

Woodville Road (St Thomas' South Granville) Leasing Ordinance 2002

No 20, 2002

Long Title

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

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is registered as proprietor of the land comprised in certificate of title folio identifier 1/792818 situated at the corner of Blaxcell Street and Oakleigh Avenue, Granville (the "Land").

B. The Land is held upon trust for the parish of Merrylands with South Granville although there are no written trusts.

C. The parish of Merrylands with South Granville now forms part of the parish of Woodville Road (the "Parish").

D. By the St Thomas' South Granville Leasing Ordinance 1989 (the "1989 Ordinance") the Property Trust was authorised to lease the Land on certain terms.

E. The lease entered into by the Property Trust pursuant to the 1989 Ordinance has now expired.

F. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient to lease the Land.

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

1. Name

This Ordinance is the Woodville Road (St Thomas' South Granville) Leasing Ordinance 2002.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient to lease the Land and to apply the proceeds from the lease in the manner set out in this ordinance.

3. Authority to lease

(1) The Property Trust is authorised to lease the Land for a term of 8 years with an option for a further term of 4 years in consideration of rental payment by the lessee as follows:

- (a) for the first year, \$26,250 per annum payable by monthly instalments in advance of \$2,187.50; and
- (b) for the second year, \$26,250 per annum plus any Consumer Price Index increase from the previous year payable by equal monthly instalments in advance.

(2) At the commencement of the third, sixth and ninth year of the lease, there is to be a review of rent to determine the rent payable by agreement between the Property Trust and the lessee, or, in the absence of agreement, to be determined by an independent valuer to be appointed by both the Property Trust and the lessee. The annual rent determined will be the subject of annual reviews in accordance with variations in the Consumer Price Index.

(3) The lessee is to pay certain outgoings as determined by the Property Trust on the basis that the permitted use of the Land is for school purposes and such lease will otherwise contain such terms, covenants and conditions as may be approved by the Property Trust.

4 Application of rental income

The rental income arising from or incidental to the lease granted under clause 3 and all other moneys accruing to or payable to the Property Trust arising from or incidental to such lease are to be paid to the Property Trust and applied as follows:

- (a) first, in payment of the costs of and incidental to this Ordinance and of the preparation and execution of the lease; and
- (b) second, in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the lease; and
- (c) the balance is to be paid to the churchwardens of St Anne's, Merrylands to be applied for the general purposes of the Parish as the parish council of the Parish from time to time determines by resolution.

5. Investment

Pending the application of the rent income and other moneys pursuant to clause 4, the Property Trust is to invest the same and capitalise the income.

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

N M CAMERON
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 April 2002.

M A PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
30/4/2002