

St Philip's York Street Leasing Ordinance 2011 Amendment Ordinance 2013

No 62, 2013

Long Title

An Ordinance to amend the St Philip's York Street Leasing Ordinance 2011.

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

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.

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 and observe those trusts and it is expedient that those trusts be varied in the manner set out in clause 2(b) of this Ordinance.

1. Name

This Ordinance is the St Philip's York Street Leasing Ordinance 2011 Amendment Ordinance 2013.

2. Amendment

The St Philip's York Street Leasing Ordinance 2011 is amended as follows –

- (a) delete the words "St Philip's York Street" in the title, long title and clause 1 and insert instead the words "Church Hill",
- (b) insert a new clause 3 as follows (and renumber the remaining clauses) –

"Variation of Trusts

3. The trusts of the Land are varied to the extent necessary to permit the applications in clause 5.",

- (c) in the renumbered clause 5 delete the matter "clause 3" where it appears and insert instead the matter "clause 4",
- (d) substitute the matter in the renumbered clause 5(b) with the following–

"secondly, an amount of 60% of the remaining balance in each year to the Wardens for such purposes of the Parish of Church Hill (the "Parish") as the parish council may from time to time determine, 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 the Parish Council may determine 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 buildings, residences, parish rooms, offices and furnishings of the Parish (including the organ) and towards the acquisition of a property suitable for use as a residence for a minister of the Parish."

- (e) in the renumbered clause 5(c) delete the matter "of York Street (the "Parish")", and
- (f) in the renumbered clause 6 delete the words "the wardens of St Philip's York Street" and insert instead "the Wardens".

3. Repeal

The Millers Point Trust Ordinance 2013 is repealed with effect from the date that the Church Hill Trust Ordinance 2013 receives assent.

St Philip's York Street Leasing Ordinance 2011 Amendment Ordinance 2013

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

K SOWADA
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 9 December 2013.

S LUCAS
Acting Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
12/12/2013