

St Philip's York Street Leasing Ordinance 2011

No 45, 2011

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 St Philip's York Street 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. 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.

4. Application of Proceeds from Lease

The income payable until 1 January 2013 under any lease granted under clause 3 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 3; and
- (b) secondly, an amount of 85% of the remaining balance in each year to the Wardens to be applied in their discretion for general parochial purposes 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 they see fit 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 building, rectory, parish rooms, offices and furnishings 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 of York Street (the "Parish") may make recommendations to the Standing Committee in relation to the allocation of the income.

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5. Review

For the avoidance of doubt and subject to the Property Trust granting a lease pursuant to clause 3, during 2012 the Wardens are to promote a further ordinance to amend this Ordinance to provide for the rental payments to be shared equally between the Parish and the Synod or such other distribution as Standing Committee may approve at the time, providing that the new distribution ratio does not fall below that in force for the distribution of rental payments under the 1966 Ordinance as at 31 December 2007.

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 14 November 2011.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
22/11/2011