

North Sydney Leasing and Variation of Trusts Ordinance 2005

No 19, 2005

Long Title

An Ordinance to vary the trusts of certain Land at North Sydney, to authorise the leasing or licensing of such land and to provide for the application of the income arising from the lease or licence.

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 1/62370 known as 34 McLaren Street North Sydney (the "Land").

B. The Land is church trust property and pursuant to clause 2 of the St Thomas North Sydney Trust Property Ordinance 1919 is held on trust for a parish hall and residences for the Minister and the Assistant Minister and for such other purposes in connection with the parish of North Sydney (the "Parish") as the Synod shall from time to time determine.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts and it is expedient that those trusts be varied and that the Land be leased or licensed and the income from the lease or licence be 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 North Sydney Leasing and Variation of Trusts Ordinance 2005.

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 inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts and it is expedient that those trusts be varied in the manner set out in clause 3 and that the Land be leased or licensed and the income from the lease or licence be applied in the manner set out in clause 5.

3. Variation of trusts

The Land is held on trust for the purposes of the Parish.

4. Authority to Lease

The Property Trust is authorised to grant a lease or licence over the whole or any part of the Land for a term not exceeding 5 years (including any options to renew).

5. Application of Proceeds from Lease

(1) The income from any lease or licence granted under clause 4 is to be paid to the Property Trust and applied as follows -

- (a) in payment of all rates, taxes and charges incurred by the Property Trust in relation to the Land and the leasing or licensing of the Land, and
- (b) the balance to be paid to the churchwardens of St Thomas' North Sydney (the "Churchwardens") and applied for the purposes of the Parish as determined by the parish council by resolution other than the payment of the stipend, allowances and benefits paid or provided to the minister of the Parish.

(2) If the Property Trust by resolution directs, the Churchwardens are authorised and directed to make the payments referred to in paragraph 5(1)(a) as agent of the Property Trust and for that purpose -

- (a) all income arising from the lease is to be paid directly to the Churchwardens in that capacity, and
- (b) after the application of moneys under paragraph 5(1)(a), the remaining balance is taken to have been paid to the Churchwardens pursuant to paragraph 5(1)(b).

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 June 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
28/6/2005