

THE DIOCESAN PROPERTY BOARD ORDINANCE 2006

Ordinance 7 of 2006

AN ORDINANCE

To provide the procedure for the conduct of property dealings within the Diocese (other than those covered by Faculty rights of the Bishop or those undertaken by Incorporated Boards) and to authorise the Diocesan Property Board to make decisions in response to proposals concerning the diocesan land and buildings.

ENACTMENT

The Synod of the Diocese of Grafton in Synod decrees and enacts as follows:

TITLE

1. This Ordinance is called "The Diocesan Property Board Ordinance 2006".

REPEAL

2. The Diocesan Property Board Ordinance 1991 as amended is hereby repealed

COMMENCEMENT

3. This Ordinance shall come into effect on the day that the Bishop assents to it.

4.

TRANSITION

Nothing in this Ordinance shall affect any process presently commenced under the repealed Ordinance and any such commenced process shall continue to be considered by the Diocesan Property Board as if the repealed Ordinance remained in force.

THE DIOCESAN PROPERTY BOARD.

- 5 (a) There is hereby constituted "The Diocesan Property Board" (the Board) which shall have and exercise the powers, duties and functions conferred by this Ordinance.

The Board is subject in all respects to the control and direction of the Synod and Bishop-in-Council during the recess of the Synod.

- 5 (b) The Board shall consist of:

- (i) The Bishop of the Diocese of Grafton, who shall be President, and may chair its meetings;
- (ii) A person appointed by the Bishop, who shall chair Board meetings at the invitation of the Bishop, or in the absence of the Bishop;
- (iii) The Registrar of the Diocese, who shall be the secretary of the Board;
- (iv) Two Members elected from Synod by Synod;
- (v) Three persons appointed by the other members of the Board provided such persons have expertise in local government, engineering, building and construction, architecture, land management or the like; and
- (vi) Such other "Temporary Members" as the Board may, in its absolute discretion and by resolution, appoint from time to time for special projects or purposes. Such temporary members shall not be entitled to vote.

BOARD MEETINGS.

- 6 (a) The Board shall meet regularly at least once a quarter, and a quorum shall be four members.
- 6 (b) The proceedings of the Board shall be minuted and a copy of such minutes shall be provided to each meeting of Bishop-in-Council.
- 6 (c) The Board shall provide a report to each meeting of Synod as to its activities for the year.
- 6 (d) The Board may require one or more representatives of an applicant parish or entity to confer with the Board or attend a Board meeting.

BOARD POWERS, FUNCTIONS AND RESPONSIBILITIES

- 7 (a) **GENERALLY:** No construction, extension, alteration, repairs which constitute restoration or conservation of a major nature, demolition or removal of buildings or other structures or sale, purchase, exchange, lease or subdivision of real estate held in the name of The Corporate Trustees of the Diocese of Grafton (other than where the land is held for or is under the control of an incorporated Board) shall be carried out without the approval or recommendation of the Board. In the case of minor alterations, or in situations of urgency the Bishop or the Chair of the Board may give permission for the work to be carried out. Routine repairs and maintenance of buildings and structures do not require permission or authorisation and are the responsibility of the Wardens and Parish Council.
- 7 (b) **POWER TO APPROVE:** The Board has power to approve all building works, including the construction, extension, alteration, maintenance and repairs (including restoration or conservation of a major nature), demolition or removal of buildings or other structures of whatever kind;
- 7 (c) **POWER TO RECOMMEND:** The Board may recommend to Bishop-in-Council that Ordinances be considered for the sale, purchase, exchange leasing or subdivision of real estate and the creation of strata titles and such other matters concerning property development that the Board considers appropriate. Bishop-in-Council must consider the recommendation or views of the Board at the time it considers any Ordinance for the sale, purchase, exchange leasing or subdivision of real estate and the creation of strata titles and any other matters concerning property development.
- 7 (d) **INCIDENTAL POWERS:** The Board has all incidental powers to discharge its responsibilities to approve and to recommend as provided in paragraph 7(b) and 7(c) above
- 7 (e) **POWER TO SUPERVISE AND SUPPORT:** The Board may supervise or support any maintenance, building, construction or land development work within the Diocese to ensure it is appropriately and professionally carried out and may provide professional support for any parish, agency or other entity which seeks such assistance.
- 7 (f) **FACULTIES:** The Board may recommend to the Bishop the issue of any necessary Faculty pursuant to Section 127 of the Parochial Ordinance 1969, as amended.

APPLICATIONS TO THE BOARD.

- 8 (a) Applications for any approval or recommendations by the Board may be made by any parish, parochial district, church agency or other church entity within the Diocese of Grafton and must be made in the name of the entity making the application or its governing body and be approved by the governing body of the entity.
- 8 (b) The Bishop or Chair of the Board may approve urgent matters or minor alterations or additions.
- 8 (c) Before granting approval or making a recommendation, the Board must be satisfied that the proposal:
 - (i) is legally able to be undertaken and is in the interests of the Diocese and the parish or other church entity making the application;
 - (ii) has reasonable prospects of being financed; and

- (iii) has been costed and the purchase price, cost of work or materials is fair and reasonable.

8 (d) Any Application for approval or recommendation as provided for in paragraph 7(b) and 7(c) above must follow the steps set out below. Nothing in the steps below precludes any Parish or entity from approaching the Board at any time for advice, guidance or assistance related to any property matter.

Step One: – Preliminary Permission

8 (e) Before submitting an application for approval or recommendation to the Board, the Parish Council, the governing body or any other agency or entity, must submit a précis in writing of the proposal including the estimated cost to the Bishop, and obtain his permission to progress the application further. A certified copy of the minute of the resolution of the Parish Council, the governing body of any other agency or entity seeking the permission must accompany the proposal to the Bishop.

8 (f) The Bishop may;

- (i) Refuse to authorise the progress of the proposal.
- (ii) Grant approval to progress the proposal; or
- (iii) Grant approval to progress the proposal conditional upon amendments being made to the proposal or conditional upon further details being provided.

Step Two: – Advertising and Consultation

8 (g) Where the Bishop has authorised the progress of the application, the Parish Council, the governing body or any other agency or entity shall cause a Notice of the intended works and relevant information to be prominently exhibited for a continuous period of 28 days upon the main entrance to the principal church and the relevant district church of the parish, or on the main entrance to any other building which is the subject of the application.

8 (h) The relevant information must include:

- (i) Notice that any objection to the proposal shall be given to the Parish Secretary or secretary of the entity's governing body within 28 days and:
- (ii) The date (being after 28 days), of the time and place of any general meeting of parishioners (or in the case of other entities a meeting of relevant interested people) proposed to be convened to discuss the proposal should there be substantial objections.

8 (i) The Parish Council or the relevant governing body shall convene any necessary meeting of parishioners or of relevant interested persons (should there be any) and keep minutes of the meeting

8 (j) If the meeting resolves not to proceed with the proposal, that fact shall be reported to the Board, which may after consultations with the Parish Council or other governing body direct what further action, if any, should be taken.

8 (k) If the meeting carries a resolution approving the proposal, or if there are no substantial objections so that no meeting is required, the Parish Council or entity may make a Step Three Application to the Board.

Step Three: – Application

8 (l) After satisfying Step Two, an application may be made to the Board for Approval or Recommendation.

8 (m) A Formal Application to the Board must be supported by:

- (i) A precise description of the transaction (ie sale, purchase, sub division or lease) or work to be undertaken:**

(ii) The Bishop's Authority to Submit an application:

(iii) Material concerning the Meeting in Step Two:

- (a) The Minutes of the Meeting (if any).
- (b) Any letters of objection to the proposal.
- (c) Any sketch plan and site plan submitted to the meeting with any subsequent amendments thereto outlined in red.
- (d) A declaration signed by the Rector and two Wardens or in the case of another entity by relevant staff or office holders that all conditions concerning advertising and consultation have been complied with.

(iv) Material concerning the Proposal:

- (a) In the case of a building, a plan of the proposal (with details relevant to the size of the undertaking):
- (b) In the case of purchase of real estate, a full property description and the zoning where applicable:
- (c) A site plan showing the location of the proposal or purchase:
- (d) A description of the proposal or purchase and the materials (if any) to be used:
- (e) A reasonable estimate of the cost of and the method of financing the proposal:
- (f) In the case of a sale or lease a statement as to the proposed use of funds raised or received: and
- (f) Any other material that may be relevant and could assist the Board:

8 (n) Step Four: – Final Approval or Recommendation

The Board may:

- (i) Approve, Reject or Recommend the application; or
 - (ii) Grant a Conditional Approval or Conditional Recommendation subject to one or more of the following conditions:
 - a) provision of detailed, or more detailed, plans and specifications being submitted in duplicate and approved;
 - b) provision of further evidence of the financial viability of the proposal;
 - c) provision of such further information or evidence that the Board reasonably believes is necessary to allow it to determine the matter, or which it believes is necessary to assist the Parish or other proponent to undertake the proposal;
- 8 (o)** No contract may be entered into until final approval in writing to proceed has been issued and no substantial variation to the proposal may be made without the approval of the Board.
- 8 (p)** In the case of sale or lease no further steps may be taken in the transaction until Bishop-in-Council has passed an Ordinance authorising the transaction. Any Land Sale or Leasing Ordinance must contain a clause stating the purpose the funds raised or received may be put.
- 8 (q)** Where a transaction is authorised the Registrar shall inform and brief the Diocesan Advocate or such other Solicitor as may be deemed appropriate with such information and documentation as the solicitor shall require to implement the transaction.
- 8 (r)** Any Contract or Agreement for Purchase, Sale, Subdivision, Transfer, Lease or other legal documentation in relation to any transaction shall be submitted to the Registrar for execution in the name of The Corporate Trustees of the Diocese of Grafton.

PROCEDURES

All parish applications for approval and recommendation must be in accordance with the procedures and regulations adopted from time to time by the Diocesan Property Board.

ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

Lenny Shorten

.....
Chairman of Committees

I certify that this Ordinance was passed by Synod on the 21st day of May 2006.

[Signature]

.....
Registrar

I assent to this Ordinance.

[Signature]

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Bishop.

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