

Narellan Land Sale Ordinance 2012

(Reprinted under the Interpretation Ordinance 1985.)

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Long Title

An Ordinance to authorise the sale of certain land at Spring Farm and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in Folio Identifiers 2/876325 and 3/876325 and known as 172A Richardson Road, Spring Farm (the "Land").

B. The land is church trust property and held on trust for the purposes of the parish of Narellan (the "Parish") although there are no written trusts.

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 and 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 the Land be sold, subject to clause 2(b) of this Ordinance, and that the proceeds of sale 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 Narellan Land Sale Ordinance 2012.

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 and 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
- (b) expedient that the Land be sold and that the proceeds of sale be applied in the manner set out in this Ordinance, and
- (c) expedient to sell the Land with the benefit of a development consent to subdivide the Land into allotments and to create such easements and restrictions as are reasonably necessary in connection with the subdivision as foreshadowed in the Plan of Subdivision dated 16 December 2011 and prepared by John M Daly and Associates Pty Ltd ("Plan of Subdivision"), but retain the following allotments delineated on the Plan of Subdivision –
 - (i) the allotments comprising the church and associated building and curtilage and the Rectory on a large allotment being those allotments numbered 4 and 97 (the "Retained Portion"), and
 - (ii) at the Parish's discretion, an additional 6 allotments, in the manner set out in clauses 5 and 6.

3. Authority to Subdivide

(1) Notwithstanding clause 2(c), if required, the Property Trust is authorised at any time within 5 years from the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution (whether given before or after this date) to subdivide the Land as set out in clause 2(c) in accordance substantially with the Plan of Subdivision and to create such easements and restrictions as are reasonably necessary in connection with the subdivision.

(2) The Property Trust is authorised to execute all documents in connection with the subdivision.

4. Authority to Sell

Subject to the Land being subdivided in the manner referred to in clause 2(c), the Property Trust is authorised to sell all or any part or parts of the Land, except the Retained Portion, by auction or private treaty at 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.

5. Application of Proceeds of Sale

(1) The proceeds of any sale authorised by clause 4 are to be paid to the Property Trust and applied as follows –

- (a) firstly to meet the costs of and incidental to the sale, including the payment of any goods and services tax payable in connection with the sale, and
- (b) secondly to reimburse the wardens of the principal church of the Parish (the “wardens”) for any costs of or incidental to this Ordinance and any subdivision of the Land authorised by clause 3 incurred by the wardens.

(2) The remaining balance of the sale proceeds (or the balance from time to time) is to be invested by the Property Trust and the income capitalised.

(3) The wardens are to provide to the Standing Committee an ordinance for the further application of the sale proceeds within 12 months of the Land being subdivided and the portion of the Land (excluding the lots referred to in clauses 2(c)(i) and (ii)) being sold.

Note

The Standing Committee of the Synod of the Diocese of Sydney resolved at its meeting on 19 October 2020 under clause 4 of the *Narellan Land Sale Ordinance 2012* to extend the time period in which the land comprised in folio identifiers 2/876325 and 3/876325 known as 172A Richardson Road, Spring Farm can be sold to 31 December 2023.

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17 September 2020