

Surry Hills Land Sale and Variation of Trusts Ordinance 2023

No 58, 2023

Long Title

An Ordinance to permit the sale of certain land at Randwick and Surry Hills, and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the registered proprietor of the land contained in folio identifier B/401545 known as 22 Marcel Avenue Randwick and the site of a residence (the "Randwick Land").

B. The ACPT is the registered proprietor of the land contained in folio identifier 2/252228 known as 14 Arthur Street Surry Hills and the site of a residence, and of the land contained in folio identifier 3/252228 known as 16 Arthur Street Surry Hills and the site of a residence (known collectively as the "Surry Hills Land").

C. The Randwick Land and the Surry Hills Land is church trust property (known collectively as the "Land"), and forms part of the property of the ACPT – Surry Hills Trust which, under the *Surry Hills Trust Ordinance 2002*, is held for the purposes of the parish of Surry Hills (the "Parish").

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 and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance and it is expedient that the Land be sold and that the proceeds be applied 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 Surry Hills Land Sale and Variation of Trusts Ordinance 2023.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is –

- (a) 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 Surry Hills, and
- (b) expedient that the Land be sold and that the proceeds be applied in the manner set out in clauses 5 and 6.

3. Variation of Trust

The trusts of the ACPT – Surry Hills Trust are varied to the extent necessary to permit the payment set out in clause 6(d).

4. 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.

5. Allocations from the ACPT – Surry Hills Trust from the Randwick Land sale

The ACPT is directed that it may make the following payments from that part of the capital of the ACPT – Surry Hills Trust comprising the proceeds from the sale of the Randwick Land –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land,
- (b) second –
 - (i) to purchase a residence or residences suitable for housing an assistant minister or any person employed by the wardens of a church of the Parish, including the costs of and incidental to any renovations or improvements necessary to render the acquired property suitable for housing an assistant minister, and

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- (ii) to lease a residence suitable for housing an assistant minister for a period of up to 12 months or such longer period determined by the Standing Committee by resolution, and
- (c) the balance, the costs and expenses of and incidental to making improvements to any of the existing buildings on the site of folio identifiers 1/584238 and 2/958298 known as the site of St Michael's church, hall and rectory, situated at the corner of Flinders Street and Albion Street, Surry Hills, and folio identifier 222/584637 known as 19 Arthur Street, Surry Hills.

6. Allocations from the ACPT – Surry Hills Trust from the Surry Hills Land sale

The ACPT is directed that it may make the following payments from that part of the capital of the ACPT – Surry Hills Trust comprising the proceeds from the sale of the Surry Hills Land –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second –
 - (i) to purchase a residence or residences suitable for housing an assistant minister or any person employed by the wardens of a church of the Parish, including the costs of and incidental to any renovations or improvements necessary to render the acquired property suitable for housing an assistant minister, and
 - (ii) to lease a residence suitable for housing an assistant minister for up to 12 months or such longer period determined by the Standing Committee by resolution, and
- (c) third, the costs and expenses of and incidental to making improvements to any of the existing buildings on the site of folio identifiers 1/584238 and 2/958298 known as the site of St Michael's church, hall and rectory, situated at the corner of Flinders Street and Albion Street, Surry Hills, and folio identifier 222/584637 known as 19 Arthur Street, Surry Hills, and
- (d) 50% of the balance to be paid as an addition to the capital of the Ministry Infrastructure Development Fund to fund the construction of new ministry centres in the Diocese.

7. Capitalisation of income

Notwithstanding clause 7 of the *Surry Hills Trust Ordinance 2002*, all income arising from the investment of that part of the ACPT – Surry Hills Trust which comprises proceeds from the sale of the Land is to be capitalised.

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

R TONG
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 December 2023.

B BOUNDS
Secretary

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I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

11/12/2023