

Anglican Church Growth Corporation (Pilot Program Enabling No 3) Ordinance 2022

(Reprinted under the Interpretation Ordinance 1985.)

The Anglican Church Growth Corporation (Pilot Program Enabling No 3) Ordinance 2022 as amended by the Anglican Church Growth Corporation Ordinance 2018 Further Amendment Ordinance 2022, the Wollondilly Land Sale and Mortgaging Ordinance 2023, and the Anglican Church Growth Corporation Amending Ordinance 2023.

Table of Provisions

Clause	
1 Name
2 Declarations
3 Variation of Trusts
4 Authority to deal with church trust property
5 Procedural Requirements
6 Application of Ordinance
Schedule	

Long Title

An Ordinance to vary the trusts on which certain property is held for the purposes of enabling the development of such property pursuant to a pilot program being managed by the Anglican Church Growth Corporation.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the trustee of the property (the "Development Property") described in each of the cells in column 1 of the table in the Schedule (the "Schedule").

B. The Development Property described in a cell in column 1 of the Schedule is held on certain trusts for the purposes of the parish mentioned in the corresponding cell in column 2 of the Schedule.

C. The Development Property is part of a pilot program (the "Pilot Program") being offered by the Anglican Church Growth Corporation (the "ACGC") to certain parishes which give their consent (the "Clause 17(2) Consent") to participate in the Pilot Program under clause 17(2) of the *Anglican Church Growth Corporation Ordinance 2018* ("Participating Parishes").

D. By reason of circumstances which have arisen after the creation of the trusts on which the Development Property is held, it is inexpedient to carry out and observe those trusts or to apply the revenue generated from the Development Property described in column 1 of the Schedule wholly for the purposes of the Participating Parish mentioned in the corresponding cell in column 2 of the Schedule.

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

1. Name

This Ordinance is the Anglican Church Growth Corporation (Pilot Program Enabling No 3) Ordinance 2022.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Development Property is held –

- (a) it is inexpedient to carry out and observe those trusts or to apply the revenue generated from the Development Property described in column 1 of the Schedule wholly for the purposes of the Participating Parish mentioned in the corresponding cell in column 2 of the Schedule, and

- (b) it is expedient to vary the trusts of the Development Property in the manner described in clause 3.

3. Variation of Trusts

The trusts of the Development Property described in a cell in column 1 of the Schedule are varied to the extent necessary to enable the revenue generated from that Development Property to be applied at the direction of the ACGC for the purpose of reimbursing the costs associated with the development of any property in the Pilot Program pursuant to the terms of the relevant agreements referred to in clause 17A of the *Anglican Church Growth Corporation Ordinance 2018*.

4. Authority to deal with church trust property

(1) A trustee of Development Property is authorised to sell, lease, mortgage and raise funds or capital against the whole or any part of the Development Property of which it is trustee and may apply the proceeds arising in and towards the costs of and incidental to the development of property that is part of the Pilot Program.

(2) For the purposes of this clause, property is part of the Pilot Program if a parish has provided a consent in respect to the property under clause 17(2) of the *Anglican Church Growth Corporation Ordinance 2018*.

5. Procedural Requirements

A Clause 17(2) Consent given by a Participating Parish mentioned in column 2 of the Schedule is taken to meet any of the procedural requirements in the Ordinance Procedure Ordinance 1973 that would otherwise apply to the promotion of this Ordinance.

6. Application of Ordinance

(1) This Ordinance has no application to the Development Property described in a cell in column 1 of the Schedule unless and until the Participating Parish mentioned in the corresponding cell in column 2 of the Schedule –

- (a) gives its Clause 17(2) Consent to participate in the Pilot Program with that Development Property, and
- (b) except in the case of the Parish of Frenchs Forest and Beacon Hill, has in place a suitable master trust ordinance in relation to property held on trust for the Participating Parish.

(2) A master trust ordinance mentioned in subclause (1)(b) is or will, when in place, be subject to this Ordinance.

Schedule

Development Property	Parish
<i>7 Boyer Road, Beacon Hill being Lot 1 in DP 814750.</i>	Frenchs Forest and Beacon Hill
<i>2 – 8 Finlayson Avenue, Lane Cove being Lots 66, 67, 68, and 69 in DP 10155.</i>	Lane Cove
<i>Great Southern Road, Bargo being Lot 1 in DP 9024.</i>	Wollondilly

Note

The original form of ordinance was assented to on 17 October 2022.

Table of Amendments

Clause 4	Amended by Ordinance No 46, 2022 and No 51, 2023.
Schedule	Amended by Ordinance No 24, 2023.

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15 December 2023