

THE DIOCESAN PROPERTY BOARD ORDINANCE 1991

AN ORDINANCE

No 6 of 1991.

To establish The Diocesan Property Board to regulate the granting of approval for the construction, extension, alteration, demolition or removal of buildings and other structures and the recommendation of approval for sale, purchase, exchange, leasing or subdivision of real estate within the Diocese of Grafton.

PREAMBLE

WHEREAS a procedure had been prescribed by Sections 123-131 of the Parochial Ordinance of 1969, as amended, in relation to the erection, alteration, repairs, demolition or removal of church buildings AND WHEREAS it is now desirable to extend and consolidate such procedure with current process regarding the sale, purchases, exchange, leasing or subdivision of real estate THEREFORE The Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled decree and enact as follows:

ADOPTION

1. The several provisions contained in the Schedule to this Ordinance shall take effect on the passing of this Ordinance and assent by The Bishop and be binding upon the Bishop Clergy and Laity of this Diocese.

SHORT TITLE

2. This Ordinance may be cited as "The Diocesan Property Board Ordinance 1991".

SCHEDULE

DIOCESAN PROPERTY BOARD.

A. Constitution of the Board.

- (a) There shall be constituted a Board to be called "The Diocesan Property Board" which shall have and may exercise and discharge the powers, duties and functions conferred and imposed by this Ordinance but subject in all respects to the control and direction of the Synod and Bishop-in-Council during the recess of the Synod.
- (b) The Board shall consist of:
 - (i) The Bishop of Grafton ex-officio.
 - (ii) A Chairperson appointed by The Bishop.
 - (iii) The Archdeacons
 - (iv) The Registrar of the Diocese or his nominee.
 - (v) Two Representatives elected by the Synod.
 - (vi) 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.
 - (vii) The Board shall have the power to co-opt other members from time to time for special purposes.

- (c) The Bishop of Grafton shall be President of the Board and may when present preside at meetings of the Board, but in his absence the person nominated by the Bishop as the Chairperson shall preside at the meetings of the Board.
- (d) The Diocesan Registrar or his nominee shall be in attendance at meetings of the Board and shall be the Secretary of the Board.

B. Powers and Functions of the Board.

- (a) 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, leasing or subdivision of real estate in the Diocese of Grafton shall be carried out without the approval or recommendation of the Board, or (within the limit stated in Clause C (b) hereof) the Bishop.
- (b) The Diocesan Property Board shall have power to approve the purchase, construction, extension, alteration, repairs which constitute restoration or conservation of a major nature, demolition or removal of buildings or other structures AND the authority to recommend to the Bishop-in-Council to pass the appropriate Ordinance, for the sale, purchase, exchange or leasing of real estate. In considering applications for such approval and recommendation, the Board shall not grant approval or make a recommendation unless it is satisfied that the proposal:
 - (i) complies with the relevant statutory provisions including the Local Government Act and Ordinances made thereunder;
 - (ii) that the transaction is in the interests of the Diocese and the applicant parish;
 - (iii) that there are reasonable prospects of the proposal being financed;
 - (iv) in the case of real estate, that the purchase and sale price or exchange terms are fair and reasonable and in other cases that the cost of work and materials is fair and reasonable.
- (c) The Board shall have the authority to recommend to the Bishop to issue any necessary Faculty pursuant to Section 127 of the Parochial Ordinance 1969, as amended.
- (d) The Board shall meet at least once in each month but not generally in the month of January, provided the Chairperson may cancel any scheduled meeting if the volume of business for that meeting does not warrant convening the meeting.

- (e) The proceedings of the Board shall be minuted and a copy of such minutes with any necessary comment thereon shall be provided for each meeting of the Bishop-in-Council. The Board shall report to each meeting of the Synod the number and nature and value of transactions approved by it, including the total value of Episcopal Certificates issued and the balance of loans outstanding relating to such Certificates.
- C. Construction Extension Alteration Demolition Removal or Repair of Buildings.
- (a) Before submitting an application for approval of the Board the Parish Council shall submit a precis in writing of the proposal and its estimated cost or consideration to the Bishop of Grafton and obtain his authority to submit an application to the Board. A certified copy of the minuted resolution of the Parish Council must accompany the submission to the Bishop.
- (b) The Bishop may approve minor alterations or additions to a value including labor and materials to be determined annually by Bishop-in-Council.
- (c) An application to The Diocesan Property Board for authority to exhibit a proposal in the parish shall be on the form prescribed and shall be accompanied by:
- (i) The Bishop's authority to submit an application;
 - (ii) A sketch plan of the proposal;
 - (iii) A site plan showing the location of the proposal;
 - (iv) A general description of the proposal and the materials (if any) to be used.
 - (v) An estimate of the cost of and the method of financing the proposal.
- (d) Where The Diocesan Property Board has authorised exhibition of a proposal the Parish Council shall cause to be exhibited upon the main entrance to the principal church and the relevant district church of the parish for a continuous period of 28 days a Declaration in the prescribed form accompanied by such sketch plan, site plan, general description and cost and method of financing the proposal and the attention of the congregation shall at all Sunday services within such period be drawn to the exhibited proposal. The Declaration shall be accompanied by a statement: (1) that any objection to the proposal shall be given to the Parish Secretary within the said period of 28 days and: (2) of the date (being after the said 28 days) the time and place of a general meeting of parishioners to discuss the proposal.
- (e) The Diocesan Property Board may grant approval to exhibit the proposal, conditional upon amendments being made to the proposal or upon a requirement that the sketch and site plans be prepared by an architect or other professional person, and in such case the proposal shall not be exhibited unless and until such conditions have been complied with.

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- (f) The Parish Council shall cause the proposed meeting of parishioners to be held and minutes thereof shall be taken.
 - (g) If the meeting of parishioners resolves not to proceed with the proposal, that fact shall be reported to the Board which may after consultations with the representatives of the parish direct what further action, if any, should be taken by the parish.
 - (h) If the meeting of the parishioners carries a resolution approving the proposal, the Parish Council shall make formal application to the Board to proceed to implement the proposal. Such application shall be supported by:
 - (1) The Minutes of the Meeting of parishioners;
 - (2) The letters of objection (if any) to the proposal;
 - (3) The sketch plan and site plan with any amendments thereto outlined in red;
 - (4) A declaration signed by the Rector and two Wardens that all conditions to the approval to exhibit have been complied with;
 - (5) Confirmatory evidence of the cost of the proposal and of the method of financing it.
 - (i) The Board may either grant final approval of the application or grant conditional approval: (a) subject to detailed plans and specifications being submitted in duplicate and approved and/or (b) subject to further evidence of the financial aspects of the proposal being approved.
 - (j) No contract may be entered into until final approval in writing to proceed has been issued and no variation to the proposal may be made without the approval of the Board.
 - (k) Every building contract shall be made in the name of the Diocese of Grafton and the Parish as proprietor and shall be signed by the Archdeacon, The Rector and the Churchwardens.

D. Transactions of Sale, Purchase, Exchange, Leasing or Subdivision of Real Estate.

- (a) Every application to sell, purchase, exchange, lease or subdivide property shall be made to the Diocesan Property Board on the prescribed form and shall include:
 - (1) A copy of the resolution of the Parish Council giving approval to the transaction.
 - (2) An exact and full description of the subject matter of the transaction and the zoning where applicable.

- (3) A statement of the reasons for the transaction.
 - (4) A statement of the price and any other consideration payable in relation to a sale or a purchase or the consideration in relation to an exchange for the rental and any other obligations imposed on the lessee in relation to a lease, and in each case one or more market appraisals or valuations as the Board shall consider appropriate.
 - (5) A statement as to the disposition of the proceeds in the case of sale or exchange and of rent in the case of leasing and proposed use in the case of exchange or subdivision.
 - (6) In the case of purchase, details of the proposed method of financing the transaction.
 - (7) Such information as to the suitability and financial standing of the proposed lessee as the Board may require.
- (b) Final approval for the purchase of real estate shall only be granted if a satisfactory current survey report has been provided to the Diocesan Property Board.
- (c) (1) The Board may in its discretion require one or more representatives of an applicant parish to confer with the Board.
- (2) The Board shall have power to delegate its authority to determine any transaction to which this Ordinance applies.
- (3) The Board shall recommend to the Bishop whether to issue any Episcopal Certificate necessary to finance any transaction.
- (4) In the case of sale no further steps may be taken in the transaction until Bishop-in-Council has passed an Ordinance authorising the transaction.
- (5) Where a transaction is authorised the Registrar shall brief the Diocesan Solicitor or such other Solicitor as may be deemed appropriate with such information and documentation as he shall require to implement the transaction.
- (d) The Agreement for Sale, Transfer, Lease or other legal documentation in relation to the transaction shall be submitted to the Registrar for execution in the name of The Corporate Trustees of the Diocese of Grafton.

E. Procedures.

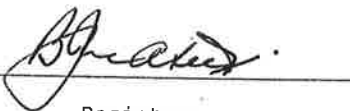
All parish applications for approval and recommendation must be in accordance with the procedures and regulations adopted from time to time by the Diocesan Property Board.

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



Chairman of Committees

I certify that this Ordinance was passed by Synod on 2nd June, 1991.



Registrar

I assent to this Ordinance.



Bishop