

Narellan Ordinance 2002

(Reprinted under the Interpretation Ordinance 1985.)

The Narellan Ordinance 2002 as amended by the Narellan Variation of Trusts and Amendment Ordinance 2005, the Narellan Ordinance 2002 Amendment Ordinance 2007 and the Narellan Ordinance 2002 Amendment Ordinance 2010.

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Long Title

An Ordinance to authorise the sale of certain lands and the application of the proceeds thereof and the subdivision of certain lands and all matters incidental thereto.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the property described in each of the cells in column 1 of the tables in Schedules 1 and 2.

B. The property described in a cell in column 1 of the tables in Schedules 1 and 2 is held on the trusts described in the corresponding cell in column 2 of the tables in Schedules 1 and 2.

C. By reason of circumstances which have arisen after the creation of the trusts on which the property (the "Sale Property") described in column 1 of the table in Schedule 1 is held it is inexpedient to carry out and observe those trusts and it is expedient that the Sale Property be sold and the proceeds applied in the manner specified in this Ordinance.

D. By reason of circumstances which have arisen after the creation of the trusts on which the property (the "Subdivision Property") described in column 1 of the table in Schedule 2 is held it is inexpedient to carry out and observe those trusts and it is expedient that the Subdivision Property be subdivided and that further trusts be declared for the part of the Subdivision Property (the "Chaplain Property") described in column 1 of the table in Schedule 3.

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

1. Name

This Ordinance is the Narellan Ordinance 2002.

2. Declarations

(1) By reason of circumstances which have arisen after the creation of the trusts on which the Sale Property is held –

- (a) it is inexpedient to carry out or observe those trusts or to apply the Sale Property –
 - (i) wholly for the purposes of the provisional parish of Narellan (the "Parish"); or
 - (ii) for the same or like purposes as those trusts; and
- (b) it is expedient that the Sale Property be sold and the proceeds applied in the manner specified in clause 5.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the Subdivision Property is held –

- (a) it is inexpedient to carry out or observe those trusts or to apply the Subdivision Property –
 - (i) wholly for the purposes of the Parish; or
 - (ii) for the same or like purposes as those trusts; and
- (b) it is expedient that the Subdivision Property be subdivided and the part of the Subdivision Property comprising the Chaplain Property be held upon the trusts specified in clause 3.

3. Trusts for Chaplain Property

The Chaplain Property is held upon the trusts specified in column 2 of the table in Schedule 3.

4. Authority to Sell

The Property Trust is authorised to sell the Sale Property in one or more lots by public auction or by private treaty at any time during the 11 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 or prices and subject to such terms and conditions as the Property Trust considers appropriate.

5. Proceeds of Sale

(1) The proceeds arising from any sale authorised under clause 4, after paying the costs of and incidental to this Ordinance, the sale and any valuation, architectural, surveying or legal advice in relation thereto, are to be paid to the Property Trust and applied as follows –

- (a) first in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the sale; and
- (b) second, in or toward any one or more of the following purposes upon the request of a majority of the parish council of the Parish –
 - (i) a sum not exceeding \$50,000 to repay a loan to the Church of England Finance and Loans Board;
 - (ii) a sum of \$30,000 to be paid to the churchwardens of the principal church for the time being of the Parish (the “Churchwardens”) during the years 2002 - 2004 to an amount not exceeding \$15,000 in any one year and applied by them towards the costs of planting and growing a new congregation in the Parish at Harrington Park including, but not limited to, rental, licence fees, staffing costs, advertising costs, plant, furniture, fixtures and other items and services incidental to the planting of the new congregation;
 - (iii) a sum of \$90,000 to be paid to the Churchwardens during the years 2002 - 2008 to an amount not exceeding \$15,000 in any one year and applied by them towards the costs of housing a youth minister or children’s or family minister employed by them;
 - (iv) a sum of \$250,000 to be applied toward the costs of and incidental to constructing a house on the land specified in Schedule 4 to be used as a Rectory for the Parish;
 - (v) a sum of \$90,000 to be paid to the Churchwardens during the years 2002 - 2006 to an amount not exceeding \$40,000 in any one year and applied by them toward the costs of the stipend and allowances of any assistant minister licenced to the Parish;
 - (vi) a sum of \$250,000 to be applied for the purposes of ministry or ministry housing in the Macarthur region and in particular in the area of Bringelly as determined by the Wollongong Regional Council;
 - (vii) a sum not exceeding \$700,000 to be applied partly toward the costs of construction of a hall on the land specified in Schedule 4 and partly toward the costs of fitting out offices in the church on that land and associated landscaping works;
 - (viii) a sum of \$380,000 together with any net proceeds of the sale of land comprised in folio identifier 2/562336 known as 325 Cobbitty Road, Cobbitty which exceed \$380,000 to be paid to Churchwardens and applied by them towards the maintenance, refurbishment, repair renovation and restoration of

- any heritage building held upon trust for the Parish including the fittings, fixtures and furniture, fencing and walls adjacent to such buildings;
- (ix) a sum of \$125,000 to be paid to the Churchwardens and applied by them towards the maintenance, refurbishment, repair renovation or any other building held upon trust for the Parish including the fittings, fixtures and furniture, fencing and walls adjacent to such buildings;
 - (x) the costs and expenses of and incidental to relocating the building known as St Mark's, Elderslie; and
 - (xi) the costs and expenses of and incidental to obtaining development consents, subdividing and otherwise preparing for sale, land that is held on trust for the general or specific purposes of the Parish, which the Standing Committee has authorised for sale, whether by this or another ordinance, and
- (c) any balance remaining after the application of the sale proceeds under clauses 5(1)(a) and (b) is to be applied towards the cost of acquisition of land within the Parish to be held upon trust for the Parish.

(2) Pending the application of the sale proceeds under clause 5(1), the sale proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

Schedule 1

Column 1	Column 2
Folio Identifier 2101/793548 known as 146 Waterworth Drive, Mount Annan	By clause 2(1)(d) of the Narellan (Elderslie Lands) Variation of Trusts and Land Sale Ordinance 1980 Amending Ordinance 1986 the land is held on trust 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.
Folio Identifiers 1/518929, A/419701 & 1/921962 known as the site of St Mark's Church situated at Luker Street, Elderslie	The land is held upon trust for the provisional parish of Narellan although there are no written trusts.
Folio Identifier 4/737284 known as the site of St Thomas' Cemetery situated at Richardson Road, Narellan	That part of the land formerly contained in Crown Grant Volume 235 Folio 167 is held upon trust to keep and maintain a public school thereon. That part of the land formerly contained in Crown Grant Volume 192 Folio 112 is held upon trust for the internment of the dead according to the use of the United Church of England and Ireland.
Folio Identifier 2/562336 known as 325 Cobbitty Road, Cobbitty	By clause 3 of a 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 the incumbent of St Paul's Cobbitty in accordance with the devise thereof contained in the will of the Reverend Thomas Hassall deceased (and therein referred to as "All that parcel of land containing about 42 acres lying on the north side of the Cobbitty Road (opposite St Paul's Church) being a portion of Pomare Grove farm") and subject to the provisions of the Church of England Trust Property Act 1917.
Folio Identifier 3/24271 known as 306 Cobbitty Road, Cobbitty.	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 Pauls Cobbitty in accordance with the devise thereof contained in the will of Thomas Hassall deceased (and therein referred to as All that piece or parcel of land around St Pauls Church land Cobbitty bounded by the Cobbitty Road by a reserved road to the Nepean River by that River and by the land occupied by John Clissole) and subject to the provisions of the Church of England Trust Property Act 1917.

Schedule 2

Column 1	Column 2
Folio Identifiers 2/876325 and 3/876325 known as 172 and 172A Richardson Road, Narellan Vale	By clause 2(c) of the Narellan Land Sale Ordinance 1998 the land is held upon trust for – (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.

Schedule 3

Column 1	Column 2
Lot 3 in proposed plan of subdivision of land comprised in folio Identifier 2/876325 by Surveyors Lean and Hayward Pty Limited	Upon trust for the Wollongong Regional Council for use as a residence for a chaplain to the University of Western Sydney Macarthur and/or the Technical and Further Education Colleges in the Camden and Campbelltown Deaneries.

Schedule 4

- (1) Lots 1 and 2 in proposed plan of subdivision of land comprised in folio Identifier 2/876325 by Surveyors Lean and Hayward Pty Limited.
- (2) Folio identifier 3/876325.

Table of Amendments

Clause 4	Amended by Ordinances Nos 23, 2005; 37, 2007 and 23, 2010.
Clause 5	Amended by Ordinances Nos 23, 2005; 37, 2007 and 23, 2010.
Schedule 1	Amended by Ordinance No 23, 2005.

STEVE LUCAS
Manager, Legal Services
14 September 2010

ROBERT WICKS
Diocesan Secretary