

Bondi Leasing Ordinance 2005

No 54, 2005

Long Title

An Ordinance to authorise the leasing of certain property at Bondi and for purposes incidental thereto.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of land at Bondi described in folio identifiers 1/1011530, 6/3/979732 and Volume 3381 Folio 191 (the "Land").

B. The Land is church trust property and by clause 1 of the St Matthews Bondi Vesting and Mortgage Ordinance 1956 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 Parish of St Matthews Bondi.

C. By the Bondi Leasing Ordinance 1994 (the "1994 Ordinance") part of the Land had been leased for the purposes of conducting a preschool and by that Ordinance authority was given for further leasing for the same purpose.

D. The lease granted under the 1994 Ordinance has expired and the churchwardens of St Matthew's Bondi have requested the Property Trust to grant a further lease upon the terms and conditions herein referred to.

E. It is expedient that part of the Land be leased and that the income therefrom be 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 Bondi Leasing Ordinance 2005.

2. Declaration

It is expedient that part of the Land be leased and that the income therefrom be applied in the manner set out in clause 4.

3. Authority to Lease

(1) Subject to subclause (2), the Property Trust is authorised to grant a lease of that part of the Land indicated on the plan dated 5 December 2005 and signed by the Diocesan Secretary for a term not exceeding 3 years with an option for renewal for a further 3 year period.

(2) The permitted use for the purposes of the leased site shall be for the purpose of conducting a preschool kindergarten thereon and it is agreed that such lease shall otherwise contain such terms, covenants and conditions as may be approved by the Property Trust.

4. Application of the Lease Proceeds

The rental moneys arising from or incidental to the lease authorised by this Ordinance and all other moneys accruing to or payable to the Property Trust arising from or incidental to the lease, after payment of costs of and incidental to this Ordinance and of the grant of the lease, must be paid to the Property Trust and applied as follows –

- (a) firstly, in payment of any goods and services tax payable in connection with the granting of the lease, and
- (b) secondly, to the churchwardens of St Matthews' Bondi or as they shall direct to be applied by them for the general purposes of the provisional parish of Bondi (the "Parish") in such manner as the parish council of the Parish thereof may determine from time to time.

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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 12 December 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
13/12/2005