

ST THOMAS SOUTH GRANVILLE LEASING ORDINANCE 1989

No 15, 1989

AN ORDINANCE to vary the trusts of certain property, to authorise the leasing thereof and for other purposes incidental thereto.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor of the land described in the First Schedule (hereinafter called "the land").

B. Erected on the land are buildings formerly licensed for Divine Service and known as St Paul's Dellwood. While there is no evidence that trusts have been declared in writing, the land is church trust property and held for the purposes of the Anglican Church in the Diocese of Sydney in the Provisional Parish of South Granville.

C. The Corporate Trustee proposes to grant a lease of the land for a term of ten (10) years with a five (5) year option on the terms and conditions herein set forth.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held, it is expedient that the land be leased.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. By reason of circumstances which have arisen subsequent to the creation of the trusts hereinbefore recited, it is expedient that the land be leased as hereinafter set out.

2. The Corporate Trustee is hereby authorised and empowered to lease the land for a term of ten (10) years with an option for a further term of five (5) years in consideration of rental payment by the Lessee as follows:

- (a) For the first year, Eleven Thousand dollars (\$11,000) per annum payable by monthly instalments in advance of Nine hundred and sixteen dollars sixty six cents (\$916.66).
- (b) For the second year, Eighteen thousand dollars (\$18,000) per annum payable by monthly instalments in advance of One thousand five hundred dollars (\$1,500).
- (c) For the third year, Eighteen thousand dollars (\$18,000) plus any Consumer Price Index increase from the previous year payable by monthly instalments in advance.
- (d) For the fourth year, the sum payable for the third year plus any Consumer Price Index increase payable by monthly instalments in advance.

3. At the commencement of the fifth year and at the commencement of the ninth year and the commencement of the thirteenth year, there will be a review of rent to determine the rent payable by mutual agreement or, in the absence of agreement, to be determined by an independent valuer to be appointed by both the Corporate Trustee and the Lessee. The annual rent determined will be the subject of annual review in accordance with variations in the Consumer Price Index.

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4. The lessee shall pay certain outgoings as determined by the Corporate Trustee on the basis that the permitted use of the land shall be for School purposes and such Lease shall otherwise contain such terms covenants and conditions as otherwise may be approved by the Corporate Trustee.

5. The rental moneys arising from or incidental to the Lease herein referred to and all other moneys accruing to or payable to the Corporate Trustee arising from or incidental to such Lease shall be paid by the Corporate Trustee in payment of the cost of and incidental to this Ordinance and of the preparation and execution of the said Lease as follows:

(a) As to the first five (5) years of the term of the said Lease, such moneys shall be paid monthly to the Churchwardens of the Church of St Thomas', South Granville to be applied for general parochial purposes as the Parish Council shall determine.

(b) As to the subsequent years of the term of the said Lease, such moneys shall be paid for such purposes as shall be determined by resolution of the Parish Council of the said Parish and as approved by resolution of the Standing Committee.

PROVIDED THAT, pending payment or application of the said moneys as aforesaid, the Corporate Trustee shall invest the moneys and capitalise the income.

6. This Ordinance may be cited as the "St Thomas' South Granville Leasing Ordinance 1989".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate in the City of Parramatta Parish of Liberty Plains County of Cumberland being Lots 1, 2, and 3 in Deposited Plan No 20183 now being Lots 1, 2 and 3 in Deposited Plan No 35009 and being the land comprised in Certificate of Title Volume 5815 Folio 6.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26th day of June 1989.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

JOHN R. REID
Commissary for the Archbishop of Sydney
26 / 6 / 89