

# Narellan Variation of Trusts and Amendment Ordinance 2005

No 23, 2005

## Long Title

An Ordinance to amend the Narellan Ordinance 2002.

## Preamble

A. By clause 4 of the Narellan Ordinance 2002 (the "Principal Ordinance") the Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is authorised to sell the property (the "Sale Property") specified in column 1 of the table in Schedule 1 of the Principal Ordinance and held upon the trusts specified in column 2 of that table.

B. The Property Trust is the registered proprietor of the land comprised in Folio Identifier 3/24271 and known as 306 Cobbitty Road, Cobbitty (the "Land").

C. By clause 2 of the Narellan Variation of Trusts Ordinance 1986 the Land is held upon trust for a hall or halls 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.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Sale Property and the Land are held it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts and sell the Land and apply the sale proceeds in a manner specified in the Principal Ordinance.

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

### 1. Name

This Ordinance is the Narellan Variation of Trusts and Amendment Ordinance 2005.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Sale Property and the Land are held –

- (a) it is inexpedient to carry out or observe those trusts, and
- (b) it is inexpedient to deal with or apply the Sale Property and the Land for the same or like purposes as those trusts or wholly for the purposes of the parish of Narellan (the "Parish"), and
- (c) it is expedient to vary those trusts in the manner set out in clause 3 of this Ordinance, and
- (d) it is expedient to sell the Land and apply the proceeds of sale in the manner specified in clause 5 of the Principal Ordinance.

### 3. Variation of trusts

(1) Subject to subclause (2), the Sale Property and the Land are held on trust for the purposes of the Parish.

(2) The trusts of the Sale Property and the Land are further varied to permit the application under clause 5(1)(b)(vi) of the Principal Ordinance.

### 4. Amendment of the Principal Ordinance

The Principal Ordinance is amended as follows –

- (a) delete the number "3" in clause 4 and insert the number "5" instead, and
- (b) delete the matter "\$50,000" in clause 5(1)(b)(iii) and insert instead the matter "\$90,000", and
- (c) delete the matter "2006" in clause 5(1)(b)(iii) and insert instead the matter "2008", and
- (d) delete all the words in clause 5(1)(b)(vi) after the word "applied" and insert instead the words –

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“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”, and

- (c) delete the row in the table in Schedule 1 relating to the land in folio identifier 1/81585 and known as 344 Cobbitty Road, Cobbitty, and
- (d) insert an additional row in the table in Schedule 1 as follows –

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.
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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 29 August 2005.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
15/9/2005