

# Robertson (Burrawang) Sale Ordinance 2003

No 23, 2003

## Long Title

An Ordinance to declare new trusts in respect of certain land at Burrawang, to authorise the subdivision and sale of the land 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 certificate of title volume 7514 folio 58 and known as Vance Hall, Burrawang (the "Land").

B. The Land is church trust property held on trust for the purposes of the provisional parish of Robertson (the "Parish") although there are no written trusts.

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

- (a) it is inexpedient to carry or observe those trusts and it is expedient to declare new trusts in respect of the Land, and
- (b) it is inexpedient to deal with or apply the proceeds arising from any sale of the Land wholly for the purposes of the Parish, and
- (c) it is expedient to subdivide the Land and to grant such easements and rights of way reasonably necessary to effect the subdivision, and
- (d) it is expedient to sell the Land and to 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 Robertson (Burrawang) Sale Ordinance 2003.

### 2. Declarations

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

- (a) it is inexpedient to carry or observe those trusts and it is expedient to declare new trusts in respect of the Land, and
- (b) it is inexpedient to deal with or apply the proceeds arising from any sale of the Land wholly for the purposes of the Parish, and
- (c) it is expedient to subdivide the Land and to grant such easements and rights of way reasonably necessary to effect the subdivision, and
- (d) it is expedient to sell the Land and to apply the proceeds of sale in the manner set out in this Ordinance.

### 3. New trusts

The Land is held on trust for the purposes of the Parish.

### 4. Authority to sell

(1) The Property Trust is authorised to sell the Land 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.

(2) Such sale may be by public auction or private treaty in one or more lots and for such price or prices and on and subject to such terms and conditions as the Property Trust considers appropriate.

### 5. 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 and to grant such easements and rights of way as are reasonably necessary to effect the subdivision.

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

#### **6. Application of proceeds of sale**

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

(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) secondly, 10% of the remaining proceeds from the sale of each lot comprising the Land (except any lot upon which the building known as the Vance Hall is in whole or part situated) to be added to the capital of the Indigenous Peoples' Ministry Fund constituted by the Sydney Anglican Indigenous Peoples' Ministry Ordinance 2002, and
- (c) thirdly, towards the construction and fitting out of a Parish ministry centre, and
- (d) the balance (including any capitalised income) for such purposes of the Parish as the Standing Committee may direct by resolution at the request of the parish council of the Parish.

#### **7. Investment**

Pending the application of the proceeds of sale, the 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.

R TONG  
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 30 June 2003.

MA PAYNE  
Secretary

I Assent to this Ordinance.

PETER TASKER  
Commissary  
21/7/2003