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# Robertson Land Sale Ordinance 1989

(Reprinted under the Interpretation Ordinance 1985.)

The Robertson Land Sale Ordinance 1989 as amended by the Robertson Land Sale Ordinance 1989 Amendment Ordinance 1993 and Robertson Land Sale Ordinance 1989 Further Amendment Ordinance 1993.

## Long Title

An Ordinance to as vary the trusts of land at Robertson in the Shire of Wingecarribee, Parish of Yarrawa and County of Camden to permit the same to be sold and to provide for the application of the proceeds thereof.

## Preamble

Whereas

- A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Land Grant Volume CCXXIV Folio 231 more particularly described in the Schedule hereto (hereinafter called "the land").
- B. The land is Church Trust Property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held for the purposes of the Anglican Church in the Diocese of Sydney and the Parish of Robertson but no evidence of trusts having been declared in writing has been found.
- C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land.

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.

## Declaration of Inexpediency

1. By reason of circumstances which have arisen after the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

## Power of Sale

2. The Corporate Trustee is hereby authorised to sell the land within three (3) years after the date of consent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

## Application of Proceeds of Sale

3. (1) The proceeds arising from the sale of the land after paying out or reimbursing the Parish for the costs of and incidental to this ordinance and the costs of and incidental to the sale must be applied as follows -
  - (a) first, in the repayment and payment of the balance of principal and interest which remains to be repaid or paid in respect of loans taken out by the said Parish or the churchwardens of St John's Church Robertson ("Churchwardens") to meet the costs of alterations and extensions to the rectory of the Parish;
  - (b) secondly, a sum or sums which in aggregate do not exceed \$11,000 shall be paid to reimburse the Parish and the Churchwardens for interest costs already incurred in relation to the loans referred to in (a);
  - (c) thirdly, an amount equal to 10% of the sale price of the land for such extra parochial

- purposes as may be determined by the majority of the parish council of the Parish;
- (d) fourthly, to reimburse the Parish and Churchwardens for any costs incurred in relation to the alterations and extensions to the rectory which have been paid from general funds of the Parish and to pay any such costs (certified by a majority of the Churchwardens) which may be incurred after the date of assent to this ordinance; and
  - (e) fifthly, any balance is to be applied -
    - (i) first, towards the costs of replacing the roof of St John's Church Robertson; and
    - (ii) secondly, towards the cost of the erection of a multi-purpose Parish centre on land held upon trust for the Parish.
- (2) Pending the application of the proceeds under subclause 3(1), the proceeds (or the remaining balance thereof) shall be invested and the income dealt with as follows -
- (a) an amount equal to 11% of the net income earned in each financial year must be paid to the Churchwardens to enable diocesan assessments to be paid; and
  - (b) the balance of the income must be capitalised.
- (3) If the balance of the proceeds of sale and any capitalised interest, after any application or applications made under subclauses 3(1) and (2), is less than the Minimum Sum, such balance is to be paid to the Churchwardens and applied for the purposes set out in subclauses 3(1) and (2). The "Minimum Sum" is, at any time, the amount last determined prior to that time by the Corporate Trustee to be the smallest sum in relation to which the Corporate Trustee wishes to act as trustee.

### **Citation**

4. This ordinance may be cited as the "Robertson Land Sale Ordinance 1989".

### **First Schedule**

All that piece or parcel of land at Robertson in the Shire of Wingecarribee, Parish of Yarrawa and County of Camden being portion 117 and being the whole of and land in Grant Volume CCXXIV Folio 231.

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### **Endnotes**

1. New clause inserted by Ordinance No.19, 1993 and amended by Ordinance No.52, 1993.

MARK PAYNE  
**Legal Officer**

W.G.S. GOTLEY  
**Diocesan Secretary**

27 February 2008