



Carlingford (Mobbs Hill) Leasing Ordinance 1996

No 10, 1996

An Ordinance to authorise the variation of trusts of certain land at Mobbs Hill, 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 seised in fee simple of the land described in Conveyance Registered Number 434 Book 177 and that land is held upon trust for use as a burial ground for the interment of the dead according to the use of the United Church of England and Ireland as by law established in conformity with the provisions of the Act of the Governor and Legislative Council of the Colony of New South Wales made and passed in the eighth year of King William IV entitled "an Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales".

B. The Property Trust is seised in fee simple of the land described in Conveyance Registered Number 976 Book 129 and that land is held upon trust for a road for the purposes of access to the burial ground referred to in A.

C. The burial ground and access road are together known as the Mobbs Hill Cemetery ("the cemetery land").

D. Optus Networks Pty Ltd (ACN 008 570 330) proposes to construct a fibre transmission hub on part of the cemetery land and has agreed to enter into a lease agreement and to pay rent.

E. By reason of circumstances which have arisen after the creation of the trusts on which the cemetery land is held it is 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 Carlingford (Mobbs Hill) Leasing Ordinance 1996.

Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the cemetery land is held it is inexpedient to carry out and observe those trusts to the extent varied by this Ordinance and it is expedient that authority be given to permit part of the cemetery land to be leased or licensed and the income applied as provided for herein.

Power to Lease

3. The Property Trust is authorised to enter into a lease or licence with Optus Networks Pty Ltd for part of the cemetery land to allow the construction and maintenance of a fibre transmission hub and the maintenance of the same. The terms of such lease or licence shall be those agreed to by the Property Trust upon request of the minister and churchwardens of St Paul's Church Carlingford after consultation between the Property Trust and the minister and churchwardens. The initial lease 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

4. The income from any lease or licence granted under clause 3 shall be paid to the churchwardens of St Paul's Church Carlingford and applied for the purposes of the parish of Carlingford.

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

P.W. YOUNG

Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 April 1996.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

29/4/1996