

Ingleburn with Glenquarie Variation of Trusts and Amendment Ordinance 2022

No 26, 2022

Long Title

An Ordinance to vary the trusts on which certain property is held, to consolidate the property in the ACPT – Ingleburn with Glenquarie Trust, and to make consequential amendments to the *Glenquarie Trust Ordinance 2001*.

Preamble

A. The Anglican Church Property Trust (the **ACPT**) is the trustee of the property described in the First Schedule (the **Glenquarie Property**).

B. By clause 5 of the *Glenquarie Trust Ordinance 2001*, the Glenquarie Property is held on trust for the purposes of the Parish of Glenquarie.

C. The ACPT is trustee of the property described in the Second Schedule (together, the **Ingleburn Property**).

D. The Ingleburn Property is held on trust for the purposes of the Parish of Ingleburn under the trusts described in the Second Schedule.

E. The Parish of Glenquarie and the Parish of Ingleburn have been amalgamated under the *Parishes Ordinance 1979* to form the Parish of Ingleburn with Glenquarie.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Glenquarie Property and the Ingleburn Property are held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

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

1. Name

This Ordinance is the Ingleburn with Glenquarie Variation of Trusts and Amendment Ordinance 2022.

2. Declaration

(1) By reason of circumstances which have arisen after the creation of the trusts on which the Glenquarie Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts of wholly for the purposes of the Parish of Glenquarie, and it is expedient that those trusts be varied in the manner set out in clause 3.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the Ingleburn Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish of Ingleburn, and it is expedient that those trusts be varied in the manner set out in clause 3.

3. Variation of Trusts

The trusts of the Glenquarie Property and the Ingleburn Property are varied so that they are held on the trusts set out in clause 5 of the *Ingleburn with Glenquarie Trust Ordinance 2001* (as amended by this Ordinance) as part of the capital of the ACPT – Ingleburn with Glenquarie.

4. Amendment

The *Glenquarie Trust Ordinance 2001* is to be amended as follows –

- (a) insert the word 'Ingleburn with' before the word 'Glenquarie' in the Title,
- (b) insert the matter 'ACPT – Ingleburn with' before the word 'Glenquarie' in the Long Title,
- (c) insert the matter '(the "ACPT")' after the word 'Sydney' in recital A of the Preamble,
- (d) 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,
- (e) delete each occurrence of the word 'churchwardens' and insert instead 'wardens', excluding when the words appear in the Schedule,
- (f) insert the matter 'Ingleburn with' before the word 'Glenquarie' in clause 1,
- (g) insert the matter 'ACPT – Ingleburn with' before the word 'Glenquarie' in clause 4,
- (h) insert the matter 'Ingleburn with' before the word 'Glenquarie' in clause 5,
- (i) 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,'
- (j) 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(1)(a), and insert instead the following –
 - '(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',
- (f) delete all the matter in clause 7(2) and insert instead the following –
 - '(2) The income of the trust fund arising from a lease or licence granted pursuant to clause 9(1) is to be applied in accordance with clause 7(1)(b).'
- (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.'
- (h) delete the matter in the last row of the Schedule,
- (i) insert into the Schedule as new rows under Column 1 and Column 2, the matter contained in the Second Schedule of this Ordinance, and
- (j) insert the word 'Ingleburn with' before the word 'Glenquarie' in the Footer.

First Schedule

Folio Identifier 3/SP16349 known as 3/21 Second Avenue, Macquarie Fields and the site of a residence.

Folio Identifier 30/14/1391 known as 32 Edgar Street, Macquarie Fields and the site of a rectory.

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Folio Identifier 46/14/1993 being the land situated at the corner of Second Avenue and Edgar Street, Macquarie Fields and the site of St Alban's Church and a parish hall.
Anglican Church Property Trust Diocese of Sydney Client Fund 344.

Second Schedule

Column 1	Column 2
The land in folio identifier Auto Consol 6316-82 and Auto-Consol 881-203 known as Cumberland Road, Ingleburn and the site of St Barnabas Church and a church hall.	The land is held upon trust for the parish of Ingleburn although there are no written trusts.
The land in folio identifiers – (1) Auto-Consol 2727-151, and (2) Auto-Consol 13085-144 known as 47 Lionel Street, Ingleburn and the site of a residence.	(1) By the preamble to the <i>Denham Court with Rossmore Mortgaging and Sale Ordinance 1980</i> , the land is held upon trust for use as a rectory for the sole purpose of the parish of Denham Court with Rossmore or such other purposes within the said parish as the Standing Committee may determine by resolution at the written request of a majority of the members of the parish council of said parish. The land is situated in the parish of Ingleburn. (2) The land is held upon trust for the parish of Ingleburn although there are no written trusts.

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

M EASTON
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 22 August 2022.

B BOUNDS
Secretary

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I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

22/08/2022