

# Fairy Meadow Land Sale Ordinance 1995

No 44, 1995

An Ordinance to vary the trusts of certain land in the Parish of Fairy Meadow to permit the sale thereof and to provide for the application of the proceeds thereof and all matters incidental thereto.

## Preamble

### Whereas

A. By Conveyance dated 30 October 1916 Registered No. 880 Book 1094 Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is seised of an estate in fee simple in land known as Lots 3 and 4 of Section A of the first subdivision by John Steele Reid of part of Lots 35 and 36 of the Bellambi Estate.

B. By Conveyance dated 22 September 1961 Registered No. 812 Book 2591 the Property Trust is seised of an estate in fee simple of land known as Lot 2 and part of Lot 1 of Section A of the subdivision by John Steele Reid of part of Lots 35 and 36 of the Bellambi Estate.

C. The Property Trust is the registered proprietor of the whole of the land in Certificate of Title Volume 7408 Folio 56.

D. By Conveyance dated 1 December 1904 Registered No. 728 Book 771 the Property Trust is seised of an estate in fee simple in land known as Lot 2 of Section 3 of a resubdivision by Thomas Farrell of part of the Balgownie Estate.

E. Pursuant to Ordinance No. 12 of 1965 the land referred to in A, B, C and D is held upon trust to permit the same to be used in each case for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Anglican Church of Australia in the Provisional District of St Paul's Fairy Meadow or any provisional parish or parish into which it may subsequently be formed.

F. By Conveyance dated 1 December 1968 Registered No. 841 Book 2940 the Property Trust is seised of an estate in fee simple in land known as part of Lot 1 of Section 3 of a resubdivision by Thomas Farrell of part of the Balgownie Estate which land is church trust property held for the sole benefit of the parish of Fairy Meadow (the "Parish") but no trusts in writing have been declared concerning the same.

G. The land referred to in A, B, C, D and F is referred to in this ordinance as the "Land".

H. By reason of circumstances which have arisen after the creation of the trusts referred to above it is inexpedient to carry out and observe those trusts to the extent that those trusts are varied and it is expedient that the Land be sold as hereinafter set out.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains Declares and Rules as follows.

## Name of Ordinance

1. This ordinance is the Fairy Meadow Land Sale Ordinance 1995.

## Declaration

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply the Land or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the Land be sold.

## Power of Sale

3. (1) Subject to subclause (2), the Property Trust is hereby authorised to sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions as to the Property Trust may seem appropriate.

(2) The exercise of the power of sale is subject to the following -

- (a) no part of the Land on which a church is erected may be sold until the church is deconsecrated or delicensed; and
- (b) the land referred to in paragraph A of the Preamble may not be sold until the Property Trust receives a certificate signed by the majority of the churchwardens of the Parish and the Archdeacon of Wollongong to the effect that -
  - (i) land has been acquired in the Parish for the purposes of a worship centre or a contract for the purchase of such land has been made; and
  - (ii) where a contract for the purchase of such land has been made, all preconditions to the completion of that contract have been satisfied.

4. (1) The proceeds arising from the sale of the Land after paying thereout the costs of and incidental to this ordinance, the costs of and incidental to any necessary subdivision and the costs of and incidental to the sale or sales shall be applied by the Property Trust towards one or more of -

- (a) the acquisition of other land in the Parish to be held upon trust for the Parish;
- (b) the cost of building or altering and refurbishing buildings upon land held upon trust for the Parish; and
- (c) the repayment or reduction of any debt incurred in acquiring land held upon trust for the Parish or altering and refurbishing buildings upon that land.

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(2) Pending the application set out in sub-clause (1) the Property Trust shall invest the net proceeds and capitalise the income provided that the Property Trust may pay to the churchwardens of the Parish out of the income from time to time the cost of renting premises to be used for the purposes of the Parish pending the completion of the building, construction or refurbishment referred to in subclause (1).

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

N.M. CAMERON  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 December 1995.

W.G.S. GOTLEY  
Secretary

I Assent to this Ordinance.

R.H. GOODHEW  
Archbishop of Sydney  
11/12/1995