

NARELLAN VARIATION OF TRUSTS  
(MACARTHUR SCHOOL) ORDINANCE 1983

NO. 43, 1983

AN ORDINANCE to vary the trusts of certain land situate at Narellan in the Municipality of Camden to provide that part of the land is to be held upon trust for the Macarthur Region Anglican Church School, and matters ancillary thereto.

WHEREAS:

- A. Anglican Church Property Trust Diocese of Sydney (hereinafter called "The Corporate Trustee") is the registered proprietor of the land in the Schedules hereto;
- B. The land in the Schedules is Church Trust property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended);
- C. The land in the First Schedule is held on trust for the sole benefit of the Parish of Narellan (hereinafter called "The Parish") but no trusts in writing have been declared concerning the same;
- D. The land in the Second Schedule is held on trust for the sole benefit of the Parish for the erection thereon of a church of the United Church of England and Ireland as by law established;
- E. The land in the Third Schedule is held on trust for the sole benefit of the Parish for the purposes of the Church of England and to permit such church buildings whether church school rectory or otherwise to be erected on the said land as the Bishop of Sydney may from time to time approve;
- F. By reason of the circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied.
- G. The Council of the Macarthur Region Anglican Church School (hereinafter called "the Council") was constituted by the Macarthur Region Anglican Church School Ordinance 1982 as amended (inter alia) to establish a school (hereinafter called "the School") in the Macarthur Region.

H. The Parish is desirous of assisting the establishment of the School and the majority of the Parish Council of the Parish has consented to the land described in the Sixth Schedule being held upon trust for the School;

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 the circumstances which have arisen subsequent to the creation of the trusts upon which the lands in the First, Second and Third Schedules are 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 land described in the Fourth Schedule hereto, being part of the land in the First and Second Schedules, shall henceforth be 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.

3. The land described in the Fifth Schedule shall henceforth be held on trust for purposes in connection with the Anglican Church of Australia within the Diocese of Sydney associated with St. Thomas' Church, Narellan.

4. The land described in the Sixth Schedule shall henceforth be held on trust for the sole benefit of the School to be used for the purpose of the School and the management and use of the said land shall henceforth be

governed and controlled by the Council, provided that if in the opinion of the Standing Committee expressed in a resolution of Standing Committee the School should fail to commence operating as a school or having commenced fail to continue to operate as a school within ten (10) years from the date upon which this Ordinance comes into effect the land shall upon the passing of that resolution, thereupon be held upon trust for the sole benefit of the Parish provided that, if the School should fail to commence or to continue as aforesaid, the said proviso shall not apply until all debts and other obligations of the Council or incurred in connection with the School have been paid or discharged (as the case may be) and, if the said land needs to be realised so that moneys can be obtained to meet such debts or obligations or part thereof, the said proviso shall apply only to so much of the proceeds (if any) of such realisation as may remain after all such debts or obligations have been met.

5. This Ordinance may be cited as the "Narellan Variation of Trusts (Macarthur School) Ordinance 1983".

#### THE FIRST SCHEDULE

THE WHOLE of the land in Land Grants Volume 154 Folio 78 and Volume 235 Folio 167 and Certificates of Title Volume 12643 Folio 9 and Volume 12071 Folio 125.

#### THE SECOND SCHEDULE

THE WHOLE of the land in Land Grant Volume 192 Folio 111.

#### THE THIRD SCHEDULE

THE WHOLE of the land in Certificate of Title Volume 4488 Folio 86.

#### THE FOURTH SCHEDULE

LOT 1 in a proposed Plan of Subdivision of the lands in the First and Second Schedules hereto prepared by Colin William Hard, Ref.: 5151.

THE FIFTH SCHEDULE

LOT 2 in a proposed Plan of Subdivision of the lands in the First and Second Schedules hereto prepared by Colin William Hard, Ref.: 5151.

THE SIXTH SCHEDULE

LOT 3 in a proposed Plan of Subdivision of the lands in the First and Second Schedules hereto prepared by Colin William Hard, Ref.: 5151.

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of November 1983.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
30 / 11 / 1983