

Austinmer (Roxborough Avenue) Land Sale Ordinance 2004

No 12, 2004

Long Title

An Ordinance to authorise the subdivision and sale of certain land at Thirroul 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 A/318256 and known as St David's Church and Rectory, Thirroul (the "Land").

B. The Land is church trust property and by Declaration of Trust dated 11 November 1927 the Land is held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the parish of Austinmer at Thirroul (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient –

- (i) to subdivide the Land and to grant such easements and rights of way reasonably necessary to effect the subdivision; and
- (ii) to sell that part of the Land on which is erected the Rectory (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 Austinmer (Roxborough Avenue) 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 expedient -

- (a) to subdivide the Land and grant such easements and rights of way reasonably necessary to effect the subdivision; and
- (b) to sell the Subdivided Land and to apply the proceeds of sale in the manner set out in clause 5.

3. 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 survey of j.r.k Surveys Drawing Number 03-116PI (subject to minor matters of survey) 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.

4. Authority to Sell

The Property Trust is authorised to sell 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.

5. Application of Proceeds of Sale

(1) The costs of and incidental to this Ordinance and the sale of the Land are to be paid from the proceeds of the sale of the Land.

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

- (a) first, 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 sale;
- (b) second, in or toward the costs of and incidental to the purchase of a residence or the purchase of land for a residence and/or the construction and fitting out of a residence on land held on trust for the purposes of the Parish; and
- (c) the balance for such purposes of the Parish as are consistent with the trusts on which the Subdivided Land is held.

(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.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 31 May 2004.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
2/6/2004