

MIRANDA SALE AND VARIATION OF TRUSTS ORDINANCE 1990

No. 23 of 1990

AN ORDINANCE to vary the trusts and to authorise the sale of certain land at Miranda and to provide for the application of the proceeds of sale.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of the land comprised in Certificates of Title Volume 2950 Folio 112 and Volume 7745 Folio 247 respectively.

B. By the St Luke's Miranda Declaration of Trusts and Lease Ordinance 1970 the land is held on trust for a church parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in Australia in the Parish of St Luke's Miranda or any parochial unit into which subsequently it may be formed subject to authority to lease part thereof for 25 years.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held it is inexpedient to carry out and observe the same and it is expedient that part of the land be sold and the trusts on which the proceeds of sale are held be varied as hereinafter provided and it is also expedient that an easement for landscaping be granted over part of 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.

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described is held it is inexpedient to carry out and observe the same for that part of the land described in the Schedule and it is expedient that the land described in the Schedule be sold.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited it is firstly inexpedient to carry out or observe such trusts in respect of the whole of the proceeds of sale. The proceeds of sale shall be held on the trusts set out in Clause 4 of this Ordinance.

3. The corporate trustee is hereby authorised and empowered -

- (a) To sell that part of the land as described in the Schedule within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time as it may determine freed from the trusts upon which the lands are held.
- (b) To grant easements for landscaping along the western and southern boundaries of the land.
- (c) To execute all plans documents and deeds necessary and ancillary to the subdivision and sale of the land described in the Schedule.

4. The proceeds arising from the sale shall be applied as follows:

- (a) As to the first five hundred thousand dollars (\$500,000.00)
 - (i) For the purchase of a residence for the Minister of the Parish including any necessary renovations modifications fitting out or furnishing to satisfy diocesan requirements.
 - (ii) For necessary works on the main church hall to make the same adequate for use as a result of the demolition of the hall currently situated on the land to be sold.
- (b) Any part of the first \$500,000 not applied as provided shall be invested and the interest capitalised.
- (c) The balance of the proceeds of sale shall be invested and the income capitalised pending (within 12 months of the completion date) the promotion by the churchwardens of an Ordinance to deal with all funds invested pursuant to this Ordinance.

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(d) All legal and survey costs and fees payable in connection with the subdivision and the conveyance of the land hereby authorised to be sold shall be borne by the purchaser.

5. This Ordinance may be cited as the "Miranda Sale and Variation of Trusts Ordinance 1990".

SCHEDULE

All that parcel of land situate at Miranda containing an area of approximately 770 square metres and being an area located along the southern boundary of the land comprised in Certificate of Title Volume 2950 Folio 112 and having a depth on its eastern boundary of approximately 7 metres and a depth on the western boundary of approximately 11.6 metres.

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

E.D. Cameron
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of July 1990.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

J.R. Reid
Commissary for the Archbishop of Sydney

30/07/1990