

---

*All Souls Leichhardt Leasing Ordinance, 1962.*

---

No. 51, 1962.

AN ORDINANCE to authorise the leasing of certain land at the corner of Norton and Marlborough Sts. Leichhardt and for purposes incidental thereto.

WHEREAS Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 632 Folio 211 and Volume 323 Folio 238 more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of All Souls Leichhardt and is used and occupied by the Church and Rectory of such Parish and tennis courts and grounds appurtenant thereto but no trusts in writing have been declared concerning the same AND WHEREAS the said land has been subdivided into two allotments known as Lots 1 and 2 and Lot 1 is more particularly described in the Second Schedule hereto and is vacant land, the said Church and Rectory and one tennis court being upon Lot 2 AND WHEREAS it is proposed to lease the said Lot 1 for the purpose of a Petrol Service Station to be erected thereon AND WHEREAS it is inexpedient to carry out and observe the trusts upon which Lot 1 is now held and it is expedient that such Lot be leased NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the second Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that the said land be leased as hereinafter set out.

2. The Corporate Trustee is hereby authorised to lease the land described in the Second Schedule for a term not exceeding twenty years upon such conditions and stipulations as it may think fit including the following:-

- (a) The lessee shall erect a building and improvements for use as a Service Station according to plans and specifications approved by the Lessor and the Leichhardt Municipal Council.
- (b) Payment of an annual rent of One thousand five hundred pounds (£1,500) payable quarterly in advance.

---

*All Souls Leichhardt Leasing Ordinance, 1962.*

---

- (c) The Lessee to pay rates insurance and other outgoings in respect of the land and buildings.
- (d) The premises shall not be used for any purpose other than a service station with appurtenances and amenities for the sale of petrol oil and other motor requisites, no spray painting, panel beating or other major repairs to be carried out.
- (e) Not to permit the premises to be used for trading on Sunday, including the use of any automatic vending machines.
- (f) The premises not to be used for the sale, distribution or consumption of wine, beer, ale or spirituous liquors of any description.
- (g) Not to assign or sub-let.
- (h) A covenant to keep in good repair and deliver up in the same condition at the expiration of the lease.
- (i) A proviso for re-entry on non-payment of rent or non-performance of covenants and conditions.

3. The Corporate Trustee is further authorised to grant a drainage easement over a strip 3 feet wide within the said Lot 2 along and adjacent to the western boundary of Lot 1.

4. The rent payable in respect of the said lease shall after satisfying thereout all assessments and arrears owing by the Parish of All Souls Leichhardt be paid to the churchwardens for the time being of such Parish to be applied first by the appropriation of thirty three and one third percentum thereof for the purpose of creating a fund so that such fund and the income thereof might be used from time to time for the general maintenance repairs and improvements of the adjoining church and rectory buildings and other parochial buildings within the said parish and subject thereto to apply the residue of such rent for general parochial purposes.

5. This Ordinance may be cited as "All Souls Leichhardt Leasing Ordinance, 1962."

---

*All Souls Leichhardt Leasing Ordinance, 1962.*

---

FIRST SCHEDULE

All that piece or parcel of land situated at Leichhardt in the Municipality of Liechhardt Parish of Petersham County of Cumberland containing 1 rood 8½ perches having a frontage of 94 feet 8 inches to Norton Street by depth along Marlborough Street of 140 feet being Lots 5 and 6 Section 1 D.P. 328 and the whole of the land in Certificate of Title Volume 632 Folio 211 also all that piece or parcel of land situated as aforesaid having the same area and a frontage of 94 feet 8 inches to Norton Street by depth of 140 feet being Lots 3 and 4 Section 1 D.P. 328 and the whole of the land in Certificate of Title Volume 232 Folio 238.

SECOND SCHEDULE

All that piece or parcel of land situated as aforesaid having an area of 37 perches with a frontage of 120 feet to Norton Street a depth along Marlborough Street of 94 feet and a rear boundary on the west of 105 feet being Lot 1 on plan of Subdivision approved by the Council of the Municipality of Leichhardt.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 18th day of December, 1962.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

18/12/1962.

HUGH SYDNEY,  
Archbishop of Sydney.