

Nowra Ordinance 2001

No 9, 2001

Long Title

An Ordinance to authorise the subdivision and sale of certain land in the Parish of Nowra, to provide for the application of the proceeds of sale, to vary the trusts of certain monies invested and for incidental purposes.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land specified in each of the cells in column 1 of the table in Schedule 1 (the "Land") and holds the same upon the trusts specified in the corresponding cell in column 2 of the table in Schedule 1.

B. The Property Trust holds the monies specified in column 1 of the table in Schedule 2 (the "Monies") upon the trusts specified in column 2 of the table in Schedule 2.

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

(i) it is inexpedient to carry out and observe those trusts and it is inexpedient to apply the Land for the same or like purposes as those trusts, and

(ii) it is expedient that the Land be subdivided and part thereof be sold.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Monies are held it is expedient to provide for the application of the Monies.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Nowra Ordinance 2001.

2. Declarations

(1) By reason of the circumstances which have arisen after the creation of the trusts on which the Land is held-

(a) it is inexpedient to carry out and observe those trusts and it is inexpedient to apply the Land for the same or like purposes as those trusts, and

(b) it is expedient that the Land be subdivided and part thereof being the Land specified in Schedule 3 to this Ordinance be sold and the proceeds of sale applied in the manner set out in this Ordinance.

(2) By reason of circumstances which have arisen after the creation of trusts on which the Monies are held it is inexpedient to carry out and observe those trusts and it is expedient to provide for the application of the Monies in the manner set out in this Ordinance.

3. Trusts

The Land is held upon trust for -

(a) a church,

(b) a residence for a minister, assistant to the minister or a person employed by the churchwardens,

(c) a hall or halls,

(d) a school or other places of assembly,

(e) an office or office,

(f) a car parking area,

or partly for one or another or others of those purposes and for any other purpose ancillary thereto in connection with the Anglican Church of Australia in the Parish.

4. Authority

(1) The Property Trust is authorised and empowered to subdivide the Land and sell the part of the Land specified in Schedule 3 thereof within 3 years from the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) The sale authorised under clause 4(1) may be by public action or private agreement and for such price and subject to such terms and conditions as the Property Trust may determine.

5. Proceeds of Sale

(1) The proceeds arising from the sale authorised under clause 4, after deduction of costs and fees of and incidental to this Ordinance and the sale are to be applied as follows -

(a) first, in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) in connection with the sale;

(b) second, towards the cost of purchasing or erecting on land held upon trust for the Parish of Nowra (the "Parish") a residence or residences for the minister or an assistant to the minister or person employed by the churchwardens of any church in the Parish; and

(c) the remaining balance (if any), toward the costs of and incidental to the construction and/or fit out of offices for the Parish.

(2) Pending the application of the proceeds of sale under clause 5(1), the Property Trust must invest the net proceeds (or balance thereof remaining from time to time) and capitalise the income provided that the Property Trust may pay to the churchwardens of All Saints' Nowra out of the income from time to time the cost of renting premises to be used for the purposes of the Parish pending the completion of the purchase or erection referred to in clause 5(1)(b).

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6. Amendment

The Nowra Land Sale Ordinance 1996 is amended as follows -

- (a) add the word "and" to the end of clause 4(1)(a); and
- (b) delete the matter "." at the end of clause 4(1)(c) and insert instead the following -
"; and
- (d) the costs of and incidental to the subdivision of land held upon trust for the Parish."

Schedule 1

Column 1	Column 2
The whole of the Land in Folio Identifier 11/27/758794	Pursuant to clause 2 of the All Saint's Nowra Variation of Trust Ordinance 1980 Lot 11 is held upon trust for a: <ul style="list-style-type: none"> (a) church; (b) residence for a minister, assistant to the minister or a person employed by the churchwardens; (c) hall or halls; (d) school or other places of assembly; or partly for one or another or others of those purposes and for any other purpose ancillary thereto in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the Parish of All Saints' Nowra or any Parish or ecclesiastical district into which it may subsequently be formed or form a part.
The whole of the Land in Folio Identifier 12/27/758794 and Folio Identifier 13/27/758794	Pursuant to the All Saints' Nowra Variation of Trusts Ordinance 1980 the Land is held upon trust for a: <ul style="list-style-type: none"> (a) Residence for a Minister, Assistant to the Minister or a person employed by the churchwardens; (b) Car parking area; or partly for one or another or others of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish of All Saints' Nowra or any Parish or ecclesiastical district into which it may subsequently be formed or form a part.

Schedule 2

Column 1	Column 2
Anglican Church Property Trust Diocese of Sydney Client Fund 648.	Pursuant to the Nowra Land Sale Ordinance 1996 to be applied towards one or more of: <ul style="list-style-type: none"> (a) The acquisition of other land in the Parish to be held upon trust for the Parish; (b) The cost of building or altering or refurbishing buildings upon land held upon trust for the Parish; and (c) The repayment or reduction of any debt incurred in acquiring any land held upon trust for the parish or altering or refurbishing buildings upon such land.

Schedule 3

Lot 1 in a proposed subdivision of the Land in Schedule 1 shown on plan prepared by Watkinson Apperley Pty Limited Surveyors & Engineers, showing reference number 101474 Plan Number 00/41.

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

N M CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 March 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

P W BARNETT
Administrator
29/3/2001