

Strathfield and Homebush Land Sale Ordinance 2015

No 50, 2015

Long Title

An Ordinance to permit the sale of certain land at Homebush West and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifier 1/6863 known as 13 Exeter Road Homebush West and the site of St Columba's rectory, and folio identifier 13/11/827 known as 11 Exeter Road Homebush West and the site of St Columba's church and hall (the "Land").

B. The Land is church trust property and forms part of the property of the Strathfield and Homebush Trust which, under the Strathfield and Homebush Trust Ordinance 2003, is held for the purposes of the parish of Strathfield and Homebush (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 one or more lots comprising the Land be sold.

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

1. Name

This Ordinance is the Strathfield and Homebush Land Sale Ordinance 2015.

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 one or more lots comprising the Land be sold.

3. Power of sale

The Property Trust is authorised to sell one or more lots comprising the Land 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 Strathfield and Homebush Trust

(1) Subject to clause 4(3), the Property Trust is directed that it may make the following payments from the capital of the Strathfield and Homebush Trust comprising the proceeds from the sale of the land in folio identifier 1/6863 known as 13 Exeter Road Homebush West and the site of St Columba's rectory –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of one or more lots comprising the Land,
- (b) second, in and towards the costs and expenses of and incidental to the purchase of land and the construction of a residence thereon, or the purchase of a residence and the cost of any alterations considered necessary to render the residence suitable for housing a minister, assistant minister or a person employed by the Wardens of the Parish, and
- (c) the balance to be applied in accordance with clause 6 of the Strathfield and Homebush Trust Ordinance 2003.

(2) Subject to clause 4(3) and 4(4), the Property Trust is directed that it may apply the capital of the Strathfield and Homebush Trust comprising the proceeds from the sale of the land in folio identifier 13/11/827 known as 11 Exeter Road Homebush West and the site of St Columba's church and hall in and towards one or more of the following purposes –

- (a) the costs and expenses of and incidental to this Ordinance and the sale of one or more lots comprising the Land,
- (b) the costs and expenses of and incidental to the purchase of land and the construction of a ministry centre thereon, or the purchase of land with existing improvements and the cost of any alterations considered necessary to render those improvements suitable for use as a ministry centre,

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- (c) the costs and expenses of and incidental to the purchase of land and the construction of a residence thereon, or the purchase of a residence and the cost of any alterations considered necessary to render the residence suitable for housing a minister, assistant minister or a person employed by the Wardens of the Parish, and
 - (d) the balance to be applied in accordance with clause 6 of the Strathfield and Homebush Trust Ordinance 2003.
- (3) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the Property Trust.
- (4) Except where funds are applied under clause 4(2)(c) towards costs and expenses of the same residence for which funds have been expended under clause 4(1)(b), funds may only be applied under clauses 4(2)(b) or 4(2)(c) where the application of funds has been approved by resolution of Standing Committee at the request of the parish council.

5. Capitalisation of income

Notwithstanding clause 7 of the Strathfield and Homebush Trust Ordinance 2003, all income arising from the investment of that part of the Strathfield and Homebush Trust which comprises the proceeds of sale is to be capitalised.

6. Amendments to the Strathfield and Homebush Trust Ordinance 2003

The Strathfield and Homebush Trust Ordinance 2003 is amended by –

- (a) inserting the matter “ACPT – ” in the Long Title before the word “Strathfield”,
- (b) inserting the matter “ACPT – ” in clause 4 before the word “Strathfield”,
- (c) deleting the word “and” after the semicolon in clause 6(2)(a),
- (d) inserting a new clause 6(2)(c) (with consequential re-lettering of existing clause 6(2)(c) as 6(2)(d)) as follows –
 - “(c) to the extent such personal property arises from a payment made to the Property Trust by the wardens of a church in the Parish for the purpose of enabling the Property Trust to make a payment under any contract made or to be made by the Property Trust as trustee of the trust fund with the approval of a majority of the parish council, for that purpose, and”,
- (e) inserting a new clause 7(2) as follows –
 - “(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).”,
- (f) deleting the number “10” in clause 8(2) and inserting instead the number “20”,
- (g) deleting the matter after the word “if” in clause 9(1) and inserting instead –
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 - (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 \$50,000 per annum (including GST), or such other amount as may be determined by the Standing Committee by resolution from time to time.”, and
- (h) inserting the words “Diocese of Sydney” before the word “Ordinance” in clause 9(2).

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

R TONG
Chair of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 7 December 2015.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney

08/12/2015