

Lawson Land Sale and Variation of Trusts Ordinance 2007

(Reprinted under the Interpretation Ordinance 1985.)

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Long Title

An Ordinance to authorise the sale and variation of trusts of the land at Hazelbrook and to provide for the application of the sale proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifiers B/402438 and 1/347038 known as St James, Hazelbrook (the "Land").

B. The Land is church trust property and by the Lawson Land Sale Ordinance 2003 is held on trust for the parish of Lawson (the "Parish") to be used for one or more of the following purposes –

- (a) a church
- (b) a parish hall,
- (c) a residence for the minister, an assistant minister or a person employed by the churchwardens of a church in 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 wholly for the use or benefit of the Parish or wholly for the same or like purposes as those trusts and it is expedient to vary those trusts and sell the Land and apply the proceeds of sale 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 Lawson Land Sale and Variation of Trusts Ordinance 2007.

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 the Land wholly for the use or benefit of the Parish or wholly for the same or like purposes as those trusts, and
- (b) expedient to vary those trusts and sell the Land and apply the proceeds of sale in the manner set out in clause 5.

3. Authority to sell

The Property Trust is authorised to sell the Land by private treaty any time during the 5 years following the date on which assent is given to this Ordinance (and thereafter only if approved by resolution of the Standing Committee) for such price and on and subject to such terms and conditions as the Property Trust considers appropriate.

4. Variation of Trusts

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

5. Application of sale proceeds

(1) The proceeds from the sale of the Land (and any income therefrom) after the payment of the costs of and incidental to this Ordinance and sale of the Land, are to be paid to the Property Trust and applied in or towards –

- (a) first, the payment of any goods and services tax (as defined in the *A New Tax System (Goods and Services Tax) Act 1999*) in connection with the sale of the Land, and
- (b) second, 15% of the proceeds are to be applied at the direction of the Mission Property Committee for the acquisition of land and/or the construction, addition or alteration of church buildings in the Western Region of the Sydney Diocese in line with Strategy 2 of the Diocesan Mission, and
- (c) the balance, for such capital purposes as are consistent with the trusts of the Land as approved by a resolution of Standing Committee upon request in writing of a majority of the Parish Council.

(2) The balance of sale proceeds remaining from time to time are to be invested and during the period 5 years from the date of assent the income from such investment shall be available to the Parish for building works as deemed necessary by the Regional Archdeacon and subsequently is to be capitalised pending application of the capital.

Notes

1. The original form of ordinance was assented to on 13 November 2007.
2. At its meeting on 20 August 2012 the Standing Committee resolved, under clause 3, to extend the sale authority by a period of 3 years to 13 November 2016.

STEVE LUCAS
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ROBERT WICKS
Diocesan Secretary

31 August 2012