

Cabramatta Leasing Ordinance 2002

No 14, 2002

Long Title

An Ordinance to authorise the lease or licence of certain land.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of certain land at Cabramatta comprised in certificate of title folio identifier 1/1024742 (the "Land").

B. The part of the Land formerly known as Lot A deposited plan 366631 and Lot B deposited plan 366631 is church trust property and by declaration of trust dated 7 August 1923 is held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Conventional District of Canley Vale and Cabramatta.

C. The part of the Land formerly known as Lot 6B deposited plan 388567 is church trust property held for the benefit of the Provisional Parish of Cabramatta (the "Parish") although there are no written trusts.

D. 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 such trusts and it is expedient that part of the Land be leased or licensed and the income 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 Cabramatta Leasing Ordinance 2002.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held:

- (a) it is inexpedient to carry out or observe such trusts and it is expedient to declare other trusts on which the Land is to be held; and
- (b) it is expedient that part of the Land be leased or licensed and to apply the income from such lease or licence in the manner set out in this Ordinance.

3. New Trusts

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

4. Power to Lease

(1) The Property Trust is authorised from time to time to enter into a lease or licence of the Land or any part thereof (other than the part on which a church is situated) upon the request made by a resolution of a majority of the parish council of the Parish.

(2) The terms of any lease or licence shall be those agreed by the Property Trust upon the request of the parish council of the Parish after consultation between the Property Trust and the parish council of the Parish.

5. Application of Rental Income

Any rental income from a lease or licence under clause 4 shall be paid to the Property Trust and applied in the following order of priority -

- (a) towards the costs of and incidental to promoting this Ordinance (and any ordinance amending this ordinance) and the leasing or licensing of the Land,
- (b) 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,
- (c) when the power to lease or licence is first exercised, towards the costs of and incidental to the erection and fitting-out of a building or buildings on the Land, and
- (d) when the power to lease or licence is subsequently exercised, in accordance with a resolution of the Standing Committee upon the written request of the parish council of the Parish.

6. Investment

Pending the application of rental income pursuant to clause 5, the rental income shall be invested and any income derived from such investment shall be capitalised.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 March 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
26/3/2002