

# West Pymble with West Lindfield Variation of Trusts and Amendment Ordinance 2021

No 49, 2021

## Long Title

An Ordinance to vary the trusts on which certain property is held, to consolidate the property in the ACPT – West Pymble with West Lindfield trust and make consequential amendments to the *West Lindfield Trust Ordinance 2019*.

## Preamble

A. The Anglican Church Property Trust (the **ACPT**) is the trustee of the property described in the First Schedule (the **West Pymble Property**).

B. The West Pymble Property is held on trust for the purposes of the Parish of West Pymble under the trusts described in the First Schedule.

C. The ACPT is trustee of the property described in the Second Schedule (together, the **West Lindfield Property**).

D. By clause 5 of the *West Lindfield Trust Ordinance 2019*, the West Lindfield Property is held on trust for the purposes of the Parish of West Lindfield.

E. The Parish of West Pymble and the Parish of West Lindfield have been amalgamated under the *Parishes Ordinance 1979* to form the Parish of West Pymble with West Lindfield.

F. By reason of circumstances which have arisen after the creation of the trusts on which the West Lindfield Property and the West Pymble Property are held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

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

### 1. Name of ordinance

This Ordinance is the West Pymble with West Lindfield Variation of Trusts and Amendment Ordinance 2021.

### 2. Declarations

(1) By reason of circumstances which have arisen after the creation of the trusts on which the West Pymble Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts of wholly for the purposes of the Parish of West Pymble, and it is expedient that those trusts be varied in the manner set out in clause 4.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the West Lindfield Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish of West Lindfield, and it is expedient that those trusts be varied in the manner set out in clause 4.

### 3. Amendment

The *West Lindfield Trust Ordinance 2019* is amended by –

- (a) substituting the words “West Pymble with West Lindfield” for the words “West Lindfield” wherever it appears excluding when the words appear in the Schedule, and
- (b) insert a new subclause 6(2)(c), and consequently renumber the remaining subclauses, as follows –
  - (c) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purpose of the ACPT investing the amount, for such purposes as a majority of the parish council may from time to time determine,.

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### 4. Variation of trusts

The trusts of the West Pymble Property and the West Lindfield Property are varied so that they are held on the trusts set out in clause 5 of the *West Pymble with West Lindfield Trust Ordinance 2019* (as amended by this Ordinance) as part of the capital of the ACPT – West Pymble with West Lindfield.

#### First Schedule

Column 1	Column 2
The land in folio identifier 1/216305 known as 2 Eppleston Place, West Pymble and the site of St Matthew's church and a rectory.	By the preamble to <i>the St Matthew's West Pymble Mortgage Ordinance 1964</i> , the land is held for the sole benefit of St Matthew's church West Pymble in the parish of St Swithun's Pymble.
ACPT Client Fund 695	The funds are held on trust for the parish of West Pymble although there are no written trusts.

#### Second Schedule

Column 1	Column 2
The land in folio identifier 5/24782 and 6/24782 known as 5-7 Moore Avenue, West Lindfield and the site of All Saints' Air Force Memorial Church and hall.	By clause 5 of the <i>West Lindfield Trust Ordinance 2019</i> , the land is held upon trust for the purposes of the parish of West Lindfield.
The land in folio identifier 7/24782 known as 9-11 Moore Avenue, West Lindfield and the site of a residence.	By clause 5 of the <i>West Lindfield Trust Ordinance 2019</i> , the land is held upon trust for the purposes of the parish of West Lindfield.
ACPT Client Fund 716	By clause 5 of the <i>West Lindfield Trust Ordinance 2019</i> , the funds are held upon trust for the purposes of the parish of West Lindfield.

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

MICHAEL STEAD  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 8 November 2021.

B BOUNDS  
Secretary

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I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

16/11/2021