
C.E.N.E.F. Memorial Centre Leasing Ordinance 1951.

No. 5, 1951.

AN ORDINANCE to authorise the leasing of part of the Basement of the C.E.N.E.F. Memorial Centre, 201 Castlereagh Street, Sydney, and to provide for the application of the rents income and profits thereof.

WHEREAS premises known as No. 201 Castlereagh Street, Sydney, are erected upon the land' comprised in Certificate of Title Volume 5602 Folio 137. AND WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) is the registered proprietor of the said land. AND WHEREAS by Declaration of Trust dated the Fourth day of July One thousand nine hundred and forty six the Corporate Trust did declare that it held the said land and promises upon trust for the Church of England National Emergency Fund in the Diocese of Sydney (hereinafter called the Fund) to be used and applied for such purposes of that Fund as long as the Council of the Fund might so require or determine and thereafter or in default of such requirement or determination for the use benefit or purposes of the Church of England in the Diocese of Sydney as the Synod might by Ordinance determine. AND WHEREAS the said premises are Church Trust Property and are now used and applied for the purposes of the said Fund. AND WHEREAS it is expedient to lease portion of the Basement of the said premises and to apply the rents profits and income from such lease for the purposes of the said Fund. AND WHEREAS by reason of circumstances subsequent to the creation of the said Trusts it has become inexpedient to carry out or observe such Trusts in their entirety. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said Trusts upon which the land and buildings erected thereon comprised in the First Schedule hereto are held it has become inexpedient to carry out or observe the same to the extent to which they are hereinafter varied.

2. The said Trusts are hereby varied to permit the said Corporate Trust to lease the part of the said premises now par-

ticularly described in the Second Schedule hereto freed from the trusts aforesaid to one Frank Austin Pallin for the term of Five (5) years commencing from a date to be determined by the parties such lease to contain covenants (a) that the Lessee shall at his own costs and expense carry out the necessary structural alterations to partition off the portion of the premises to be let to extend the mechanical ventilation and otherwise make the premises fit for his occupation such alterations and additions to be carried out to the satisfaction of the Lessor's Architect, (b) that the said premises shall not be used nor permitted to be used for the purpose of carrying on the trade or business of a publican distiller brewer wine ale or beer seller or any dangerous or noxious or offensive trade, (c) that the Lessee shall not use or permit to be used the said premises or any part thereof for Sunday trading or amusement in any form, (d) that there shall be a condition for re-entry by the Lessor for non-payment of rent within a reasonable time to be therein specified or on the breach or non-performance or non-observance of any of the covenants therein contained, (e) a covenant for payment of rent as follows:—At the rate of Two hundred and sixty pounds (£260) per annum from the commencement of the lease until the date of commencement of trading by the Lessee and thereafter at the rate of Four hundred and sixteen pounds (£416) per annum payable by weekly payments of Five pounds (£5) and Eight pounds (£8) respectively in advance, (f) that such lease shall be subject to such further covenants provisions conditions and agreements as the said Corporate Trust shall deem proper.

3. The rents profits and income payable in respect of any lease effected in pursuance of this Ordinance shall subject to the rights of any Mortgagee of the said premises be paid to the Board of Management of the said Church of England National Emergency Fund to be used and applied by it for such purposes of the said Fund as the said Board may determine.

4. This Ordinance shall be styled and cited as the "C.E.N.E.F. Memorial Centre Leasing Ordinance 1951."

FIRST SCHEDULE.

All that piece or parcel of land containing an area of Twenty-three (23) perches situated in the City of Sydney Parish of St. Lawrence County of Cumberland being the whole of the

land comprised in Certificate of Title Volume 5602 Folio 137 upon which is erected the building known as No. 201 Castlereagh Street, Sydney.

SECOND SCHEDULE.

All that part of the Basement of the premises known as No. 201 Castlereagh Street, Sydney, erected on the land comprised in Certificate of Title Volume 5602 Folio 137 such part comprising an area of approximately 1180 square feet having a width of about Thirty-six (36) feet by length along and adjacent to the Northern wall of the said Basement of about Forty-four (44) feet (excluding the area of the lift pit) with a splay of about eighteen (18) feet on the South-western corner of the said area.

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

(Sgd.) ARTHUR L. WADE,

Deputy Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Second day of April, 1951.

(Sgd.) H. V. ARCHINALL

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY

3/4/1951