

Mission Property (Rouse Hill) Variation of Trusts Ordinance 2018

No 21, 2018

Long Title

An Ordinance to vary the trusts of certain land held by the Property Trust as trustee of the Mission Property Fund.

Preamble

A. The Property Trust is the trustee of the land comprised in folio identifier 221/876409 known as 12 Fingleton Close, Rouse Hill.

B. The Property Trust is also the trustee of the land comprised in folio identifier 10/1087432 known as the corner of Adelphi Street and Mile End Road, Rouse Hill and the site of Christ Church Rouse Hill and the parish hall.

C. By clause 5A of the Mission Property Ordinance 2002, the Land is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney and comprises part of the property of the Mission Property Fund.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe the trusts and it is expedient that the trusts be varied.

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

1. Name

This Ordinance is the Mission Property (Rouse Hill) Variation of Trusts Ordinance 2018.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts and it is expedient that those trusts be varied in the manner set out in clause 4.

3. Definitions

In this Ordinance –

“Church Land” means the land in folio identifier 10/1087532

“Land” means the Church Land and the Rectory Land collectively

“Parish” means the provisional parish of Rouse Hill

“Property Trust” means the Anglican Church Property Trust Diocese of Sydney

“Rectory Land” means the land in folio identifier 221/876409

4. Variation of Trusts

The trusts of the Land are varied so that the Land is held on trust for the purposes of the Parish.

5. Payments to the Mission Property Fund for the Rectory Land

(1) The Wardens of the principal church of the Parish must pay a total amount of \$500,000 to the Property Trust in monthly instalments as an addition to the Mission Property Fund in accordance with this clause.

(2) The instalments are to be an amount equating to a set percentage of the market rental value of the Rectory Land as follows –

	Set percentage	Market rental value per week
Year 1	40%	\$660
Year 2	50%	\$660
Year 3	50%	\$660
Year 4	50%	\$660

and thereafter the market rental value is to be determined by an independent registered valuer appointed by the Mission Property Committee and the set percentage is the amount determined by the Mission Property Committee, following consultation with the Parish.

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(3) For the purposes of subclause (2), Year 1 commences on the date of assent to this Ordinance and concludes on 30 April 2019 and Year 2 and all future years are 12 month periods commencing on 1 May of the relevant year.

(4) As at 30 June 2018, the Parish had paid \$21,450 to the Property Trust as an addition to the Mission Property Fund and the outstanding balance was \$478,550.

6. Payments to the Mission Property Fund for the Church Land

(1) The Wardens of the principal church of the Parish must pay a total amount of \$507,250 to the Property Trust in yearly instalments as an addition to the Mission Property Fund in accordance with this clause.

(2) Each yearly instalment is to be an amount that equates to no less than 10% of the total offertory income of the Parish received in a calendar year, and is to be paid no later than 31 October in the following year.

(3) Notwithstanding subclause (2), if the outstanding amount to be paid to the Property Trust as an addition to the Mission Property Fund in the final year is less than 10% of total offertory, the Parish is to pay only the amount outstanding.

(4) As at 31 December 2017, the Parish had paid \$117,888 to the Property Trust as an addition to the Mission Property Fund and the current outstanding balance is \$389,362.

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

R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 August 2018.

D GLYNN
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
27/08/2018