

Brighton-Rockdale (Monterey) Land Sale Ordinance 1994

No 13, 1994

Long Title

An Ordinance to authorise the variation of trusts for the sale of certain land at Monterey and to provide for the application of the proceeds of sale.

Preamble

Whereas

- A. The Property Trust is the registered proprietor of the land described in the schedule (the "Land").
- B. Under the will of the Late Lena Arnold Anderson the Land is held upon trust for the general purposes of St Marks Church of England Brighton-le-Sands.
- C. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold but it is inexpedient to deal with or apply the proceeds of sale for the same purposes as the trusts on which the Land is held.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

Citation

1. This ordinance may be cited as the "Brighton-Rockdale (Monterey) Land Sale Ordinance 1994".

Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and it is inexpedient to deal with or apply the proceeds of sale for the same or like purposes as the trusts on which the Land is held.

Authority to Sell

3. The Property Trust is authorised to sell the Land within 3 years after the date of assent of this ordinance and thereafter only with the consent of the Standing Committee given by resolution by public auction or private agreement and for such price and on and subject to such terms and conditions as the Property Trust considers appropriate freed from the trusts upon which the property is now held.

Application of Proceeds

4. The proceeds arising from the sale shall be applied by the Property Trust as follows -
 - (a) first, in payment of the costs of and incidental to this ordinance and of any sale of the property;
 - (b) secondly, in payment in or towards the cost of extensions, additions, alterations, renovations and repair to premises known as 39 Bryant Street, Rockdale together with incidental rearrangements, refurbishing and refurbishings, fixtures and fittings and equipment therein together with all ancillary and associated costs, fees and expenses in relation thereto; and
 - (c) thirdly, the net balance (if any) is to be held upon trust to be applied for such purposes within or without or partially within or partially without the Parish of Brighton-Rockdale as the parish council of that Parish shall determine from time to time and the Standing Committee shall approve.

Pending any application pursuant to this clause the said proceeds shall be invested and the income capitalised.

Schedule

All That piece or parcel of land in the Municipality of Rockdale Parish of St George and County of Cumberland being lot 14 in Strata Plan 4601 and being the whole of the land in Certificate of Title Volume 11307 Folio 173.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

N.M. Cameron
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 April 1994.

W.G.S. Gotley
Secretary

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I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
27/4/1994