

# GyMEA (Grays Point) Land Sale Ordinance 1993

No 55, 1993

## Long Title

An Ordinance to authorise the subdivision and sale of certain land at Grays Point and for other matters relating thereto.

## Preamble

Whereas

A. The Property Trust is the registered proprietor of land at Grays Point being the land comprised in Folio Identifiers A/22847 and B/22847 ("Land").

B. The Land is church trust property held on trust for the Anglican Church in the parish of GyMEA ("Parish") although no written trusts exist.

C. At the request of the parish council of the Parish, the Property Trust has entered into an agreement to purchase a parcel of land (being part of the land comprised in Folio Identifier 51/776745) which adjoins the Land (the "Acquired Land").

D. On the completion of the purchase of the Acquired Land it is proposed that the Land and the Acquired Land be subdivided and that part thereof be sold.

E. As part of the subdivision it is proposed that certain easements be granted and that certain restrictions as to user be created.

F. 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 those trusts and it is expedient to amend those trusts so that the Land, and when acquired, the Acquired Land, may be dealt with in the manner set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

## Citation

1. This ordinance may be cited as the "GyMEA (Grays Point) Land Sale Ordinance 1993".

## Declaration of Inexpediency

2. 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 those trusts and it is expedient to amend those trusts so that the Land, and when acquired, the Acquired Land, may be dealt with in the manner set out in this ordinance.

## Power to Subdivide etc

3. In this ordinance, "Plan" means the plan of subdivision dated 18 June 1993 prepared by Stewart J. Dixon, reference No.21125/5 as may be amended to comply with the conditions of any approval required of any local government or statutory authority for the proposed subdivision.

4. On the completion of the purchase of the Acquired Land, the Property Trust may -

- (a) subdivide the Land and the Acquired Land into 3 blocks such blocks being represented as lots 42, 43 and 44 on the Plan;
- (b) sell lots 42 and 44 at any time within 3 years from the date of assent to this ordinance in one or more parcels, by private treaty or otherwise and on such terms as the Property Trust may consider appropriate;
- (c) grant or otherwise create a right of carriage way and easement for services 6.04 metres wide and variable as indicated on the Plan over lot 43 in favour of lot 45 indicated on the Plan on such terms as the Property Trust may consider appropriate;
- (d) grant or otherwise create a right of carriageway as indicated on the Plan over lot 43 in favour of lot 44 on such terms as the Property Trust may consider appropriate;
- (e) grant or otherwise create an easement to drain water 1.0 metre wide as indicated on the Plan over lot 44 in favour of lots 43 and 42 on such terms as the Property Trust may consider appropriate; and
- (f) grant or otherwise create an easement to drain water 1.0 metre wide as indicated on the Plan over lot 43 in favour of lot 42 on such terms as the Property Trust may consider appropriate.

5. The Property Trust may create such restrictions as the user over the Land and the Acquired Land or any part thereof as may be required in order to comply with the approvals of any local government or other statutory authority or to comply with the terms of the agreement referred to in C. of the preamble.

6. The Property Trust may accept an easement to drain water 1.0 metre wide in favour of the Land or the Acquired Land or any part thereof over lot 7 in deposited plan 225332 on such terms as, to the Property Trust, seem appropriate.

## Application of Proceeds

7. Any proceeds received by the Property Trust from any dealing authorised by this ordinance must be applied in the following order of priority -

- (a) in and towards the costs of the drafting and promotion of this ordinance and the costs associated with the subdivision, sale and the grant or creation of any easement or restriction as to user authorised by this ordinance;

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- (b) in and towards the costs associated with the construction and furnishing of a residence on lot 43 for the purpose of housing an assistant to the minister of the Parish or a person employed by the churchwardens of any church within the Parish; and
  - (c) any balance remaining is to be applied in accordance with clause 8.
8. Any remaining balance of the proceeds after application under paragraphs 7(a) and (b) is to be applied for all or any of the following purposes -
- (a) the restoration or refurbishment of St Timothy's Church, Grays Point; and
  - (b) in and towards the reduction or repayment of the principal and interest of the loan taken out to acquire the property in Bonneyview Street, Gymea held on trust for the purposes of the Parish.

### **Investment Pending Application**

9. Pending application of the proceeds under clauses 7 and 8, the proceeds must be invested and the income capitalised.

### **Distribution of the Minimum Sum**

10. If the balance of the proceeds and any capitalised income, after any application or applications made under clause 7 or 8, is less than the Minimum Sum, such balance is to be paid to the churchwardens of the principal church of the Parish and is to be applied in the manner set out in clauses 7 and 8. The expression "Minimum Sum" means, at any time, the amount last determined prior to that time by the Property Trust to be the smallest sum in relation to which the Property Trust wishes to act as trustee.

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 13 December 1993.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
13/12/1993