

ST. PAUL'S CANLEY VALE LEASING ORDINANCE 1964-1974 AMENDING ORDINANCE 1978

No. 15 1978

AN ORDINANCE to make further provision for the application of annual rentals from a lease granted pursuant to St. Paul's Canley Vale Leasing Ordinance 1964-1974.

WHEREAS

1. Pursuant to the St. Paul's Canley Vale Leasing Ordinance 1964 (No. 15 of 1964) (hereinafter called "the Principal Ordinance") Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") leased the land comprised in Certificate of Title registered Volume 928 Folio 198 and registered Volume 2565 Folio 25 more particularly described in the Schedule hereto to Esso Standard Oil (Australia) Limited (hereinafter called "the Lessee") for a term of ten years commencing on 14 September 1964.

2. Pursuant to St. Paul's Canley Vale Leasing Ordinance 1974 (No. 50 of 1974) (hereinafter referred to as "the 1974 Ordinance") the Principal Ordinance was amended by making provision for the revision of annual rentals and application thereof and for the variation of the periods covered by options by the Lessee for any renewal of the said lease.

3. All moneys owing by the Provisional District of Canley Heights to the Sydney Church of England Finance and Loans Board for principal and interest thereon have been repaid.

4. Certain payments totalling One thousand eight hundred and ninety four dollars and seventy cents (\$1,894.70) received by the Churchwardens in respect of some of the rents paid by the Lessee under the said lease have been inadvertently applied otherwise than in accordance with the provisions of the 1974 Ordinance.

5. It is now expedient to vary the provisions for the application of the annual rentals payable by the Lessee NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND DIRECTS as follows:-

1. (1) This ordinance may be cited as "St. Paul's Canley Vale Leasing Ordinance 1964-1974 Amending Ordinance 1978".

(2) The Principal Ordinance as amended by the 1974 Ordinance and this Ordinance may be cited as "St. Paul's Canley Vale Leasing Ordinance 1964-1978".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is now held it is inexpedient to carry out and observe such trusts and it is expedient that such trusts be varied to the extent to which the same are hereby varied.

3. Clause 4 of the Principal Ordinance as amended by the 1974 Ordinance is amended by deleting the whole of that clause and substituting therefor the following:-

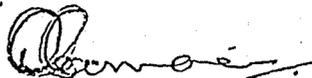
"The rents received under the said lease as from and including the first rent day after the first day of September 1977 shall be applied as follows:-

- (i) as to one half of the gross annual rental payable under the said lease it shall be divided into ten equal parts and until such time as the amount has been repaid one such part shall be applied in repayment of the amount referred to under clause 4 of the recital to the St. Paul's Canley Vale Leasing Ordinance 1964-1974 Amending Ordinance 1978 and the balance thereof shall be paid to the Churchwardens of the Church of St. Paul Canley Vale for the general purposes of the said provisional district and applied for the general parochial purposes of the said provisional district PROVIDED THAT one such tenth part shall be applied for such missionary purposes as the parish council of the said provisional district determines;
- (ii) as to the remaining balance and all income derived therefrom to be invested by the Corporate Trustee for the benefit of the said provisional district and applied for such purposes within the said provisional district as the Standing Committee may from time to time approve by resolution passed at the written request of a majority of the parish council of the said provisional district PROVIDED HOWEVER that for the purposes of this clause the words "provisional district" shall mean and include any parish, provisional parish or provisional district of which the said provisional district may from time to time form part".

SCHEDULE

ALL THAT piece or parcel of land situate at Canley Vale in the Municipality of Fairfield Parish of St. Luke County of Cumberland containing an area of 1 rood 15 3/4 perches having a frontage to Canley Vale Road of 50 feet 6 inches and a frontage to Sackville Street of 204 feet a depth on the Eastern boundary of 184 feet 10 inches and a rear line of 109 feet 7 inches (all measurements being a little more or less) and being the whole of the land comprised in Certificates of Title Volume 928 Folio 198 and Volume 2565 Folio 25.

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



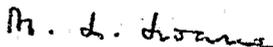
Deputy Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 1st day of May 1978.



Secretary.

I ASSENT to this Ordinance.



Archbishop of Sydney.

11/5/1978.