

Darling Street Land Sale and Amendment Ordinance 2021

No 47, 2021

Long Title

An Ordinance to –

- (a) permit the sale of certain land at 60 Ferris Street, Annandale,
- (b) to provide for the application of the proceeds of sale, and
- (c) to amend the *Darling Street Trust Ordinance 2005*.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the registered proprietor of the land contained in folio identifier 61/34/DP1116 known as 60 Ferris Street, Annandale and the site of a residence (the “Land”).

B. The Land is church trust property and forms part of the property of the ACPT – Darling Street Trust which, under the *Darling Street Trust Ordinance 2005*, is held for the purposes of the parish of Darling Street (the “Parish”).

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold.

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

1. Name

This Ordinance is the Darling Street Land Sale and Amendment Ordinance 2021.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold.

3. Power of Sale

The ACPT is authorised to sell the Land subject to such terms and conditions as it may think fit within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

4. Allocations from the ACPT – Darling Street Trust

(1) Subject to clause 4(2) the ACPT is directed that it may make the following payments from the capital of the ACPT – Darling Street Trust –

- (a) firstly, the costs, charges and expenses of and incidental to this ordinance and the sale of the Land,
- (b) secondly, the purchase of a suitable property for dual use as an office and meeting space for the church, and residential premises, and
- (c) thirdly, the costs of and incidental to making improvements to the property purchased under clause 4(1)(b) to render it suitable for use as an office and meeting space, and to the residential portion of the property to render it suitable for residents.

(2) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

5. Capitalisation of income

Notwithstanding clause 7 of the *Darling Street Trust Ordinance 2005*, all income arising from the investment of that part of the ACPT – Darling Street Trust which comprises proceeds from the sale of the Land is to be capitalised.

6. Amendments to the *Darling Street Trust Ordinance 2005*

The *Darling Street Trust Ordinance 2005* is to be amended as follows –

- (a) delete each occurrence of the words ‘Property Trust’ and insert instead ‘ACPT’, excluding when the words appear in –
 - (i) recital A of the Preamble in the phrase ‘Anglican Church Property Trust Diocese of Sydney’,

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- (ii) clause 9(3) in the phrase 'Anglican Church Property Trust Ordinance 1965', and
- (iii) the Schedule,
- (b) delete each occurrence of the word 'churchwardens' and insert instead 'wardens', excluding when the words appear in the Schedule,
- (c) 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,'
- (d) delete the full stop at the end of clause 6(2)(d) and insert instead the matter ' provided that any such purposes directed by resolution must be within the purposes of the Parish in accordance with clause 5.',
- (e) delete all the matter in clause 7, and insert instead the following –

7. Application of the Income of the Trust Fund

 - (1) The income of the trust fund (other than income referred to in clause 7(2)), after paying all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund, is to be applied as follows –
 - (a) if, from time to time, the personal property of the trust fund –
 - (i) is predominantly invested in the ACPT's Long Term Pooling Fund – no portion is to be capitalised, or
 - (ii) is not predominantly invested in the ACPT's Long Term Pooling Fund – 30% is to be capitalised, and
 - (b) the balance is to be paid to the wardens of the church of the Parish or, if there is more than one church, the wardens of the principal church of the Parish, to be applied for such purposes of the Parish as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.'
- (f) delete the number '15' in clause 8(2) and insert instead the number '25', and
- (g) delete all the matter in clause 9(1) and insert instead the following –
 - '(1) With the written consent of the parish council of the Parish, the ACPT may lease or license any part of the real property forming part of the trust fund, except any part which is consecrated or licensed for use as a church, if –
 - (a) the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed 5 years, and
 - (b) the rental payable by the lessee or licensee is not more than any limit that is determined by the Standing Committee by resolution from time to time for the purposes of this clause.'

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

MICHAEL STEAD
Deputy Chair of Committee

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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

I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

08/11/2021