



GyMEA (Grays Point) Land Sale Ordinance 1996

No 48, 1996

Long Title

An Ordinance to authorise the subdivision and sale of certain land at Grays Point and the application of the proceeds thereof and for all matters incidental thereto.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of land at Grays Point being the land comprised in Certificates of Title Folio Identifiers A/22847 and B/22847 ("Land").

B. The Property Trust has acquired a parcel of land (being part of the land comprised in Certificate of Title Folio Identifier 51/776745) which adjoins the Land ("Acquired Land") but the transfer of that land to the Property Trust has not yet been registered.

C. The Land and the Acquired Land is church trust property held on trust by the Property Trust for the purposes of the Anglican Church in the parish of GyMEA ("Parish") although no written trusts exist.

D. It is proposed to resubdivide the Land and the Acquired Land in accordance with the First Subdivision Plan to create lots 42, 43 and 44.

E. The transfer of the Acquired Land will be registered contemporaneously with the registration of the First Subdivision Plan.

F. Following registration of the First Subdivision Plan it is proposed to register the Second Subdivision Plan to create lots 431 and 432.

G. In conjunction with the subdivisions proposed by the First Subdivision Plan and the Second Subdivision Plan it is proposed that certain easements be granted and that certain restrictions as to user be created.

H. It is proposed to sell lots 42, 431, 432 and 44.

I. By reason of circumstances which have arisen after the creation of the trusts on which the Land and Acquired Land are held, it is inexpedient to carry out those trusts and it is expedient to amend those trusts so that the Land and Acquired Land may be dealt with in the manner set out in this ordinance and then sold. Further, it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same or like purposes as the trusts on which the Land and the Acquired Land are held.

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

Name of Ordinance

1. This ordinance is the GyMEA (Grays Point) Land Sale Ordinance 1996.

Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land and the Acquired Land are held it is inexpedient to carry out those trusts and it is expedient to amend those trusts so that the Land may be dealt with in the manner set out in this ordinance and then sold. Further, it is inexpedient to deal

with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same or like purposes as the trusts on which the Land and the Acquired Land are held.

Definitions

3. In this ordinance -

"First Subdivision Plan" means the plan of subdivision prepared by David Wallace Fairlie of c/- Roger Boxall & Associates Pty Ltd reference no. 5996 as may be amended to comply with the conditions of any approval required of any local government or statutory authority for the proposed subdivision.

"Second Subdivision Plan" means the plan of subdivision prepared by Roger Boxall & Associates Pty Ltd reference no. 5996/02 as may be amended to comply with the conditions of any approval required of any local government or statutory authority for the proposed subdivision.

Authority to Subdivide and Sell

4. The Property Trust may -

(a) subdivide the Land and Acquired Land into 3 lots being represented as lots 42, 43 and 44 on the First Subdivision Plan and, thereafter, further subdivide lot 43 into 2 lots being represented as lots 431 and 432 on the Second Subdivision Plan;

(b) grant or otherwise create the rights of carriage way, easements and restrictions as to user indicated on the First Subdivision Plan and the Second Subdivision Plan on such terms as the Property Trust may consider appropriate and, in addition, may create such other rights, easements and restrictions as to use as the Property Trust considers appropriate or as may be required to obtain the approval of any local government or other statutory authority to the First Subdivision Plan and the Second Subdivision Plan; and

(c) sell lots 42, 431, 432 and 44 at any time within 3 years after the date of assent of this ordinance, or such longer period as the Standing Committee may approve by resolution, in one or more parcels, by private treaty or otherwise and on such terms as the Property Trust may consider appropriate.

Application of Proceeds

5. (1) The proceeds arising from the sale of lots 42, 431, 432 and 44, after paying or reimbursing the Parish for the costs of and incidental to this ordinance, the costs of and incidental to any necessary acquisition, subdivision and creation of any easements 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 repayment or reduction of any existing debt; and

(b) such other purposes, whether within or outside the Parish, as Standing Committee may resolve following a request from the majority of the parish council of the parish of Gymea.

(2) Pending the application set out in subclause (1) the Property Trust shall invest the proceeds and capitalise the income.

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 9 December 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

23/12/1996

