

Randwick Leasing Ordinance 2000

No 25, 2000

Long Title

An Ordinance to authorise the leasing and licensing of certain property at Randwick.

Preamble

A. The Randwick Variation of Trusts Ordinance 1999 authorised the construction of improvements on land comprised in Certificate of Title Auto Consul 1191-71 being church trust property held in the name of the Anglican Church Property Trust Diocese of Sydney (the "Property Trust") on certain trusts for the parish of Randwick (the "Parish") and land comprised in the United Church of England and Ireland Crown Grant No. 1 page 58/3 Portion 572 being church trust property held on certain trusts for the Parish in the names of deceased trustees Joseph Burdchin Holdsworth, Simon Henry Pearce and Samuel Hebblewhite (the "Land").

B. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that the Land be leased or licensed but it is inexpedient to deal with or apply the rental income for the same purposes as the trusts on which the Land is held.

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

1. Name

This Ordinance is the Randwick Leasing Ordinance 2000.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that the Land be leased or licensed but it is inexpedient to deal with or apply the rental income for the same purposes as the trusts on which the Land is held.

3. Power to Lease

(1) The Property Trust (and/or any other trustee of the Land as applicable) is authorised from time to time to lease or licence the whole or any part of the Land (excluding the church building) upon request made by resolution of the parish council of the Parish.

(2) The terms of any lease or licence shall be those agreed by the Property Trust (and/or any other trustee of the Land as applicable) upon the request of the parish council or the Parish after consultation between the Property Trust (and/or any other trustee as applicable) and the parish council of the Parish.

(3) Without limiting the generality of subclauses (1) and (2) the Property Trust (and/or any other trustee of the Land as applicable) is authorised to enter into a residential lease with Captain Michael Mortimer of 1 of the town houses forming the improvements being constructed on the Land for a period of 5 years with 3 x 5 year options to renew with a total term not exceeding 20 years at an annual rental of \$7,500.

(4) If the Property Trust on behalf of the Parish and at the request of the parish council enters into a lease or licence under clause 3 over any part of the Land held in the name of any trustee other than the Property Trust then the churchwardens for the time being of St Judes Randwick indemnify the Property Trust against any claim, costs or expense whatsoever which may arise due to the Property Trust entering into such lease or licence.

4. Application of Rental Income

(1) Subject to subclause (2), all income earned from any lease or licence shall be paid to the Property Trust and shall then be distributed to the churchwardens of St Jude's Randwick for application by the parish council of the Parish for the purposes of the Parish.

(2) For the purposes of a lease granted under clause 3(3) or any other lease or licence granted under clause 3 and identified by the Property Trust for the purposes of this subclause, subclause (1) shall not apply and instead all income earned from any such lease or licence shall be paid to the churchwardens of St Jude's Randwick and applied by the parish council of the Parish for the purposes of the Parish.

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 3 October 2000.

M A PAYNE
Secretary

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I Assent to this Ordinance.

R H GOODHEW
Archbishop of Sydney
4/10/2000