

Church Hill Leasing Ordinance 2011

(Reprinted under the Interpretation Ordinance 1985.)

The St Philip's York Street Leasing Ordinance 2011 as amended by the St Philip's York Street Leasing Ordinance 2011 Amendment Ordinance 2012, the St Philip's York Street Leasing Ordinance 2011 Amendment Ordinance 2013, the Church Hill Leasing Ordinance 2011 Amendment Ordinance 2015, the Church Hill Leasing Ordinance 2011 Amendment Ordinance 2020, the Church Hill Leasing Ordinance 2011 Amendment Ordinance 2022, and the Church Hill Leasing Ordinance 2011 Further Amendment Ordinance 2022.

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Long Title

An Ordinance to authorise the granting of a new lease over certain land at Sydney 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 whole of the land contained in Certificate of Title Folio Identifier 1/112602 known as 1 York Street, Sydney (the "Land").
- B. The Land is church trust property held on trusts set out in the St Philip's Sydney York Street Property Leasing Ordinance 1966 (the "1966 Ordinance").
- C. The Land is currently subject to a lease granted under the 1966 Ordinance.
- D. It is expedient that a new lease be granted over the whole or any part of the Land and the proceeds 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 Church Hill Leasing Ordinance 2011.

2. Declaration of Expediency

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that a new lease be granted over the whole or any part of the Land and the proceeds thereof applied in the manner set out in this Ordinance.

3. Variation of Trusts

The trusts of the Land are varied to the extent necessary to permit the applications in clause 5.

4. Authority to Lease

- (1) The Property Trust is authorised to grant a lease over the whole or any part of the Land for a term not exceeding 99 years (including any options to renew) on such terms and conditions as the Property Trust shall determine after consultation with the Minister and Wardens of St Philip's Sydney (the "Wardens").
- (2) The Property Trust is authorised to enter into any incidental arrangements that are necessary to facilitate the said lease.

5. Application of Proceeds from Lease

The income payable in the period 1 January 2022 to the earlier of –

- (i) 31 December 2041, or
- (ii) the date that is 5 years after the date of assent to the *Church Hill Leasing Ordinance 2011 Amendment Ordinance 2022* – if within that period, the Standing Committee has not passed an ordinance to authorise the mortgaging of property that is held on trust for the Parish of Church Hill,

under any lease granted under clause 4 shall be paid to the Property Trust and applied as follows (less any management and/or administration charges incurred) –

- (a) firstly, in and towards payment of any legal/professional fees incurred by the Property Trust or the Minister and Wardens in relation to the lease granted under the 1966 Ordinance or in relation to the lease granted pursuant to clause 4; and
- (b) secondly, \$2,000,000 to be transferred to the Anglican Church Growth Corporation in and towards the purchase and development of property for use in Indigenous ministry with not more than \$1,000,000 to be spent on any given property; and
- (c) thirdly, \$1,500,000 to be transferred to the Anglican Church Growth Corporation in and towards the costs of and incidental to any construction and renovation works for the new ministry centre for the Parish of Marsden Park; and,
- (d) fourthly, an amount of the remaining balance in each year calculated in accordance with the relevant percentage specified in the Schedule to the Wardens for such purposes of the Parish of Church Hill (the “Parish”) as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister. The Wardens shall apply such proportion of this amount as the Parish Council may determine from time to time for the maintenance of a capital fund, the capital and income of which is to be applied to the continuing restoration, preservation, renovation and maintenance of the church buildings, residences, parish rooms, offices and furnishings of the Parish (including the organ) and towards the acquisition of a property suitable for use as a residence for a minister of the Parish; and
- (c) the balance for such purposes as are designated from time to time by Ordinance of the Synod provided that the Standing Committee by resolution may act in the place of the Synod in relation to the allocation of income and provided further that the Parish Council of the Parish may make recommendations to the Standing Committee in relation to the allocation of the income.

6. Review

- (1) Subject to subclause (2), during the last six months of 2041 the Wardens are to promote an ordinance to the Standing Committee to provide for the application of the lease income for a further period or periods from 1 January 2042.
- (2) In the event that the period in which any lease income can be applied terminates in accordance with subclause 5(ii), the Wardens are - within 3 months of the date of termination - to promote an ordinance to the Standing Committee to provide for the application of the lease income for a further period or periods.

Schedule	
1 Jan 2022 – 31 December 2026	55%
1 January 2027 – 31 December 2038	45%
1 January 2039 – 31 December 2041	20%

Notes

The original form of ordinance was assented to on 22 November 2011.

Table of Amendments

Title	Amended by Ordinance No 62, 2013.
Clause 1	Amended by Ordinance No 62, 2013.
Clause 3	New clause inserted by Ordinance No 62, 2013.
Clause 4	Amended by Ordinance No 46, 2012. Renumbered by Ordinance No 62, 2013.
Clause 5	New clause inserted by Ordinance No 46, 2012. Renumbered and amended by Ordinance No 62, 2013. Amended by Ordinances No 45, 2015, 59, 2020, 9, 2022, and 47, 2022.
Clause 6	Renumbered and amended by Ordinance No 62, 2013. Amended by Ordinance No 45, 2015 and 59, 2020. Renumbered and amended by Ordinance No 9, 2022.
Schedule	Inserted by Ordinance No 45, 2015. Amended by Ordinance No 59, 2020. Amended by Ordinance No 9, 2022, and 47, 2022.

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21 November 2022