



Narellan Ordinance 1998

No 3, 1998

Long Title

An Ordinance to vary the trusts upon which certain funds are held and to authorise the sale of certain lands and the application of the proceeds thereof and for all matters incidental thereto.

Preamble

A. The funds and lands in the Schedules are held upon the trusts set out therein.

B. By reason of the circumstances arising after the creation of those trusts, it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner hereinafter set out.

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

Name

1. This ordinance is the Narellan Ordinance 1998.

Schedule One Funds

2. By reason of the circumstances which have arisen after the creation of the trusts on which the funds in Schedule One are held, it is inexpedient to carry out those trusts and it is expedient that the funds shall be applied as follows -

(a) first, in payment of the cost of and incidental to this Ordinance;

(b) secondly, up to \$200,000 to be allocated towards the repairs, renovations and maintenance of the rectory of the parish of Narellan ("the Parish") erected on the land in Folio Identifier 1/562336;

(c) thirdly, the balance to be applied towards acquisition of lands within the Parish for a -

(i) church;

(ii) residence for a minister, assistant to the minister or person employed by the church wardens;

(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 or any parish or ecclesiastical district into which it may be subsequently formed or form a part. Any surplus arising after the applications in this clause shall be held upon the same trusts as are specified in clause 4 hereof.

Power to Sell

3. By reason of the circumstances which have arisen after the creation of the trusts on which the land in Schedules Two and Three is held, it is inexpedient to carry out those trusts and it is expedient that the land be sold but it is

inexpedient that the proceeds of sale be applied solely for the purposes of the Parish or for the same or like purposes as the trusts on which the lands is held.

4. (1) Subject to clause 4(2) the Property Trust may sell the land at any time within 3 years after the date of assent to this ordinance by private treaty or otherwise and on such terms as the Property Trust may consider appropriate.

(2) The land in Schedule Two upon which the church of St Thomas Narellan is situated shall not be sold until that church building has been deconsecrated.

Proceeds of Sale

5. The balance of the proceeds arising from the sale of the land after paying the costs of and incidental to this ordinance and the cost of and incidental to the sale or sales, shall be applied by the Property Trust towards one or more of the following purposes upon the request of the majority of the parish council of the Parish with respect to paragraphs (a) and (b) -

(a) the acquisition of land within the Parish to be held upon the same trusts as set out in clause 2(c) hereof;

(b) the cost of building or altering or refurbishing buildings upon that land; and

(c) any surplus thereafter shall be held upon trust and -

(i) up to \$550,000 for the benefit of the Anglican Church of Australia within the Macarthur Anglican Deanery to be applied at the request of the Wollongong Regional Council to any one or more of the following purposes -

(A) payment to the New Sites Committee for land acquired by that Committee for church sites in the deanery;

(B) repayment of debts to the Finance and Loans Board in respect of loans for capital works for parishes within the deanery other than the parish of Narellan;

(C) establishing a fund to assist in the provision of youth and children's ministry in the deanery to be administered by the Wollongong Regional Council; and

(D) such other purposes that the Wollongong Regional Council approves; and

(ii) any balance then remaining shall be invested by the Property Trust and the income arising thereon shall be paid to the churchwardens of the principal church of the Parish to be used towards the costs of repairs and maintenance of buildings on land held upon trust for the Parish.

Schedule Four Funds

6. By reason of circumstances which have arisen after the creation of the trusts on which the funds in the Schedule Four are held, it is inexpedient to carry out those trusts and it is expedient that those funds be applied so as to pay to the Churchwardens of the Parish the sum of up to \$50,000.00 per annum to be applied by them towards the costs of the stipend and allowances of any Assistant Minister employed by them.

Schedules

One

Name of Fund	Trust Impressed
Client Fund 630	Held pursuant to Clause 2(1)(b) of the Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 Amending Ordinance 1986 to 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, provided that in each of the years 1994 to 1998 inclusive, out of the principle and interest held pursuant to paragraph (b) the sum of \$50,000.00 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

Client Fund 636

Assistant Minister of the Provisional Parish.

This Fund represents an amalgamation of a number of small funds held on trust for the Parish of Narellan. The amalgamation was authorised by the Church of England Property Trust Diocese of Sydney (Amalgamation of Accounts) Ordinance 27/1976 and the Anglican Church Trust Diocese of Sydney (Sundry Accounts) Ordinance 29/1992. The Property Trust is to pay 80% of the income to the Churchwardens of St Paul's Cobbitty to be applied by them for general parochial purposes including the stipend of the incumbent for the time being of the Parish and to capitalise the remainder. Pursuant to the Narellan Ordinance 18/1991 the Property Trust may apply all or any part of the said 80% of the income from the property in or towards payment of amounts payable to Sydney Diocesan Secretariat in respect of the Parish by virtue of the provisions of the Assessment Authorisation Ordinance 1975 and any Diocesan Income and Expenditure Ordinance made before or after the date on which assent is given to the ordinance.

Two

Property	Title Details	Trust Impressed
294 Cobbitty Road, Cobbitty	1/24271	By clause 4 of a Declaration of Trust dated 1 March 1920 made by the Property Trust, the land is held upon trust as an additional portion for the use of the incumbent of St Paul's Cobbitty in accordance with the devise thereof contained in the Will of Thomas Hassall deceased, and subject to the provisions of the Church of England Trust Property Act 1917.
296 Cobbitty Road, Cobbitty	2/24271	By clause 4 of a Declaration of Trust dated 1 March 1920 made by the Property Trust, the land is held upon trust as an additional portion for the use of the incumbent of St Paul's Cobbitty in accordance with the devise thereof contained in the Will of Thomas Hassall deceased, and subject to the provisions of the Church of England Trust Property Act 1917.
25 Moorshead Road, Narellan Vale	62/773130	By clause 2(1)(c) of the Narellan (Elderslie Land) Variation of Trust and Land Sale Ordinance 1980 Amendment Ordinance 1986 the land is held upon trust for a - (i) church; (ii) residence for a minister, assistant minister or a person employed by the Churchwarden; (iii) hall or halls; (iv) school or other place of assembly, or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish or any parish or ecclesiastical district onto which it may subsequently be formed or of which it may form a part.
Lot 1, Wilson Crescent, Narellan	1/737284	By clause 2 of the Narellan Variation of Trusts (Macarthur School) Ordinance 1983, the land is held upon trust for a - (a) church; (b) residence for a minister assistant to the minister or person

employed by the churchwardens;

(c) hall or halls;

(d) 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 or any parish or ecclesiastical district into which it may subsequently be formed or of which it may form a part.

Lot 2, Cnr Wilson Crescent & Camden Valley Way, Narellan 2/737284

By clause 3 of the Narellan Variation of Trusts (Macarthur School) Ordinance 1983, the land is held upon trust for purposes in connection with the Anglican Church of Australia within the Diocese of Sydney associated with St Thomas Church, Narellan.

Lot 24 Harrington Street, Narellan 24/979346

By the Narellan Land Sale Ordinance 1962 the land is to be sold and the proceeds invested and applied towards the stipend of the incumbent for the time being of the Parish.

Three

Property	Title Details	Trusts Impressed
Lots 1, 2 & 3 of a re-subdivision of 335 Cobbitty Road, Cobbitty	Lots 1, 2 & 3 of a sub-division of 1/562336 as shown on the plan of Lean & Hayward Pty Limited dated 2/12/97 being Drawing No. 74451.O1PO1.	By clause 3 of Declaration of Trust dated 1 March 1920 made by the Property Trust, the land is held upon trust for the uses of the Church of England as a glebe for incumbent of St Paul's Cobbitty in accordance with the devise thereof contained in the Will of the Reverend Thomas Hassal deceased and subject to the provisions of the Church of England Property Act 1917.
Part 320 Cobbitty Road, Cobbitty	Lot 72 in a subdivision of the land in 7/24271 at shown on the plan of Lean & Hayward Pty Limited dated 4/12/97 being Drawing No. 74452.O1PO1.	By clause 4 of the Declaration of Trust dated 1 March 1920 made by the Property Trust, the land is held upon trust as an additional portion for the use of the incumbent of St Paul's Cobbitty in accordance with the devise thereof contained in the Will of Thomas Hassal deceased and subject to the provisions of the Church of England Property Act 1917.
Lot 2 Richardson Road, Narellan (St Thomas Cemetery)	Lot 2 of a subdivision of 4/737284 as shown on the plan of Lean & Hayward Pty Limited dated 15/01/97 being Drawing No. 74453.O1.BO1.	In relation to that part of land which was formerly contained in Crown Grant Volume 235, Folio 167, the land is held upon trust for a Public School and in relation to that part of the land which was formerly contained in Crown Grant Volume 192, Folio 112, the land is held upon trust for the interment of the dead according to the use of the United Church of England and Ireland.

Four

Name of Fund	Trusts Impressed
Client Fund 640	By clause 3 of the Narellan Land Sale Ordinance 1964, the sum is to be invested by the Corporate Trustee and the

income arising therefrom to be paid to the Churchwardens for the time being of St Paul's Church Cobbitty to be applied towards the stipend of the incumbent for the time being of the Parish.

Client Fund 646

By clause 2(1)(d) of the Narellan (Elderslie Lands) Variation of Trusts & Land Sale Ordinance 1980 Amending Ordinance 1986, the sum is to be applied towards the cost 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 other 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.

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 27 January 1998.

M.A. PAYNE

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

10/2/1998