

Anglican Church Property Trust Diocese of Sydney (“ACPT”)

Checklist for Purchase of Land

Before the ACPT can sign a contract for the purchase of land or authorise the purchase of land at auctionⁱ the following items will need to be supplied to the ACPT:

1. **Parish Council consent** (pro-forma following) – completed, dated & signed by Parish Council.
2. **Wardens’ Declaration of Sufficient Funding** (pro-forma following). This declaration states that the parish holds sufficient moneys to fund the total cost of the purchase including GST (if applicable), stamp duty and any other costs. The declaration should be supported by either a bank statement or written confirmation of loan finance from a major Australian Bank or the Sydney Anglican Finance & Loans Board. Pledges of money or the pending / anticipated sale of other land is *not* acceptable for this purpose. All funds must be paid to the ACPT *before* the ACPT signs the contract for the purchase.
3. **Written approval of the regional Archdeacon or Bishop** to purchase the land.
4. **Written evidence of market value of the land**, i.e. a valuation prepared by a registered independent valuer or an RP Data desktop valuation report provided by Corelogic and supplied by ACPT free of charge to parishes (for residential purchases only). Please note that real estate agents provide market opinions *not market valuations*.
5. **Australian Lawyer’s Certificate (“Certificate”)**. The Certificate (pro-forma following) from the Parish’s solicitorⁱⁱ is to accompany the purchase contract for the land (or a copy of the draft purchase contract provided to the ACPT in advance if it is proposed to purchase at auction). The solicitor is to incorporate the ACPT standard limitation of liability clause into the contract. At purchase settlement, the parish’s solicitor is to provide the following *original* documents to the ACPT – Certificate of Title; Survey, Sewerage Service Diagram; and Building & Section 149 certificates. Parishes are strongly encouraged to receive the following reports: pre-purchase building and pest (termite) reports. Please provide this Purchase of Land document to the parish solicitor for their information.

If the parish proposes to mortgage land to secure a loan for the proposed purchase, then a mortgaging ordinance will *first* need to be approved by the Standing Committee of Synod. Please contact the ACPT for more information about ordinances and requirements for entering into loans and mortgages.

Please note: unless sufficient cleared funds are held by the ACPT for the purchase price, stamp duty and other purchase costs (including GST, if applicable) the ACPT will be unable to sign a purchase contract, or authorise the purchase of land at auction, unless written confirmation has been received from the lending institution that the loan is approved and that it can be drawn down by the ACPT. Separate ACPT requirements apply to proposed auction purchases.

The ACPT in consultation with the parish will arrange for a hazardous materials inspection and report to be prepared by a suitably qualified person in accordance with the Parish Asbestos Inspection Program (PAIP) procedure to inspect the site and the provision of an associated report. The report is to be funded by the insurance component of the Parish Cost Recoveries. Any remedial works required will be at the parish cost.

Please contact your regional ACPT manager to discuss any aspect of the purchase process:

Greg Ellem
Head of Parish Property Services

Northern Region 9265 1555
gxe@sydney.anglican.asn.au

ACPT Street Address –
Level Two, St. Andrew’s House, Sydney Square

Scott Lincoln
Manager, Parish Property Services
Southern, South Western, Western and
Wollongong Regions 9265 1633
sxl@sydney.anglican.asn.au

ACPT Postal Address –
PO Box Q190, QVB POST OFFICE NSW 1230

October 2023

ⁱ Please contact your ACPT Regional Manager to discuss the additional requirements applying to auction purchases

ⁱⁱ A solicitor (ie. *not* a licensed conveyancer) is to be engaged by the Parish Wardens. This cost is borne by the Parish.

Anglican Church Property Trust Diocese of Sydney ("ACPT")

Declaration of Sufficiency of Funds

We, the undersigned being the Wardens of the [name of Church]....., in the Parish of..... declare that the purchase described in the Parish Council's consent of 20..... shall be sufficiently funded from [source funds] as evidenced by the attached. *

Dated this day of 20.....

Name	Signature
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* Copy of bank statement, bank loan approval etc. Evidence of funds not required if the funds are already held by the ACPT pursuant to an Ordinance, however, the wardens' Declaration of Sufficient Funds is still required.

Please also note:

1. Unless sufficient cleared funds are held by the ACPT for the purchase price, stamp duty and other purchase costs (including GST, if applicable) the ACPT will be unable to sign a purchase contract, or authorise the purchase of land at auction, unless written confirmation has been received from the lending institution that the loan is approved and that it can be drawn down by the ACPT when required;
2. Separate ACPT requirements apply to proposed loans and mortgages. Please contact your ACPT Regional Manager for more information;

Anglican Church Property Trust Diocese of Sydney ("ACPT")

Consent

We the undersigned, being a majority of the Parish Council of

hereby consent to the ACPT entering into a Contract with [name]

..... for the

Purchase of the property at [address]

.....

for the sum of \$..... pursuant to clause of

the Ordinance

Dated this day of 20.....

Name *[please print]*

Signature

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Anglican Church Property Trust Diocese of Sydney (“ACPT”)

Australian Lawyer’s Certificate

I, of hereby certify that the document or documents described in the Schedule below are in order to be executed by the Anglican Church Property Trust Diocese of Sydney.

I confirm that -

- (a) I am an Australian lawyer;
- (b) I am aware that the Anglican Church Property Trust Diocese of Sydney, if it executes the document(s) described in the Schedule will do so relying on this certificate;
- (c) I am not (and any firm of which I may be a partner, solicitor director or employee is not) acting for any other person who may be a party to the document(s) described in the Schedule;
- (d) the standard limitation of trustee liability clause is included in the document described in the Schedule, the clause is consistent with the operation of the document, and the clause operates effectively to limit the liability of the Anglican Church Property Trust Diocese of Sydney to its capacity as trustee; and
- (e) No legal costs will be charged by me to the Anglican Church Property Trust Diocese of Sydney in relation to this certificate.

In this certificate “legal costs” and “Australian lawyer” have the respective meanings attributed to those expressions by the *Legal Profession Uniform Law 2014 (NSW)* having application as a law of NSW pursuant to the *Legal Profession Uniform Law Application Act 2014 (NSW) (as amended)*.

Schedule:

Signed

Dated

Anglican Church Property Trust Diocese of Sydney ("ACPT")

Consent and Declaration - for proposed auction purchases only

We the undersigned being the Wardens of the [name of Church]..... in the Parish of..... consent to the ACPT authorising a proposed purchase at auction, including the issuing of auction letters for the Purchase of the property at [address]

.....
.....

and declare that the purchase shall be sufficiently funded from [source funds]

..... as evidenced by the attached. *

Dated this day of 20.....

Name

Signature

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* Copy of bank statement, bank loan approval etc. Evidence of funds not required if the funds are already held by the ACPT pursuant to an Ordinance, however, the wardens' Declaration of Sufficient Funds is still required. The name of the relevant Ordinance(s) – if applicable – should also be provided.

Please also note:

1. Unless sufficient cleared funds are held by the ACPT for the purchase price, stamp duty and other purchase costs (including GST, if applicable) the ACPT will be unable to sign a purchase contract, or authorise the purchase of land at auction, unless written confirmation has been received from the lending institution that the loan is approved and that it can be drawn down by the ACPT when required;
2. Separate ACPT requirements apply to proposed loans and mortgages. Please contact your ACPT Regional Manager for more information;
3. The ACPT will provide auction letters authorising the Wardens to bid on behalf of the ACPT (up to a proscribed limit) and authorising the auctioneer to sign the contract on behalf of the ACPT (if the Wardens successfully bid at the auction within the limit set by the ACPT). As the ACPT cannot provide a "blank cheque" in advance, the Wardens will also need to be able to provide a cheque on auction day for 10% of the purchase price, for the deposit (if the Wardens' bid is successful).