

Lower Mountains Land Sale Ordinance 2012

No 52, 2012

Long Title

An Ordinance to authorise the sale of certain land at Blaxland 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 lots 30, 31 and lot 58 in section 3 in deposited plan 6839 known as 3 and 3A Ross Crescent Blaxland (the "Blaxland Land").

B. The Blaxland Land is church trust property held upon trust and by clause 3 of the St Peters Glenbrook Mortgaging Ordinance 1953, the land is held upon trust to permit the same to be used as a site for a church, parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England at Blaxland in the Provisional District of St Peter Glenbrook.

C. The Blaxland Land is presently subject to an application to Blue Mountains City Council (the "Council"), being application S/11/2012, to subdivide into 3 lots (the "Blaxland Subdivision").

D. 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").

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

F. The Property Trust is the registered proprietor of lot 3 Section 20 in deposited plan 758448 and Lot 2 in Deposited Plan 966721 known as 1 Wascoe Street Glenbrook (the "Glenbrook Land").

G. The Parish has approval to build a new ministry centre on the Glenbrook Land in accordance with Development Consent No X/210/2007 dated 6 March 2008 from Blue Mountains City Council (BMCC).

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

- (i) to sell lot 3 in the Blaxland Subdivision, 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 each 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 Lower Mountains Land Sale Ordinance 2012.

2. Declarations

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

- (a) to sell lot 3 in the Blaxland Subdivision, 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, or alternatively lot 37 in deposited plan 25944, in accordance with clause 4, and
- (d) to apply the proceeds of each sale in the manner set out in clause 5.

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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 –

- (a) apply for a rezoning of the Mount Riverview Land from Living (Bushland Conservation) to Living (General); and
- (b) subdivide the Mount Riverview Land into 4 allotments (the “4 lot subdivision”) as shown in the sketch signed by the Diocesan Secretary for identification dated 4 December 2012 and marked “A” (the “4 lot Sketch”);
- (c) in the alternative to the 4 lot subdivision in accordance with the 4 lot Sketch, to subdivide the Mount Riverview Land into 3 allotments (the “3 lot subdivision”) as shown in the sketch signed by the Diocesan Secretary for identification dated 4 December 2012 and marked “B” (the “3 lot 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 4 lot subdivision and the 3 lot subdivision.

4. Authority to sell

The Property Trust is authorised to sell lot 3 in the Blaxland Subdivision and proposed allotments 3 and 4 of the 4 lot subdivision of the Mount Riverview Land shown in the 4 lot Sketch, or alternatively allotment 3 of the 3 lot subdivision of the Mount Riverview Land shown in the 3 lot Sketch, or in the further alternative lot 37 in deposited plan 25944, 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.

5. Application of proceeds of sale

(1) The costs of and incidental to this Ordinance and the sale of the Blaxland Land and the costs of subdivision and sale of proposed allotments of the Mount Riverview Land shown in the 4 lot Sketch and the 3 lot Sketch, or the sale of lot 37 in deposited plan 25944, are to be paid from the proceeds of the sales.

(2) The remaining balance of the proceeds of sales 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 discharge of any mortgage over the Blaxland Land or the Mount Riverview Land, and
- (c) third, towards the costs of erecting and fitting out a multipurpose centre on the Glenbrook Land, and
- (d) fourth, to carry out renovations and to upgrade the existing improvements on the Mount Riverview Church site, and
- (e) fifth, to carry out renovations and to upgrade the existing improvements on the Blaxland Church site, and
- (f) the balance for such purposes of the Parish as are consistent with the trusts on which the Blaxland 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.

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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 10 December 2012.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
11/12/2012