

Gladesville (Boronia Park) Mortgaging and Land Sale Ordinance 1995 Amendment Ordinance 2005

No 13, 2005

Long Title

An Ordinance to amend the Gladesville (Boronia Park) Mortgaging and Land Sale Ordinance 1995.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land (the "Land") described in the First Schedule (the "Boronia Park Land") and the Second Schedule (the "Gladesville Land").

B. The Boronia Park Land is held on trust for the Church of England in Australia in the Parish of Christ Church Gladesville on the trusts declared in the Gladesville Ordinance 1981.

C. By clause 3 of the Gladesville Easement Ordinance 2001 the Gladesville Land is held upon trust for the purposes of the parish of Gladesville (the "Parish").

D. By clause 6 of the Gladesville (Boronia Park) Mortgaging and Land Sale Ordinance 1995 (the "Principal Ordinance") the authority to subdivide and sell the Boronia Park Land expired on 30 June 2002.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient to extend the period within which part of the Boronia Park Land may be subdivided and sold and to specify further purposes for which the proceeds arising from a mortgage granted under the Principal Ordinance may be applied.

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

1. Name

This Ordinance is the Gladesville (Boronia Park) Mortgaging and Land Sale Ordinance 1995 Amendment Ordinance 2005.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient to extend the period within which part of the Boronia Park Land may be subdivided and sold and to specify further purposes for which the proceeds arising from a mortgage granted under the Principal Ordinance may be applied.

3. Amendment of the Principal Ordinance

(1) The Principal Ordinance is amended as follows –

(a) delete recital C in the preamble and insert instead the following –

"C. By clause 3 of the Gladesville Easement Ordinance 2001 the Gladesville land is held upon trust for the purposes of the Parish.",
and

(b) delete recitals D and E in the preamble, and

(c) delete clause 4(b) and reletter existing clause 4(c) as 4(b), and

(d) insert a new clause 4(c) –

"(c) an amount of up to \$400,000 to meet the costs and expenses of
and incidental to renovating buildings situated on land held for
the Parish," and

(e) delete the words "subdivide the Boronia Park land into 2 or more lots and sell one or more of those lots" in clause 6 and insert instead the following –

"strata subdivide the part of the Boronia Park land comprised in lot 3
deposited plan 1031404 and sell one subdivided part of lot 3", and

(f) in clause 6(a) –

(i) delete the matter "30 June 2002" and insert "30 June 2008" instead, and

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- (ii) insert the words “whether given before or after that date” after the words “Standing Committee”, and
 - (g) insert the following matter after the word “may” in clause 7(1) –
“, after meeting the costs and expenses of and incidental to the sale and any amendment to this Ordinance,”, and
 - (h) delete clause 7(1)(a) and insert instead the following –
“(a) in payment of all taxes and duties payable in connection with the sale;”, and
 - (i) delete the matter in the First Schedule and insert instead the following –
“Lots 1, 2 and 3 in Deposited Plan 1031404 (previously folio identifier 330/752035) being the land at the corner of The Strand and High Street, Boronia Park.”
- (2) The amendments made to the Principal Ordinance under subclause (1) do not effect the validity of any act taken under the Principal Ordinance prior to the date of assent to this Ordinance.

First Schedule

Lots 1, 2 and 3 in Deposited Plan 1031404 (previously folio identifier 330/752035) being the land at the corner of The Strand and High Street Boronia Park.

Second Schedule

Lots 1 and 2 in Deposited Plan 834742 known as 14 and 14A Pile Street Gladesville.

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 May 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
21/6/2005