



## **Christ Church St Laurence Leasing Ordinance 1998**

No 2, 1998

### **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) 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 2001 -

(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, after paying thereout all assessments and arrears owing by the Parish, to the churchwardens for the time being of Christ Church St Laurence Anglican Church to be applied for the purpose of such 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 2001 the rents and fees shall be distributed in accordance with a further ordinance, the bill for which is to be presented before 31 December 2001.

#### **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.

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

**N.M. CAMERON**

*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 January 1998.

**M.A. PAYNE**

*Secretary*

I Assent to this Ordinance.

**R.H. GOODHEW**

*Archbishop of Sydney*

30/1/1998