

Christ Church St Laurence Leasing Ordinance 2006

No 37, 2006

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.

Preamble

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

B. The Land is church trust property and, by the Christ Church St Laurence Sydney Church Rectory and Parish Hall Ordinance 1950, is 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 other of such purposes.

C. By the Christ Church St Laurence Leasing Ordinance 1998 (the "Principal Ordinance") the Property Trust is authorised to grant leases or licences in respect to the whole or any part or parts of the Land.

D. By the Christ Church St Laurence Leasing Ordinance 1998 Amendment Ordinance 2001 (the "Amendment Ordinance") the authority for the Property Trust to distribute income from the leasing or licensing of the Land was extended to 31 December 2006.

E. After 31 December 2006 the rents and fees payable under any such lease or licence are to be distributed in accordance with a further ordinance, the bill for which is to be presented to the Standing Committee before 31 December 2006.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or wholly for the purposes of the Parish and it is expedient that those trusts be varied and that the Land be leased or licensed in whole or in part and the proceeds thereof be applied in the manner set out in this Ordinance.

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

1. Name

This Ordinance is the Christ Church St Laurence Leasing Ordinance 2006.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held –

- (a) it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts or wholly for the purposes of the Parish, and
- (b) it is expedient that those trusts be varied in the manner set out in clause 3 and that the Land be leased and or licensed pursuant to clause 4 and the proceeds thereof be applied in the manner set out in clause 5.

3. Variation of Trusts

The trusts of the Land are varied to the extent necessary to –

- (a) lease or license the whole or part of the Land, and
- (b) permit the application under clause 5(1) of the Ordinance.

4. Authority to Lease

(1) The Property Trust is authorised to grant leases and licences with respect to the whole or any part or parts of the Land 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.

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(2) The Property Trust is authorised to vary the terms of any leases or licence from time to time during the terms of the said leases or licences 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.

5. Application of Proceeds from Lease

(1) Subject to clause 6 the rent and fees payable under any lease or licence authorised by this Ordinance and all other moneys accruing to or payable to the Property Trust arising from or incidental to the lease or licence after payment of costs of and incidental to this Ordinance and of the grant of the lease or licence must be paid to the Property Trust and applied as follows –

- (a) firstly in payment of any goods and services tax payable in connection with the granting of the lease, and
- (b) as to the balance, 15% thereof to the trustee of the property held under the Diocesan Endowment Ordinance 1984 to be added to the capital thereof, and

the remainder to be paid to the churchwardens of Christ Church St Laurence Anglican Church to be applied 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) The authority to distribute the rental proceeds terminates on 31 December 2011 and the churchwardens of Christ Church St Laurence must promote an ordinance to the Synod or the Standing Committee to provide for the distribution of the rental proceeds from that date.

6. Heritage

(1) 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,
- (d) 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 offence (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.

7. Repeal

The Principal Ordinance is repealed but without affecting the validity of any action taken under the provisions of that ordinance.

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

PG KELL
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 13 November 2006.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
14/11/2006