

*Kiama Land Leasing.*

211899

AN ORDINANCE to authorise the leasing of certain lands situated at Kiama, in the County of Camden, and Colony of New South Wales, and to provide for the application of the rents and profits thereof.

*(Assented to 21 September. 1899.)*

WHEREAS by Crown Grant bearing date the thirtieth day of May, in the year of our Lord one thousand eight hundred and forty-four, under the hand of Sir George Gipps, Knight, then Captain-General and Governor-in-Chief of the territory of New South Wales, the land set out in the first Schedule hereto was granted unto the Right Reverend William Grant Broughton, Doctor in Divinity, Bishop of Australia, or the Bishop of Australia for the time being, as Sole Trustee upon trust for the erection thereon of a Church of the United Church of England and Ireland as by law established. And whereas by Crown Grant bearing date the first day of December, in the year of our Lord one thousand eight hundred and fifty-one, under the hand of Sir Charles Augustus FitzRoy, Knight, Companion of the Royal Hanoverian Guelphic Order, then Captain-General and Governor-in-Chief of the said territory of New South Wales, the land set out in the second Schedule hereto was granted unto the Right Reverend William Grant Broughton, the Lord Bishop of Sydney, and his successors Bishops of Sydney for ever upon trust for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established. And whereas by Crown Grant also bearing date the first day of December, in the year of our Lord one thousand eight hundred and fifty-one, under the hand of the said Sir Charles Augustus FitzRoy, the land set out in the third Schedule hereto was granted unto the Right Reverend William Grant Broughton, the Lord Bishop of Sydney, and his successors Bishops of Sydney for ever

---

*Kiama Land Leasing.*

---

as Sole Trustee upon trust for the appropriation thereof as the site of a Dwelling house, garden, and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland as by law established erected at Kiama, and now known as Christ Church. And whereas under and by virtue of the provisions of the "Sydney Bishopric and Church Act, 1887," the said lands are now vested in the Archbishop of Sydney. And whereas by reason of circumstances which have occurred since the creation of the said recited trusts, it is in the opinion of this Synod inexpedient that the trusts thereby created should be further carried out or observed, but that the said lands or portions of the same should be leased, and the rents and profits thereof be applied as hereinafter provided. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland (now known as and designated "The Church of England") within the Colony of New South Wales, and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains, declares, directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said recited trusts, it has become inexpedient to carry out or observe the particular purpose or purposes to which the said lands set out in the Schedules hereto are by the said trusts devoted. And it has become expedient to let the said lands on building or occupation leases for the purpose of obtaining income therefrom, to be applied in furtherance or aid of such substituted purposes as are hereinafter contained and set forth.

2. The whole or portions of the said lands set out in the Schedules hereto shall be demised freed from the trusts aforesaid to any person or persons or corporations

---

*Kiama Land Leasing.*

---

either for the purpose of building thereon or of rebuilding or repairing any existing buildings thereon or otherwise improving the same, or for the purposes of occupation. Provided that the term of any such lease or leases shall not exceed thirty years, to take effect in possession at such rent or rents and upon and subject to such terms, covenants and conditions as the Archbishop of Sydney or his Commissary for the time being, or in case the See be vacant the Administrator of the Diocese may deem expedient, so as there be reserved in every such lease the best rent that can reasonably be obtained for the same having regard to the nature of the covenants entered into by the Lessee without any fine or premium for the making thereof, and so as there be contained in every such lease a covenant that every Lessee of any part or parts of the said land shall not use or cause or permit to be used the premises erected or placed on any part of the land mentioned or described in any such lease or leases for the purposes of carrying on the trade or business of a publican, distiller, brewer, wine, ale or beer seller, or any dangerous, noxious, or offensive trade or business whatsoever. And also that any and every such Lessee shall not use or cause or permit to be used the said premises for Sunday trade in any form. And that every such lease or leases shall contain a condition for re-entry by the Lessor or Lessors for non-payment of rent by the Lessee or Lessees within a reasonable time to be therein specified, or for the breach, non-performance, or non-observance of any of the covenants and conditions therein contained, and so as the Lessee or Lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved. Provided further that any portion or portions of the said lands may be demised otherwise than upon building lease or leases and for a term or separate terms each not exceeding one year upon the Lessee executing such lease and entering into such covenants as the said Archbishop of Sydney or his Com-

---

*Kiama Land Leasing.*

---

missary for the time being, or in case the See be vacant then the Administrator of the Diocese shall having regard to the circumstances deem sufficient.

3. The Archbishop of Sydney is hereby appointed to receive from the Lessee or Lessees the rents and profits payable or derivable under any such lease or leases as aforesaid, and (after payment thereof of the expenses of and incidental to this Ordinance and the said leases or leases) shall apply the same in or towards the maintenance, repair, and improvement, of Christ Church, Kiama, aforesaid, and of the School House and Minister's dwelling house annexed thereto, and shall pay any moneys not so required to be applied as aforesaid to the Minister and Churchwardens for the time being of the said Parish of Christ Church, Kiama, to be applied by them for such general purposes in connection with the said Church and Parish as they shall deem expedient.

4. This Ordinance shall be styled and cited as the "Christ Church, Kiama, Lands Leasing Ordinance of 1899."

#### FIRST SCHEDULE.

All that piece or parcel of land containing by admeasurement one acre be the same more or less, situated in the County of Camden and Parish of Kiama, Town of Kiama, allotments numbers three and four of section number three, commencing at the Northernmost corner of allotment number five on Manning-Street, and bounded on the West by Manning Street, being a line bearing North twenty-seven degrees East two chains on the North by Bong Bong Street, being a line bearing South sixty-three degrees East five chains on the East by allotment number two, being a line bearing South twenty-seven degrees West two chains, and on the South by allotment number five, being a line bearing North sixty-

---

*Kiama Land Leasing.*


---

three degrees West five chains to the Northernmost corner of allotment number five on Manning Street as aforesaid (advertised as number seventy-eight in the Government Notice dated twenty-second January, 1844).

---

 SECOND SCHEDULE.
 

---

All that piece or parcel of land containing by admeasurement two roods be the same more or less, situated in the County of Camden and Parish of Kiama, Town of Kiama, allotment number two of section number seventeen bounded on the North by allotment number three, being a line bearing North sixty-three degrees West five chains, on the West by allotment number seventeen, being a line bearing South twenty-seven degrees West one chain, on the South by allotments numbers one and twenty, being a line bearing South sixty-three degrees East five chains and on the East by Shoalhaven Street bearing North twenty-seven degrees East one chain (advertised as number sixty-nine in Government Notice dated twenty-fourth October, 1851).

---

 THIRD SCHEDULE.
 

---

All that piece or parcel of land containing by admeasurement two roods be the same more or less, situated in the County of Camden, and Parish of Kiama, Town of Kiama, allotment number three of section number seventeen, bounded on the North by allotment number four, being a line bearing North sixty-three degrees West five chains, on the West by allotment number sixteen, being a line bearing South twenty-seven degrees West one chain on the South by allotment number two, being a line bearing South sixty-three degrees East five chains, and on the East by Shoalhaven Street bearing North twenty-seven degrees East one chain (advertised as number seventy in the Government Notice dated twenty-fourth October, 1851.)