

# St Philip's Sydney York Street Property Leasing Ordinance 1966 Amendment Ordinance 2007

No 27, 2007

## Long Title

An Ordinance to amend the St Philip's Sydney York Street Property Leasing Ordinance 1966 to make provision for the distribution of rental proceeds arising from a lease of certain property in York Street, Sydney.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of land known as 1 York Street, Sydney (the "Land").

B. By clause 14(i) of the St Philip's Sydney York Street Property Leasing Ordinance 1966 (the "Principal Ordinance") provision is made for the distribution of net rental proceeds arising from a lease of the Land for the period of 20 years from 1 January 1988.

C. By clause 14(f) of the Principal Ordinance the Standing Committee in consultation with the Churchwardens of the Parish of St Philip's Sydney is to determine by Ordinance the allocation of net rental proceeds for the succeeding 5 years or such other period as the Standing Committee and the Churchwardens agree.

D. This ordinance provides for further distribution of the rental proceeds.

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

### 1. Name

This Ordinance is the St Philip's Sydney York Street Property Leasing Ordinance 1966 Amendment Ordinance 2007.

### 2. Amendment to Principal Ordinance

The Principal Ordinance is amended as follows –

- (a) delete the matter "2007" in clause 14(f) and insert instead the matter "2012", and
- (b) insert a new clause 14(j) as follows –

"(j) As to the rent payable for the 5 years from 1 January 2008, less any management and/or administration charges incurred –

- (i) firstly, in and towards payment of any legal and/or other professional fees incurred in relation to the lease granted pursuant to the agreement referred to in clause 10, and
- (ii) secondly, an amount of 85% of the remaining balance in each year to the Churchwardens of the Parish of St Philip's Sydney 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 Churchwardens 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
- (iii) 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 said Parish may make recommendations to the Standing Committee in relation to the allocation of the income".

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**3. Review Dates**

(1) During 2012 the churchwardens are to promote a further ordinance to amend the Principal 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 as at 31 December 2007.

(2) On or before 31 December 2010 the Archdeacon of South Sydney is to bring a report to the Standing Committee detailing the parish's progress in the fulfilment of its ministry plan.

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 15 October 2007.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
16/10/2007