4. Boundary Adjustment

(1) Subject to clause 4(2), the Property Trust is authorised to execute a transfer, a plan of subdivision or any other ancillary documents to enable the registration of the boundary adjustment of the Land shown on the plan in the Schedule.

(2) The authority in clause 4(1) is conditional upon a 6 metre wide easement for a right of carriageway being maintained or granted in favour of the Property Trust, as trustee of the land in folio identifier 51/811930, to provide for emergency vehicle access.

5. Application of proceeds

(1) The Property Trust is directed that it may make the following payments from that part of the capital of the trust fund comprising the proceeds from the boundary adjustment –

- (a) firstly, in payment of the costs, charges, taxes and expenses of and incidental to the boundary adjustment and this Ordinance,
- (b) secondly, 5% to the Mission Property Fund to offset the payment obligations of the provisional parish of Oran Park to the Mission Property Committee under clause 5 of the Mission Property (Oran Park) Variation of Trust Ordinance 2014, and
- (c) thirdly, the balance is to be held pursuant to the terms of the Campbelltown Trust Ordinance 2016.

