
Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 Amending Ordinance 1986

(Reprinted under the Interpretation Ordinance 1985.)

The Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 Amending Ordinance 1986 as amended by the Narellan (Elderslie Lands) Amendment Ordinance 1991 and the Narellan (Elderslie Lands) Ordinance 1986 Amendment Ordinance 1993.

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Long Title

An Ordinance to amend the Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 and to provide for the application of proceeds of monies held thereunder.

Preamble

Whereas

A. The Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance No 12 of 1980 empowered Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") to sell certain lands and after the payment out of the proceeds arising from such sales of certain costs and indebtedness hold the balance upon trusts set out therein.

B. The Land has been sold, the costs and indebtedness paid and the balance of proceeds is now held by the Corporate Trustee upon those trusts.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts, it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is inexpedient to deal with or apply the same or the income therefrom for the use or benefit of the parish or parishes which hitherto have had the use or benefit of the said proceeds and income or for the same or the like purposes as those hitherto applicable to the said proceeds and income.

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.

Declaration of Expediency

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said proceeds are held it is inexpedient to carry out and observe the same to the extent that the same are varied and it is inexpedient to deal with or apply the same or the income therefrom for the use or benefit of the parish or parishes which hitherto have had the use or benefit of the said proceeds and income or for the same or the like purposes as those hitherto applicable to the said proceeds and income and it is expedient that such trusts be varied as hereinafter set out.

Application of Proceeds

- 1 2. (1) The balance of proceeds held under Ordinance No 12 1980 shall be applied as follows -
- (a) first, in payment of the costs of and incidental to this Ordinance;
 - (b) secondly, \$300,000 be allocated towards the repairs, renovations and maintenance of various buildings within the Parish of Narellan as determined by a resolution of the Parish Council subject to the provisions of paragraph (e) hereof;
 - (c) thirdly, \$100,000 be allocated towards meeting the costs of purchasing a site within the proposed urban development of Narellan for a -
 - (i) church;
 - (ii) residence for a minister, assistant minister or a person employed by the Churchwardens;
 - (iii) hall or halls;
 - (iv) school or other place of assembly;or partly for one or another or other of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Narellan or any parish or ecclesiastical district into which it may subsequently be formed or form a part. Any surplus arising after the said purchase shall be held upon the same trusts as are specified in paragraph (d) hereof;
 - (d) fourthly, up to \$100,000 be paid to the churchwardens of the principal church of the Parish of Narellan and applied by them towards the costs of the purchase of a site or sites within the Narellan urban development area for the sole benefit of the Provisional Parish of Narellan or any Parish or Ecclesiastical District into which it may subsequently be formed or form a part and the erection thereon of a residence for an assistant to the Minister or person employed by the Churchwardens;
 - (e) fifthly, in each of the years 1994 to 1998 inclusive out of the principal and interest held pursuant to paragraph (b) the sum of \$50,000 shall be paid to the churchwardens of the principal church of the Provisional Parish of Narellan and applied by them towards the stipend allowances and other costs associated with an assistant minister of the Provisional Parish.
- (2) Pending each of the applications set out in subclause (1) of this clause the Corporate Trustee shall invest the sum or sums and capitalise the income.
- (3) From the funds held for each of the applications set out in sub-clause (1), as soon as convenient in each year the Corporate Trustee shall pay the Sydney Diocesan Secretariat an amount equal to the proportion of the Synod assessment payable for that year by the Provisional Parish of Narellan caused by the assessment of income from the investments made under sub-clause (2). The power conferred by this subclause shall extend to authorise and direct payment of any Synod assessments due and unpaid at the commencement of this Ordinance.

Investment of Remaining Proceeds

3. The remainder of the said proceeds shall be invested by the Corporate Trustee and the income arising therefrom shall be paid or applied as follows -
- (a) as to twenty percentum (20%) thereof, the same shall be added to the sum so invested; and
 - (b) as to the remaining eighty percentum (80%) the same shall be invested by the Church Property Trust and the income accounted for through the Sydney Diocesan Synod Income and Expenditure Ordinance for the Synod to allocate to various needs in the Diocese.

Citation

4. This Ordinance may be cited as the "Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 Amending Ordinance 1986".

Endnotes

1. Amended by Ordinance No 19, 1991 and Ordinance 29, 1993.

W.G.S. GOTLEY
Diocesan Secretary

22 February 2008

M.A. PAYNE
Legal Officer