

Mulgoa (Silverdale) Land Sale Ordinance 2009

No 9, 2009

Long Title

An Ordinance to permit the subdivision and sale of certain land in the parish of Mulgoa 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 contained in Folio Identifier 17/38325 and known as 2265 Silverdale Road Silverdale (the "Land").

B. The Land is church trust property and forms part of the property of the Mulgoa Trust which under the Mulgoa Trust Ordinance 2006 is held for the purposes of the parish of Mulgoa.

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

- (a) to subdivide the Land into 2 allotments and to create such easements and restrictions reasonably necessary in connection with the subdivision,
- (b) to sell the rear subdivided portion of the Land, an area of approximately 2.6 acres, (the "Subdivided Land") in the Plan of Subdivision dated 19 May 2009 and signed by the Diocesan Secretary (the "Plan of Subdivision"), and
- (c) to apply the proceeds of the sale.

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

1. Name

This Ordinance is the Mulgoa (Silverdale) Land Sale Ordinance 2009.

2. Declarations

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

- (a) to subdivide the Land into 2 allotments and to create such easements and restrictions as are reasonably necessary in connection with the subdivision in the manner set out in clause 3, and
- (b) to sell the Subdivided Land in accordance with clause 4, and
- (c) to apply the proceeds of the 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 (whether given before or after this date) to subdivide the Land into 2 allotments in accordance with the Plan of Subdivision and to create such easements and restrictions as are reasonably necessary in connection with 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 Subdivided Land by auction or private treaty at 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 whether given before or after this date) for such price and subject to such terms and conditions as the Property Trust considers appropriate.

5. Allocations from the Mulgoa Trust

(1) Subject to clause 5(2), the Property Trust is directed to make the following payments from the capital of the Mulgoa Trust –

- (a) first, the costs of and incidental to this Ordinance and the subdivision and sale of the Subdivided Land, and

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- (b) second, in payment of goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the sale; and
- (c) third, towards the costs of erecting and fitting out improvements on the retained lot which will be suitable for use as a church and for related ministry activities.

(2) No payment is to be made under clause 5(1) until the Subdivided Land has been sold and the proceeds of the sale paid to the Property Trust.

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 25 May 2009.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
26/05/2009