



Broadway Leasing Ordinance 1998

No 24, 1998

Long Title

An Ordinance to authorise the leasing of creating land at Glebe.

Preamble

A. Anglican Church Property Trust Diocese of the Sydney (the "Property Trust") is the registered proprietor of the land being Lot 10 in Deposited Plan 239867 of which the property known as 37A Arundel Street, Glebe (the "Property") forms part.

B. By clause 1(b) of the Bishopthorpe Estate and St Barnabas' Variation Declaration of Trusts and Vesting Ordinance 1972 the land being Lot 10 in Deposited Plan 239867 is held on trust to permit the same to be used for a church, parsonage, parish hall or counselling centre or partly for one or partly for another or others of such purposes in connection with the Anglican Church of Australia in the parish of St Barnabas' Sydney (the "Parish") and for such other purpose or purposes in connection with the said church in the Parish as may be approved from time to time by the parish council of the Parish and by the Archbishop.

C. By clause 5(2) of the St Barnabas' Sydney Ordinance 1978 the trusts were varied to permit the Property to be sold and the proceeds of sale to be applied, after certain payments, in accordance with a resolution of the Standing Committee and thereafter in the purchase of real property or an interest therein. Pending such resolution or purchase the income from the balance of the proceeds of sale and any income from the real property or interest therein was to be paid to the churchwardens of St Barnabas' Church and applied by them in or towards all or any of the purposes of the Parish.

D. The Property has not been sold.

E. By reason of circumstances which have arisen after the creation of the trusts upon which the Property is held it is expedient that the Property be leased or licensed, and that the rentals and fees therefrom be applied in the manner set out in this Ordinance.

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

Name

1. This Ordinance is the Broadway Leasing Ordinance 1998.

Declaration

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Property is held it is expedient that the Property, or part thereof, be leased or licensed from time to time and the rental applied in the manner set out in this Ordinance.

Power to Lease

3. The Property Trust is empowered upon written request by a majority of the parish council of the Parish to -

(a) grant a lease or licence in respect of the whole or any part of the Property;

(b) include in any lease or licence a provision that the lessee or licensee may trade on Sundays subject to any conditions imposed by the parish council of the Parish; and

(c) sign any documents incidental to any leasing or licensing of the Property and the determination of any lease or licence of the Property.

Application of Income

4. All rents, fees and any other receipts from any leasing or licensing of the Property may be received by the churchwardens of St Barnabas' Anglican Church, Broadway and are to be applied by them -

(a) first, in payment of all outgoings in respect of the Property, including but not limited to rates, taxes, assessments, repairs, maintenance costs and expenses; and

(b) secondly, for any purpose or purposes determined from time to time by resolution of the parish council of the Parish which is consistent, or are consistent, with the trusts on which the Property is held.

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 21 September 1998.

M.A. PAYNE

Secretary

I Assent to this Ordinance.

R.H. GOODHEW
Archbishop of Sydney
21/9/1998