



Darling Point Leasing Ordinance 1997

No 21, 1997

Long Title

An Ordinance to authorise the leasing of land at Darling Point and to provide for the application of the proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land at 21 Etham Avenue, Darling Point being Lot 1 in Deposited Plan 966640 (the "Etham Avenue Land").

B. The Etham Avenue Land is church trust property held on trust for the parish of St Mark's Darling Point (the "Parish"), although no written trusts can be found.

C. The Property Trust is also the registered proprietor of the land at 59 Darling Point Road, Darling Point being lot 2 in Deposited Plan 551733 (the "Darling Point Road Land").

D. By deed dated 20 April 1951 the Darling Point Road Land is held upon trust for the sole benefit of the Parish to be used for such church or otherwise charitable purposes in respect of the Parish as may be determined from time to time by the parish council if any and if there is no parish council then by a majority of the rector and churchwardens for the time being of the Parish.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Etham Avenue Land and the Darling Point Road Land are respectively held it is expedient that both parcels of land be leased.

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

Name of Ordinance

1. This Ordinance is the Darling Point Leasing Ordinance 1997.

Declaration of Expediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Etham Avenue Land and the Darling Point Road Land are respectively held it is expedient that both parcels of land be leased.

Authority to Lease

3. The Property Trust is hereby authorised to lease the Etham Avenue Land and the Darling Point Road Land upon such terms and conditions as it considers appropriate upon request by the churchwardens of St Mark's Church, Darling Point (the "Churchwardens").

Application of Lease Proceeds

4. The income received from any lease must be paid to the Churchwardens and be applied by them for such purposes of the Parish as are determined from time to time by the parish council of the Parish, other than the payment of the stipend, allowances and benefits of the rector.

Review of Application of Lease Proceeds

5. (1) On the Review Date, the authority to apply or pay any amount under clause 4 terminates and, as soon as possible thereafter, any application or payment shall be by resolution of the Standing Committee at the request of the parish council of the Parish.

(2) In this clause, the "Review Date" is the 5th anniversary of the date of assent to this Ordinance or such later date as the Standing Committee may approve by resolution.

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 25 August 1997.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

25/8/1997