

S. Thomas, Balmain.

571909

AN ORDINANCE to authorise the leasing of certain lands situated at Balmain in the County of Cumberland and to provide for the application of the rents income and profits thereof.

WHEREAS Benjamin Goodwin Robert Spooner and John Cooper Waterman all of Sydney Gentlemen (hereinafter called the Trustees) are the registered proprietors of the lands described in Certificate of Title under the provisions of the Real Property Act registered Volume 165 Folio 86 which includes the lands described in the schedule hereto. AND WHEREAS the said lands are held upon Trust for the purposes of public worship in connection with the Church of England and subject to the regulations (so far as they may be applicable) contained in the Sydney Church Ordinance or any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first-mentioned Ordinance. AND WHEREAS a sufficient area of land has been set aside for the use and purpose of a Church Rectory and Schoolroom. AND WHEREAS The Local Government Act 1906 has effected a change in the mode of rating lands and the rates payable to the Council of the Municipality of Balmain in which municipality the said land is situated have since the said Act largely increased and there is a probability of an increase in the amount thereof. AND WHEREAS it has become impossible to raise a proper and adequate revenue from the said lands for the purpose of the said Trust without the power of leasing the said lands in manner 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 Church of England within the State of New South Wales and of all powers vested in the said Synod by The Church of England Property Act of 1889 or by other Act power or authority enabling it in that behalf ordains declares rules directs and appoints as follows:—

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

2. The said lands or any portion or portions thereof shall be vested in the Church of England Property Trust Diocese of Sydney and thereafter may at any time and from time to time be demised or leased freed from the

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trusts aforesaid upon building or occupation leases or for such other suitable purpose or purposes as the said Corporate Body with the consent of the Rector and a majority of the Churchwardens for the time being of the said Church with the sanction of the Bishop of the Diocese may determine with power for the said Corporate Body with the like consent to lay out and dedicate roads upon and through the said lands or any part thereof. PROVIDED that the term of any such lease or leases shall not exceed fifty years to take effect in possession at such rent or rents and upon and subject to such terms covenants and conditions as the said Corporate Body with the like consent may deem expedient but so as there be reserved in every such lease or leases the best rent or rents fixed varying or progressive that can reasonably be obtained for the same having regard to the nature of the covenants entered into by the lessee without taking any fine or premium for the making thereof and so as there be contained in every such lease a covenant on the part of every lessee his executors administrators and assigns that he and they shall not use or cause or permit to be used the demised premises or any part or parts thereof for the purpose of carrying on the trade or business of a publican distiller brewer or seller of wines ales beers or spirituous liquors or any dangerous noxious or offensive trade whatsoever and also that every and any such lessee his executors administrators or assigns shall not use or cause or permit to be used the demised premises for Sunday trade in any form. And every such lease shall contain a condition for re-entry by the lessor or lessors in the event of any default being made in payment of the rent by the lessee or lessees at the times and in manner provided by such lease or in the event of 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 of every such lease and do covenant for payment of the rent thereby reserved.

3. The said Corporate Body is hereby appointed to receive from the lessee or lessees the rents payable under any such lease or leases and after deducting the expenses connected with the administration of the said Trust they shall pay the balance to the Rector and Churchwardens for the time being of the said Church of S. Thomas who with the approval of the Parochial Council if any of the said Church shall apply the same after payment thereof of the expenses of and incidental to this Ordinance and the said lease or leases and the execution of the said Trust and all other necessary outgoings and the amounts due and to become due by the Parish of S. Thomas Balmain West for Synd assessments and Registry expenses from time to time for all or any of the purposes

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hereinafter mentioned that is to say in or towards the maintenance and repair of the buildings erected or to be hereafter erected on the said lands and in and towards the repairing improving or making additions to such buildings or the out-houses fences easements or appurtenances thereof and in or towards the payment of any debt upon or in respect of the Church property and shall apply all such moneys arising from the said lease or leases as shall not be required for the purposes aforesaid to such general purposes in connection with the said Parish as the said Rector and Churchwardens may determine.

4. This Ordinance shall be styled and cited as the "S. Thomas', Balmain West (Rozelle) Land Leasing Ordinance 1909."

SCHEDULE.

ALL that piece or parcel of land situated at Rozelle, Balmain in the Parish of Petersham County of Cumberland and State of New South Wales being part of one acre one rood five perches comprised in Certificate of Title dated the twenty-fifth day of August One thousand eight hundred and seventy-three registered Volume 166 Folio 56 commencing at a point on the North Eastern side of Weston Road distant 131 degrees 30 minutes for 132 feet from the intersection of the 1st Eastern side of Weston Road with the South Eastern side of Darling Street both as aligned and bounded thence towards part of the South West by the North Eastern side of Weston Road bearing 311 degrees 30 minutes for 111 feet thence towards the remainder of the South West by the land resumed by the Crown for Tramway purposes being a line bearing 348 degrees 0 minutes for 31 feet 5 inches thence towards the North West by the South Eastern side of Darling Street bearing 24 degrees 30 minutes for 84 feet thence towards the North East by a line bearing 132 degrees 56 minutes for 160 feet 10½ inches and thence towards the South East by a line bearing 221 degrees 30 minutes for 95 feet to the point of commencement containing by admeasurement 1 rood 11 perches be the abovementioned several dimensions all a little more or less.

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

EDW. H. ROGERS,
Chairman of Committee.

We certify that the Ordinance was passed this 9th day of December, 1909.

A. G. STODDART, | *Secretaries of*
W. R. BEAVER, | *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

16th December, 1909.