

Christ Church St Laurence Leasing Ordinance 1998 Amendment Ordinance 2001

No 46, 2001

Long Title

An Ordinance to provide for the continued distribution of the rent and fees payable pursuant to a lease or licence granted under the Christ Church St Laurence Leasing Ordinance 1998 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 "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 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 Parish Hall Lands.

D. After 31 December 2001 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 2001.

E. By reason of circumstances which have arisen after the creation of the trusts upon which the Parish Hall Lands are held it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts 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 1998 Amendment Ordinance 2001.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts upon which the Parish Hall Lands are held it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this ordinance.

3. Amendment

The Principal Ordinance is amended as follows:

- (a) delete the word "The" at the beginning of clause 5(1) and insert instead the matter "Subject to clause 5A, the"; and
- (b) delete the matter "31 December 2001" in clause 5(1) and insert instead the matter "31 December 2006"; and
- (c) delete clause 5(1)(b) and insert instead the following:
 - (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.; and
- (d) delete each occurrence of the matter "31 December 2001" in clause 5(2) and insert instead the matter "31 December 2006"; and
- (e) insert a new clause 5A as follows:

"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

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- (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.”.

4. Transition

This Ordinance does not affect any application of rent and fees made pursuant to the Principal Ordinance before the date of assent to this Ordinance.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 19 November 2001.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
20/11/2001