

Miranda Leasing Ordinance 1995

No 17, 1995

An Ordinance to authorise the leasing of certain land at Miranda and to provide for the application of the rental proceeds.

Whereas

- A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Certificate of Title Folio Identifier 2/809270 (the "Land").
- B. The St Luke's Miranda Declaration and Variation of Trusts and Lease Ordinance 1970 (the "1970 Ordinance") authorised and empowered the Property Trust to lease part of the Land (the "Leased Site") for a term not exceeding 25 years.
- C. The Leased Site was leased for use as a service station under a lease which expires on 30 June 1996.
- D. The Leased Site is otherwise held on trust for the sole purposes of the parish of St Luke's Miranda (the "Parish") although there are no written trusts.
- E. The parish council of the Parish wishes that the Property Trust be given authority to lease the Leased Site for a further 25 years.
- F. By reason of circumstances which have arisen after the creation of the trusts on which the Leased Site is held it is expedient to direct that it be further leased and to provide for the application of the rental moneys and other moneys arising from a lease granted pursuant to that direction.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains Declares Directs and Rules as follows -

Citation

1. This ordinance may be cited as the "Miranda Leasing Ordinance 1995".

Declaration

2. By reason of circumstances which have arisen after the creation of the trusts on which the Leased Site is held it is expedient to direct that such land be further leased and that the rental moneys and other moneys arising from any lease granted pursuant to such direction be applied in the manner set out in this ordinance.

Authority to Lease

3. (1) The Property Trust is authorised and empowered to lease the Leased Site for a term which does not exceed 25 years, or for 2 or more terms which in aggregate do not exceed 25 years, to such person or corporation as the Property Trust may approve following the written request of the majority of the parish council of the Parish.
- (2) The authority to lease in subclause (1) expires on that day (the "End Day") which is 25 years from the date of commencement of the first lease granted pursuant to that authority and the Property Trust must not enter into any lease for a term which expires after the End Day or grant any option for a lease which, if exercised, would mean that the term of the resulting lease would expire after the End Day.

Application of Rental Moneys

4. (1) The rental moneys arising from or incidental to any lease authorised by this ordinance and all other moneys accruing to or payable to the Property Trust shall be applied in the following order of priority -
 - (a) first, in payment of costs of and incidental to this ordinance and of the preparation, execution and stamping of the lease; and
 - (b) secondly, thereafter such moneys shall be paid to the churchwardens of St Luke's Church Miranda (the "Churchwardens") to be applied by them at the direction of the parish council of the Parish for maintenance repairs and necessary building works to or on property held for the purposes of the Parish and ministry costs associated with evangelistic enterprises.
- (2) The authority contained in paragraph 4(1)(b) only applies in relation to rental moneys and other moneys arising or accruing under any lease on or before the 5th anniversary of the date of assent to this ordinance. The balance of the rental moneys and other moneys accruing or arising after the 5th anniversary of the date of assent to this ordinance, after application under paragraph 4(1)(a), shall be applied in accordance with a further ordinance to be promoted by the Churchwardens.

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

N.M. Cameron
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 31 July 1995.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
31/7/1995