

Glenbrook Land Sale Ordinance 2004

No 48, 2004

Long Title

An Ordinance to authorise the sale of certain land at Warrimoo and the subdivision and sale of certain land at Mount Riverview 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 lot 2, lot 3 and lot 4 in section 2 deposited plan 11486 known as Arthur Street Warrimoo (the "Warrimoo Land").

B. The Warrimoo Land is church trust property held upon trust for the parish of Glenbrook (the "Parish") although there are no written trusts.

C. The Property Trust is the registered proprietor of lot 36 and lot 37 in deposited plan 25944 known as Corner Rusden Road and Bunbinla Avenue Mount Riverview (the "Mount Riverview Land").

D. The Mount Riverview Land is church property trust held upon trust for the Parish although there are no written trusts.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Warrimoo Land and the Mount Riverview Land are held it is expedient –

- (i) to sell the Warrimoo Land, and
- (ii) to subdivide the Mount Riverview Land and to grant such easements and rights of way reasonably necessary to effect the subdivision, and
- (iii) to sell a subdivided part of the subdivided Mount Riverview Land, and
- (iv) 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 Glenbrook Land Sale Ordinance 2004.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Warrimoo Land and the Mount Riverview Land are held it is expedient –

- (a) to sell the Warrimoo Land, and
- (b) to subdivide the Mount Riverview Land in accordance with clause 3, and
- (c) to sell a subdivided part of the subdivided Mount Riverview Land in accordance with clause 4, and
- (d) 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 Mount Riverview Land into 4 allotments as shown in the sketch signed by the Diocesan Secretary for identification dated 19 November 2004 (the "Sketch") 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 Warrimoo Land and proposed allotments 3 and 4 of the Mount Riverview Land shown in the Sketch 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.

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5. Application of Proceeds of Sale

- (1) The costs of and incidental to this Ordinance and the sale of the Warrimoo Land and the costs of subdivision and sale of proposed allotments 3 and 4 of the Mount Riverview Land shown in the Sketch are to be paid from the proceeds of the sale.
- (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 and vendor duty payable in connection with the sale, and
 - (b) second, in or towards the costs of erecting and fitting out a multi purpose centre on the Glenbrook Church site, and
 - (c) third, to carry out renovations and to upgrade the existing improvements on the Mount Riverview Church site, and
 - (d) fourth, to carry out renovations and to upgrade the existing improvements on the Blaxland Church site, and
 - (e) the balance for such purposes of the Parish as are consistent with the trusts on which the Warrimoo Land and the Mount Riverview Land are 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 13 December 2004.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
14/12/2004