

AN ORDINANCE to make further provision for the revision of annual rentals and application thereof from a lease granted pursuant to St. Paul's Canley Vale Leasing Ordinance 1964 and for other purposes incidental thereto.

WHEREAS pursuant to St. Paul's Canley Vale Leasing Ordinance 1964 (No. 15 of 1964) Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") leased the land comprised in Certificates 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 AND WHEREAS the said lease provided (inter alia) for a rental of Three thousand dollars (\$3,000) per annum AND WHEREAS the said lease granted to the Lessee options to renew the lease for two further successive terms each of five (5) years at a rental to be determined in accordance with a formula set out in the said lease at the commencement of each such term of five (5) years AND WHEREAS the said ordinance directed that the annual rent payable under the said lease be applied as to the sum of One thousand eight hundred dollars (\$1,800) per annum or one-half of the amount of the annual rental determined as aforesaid whichever was the greater towards the payment of the principal and interest owing to the Sydney Diocesan Finance and Loans Board and as to the balance thereof for such parochial purposes as the churchwardens and Parish Council of the Provisional District of St. Paul's Canley Vale may from time to time determine AND WHEREAS the Lessee has not exercised the option but has requested the Lessor to grant a lease for a further term of three (3) years as from the date of expiration of the said lease in lieu of the first period for renewal of five (5) years as in the said lease provided at a rental of Five thousand five hundred dollars (\$5,500) per annum AND WHEREAS the Lessee has requested the Lessor to grant to the Lessee options to renew the lease for two further successive terms the first of such terms to be for a period of three (3) years and the second term for a period of four (4) years AND WHEREAS the Lessee has requested the Lessor to vary the formula for the determination of the rentals payable by the Lessee in the manner hereinafter appearing on the exercise of any further option or options AND WHEREAS 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 ORDAINS AND DIRECTS as follows:-

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

(2) St. Paul's Canley Vale Leasing Ordinance 1964 in this ordinance is referred to as the "Principal Ordinance".

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

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 2 of the Principal Ordinance is hereby amended

- (a) by deleting the words and figures "ten (10) years with option for renewal for two further terms each of five (5) years at a rental of One thousand five hundred pounds (£1,500) per annum such rental

to be revised at the tenth and fifteenth years" appearing after the words "for a term of" in the said clause and by substituting in lieu thereof the words and figures "three (3) years with options to renew such lease for two further successive terms the first of such terms to be for a period of three (3) years and the second term for a period of four (4) years at a rental of Five thousand five hundred dollars (\$5,500) per annum for the first term of three (3) years such rental to be revised at the commencement of each of the two further successive terms in the manner hereinafter appearing. The Lessee shall give to the Lessor notice in writing of its intention to exercise each such option not more than six (6) months and not less than three (3) months prior to the expiration of the then current term."

- (b) by deleting paragraph (b) and substituting in lieu thereof the following paragraph:-

"(b) The annual rental payable under the said lease or any renewal thereof shall be payable quarterly in advance and the rental for the term of each option period as aforesaid shall subject to the provisions of paragraph (d) of this clause be as mutually agreed upon in writing by the Lessor and the Lessee."

4. Clause 4 of the Principal Ordinance is hereby amended by deleting paragraphs (i) and (ii) thereof and inserting in lieu thereof the following paragraphs:-

- "(i) As to the sum of Two thousand seven hundred and fifty dollars (\$2,750) or one-half of the amount of the annual rental determined as aforesaid whichever shall be the greater towards the payment of the principal and interest owing by the said Provisional District to the Sydney Diocesan Finance and Loans Board; and
- (ii) (a) As to one-half of the balance thereof to be paid to the churchwardens of the said Provisional District and applied by them in or towards the costs of repairs to and maintenance from time to time of the existing buildings within the said Provisional District, and
- (b) As to the remaining balance and all income derived therefrom to be applied by the Corporate Trustee by payment to the said churchwardens or in such other manner as the Corporate Trustee may think fit 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. Pending any such application the Corporate Trustee shall invest the said remaining balance and all income derived therefrom: 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  $\frac{3}{4}$  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.

D. Cameron  
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 16th day of December, 1974.

W.G.S. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
16/12/1974