

# Yagoona Leasing Ordinance 1997

(Reprinted under the Interpretation Ordinance 1985.)

The Yagoona Leasing Ordinance 1997 as amended by the Yagoona Trust Ordinance 2004.

## Table of Provisions

Clause	
1	..... Name of Ordinance
2	..... Declaration
3	..... Power to Grant Leases
4	..... Application of Income
5	..... Declaration

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### Long Title

An Ordinance to authorise the leasing of land at 590 Hume Highway, Yagoona and the application of the proceeds.

### Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land being lot 1 in deposited plan 501707 and known as 590 Hume Highway, Yagoona (the "Property").

B. The Property is church trust property and under the St Marks Yagoona Building and Leasing Ordinance 1961 is held upon trust for the Anglican Church in Australia in the parish of Yagoona (the "Parish") for leasing as a furniture showroom for a term not exceeding 15 years.

C. There is uncertainty as to whether the 1961 Ordinance authorised all of the leases which have been entered into after the making of the 1961 Ordinance.

D. By reason of circumstances which have arisen after the creation of the trusts upon which the Property is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied so as to enable the Property to be leased for such purposes as may be determined from time to time.

The Standing Committee of the Synod of the Diocese of Sydney ordains as follows:-

#### 1. Name of Ordinance

This Ordinance is the Yagoona Leasing Ordinance 1997.

#### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts upon which the Property is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied so as to enable the Property to be leased for such purposes as may be determined from time to time.

#### 3. Power to Grant Leases

The Property Trust is empowered upon written request by a majority of the parish council of the Parish to -

- (a) grant a lease or licence in respect of the whole or any part of the Property;
- (b) include in any lease or licence a provision that the lessee or licensee may trade on Sundays subject to any conditions imposed by the parish council of the Parish;
- (c) sign any necessary documents incidental to any leasing or licensing of the Property and the determination of any lease or licence of the Property.

#### 4. Application of Income

All rents, licence fees and any other receipts from any leasing or licensing of the Property shall be paid to the churchwardens of St Mark's Church Yagoona and be applied by them -

- (a) first, in payment of all outgoings in respect of the Property, including but not limited

- to rates, taxes, assessments, repairs, maintenance, costs and expenses; and
- (b) secondly, as income of the Yagoona Trust established under the Yagoona Trust Ordinance 2004.

**5. Declaration**

It is declared that all rents, licence fees and other receipts from the leasing or licensing of the Property after the passing of the 1961 Ordinance and prior to the date of this Ordinance may be applied for the purposes of the Parish.

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**Table of Amendments**

Clause 4            Amended by Ordinance No 28, 2004.

STEVE LUCAS  
Legal Officer

2 August 2016

MARK PAYNE  
Diocesan Secretary

**Repealed by No 22, 2016**