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*St. Philip's Sydney York Street Property Leasing  
Further Amending Ordinance 1969*

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No. 16, 1969

AN ORDINANCE to amend further Ordinance No. 10, 1966 entitled "St. Philip's Sydney York Street Property Leasing Ordinance 1966" and to amend Ordinance No. 15, 1969 entitled "St. Philip's Sydney York Street Property Leasing Ordinance Amendment Ordinance, 1969".

WHEREAS pursuant to Clause 3 of the Ordinance No. 15, 1969 entitled "St. Philip's Sydney York Street Property Leasing Ordinance Amendment Ordinance 1969" the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") was authorised to enter into a certain Agreement with Bambro (No. 11) Pty. Limited (hereinafter called "the Lessee") and The Hammerson Property & Investment Trust Limited (hereinafter called "Hammersons"), under which the Corporate Trustee would have agreed to grant a lease to the Lessee and the Lessee would have agreed to take a lease from the Corporate Trustee of the land described in the Fourth Schedule to the Ordinance No. 10, 1966 such Agreement to be in or to the effect of the terms and conditions contained in a certain draft Memorandum of Agreement produced to the Corporate Trustee and signed for identification by the Secretary and by the Rector for the time being of the Parish of St. Philip Sydney AND WHEREAS since the passing of such Ordinance it has become inexpedient to carry out and observe in certain respects the provisions of such Ordinance in connection with the said land and it has become expedient to amend such Ordinance and consequentially the Ordinance No. 10, 1966 entitled "St. Philip's Sydney York Street Property Leasing Ordinance 1966" (as amended by Ordinance No. 20, 1966 entitled "St. Philip's Sydney York Street Property Leasing Ordinance Amendment Ordinance, 1966") which said Ordinance No. 10, 1966 as amended by the said Ordinance No. 20, 1966 was further amended by the said Ordinance No. 15, 1969 (the said Ordinance No. 10, 1966 as further amended as aforesaid being hereinafter referred to as "the existing Ordinance") AND insofar as such amendment may vary further the trusts upon which the Corporate Trustee holds the said land to vary now the same and make the further provisions hereinafter contained NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

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1. By reason, of certain circumstances which have arisen subsequent to the variation of the trusts declared in the existing Ordinance, it has become inexpedient to carry out and observe the same to the extent (if any) to which such trusts are hereby varied and it is expedient (so far as it may be a variation of trusts) that the said trusts be varied further as hereinafter set out.

2. The existing Ordinance be and is hereby further amended by deleting Clause 10 and by substituting therefor the following:—

"10. The Corporate Trustee is hereby authorised to enter into an agreement with Bambro (No. 11) Pty. Limited (hereinafter called "the Lessee") and Hammersons (or if the case requires, the execution of such agreement by the Corporate Trustee is hereby ratified and confirmed) under which the Corporate Trustee agrees to grant a lease to the Lessee and the Lessee agrees to take a lease from the Corporate Trustee of the land described in the Fourth Schedule hereto in or to the effect of the terms and conditions contained in the draft memorandum of agreement produced to the Corporate Trustee on the 16th day of May, 1969 and signed for identification by the Secretary thereof and by the Locum Tenens for the time being of the Parish of St. Philip Sydney including inter alia the following provisions:—

- (a) The lease shall be in the form of the lease set forth in the Schedule thereto and shall bear the date which is the day following the date of the occurrence of the last to occur of the events mentioned in paragraph (c) following or bear the date the First July, 1969 whichever is the later.
- (b) A covenant by the Corporate Trustee to subdivide the area marked "B" on the plan produced to the Corporate Trustee and signed by the Secretary thereof for identification.
- (c) A provision that if the Corporate Trustee fails to obtain the consent of the authorities to the subdivision and to lodge the plan of subdivision for registration as a deposited plan or if the execution of the agreement by the Corporate Trustee is not authorised by Ordinance in either event within three months from its date the Lessee may at its option terminate the Agreement.

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- (d) A covenant by the Lessee to pay the legal expenses incurred by the Corporate Trustee in connection with the preparation and stamping of the Agreement.
- (e) A provision that the Agreement shall not affect the rights and obligations under the option granted pursuant to Clause 2 hereof but such option shall terminate with effect from the end of that day upon which the last to occur of the events mentioned in paragraph (c) of this Clause occurs.
- (f) A provision that any part of the option fee payable under the option granted pursuant to Clause 2 hereof which is paid in respect of a period in respect of which rent is payable under the lease shall be refunded by the Corporate Trustee.
- (g) A guarantee by the Hammerson Property and Investment Trust Limited of the obligations of the Lessee."

3. The existing Ordinance be and is hereby further amended by adding "— 1969" after the figures "1966" in Clause 17.

4. This present Ordinance may be cited as "St. Philip's Sydney York Street Property Leasing Further Amending Ordinance, 1969".

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 9th day of June, 1969.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

9/6/1969.