

NARELLAN (ELDERSLIE LANDS) VARIATION
OF TRUSTS AND LAND SALE ORDINANCE 1980

No. 12 1980

AN ORDINANCE to vary the trusts of certain land at Elderslie in the Municipality of Camden, Parish of Narellan, to authorise the sale thereof and to provide for the application of the proceeds.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land described in the First and Second Schedules hereto (hereinafter called "the land").

B. The land is church trust property within the meaning of the Church of England Trust Property Act, 1917 (as amended).

C. The land is held pursuant to the trusts contained in Indenture of Conveyance dated 3rd August, 1874 from Charles Campbell to the Bishop of Sydney Registered Number 918 Book 143, namely to permit the land to be used as a glebe in connection with St. Paul's Church Narellan as and for the benefit of the clergyman for the time being licensed to officiate in such Church but subject to the provisions of the Act 8 William IV No. 5.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe same to the extent to which the same are hereby varied.

E. It is expedient that the land be sold and the proceeds applied as hereinafter set out.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

2. The Corporate Trustee is hereby empowered to seek approval to subdivide the land in such manner as it shall think fit and to proceed subsequently with the registration of such plan of subdivision as may be approved.

30 3. The Corporate Trustee is hereby empowered to sell the said land by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as it may determine, freed from the trusts upon which the said land is now held.

4. The proceeds arising from the sale or sales shall be applied as follows:-

- 35 (a) First in payment of the costs of and incidental to this Ordinance, the subdivision and sale or sales;
- (b) secondly to repay the following indebtedness of the Parish of Narellan:-
- (i) any arrears of Diocesan assessments;
- (ii) any arrears due to and any amounts deducted from the stipend
40 of the minister and not remitted to the Sydney Diocesan Superannuation Fund;
- (iii) as to a sum not exceeding \$6,000 to the Sydney Church of England Finance and Loans Board in respect of St. Mark's Elderslie;
- 45 (iv) to Camden Municipal Council in respect of outstanding rates;
- (v) to Metropolitan Water Sewerage and Drainage Board in respect of outstanding rates;
- (vi) in satisfaction or discharge of any outstanding
50 liability of the Parish to the Commonwealth Savings Bank of Australia in respect of St. Mark's Elderslie;
and
- (vii) in satisfaction or discharge of any outstanding
55 liability of the Parish to the Commonwealth Trading Bank of Australia in respect of a fully drawn loan account.

(c) Thirdly as to the balance thereof such moneys shall be invested by

the Corporate Trustee and until 31 December, 1985 the income arising therefrom shall be paid or applied as follows:-

- 60 (i) As to a one third share thereof, the same shall
be added to the sum so invested;
- (ii) as to a one third share thereof, to be applied in
accordance with a resolution of the Wollongong Zone
65 Council upon the recommendation of the Archdeacon or
Archdeacons of the area or areas known as the "Macarthur
Growth Centre" after consultation with the Parish Council
of the said Parish towards the benefit of the Church of
England in Australia in the Macarthur Growth Centre as
defined in the attached plan marked with the letter "A";
70 and
- (iii) as to the balance thereof, such moneys should be paid
to the Churchwardens of the Principal Church of the
said Parish and applied by them for general parochial
purposes as the Parish Council shall determine.

75 Provided that on or before 31 December 1985 the Parish Council of the
Parish of Narellan shall promote a bill for an ordinance to provide
for the distribution of income after that date.

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

FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Elderslie in the Municipality of
Camden Parish of Narellan and County of Cumberland being the whole of the
land in Certificate of Title Volume 9738 Folio 94.

SECOND SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement 0 acres 3 roods
20 $\frac{1}{2}$ perches or thereabouts situated at Narellan in the Parish of Narellan
County of Cumberland and State of New South Wales being part of Lot 56 of
John Oxley's grant of 820 acres being the land in the First Schedule
referred to in Conveyance Registered Number 196 Book 1775.

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

Signed G.R. Christmas
Acting Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 19th day of May 1980.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

M.L. LOANE
Archbishop of Sydney
19 / 5 / 1980