



ATTENTION

All wardens and parish treasurers of parishes that hold real property in New South Wales

SUBJECT

Potential for compulsory acquisition of church property by government

DATE

6 July 2017

SDS CONTACT

Scott Lincoln, Manager,
Parish Property

sxl@sydney.anglican.asn.au

☎ 9265 1633

KEY POINTS

- To inform the parish about the circumstances leading up to the recent compulsory acquisition of Hurstville Baptist Church, the potential for future acquisitions of church land and suggestions as to how parishes might respond if faced with similar situations.

ACTION ITEMS

- Parishes are asked to see the Anglican Church Property Trust's (ACPT) assistance at the first signs of interest by any level of government in parish land and to maintain an awareness of local council planning goals.

DETAIL

Background

Under the *Land Acquisition Act (Just Terms Compensation) Act 1991*, all levels of government in NSW can acquire privately owned land for public purposes. Detailed information about this process can be found at the government website - <https://landacquisition.nsw.gov.au/>. The recent compulsory acquisition of Hurstville Baptist Church by Georges River Council has raised this potential risk for all church property throughout NSW. Despite several years of attempted negotiations, petitions and the preparation of their own development plans, Hurstville Baptist Church lost a legal appeal in the NSW Supreme Court that requested the Court to disallow the compulsory acquisition. As a consequence the congregation must vacate the property. The final compensation the Baptist Church will receive for the acquisition is not known.

Recommendations

ACPT management and the Regional Bishops recommend:

- The parish take pre-emptive steps to be aware of their local council's plans for the local area, particularly any plans proposed nearby to parish property.
- If there is any evidence that the council has any intention of rezoning or developing close to parish property, parishes are urged to contact the ACPT, noting of course that Council interest in adjoining property or the parish property may present as potential opportunity as well as potential threat.
- The unique nature, diverse zoning and difficulty of finding suitable replacement accommodation brings a significant level of complexity to negotiations about parish property. Engaging the ACPT

and Regional Bishops in the process as early as possible should assist in maximising the potential for the very best outcome for the parish.

4. Your initial ACPT contacts are:

Greg Ellem, Head of Parish Property

Tel: 9265 1546

Email: gxe@sydney.anglican.asn.au

Scott Lincoln, Manager, Parish Property

Tel: 9265 1633

Email: sxl@sydney.anglican.asn.au

Kind regards

A handwritten signature in blue ink, appearing to read 'G Ellem', followed by a horizontal line extending to the right.

GREGORY M ELLEM
Head of Property Trust