

Campbelltown Trust Ordinance 2016

(Reprinted under the Interpretation Ordinance 1985.)

The Campbelltown Trust Ordinance 2016 as amended by the Campbelltown Trust Ordinance 2016 Amendment Ordinance 2018, the Campbelltown Trust Ordinance 2016 Amendment Ordinance 2019, the Campbelltown Trust Ordinance 2016 Amendment Ordinance 2020, and the Campbelltown Trust Ordinance 2016 Amendment Ordinance 2023.

Table of Provisions

Clause	
1Name of ordinance
2Declarations
3Definition of trust fund
4Name of the trust fund
5New trusts
6Capital of the trust fund
7Application of the income of the trust fund
8Review
9Powers – leasing and licencing of real property
10Commencement

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Long Title

An Ordinance to vary the trusts on which certain property is held and to establish the ACPT - Campbelltown Trust.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the trustee of the property described in each of the cells in column 1 of the table in the Schedule (the "Existing Property").

B. The property described in a cell in column 1 of the table in the Schedule is held on the trusts described in the corresponding cell in column 2 of the Schedule.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts.

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

1. Name of the ordinance

This Ordinance is the Campbelltown Trust Ordinance 2016.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts, and –

- (a) it is inexpedient that the Existing Property be held for the same or like purposes as the trusts on which the Existing Property is held, and
- (b) it is expedient that power be given to the ACPT to lease or license from time to time any part of the real property forming part of the trust fund.

3. Definition of trust fund

In this Ordinance –

“trust fund” means –

- (a) the Existing Property, and
- (b) all real and personal property received or acquired by the ACPT from time to time as an addition to the trust fund.

4. Name of the trust fund

The trust fund is to be known as the ACPT – Campbelltown Trust.

5. New trusts

(1) Subject to the terms of this Ordinance, the trust fund is held upon trust for the purposes of the parish of Campbelltown (the “Parish”).

(2) The trusts of the trust fund are further varied to the extent necessary to permit the application in clause 7(2)(a).

6. Capital of the trust fund

(1) Any real property which forms part of the trust fund, may be used for one or more of the following purposes –

- (a) a church,
- (b) a residence for the minister, an assistant minister or any person employed by the wardens of a church in the Parish,
- (c) a hall or halls,
- (d) a school or other place of assembly,
- (e) a burial ground,
- (f) any purpose incidental to a purpose referred to in paragraph (a), (b), (c), (d), or (e),

(2) Any personal property which forms part of the capital of the trust fund may be applied by the ACPT for one or more of the following purposes –

- (a) the payment of all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund, and
- (b) the costs of maintenance and repair of any property forming part of the trust fund required to meet minimum standards of maintenance and repair prescribed by Act, Regulation, Order or other law and applying to that property, and
- (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 enabling the ACPT to make a payment under any contract made or to be made by the ACPT as trustee of the trust fund with the approval of a majority of the parish council, for that purpose, and
- (d) for such purposes as the Standing Committee may direct by ordinance or resolution, provided that any such purposes directed by resolution must be purposes within the purposes of the Parish in accordance with clause 5.

(3) Pending application under clause 6(2), any personal property which forms part of the capital of the trust fund is to be invested.

(4) If the wardens of a church in the Parish make a payment to the ACPT as an addition to the trust fund for the purpose of enabling the ACPT to make a payment under any contract made or to be made by the ACPT as trustee of the trust fund and –

- (a) the full amount of the payment made by the wardens is not required by the ACPT for that purpose, the ACPT may pay to the wardens an amount equal to the excess, or
- (b) the ACPT claims an input tax credit (as defined in the *New Tax System (Goods and Services) Act 1999*) in respect of the payment made under the contract, the ACPT may pay to the wardens an amount equal to the amount of the input tax credit (or proportionate part thereof where the payment made by the wardens is less than the payment made by the ACPT).

7. Application of the income of the trust fund

(1) The income of the trust fund (other than income referred to in clause 7(2), after paying all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund, is to be applied as follows –

- (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
- (b) the balance is to be paid to the wardens of the church of the Parish or, if there is more than one church, the wardens of the principal church of the Parish, to be applied for such purposes of the Parish as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.

(2) The income of the trust fund arising from a lease or licence granted pursuant to clauses 9(1), 9(2) and 9(3) is to be applied as follows –

- (a) an amount equal to 5% of the proceeds to be paid to the Sydney Anglican Indigenous Peoples' Ministry Committee to be applied for the purposes of Indigenous Ministry, and
- (b) the balance to be paid in accordance with clause 7(1)(b).

8. Review

(1) The authority to apply income under clause 7(1)(b) and 7(2) earned after the review date terminates on the review date, unless before that date –

- (a) development approval has been granted for development of the land in folio identifier 101/1251918 (known as St Peter's Church and Rectory site) substantially in accordance with the Masterplan, and
- (b) a binding commitment has been entered into in respect to all or part of those redevelopment works (including the demolition of existing buildings and construction and fit out of a new ministry centre, office and other buildings), or
- (c) the parish is accumulating funds toward the next stage of the development works, or
- (d) the parish (or the ACPT on its behalf) has outstanding loans in respect to those redevelopment works,

in which case the date of termination is 31 December 2051.

(2) For the purposes of this clause –

- (a) "review date" means the date which is 14 years after the date this Ordinance commences or such later date as the Standing Committee approves from time to time by resolution.
- (b) "Masterplan" means the plan for development of the land in folio identifier 101/1251918 (known as St Peter's Church and Rectory Site) received by the Standing Committee at its meeting on 22 June 2020, or any subsequent iterations of it.

(3) Any review of the application of income under clause 7(1)(b) must take into account the repair and maintenance of the building or other improvement situated on any real property which forms part of the trust fund in order to comply with the Heritage Act 1977.

9. Powers – leasing and licencing of real property

(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 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, without limitation to the rental amount.

(2) Notwithstanding subclause 9(1), with the written consent of the parish council of the Parish, the ACPT may also lease the land in folio identifier 102/1251918 to the Campbelltown Anglican

Schools Council for a term that does not exceed 30 years (when aggregated with the term of any option to renew such lease) if –

- (a) until 1 January 2023, the rent payable by the said Council is not less than \$150,001 but not greater than \$450,000 per annum (including GST), or such other amounts as may be determined by the Standing Committee by resolution, and
- (b) thereafter, at market rent and indexed to CPI (Sydney).

(3) Notwithstanding clause 9(1), with the written consent of the parish council of the Parish, the ACPT may lease or license the land in folio identifier B/410404 if the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed 10 years without limitation as to the rental amount.

(4) Pursuant to clause 4(b)(i) of the *Property Receipts Levy Ordinance 2018* and clause 7(2)(a) of this Ordinance, the Property Receipts Levy does not apply to any income from real property held variously on trust for the purposes of the Parish received under clause 9(1), 9(2) and 9(3) of this Ordinance from the commencement to the prevailing date in accordance with clause 8(1) (being either the Review Date or the Termination Date, whichever applies), or to such later date as the Standing Committee may declare by resolution.

(5) Nothing in this clause limits the powers of the ACPT under the Anglican Church Property Trust Diocese of Sydney Ordinance 1965 or under any other ordinance.

10. Commencement

This Ordinance commences on the date of assent.

Schedule

Column 1	Column 2
The land in folio identifier 52/811930 known as the corner of Howe and Broughton Streets, Campbelltown and the site of St Peter's cemetery.	By clause 2 of the Campbelltown Variation of Trusts Ordinance 1985 the land is held on trust for a – <ul style="list-style-type: none"> (a) church, (b) residence for a minister, assistant to the minister or person employed by the churchwardens, (c) hall or halls, (d) school or other place of assembly, (e) burial ground or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Campbelltown or any parish or ecclesiastical district into which it may subsequently be formed or form a part.
The land in folio identifier B/410404 known as 3 Lithgow Street, Campbelltown and the site of commercially leased premises.	By clause 2(c) of the St Peter's Campbelltown Subdivision and Land Sale Ordinance 1972 the land is held on trust for the use of the Parish of Campbelltown.

Column 1	Column 2
<p>The land in folio identifier 102/1251918 known as Howe Street, Campbelltown and the site of St Peter's Anglican School.</p>	<p>By clause 2 of the Campbelltown Variation of Trusts Ordinance 1985 the land is held on trust for a –</p> <ul style="list-style-type: none"> (a) church, (b) residence for a minister, assistant to the minister or person employed by the churchwardens, (c) hall or halls, (d) school or other place of assembly, (e) burial ground <p>or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Campbelltown or any parish or ecclesiastical district into which it may subsequently be formed or form a part.</p>
<p>The land in folio identifier 102/1251918 known as Cordeaux Street, Campbelltown and the site of St Peter's Campbelltown church, church hall and old rectory.</p>	<p>By clause 2 of the Campbelltown Variation of Trusts Ordinance 1985 the land is held on trust for a –</p> <ul style="list-style-type: none"> (a) church, (b) residence for a minister, assistant to the minister or person employed by the churchwardens, (c) hall or halls, (d) school or other place of assembly, (e) burial ground <p>or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the Parish of Campbelltown or any parish or ecclesiastical district into which it may subsequently be formed or form a part.</p>
<p>The land in folio identifier 36/29850 known as 6 Radnor Place, Campbelltown and the site of the rectory.</p>	<p>By clause 2 of the Campbelltown Mortgaging Ordinance 1994 the land is held upon trust for a residence for a minister, assistant minister or person employed by the churchwardens of any church in the parish of Campbelltown for the sole benefit of the parish of Campbelltown or any parish or ecclesiastical district into which it may subsequently be formed or form a part.</p>

Column 1	Column 2
The land in folio identifier 609/31302 known as 3 Kable Road, Campbelltown and the site of a residence.	The land is held upon trust for the parish of Campbelltown although there are no written trusts.
ACPT Client Fund 343	The fund is held upon trust for the parish of Campbelltown although there are no written trusts.

Notes

Table of Amendments

- Clause 6 Amended by Ordinance No 17, 2023.
- Clause 7 Amended by Ordinances No 46, 2018, 15, 2019, 29, 2020 and 17, 2023.
- Clause 8 Amended by Ordinances No 29, 2020 and 17, 2023.
- Clause 9 Amended by Ordinances No 46, 2018, 29, 2020 and 17, 2023.
- Schedule Amended by Ordinance No 17, 2023.

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29 June 2023