



## Westmead Leasing Ordinance 1999

No 6, 1999

### Long Title

An Ordinance to authorise the leasing or licensing of land at Westmead and to provide for the application of the income received.

### Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land at Westmead (the "Land") being Lot B in Deposited Plan No. 334311 being the land in Folio Identifier B/334311.

B. By deed of trust dated 9 April 1937 the Land is held upon trust to permit the same to be used as a site 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 Saint John Parramatta at Westmead.

C. The Land is now situated in the provisional parish of Westmead (the "Parish").

D. It is expedient that part of the Land, being Lot 2 ("Lot 2") in the plan signed by the Diocesan Secretary for identification on 11 February 1999 having an area of 2447 square metres be licensed or leased for a playground facility for the adjoining school being The Sacred Heart Primary School, Westmead 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 Westmead Leasing Ordinance 1999.

### 2. Declarations

By reason of the circumstances which have arisen after the creation of the trusts on which the Land is held -

(a) it is inexpedient to carry out and observe those trusts, or to apply Lot 2 for the same or like purposes as the trusts on which it is presently held, or to apply Lot 2 for the purposes of the parish of Saint John Parramatta; and

(b) it is expedient that Lot 2 be leased or licensed and that the income be applied in accordance with clause 4.

### 3. Authority to Lease

The Property Trust is authorised and empowered to enter into with the Catholic Education Office Parramatta (the Trustee), on behalf of the Sacred Heart Primary School Westmead a lease or license of Lot 2 for a term of up to 5 years, with an option for a further period of 5 years in consideration of leasing or licence payments and conditions as follows -

(a) The period of occupation will commence on 1 January 1999.

(b) The commencing lease or licence fee shall be \$13,000 for the first year with annual reviews on the basis of any increase in the Consumer Price Index.

(c) In the event that the Option is taken that the lease or licence fee for the first year of the Option would be not less than the licence fee payable in the last year of the head lease or licence but otherwise increased to the appropriate market lease or licence fee.

Any further terms and conditions of such lease or licence shall be those agreed by the Property Trust upon request of the Minister and Churchwardens of St Barnabas, Westmead after consultation between the Property Trust and the Minister and Churchwardens.

#### **4. Application of Proceeds**

The income from any lease or licence granted under clause 3 shall be applied toward any one or more of the following purposes -

- (a) making or contributing to payments on the Finance and Loans Board loan no. 0107 to the Parish;
- (b) completing construction of the church hall on the Land;
- (c) erecting a covered walkway from the church to the church hall on the Land;
- (d) resurfacing the car park on the Land;
- (e) general landscaping of the Land.

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

***N M CAMERON***

*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 22 February 1999.

***M A PAYNE***

*Secretary*

I Assent to this Ordinance.

***P R WATSON***

*Commissary*

24/2 /1999