

Narellan (Richardson Road) Land Sale Ordinance 2004

(Reprinted under the Interpretation Ordinance 1985.)

The Narellan (Richardson Road) Land Sale Ordinance as amended by the Variations of Trust Ordinance 2004.

Table of Provisions

Clause	
1Name
2Declarations
3 Variation of trusts
4Authority to Subdivide
5Authority to Sell
6Application of Proceeds of Sale

x x x x x

Long Title

An Ordinance to authorise the subdivision and sale of certain land at Narellan 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 identifier 3/876325 and known as 172 Richardson Road, Narellan (the "Land").

B. The Land is church trust property held upon the trusts set out in the Schedule.

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 apply the Land wholly for the use or benefit of the parish of Narellan (the "Parish") or for the same or like purposes as those trusts and it is expedient –

- (i) to vary those trusts in the manner set out in this ordinance, and
- (ii) to subdivide the Land and grant such easements and rights of way reasonably necessary to effect the subdivision; and
- (iii) to sell part of the subdivided 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 Narellan (Richardson Road) Land Sale Ordinance 2004.

2. Declarations

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 for the same or like purposes as those trusts and it is expedient -

- (a) to vary those trusts in the manner set out in clause 3; and
- (b) to subdivide the Land and grant such easements and rights of way reasonably necessary to effect the subdivision; and
- (c) to sell part of the subdivided Land and apply the proceeds of sale in the manner set out in clause 6.

3. Variation of Trusts

- (1) Subject to clause 3(2), the Land is held on trust for the purposes of the Parish.

(2) The trusts of the Land are further varied to permit the application of the proceeds of sale of the Land or any part thereof for the purpose referred to in clause 5(1)(b)(vi) of the Narellan Ordinance 2002.

4. Authority to Subdivide

(1) The Property Trust is authorised at any time within 3 years from the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution to subdivide the Land into 2 or more lots as detailed in drawing number 74566.01 of Lean & Hayward Pty Limited (subject to minor matters of survey) (the "Plan") and to grant such easements and rights of way as are reasonably necessary to effect the subdivision.

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

5. Authority to Sell

The Property Trust is authorised to sell the part of the Land shown as lot 32 in the Plan (the "Subdivided Land") by auction or private treaty any time during the 3 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.

6. Application of Proceeds of Sale

(1) The costs of and incidental to this Ordinance, the subdivision of the Land, the granting of any easement and rights of way reasonably necessary to effect the subdivision and the sale of the Subdivided Land are to be paid from the proceeds of the sale of the Subdivided Land.

(2) The remaining balance of the proceeds of sale are to be paid to the Property Trust and applied as follows –

- (a) firstly, in payment of any goods and services tax (as defined in *A New Tax System (Goods & Services Tax) Act 1999*) payable in connection with the subdivision of the Land, the granting of any easements and rights of way reasonably necessary to effect the subdivision and the sale of the Subdivided Land;
- (b) secondly, in accordance with clause 5(1)(b) of the Narellan Ordinance 2002; and
- (c) any balance, for such capital purposes of the Parish as the Standing Committee may by resolution approve at the written request of the parish council of the Parish.

(3) Pending the application of the sale proceeds, the sale proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

Schedule

By clause 2(c) of the Narellan Ordinance 1998, the Land is held on trust to be used as a –

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the church wardens;
- (c) hall or halls;
- (d) school or other place of assembly;

or partly for one or another or other of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish of Narellan or any parish or ecclesiastical district into which it may be subsequently formed or form a part.

Table of Amendments

Preamble	Amended by Ordinance No 24, 2004.
Clause 2	Amended by Ordinance No 24, 2004.
Clause 3	New clause inserted by Ordinance No 24, 2004.

- Clause 4 Original clause renumbered by Ordinance No. 24, 2004.
Clause 5 Original clause renumbered by Ordinance No. 24, 2004.
Clause 6 Original clause renumbered and amended by Ordinance No 24, 2004.

STEVE LUCAS
Legal Officer

MARK PAYNE
Diocesan Secretary

22 February 2008