

# Bondi Leasing Ordinance 1994

No 57, 1994

An Ordinance to vary the trusts on which certain property at Bondi is held to authorise the leasing thereof and for other purposes incidental thereto.

## Whereas

- A. The land ("Land") described in the First Schedule and the Second Schedule is vested in the Property Trust.
- B. Under the St Matthew's Bondi Vesting and Mortgaging Ordinance 1956 the Land is held upon trust to permit the property to be used for a Church, Parsonage or Parish Hall or partly for one and partly for another or other of such purposes in connection with the Church of England in the Parish of Bondi ("Parish").
- C. Part of the Land as described in the Third Schedule ("the Leased Site") has been leased for a term of 9 years to the Eastern Suburbs Montessori Association Limited for the purposes of conducting a preschool thereon which term has recently expired.
- D. The Property Trust proposes to grant a lease of the Leased Site upon the terms and conditions herein referred to.
- E. By reason of circumstances which have arisen after the creation of the trusts on which the Leased Site is held it is inexpedient to carry out and observe those trusts and it is expedient to amend those trusts in the manner set out in this ordinance and to lease the Leased Site and to make the further provisions hereafter contained.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains Declares Directs and Rules as follows -

## Citation

1. This ordinance may be cited as the "Bondi Leasing Ordinance 1994".

## Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts created by the St Matthew's Bondi Vesting and Mortgaging Ordinance 1956 upon and on which the Leased Site is held it is inexpedient to carry out and observe the same and it is expedient to amend those trusts in the manner set out in this ordinance and that the Leased Site be leased as hereinafter set forth.

## Authority to Lease

3. The Property Trust is authorised to lease the Leased Site for a term not exceeding 5 years with an option for renewal for a further 5 year period in consideration of rental payments by the Lessee as follows -
  - (a) at least \$26,780 per annum for the first year of the lease; and
  - (b) the amount of the annual rental for each of the subsequent years of the lease shall be determined in accordance with the provisions of the proposed lease which shall provide for annual rental review.
4. The permitted use for the purposes of the Leased Site shall be for the purpose of conducting a pre-school 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.

## Application of Rental Moneys

5. 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 must be applied in the following order of priority -
  - (a) firstly, in payment of costs of and incidental to this ordinance and of the preparation, execution and stamping of the lease; and
  - (b) secondly, thereafter such moneys shall be paid to the churchwardens of the Parish or as they shall direct and be applied by them for the general purposes of the Parish in such manner as the parish council of the Parish thereof may determine from time to time.
6. The rental moneys shall only be paid to the churchwardens for a period expiring on 31 December 1995 and thereafter the rental moneys shall only be applied pursuant to a further ordinance passed by the Standing Committee.

## First Schedule

The Old System land comprised in deed book no.890 conveyance no.299 is all that piece or parcel of land situated in the Parish of Alexandria County of Cumberland and State of New South Wales and being part of Lots 7 and 8 of C McDonald's subdivision at Waverley. Commencing at a point bearing 10 degrees 01 minutes, 469 feet 1½ inches and 280 degrees 42 minutes, 225 feet from the intersection of the north-west building line of Wellington Street with the north-east building line of Bondi Road and bounded on the north-east by a fenced line bearing 280 degrees 42 minutes, 40 feet on the north-west by a fenced line bearing 189 degrees 38 minutes, 112 feet on the south-west by a line bearing 100 degrees 42 minutes, 40 feet and on the south-east by a line bearing 9 degrees 38 minutes, 112 feet to the point of commencement.

The Old System land comprised in deed book no.405 conveyance no.715 is all that piece or parcel of land situated in the Parish of Alexandria County of Cumberland in the Colony of New South Wales being Lot 6 of section 3 in the G P Slade's subdivision of portions of Flood and Jones' Grant of 14 acres and Wooley's Grant of 14½ acres and 13½ acres commencing in Ocean Street at a point 366 feet northerly from Waverley Street bounded on the west by Ocean Street

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aforesaid bearing northerly 66 feet thence on the north by Lot 7 of the said Section bearing easterly 165 feet thence on the east by a line bearing southerly 66 feet and on the south by Lot 5 of the said Section bearing westerly 165 feet to the point of commencement.

### **Second Schedule**

The whole of the land comprised in Certificate of Title Volume 3381 Folio 191.

### **Third Schedule**

That part of the land comprised in the First Schedule and the whole of the land comprised in the Second Schedule and being the hatched area on the plan attached to this ordinance and marked with the letter "A".

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 12 December 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
20/12/1994