

Rooty Hill Leasing Ordinance 2001

No 48, 2001

Long Title

An Ordinance to authorise the leasing or licensing of certain land at Rooty Hill and to provide for the application of the income.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land comprised in certificate of title folio identifier 12/869096 situated at the corner of Rooty Hill Road North and Westminister Road, Rooty Hill (the "Land").

B. By clause 2 of the Rooty Hill and Mount Druitt Variation of Trust and Land Sale Ordinance 1966 the Land is held on trust to permit the same to be used for a church, parsonage or parish hall or party for one and party for another of such purposes in connection with the Church of England in Australia at Rooty Hill in the provisional district of Rooty Hill with Mount Druitt or any provisional parish or parish into which it may subsequently be formed.

C. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is expedient that the Land or part thereof be leased or licensed and that the income from any such lease or licence 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 Rooty Hill Leasing Ordinance 2001.

2. Declarations

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 solely for the same or like purposes as those trusts and it is expedient that the trust be varied so that the Land or part thereof may be leased or licensed and the income from any such lease or licence be applied in the manner set out in this Ordinance.

3. Power to Lease or Licence

- (1) The Property Trust is authorised from time to time to lease or licence the whole or any part of the Land, except any part which is consecrated or licensed as a church, upon request made by resolution of the parish council of the parish of Rooty Hill (the "Parish").
- (2) The terms of any lease or licence are to be those agreed by the Property Trust upon the request of the parish council of the Parish after consultation between the Property Trust and the parish council of the Parish.

4. Application of Rental income

The income from any lease or licence granted under clause 3 shall be paid to the Property Trust and, after payment of all costs of or incidental to this Ordinance and the granting of the lease or licence, shall be applied as follows:

- (a) first in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the lease or licence; and
- (b) the balance, to be paid to the churchwardens of St Alban's Rooty Hill for application by the parish council of the Parish for the purposes of the Parish, except the payment or provision of the stipend, allowances and benefits paid or provided to the minister.

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
3/12/2001