



Anglican Youth Department (Deer Park) Ordinance 1996

No 51, 1996

Long Title

An Ordinance to vary trusts of certain land and to authorise the leasing or licensing of that land and the application of the income received.

Preamble

Whereas

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land (the "Land") contained in Certificate of Title Volume 959 Folio 233 together with the improvements erected thereon and known as "Deer Park".

B. By clause 2 of the Home Mission Society (Chaldercot) Variation of Trust Ordinance 1960, the Land is held upon trust to permit the same to be used by the Council of the Youth Department of the Diocese of Sydney as constituted by the Youth Department Ordinance 1949 for the objects and purposes of such Department as therein expressed.

C. The Youth Department of the Diocese of Sydney was reconstituted as the Anglican Youth Department Diocese of Sydney ("AYD") by the Anglican Youth Department Ordinance 1975.

D. The Land is used and occupied for the purposes of AYD.

E. Optus Networks Pty Ltd (ACN 008 570 330) proposes to construct a transmission tower on part of the Land and has agreed to enter into a lease or licence and to pay rent.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is impossible or inexpedient to carry out and observe those trusts and it is expedient to vary the trusts on the terms set out in this ordinance.

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

Name of Ordinance

1. This ordinance is the Anglican Youth Department (Deer Park) Leasing Ordinance 1996.

Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is impossible or inexpedient to carry out and observe those trusts and it is expedient to vary those trusts on the terms set out in this ordinance and to permit the leasing or licensing of part of the Land and the application of the income therefrom.

Declaration of Trusts

3. The Land shall be held upon trust to permit the same to be used by the Council of the Anglican Youth Department Diocese of Sydney as constituted by the Anglican Youth Department Ordinance 1975 for the functions of that Department as therein expressed.

Power to Lease

4. The Property Trust is authorised to enter into a lease or licence for part of the Land to allow the construction and maintenance of a transmission tower. The terms of such lease or licence shall be those agreed to by the Property Trust upon the request of the Council of AYD after consultation between the Property Trust and the chief executive officer of AYD. The initial lease or licence shall be for 5 years reviewable at the option of the tenant for 3 further terms of 5 years making a total of 20 years in all.

Rentals Receivable

5. The income from any lease or licence granted under clause 4 shall be paid to AYD and applied for the purposes of AYD.

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 9 December 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

9/12/1996