

Christ Church St Laurence Leasing Ordinance 1998

(Reprinted under the Interpretation Ordinance 1985.)

The Christ Church St Laurence Leasing Ordinance 1998 as amended by the Christ Church St Laurence Leasing Ordinance 1998 Amendment Ordinance 2001.

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Long Title

An Ordinance to authorise the leasing and licensing of certain land, or parts thereof, having frontages to Pitt Street and Rawson Lane, Sydney and for purposes incidental thereto and to make provision for the application of certain proceeds of insurance.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of certain land having frontages to Pitt Street and Rawson Lane, Sydney being the whole of the land comprised in Certificate of Title Folio Identifier A/87889 (the "Parish Hall Lands").

B. The Parish Hall Lands are church trust property and, by the Christ Church St Laurence Sydney Church Rectory and Parish Hall Ordinance 1950, are held upon trust for the sole benefit of the parish of Christ Church, St Laurence (the "Parish") as a site for a church, parsonage and parish hall or partly for one and partly for another or others of such purposes.

C. It is inexpedient to carry out and observe the trusts upon which the Parish Hall Lands are now held and it is expedient that the Parish Hall Lands or any part or parts thereof be leased or licensed.

D. The parish hall erected on the Parish Hall Lands was damaged by fire.

E. The proceeds of insurance with respect to the fire (the "Insurance Proceeds") were paid to the Property Trust and are held subject to trusts declared by the Christ Church St Laurence Sydney Church Rectory and Parish Hall Ordinance 1950.

F. It is inexpedient to carry out and observe the trusts upon which the Insurance Proceeds are now held and it is expedient that they be made available to purchase certain items of property to be used by the lessees and licensees of the parish hall erected on the Parish Hall Lands.

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

Name of Ordinance

1. This Ordinance is the Christ Church St Laurence Leasing Ordinance 1998.

Declarations of Inexpediency in respect of Parish Hall Lands

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Parish Hall Lands are presently held it is expedient that the Parish Hall Lands, or any part thereof, be leased or licensed but it is inexpedient to apply the proceeds of any such lease or license solely for the purposes of the Parish or solely for the same or like purposes as the trusts on which the Parish Hall Lands are held.

Power to Lease or Licence

3. The Property Trust is authorised to grant leases or licenses with respect to the whole or any part or parts of the Parish Hall Lands to such persons, for such purposes and upon such terms and conditions as seems fit to the Property Trust, at the request of the minister and the parish council of the Parish.

4. The Property Trust is authorised to vary the terms of the any leases or licences from time to time during the terms of the said leases or licenses on such terms and conditions as seems fit to the Property Trust, at the request of the minister and the parish council of the Parish.

Application of Proceeds

5. (1) Subject to clause 5A, the rent and fees payable under any lease or license authorised by clause 3, after payment of all costs, expenses, taxes and other outgoings and expenses assessed or charged on the Parish Hall Lands or incurred in connection with such lease or licence or the management of the Parish Hall Lands or any building erected thereon, shall be applied as follows during the period ending 31 December 2006 -

- (a) as to 15% thereof to the trustee of the property held under the Diocesan Endowment Ordinance 1984 to be added to the capital thereof; and
- (b) the balance, to be paid to the churchwardens of Christ Church St Laurence Anglican Church to be applied as follows:
 - (i) first, in or towards the total of the diocesan cost recovery charge payable by the Parish,
 - (ii) second, in or towards the general maintenance, repairs and improvements of the Parish Hall and the adjoining church and rectory buildings and for such general parochial purposes as to the parish council of the Parish seems fit, other than the payment of the stipend, allowances and benefits of the minister of the Parish.

(2) After 31 December 2006 the rents and fees shall be distributed in accordance with a further ordinance, the bill for which is to be presented before 31 December 2006.

Heritage

5A. If:

- (a) an order is made under the Heritage Act 1977 in relation to any building or other improvement on the Parish Hall Lands or in relation to any building or other improvement on land held on trust for the Parish, or
- (b) the condition of any building or other improvement on the Parish Hall Lands or land held on trust for the Parish is such that it is reasonable to conclude in accordance with the recommendation(s) in a report commissioned from a heritage architect or other expert on heritage buildings, that an order may be made under that Act in relation to that building or improvement, or
- (c) as regards any building or improvement on the Parish Hall Lands or land held on trust for the Parish, an offence is committed under that Act, the Property Trust may:
 - (i) do all such works and other things as to comply with the order, avoid the issue of the order or satisfy the omission or action which has given rise to the offense (as the case may be); and
 - (ii) apply the whole or any part or parts of the rent and fees referred to in clause 5 in or towards meeting the cost of all such works and things.

Declaration of Inexpediency in respect of Insurance Proceeds

6. By reason of circumstances which have arisen after the creation of the trusts upon which the Insurance Proceeds are held it is inexpedient to carry out and observe those trusts and it is inexpedient to apply the Insurance Proceeds for the same or like purposes as the trusts on which they are presently held.

Application of Proceeds of Insurance

7. The Property Trust is authorised to apply the Insurance Proceeds as follows -

- (a) to meet the cost of purchasing such items of property to be maintained in the Parish Hall as seems fit to the Property Trust, at the request of the minister and the parish council of the Parish, for the use from time to time of such lessees and licensees as may be determined in accordance with clauses 3 and 4; and
- (b) for the purpose of such improvements to the parish hall erected on the Parish Hall Lands as seems fit to the Property Trust, at the request of the minister and the parish council of the Parish.

Table of Amendments

Clause 5	Amended by Ordinance No 46, 2001.
Clause 5A	Inserted by Ordinance No 46, 2001.

ROBERT WICKS
Legal Officer

26 November 2001

MARK PAYNE
Diocesan Secretary