
*St. John's Darlinghurst Vesting and
Leasing Ordinance, 1962.*

No. 49, 1962.

AN ORDINANCE to vest and authorise the leasing of certain land at Darlinghurst in the Parish of Alexandria County of Cumberland and to provide for the application of the monies received therefrom.

WHEREAS the land described in the First Schedule hereto was on the Twenty-eighth day of October 1857 granted to the Right Reverend Frederick Barker Lord Bishop of Sydney and his successors Bishops of Sydney for ever to hold the same ON TRUST for the erection of a Church of the United Church of England and Ireland AND WHEREAS The Saint John's Parsonage Act of 1866 authorised the erection of a parsonage on the said land AND WHEREAS the land described in the Second Schedule was on the Twenty-seventh day of March 1850 granted to 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 AND WHEREAS both the aforementioned parcels of land are Church trust property held for the sole benefit of the Parish of St. John Darlinghurst AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is entitled to be registered as owner of the said lands and it is expedient that the same be vested in such Corporate Trustee and the Trusts of the said land be re-declared AND WHEREAS it is expedient that part of the said land more particularly described in the Third Schedule hereto be leased and a new Parish Hall be erected on and the Church and Rectory renovated and repaired and the net proceeds of such leasing be applied towards the cost thereof and for the purposes of the said Parish generally 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. That the land described in the First and Second Schedules hereto be and the same is hereby vested in the Corporate Trustee upon trust to permit the same to be used for a Church, Parsonage and Parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. John Darlinghurst.

2. By reason of circumstances which have arisen subsequent to the Trusts upon which the lands in the First and Second Schedules

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hereto are held it is inexpedient to carry out and observe the same so far as that part thereof described in the Third Schedule is concerned and it is expedient that the land in the said Third Schedule be leased as hereafter set out.

3. The Corporate Trustee is hereby authorised to lease the land in the Third Schedule hereto for a term not exceeding Twenty years upon the following conditions:

- (a) The Lessee shall erect a building and improvements for use as a Service Station according to Plans and Specifications approved by the Lessor.
- (b) Payment of an advance of Twenty thousand pounds (£20,000) upon execution of the lease, a further advance payment of Thirty thousand pounds (£30,000 plus a lump sum to be determined on account of municipal rates on the lessee receiving vacant possession and an annual rental of One thousand five hundred pounds (£1,500).
- (c) Payment by the Lessee of rates, insurance and other outgoings on the said land other than land tax and Municipal Rates.
- (d) The premises not to be used for trading on Sundays, including the use of automatic vending machines.
- (e) No spray painting panel beating duco spraying or major repairs to be done on the premises.
- (f) No option for renewal to be given.
- (g) The Lessee to erect a suitable ornamental wall not less than seven (7) feet high between the land leased and the Church.
- (h) The premises not to be used for the sale or consumption of wine, beer, ale or spirituous liquors of any description.
- (i) Payment by the Lessee of the costs charges and expenses of and incidental to this Ordinance and any lease in pursuance thereof.
- (j) The premises to be used only for purposes of a Petrol Station and appurtenances and amenities and parking area in connection therewith.
- (k) A covenant to keep in good repair and deliver up in the same condition at the expiration of the Lease.
- (l) A Proviso for re-entry on non payment of rent or non-performance of covenants and conditions.

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(m) Such other covenants and conditions as may be approved and required by the Corporate Trustee.

PROVIDED THAT Standing Committee by resolution may vary any of the conditions contained in this Clause 3.

4. The Churchwardens of St. John's Darlinghurst are hereby authorised upon notice from the Lessor of the signing of the said Lease to arrange for the demolition or removal of the Parish Hall on the said land at the expense of the Lessee.

5. The Corporate Trustee shall apply the advance payments to be paid in respect of the said lease to the Churchwardens for the time being of St. John's Church Darlinghurst to be applied by them firstly as to any lump sum paid in respect of rates to a special account with power to invest the same and apply income and capital towards payment of municipal rates towards the capital expenditure on the leased land, secondly of building a new Parish Hall the repair and renovation of the Church and Rectory and the furniture furnishings and fittings therein and obtaining vacant possession and renovation of "St. John's Villa" and the balance shall be invested in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" as amended and the income from such investments together with the annual rental payable under the Lease shall subject to the payment thereof of £500 per annum towards the stipend of a Chaplain appointed by the Archbishop for hospitals work within or adjacent to the said Parish, be paid to the Churchwardens of the said Church whose receipt shall be sufficient discharge and applied by them for general parochial purposes in connection with such Church of St. John's Darlinghurst.

6. This Ordinance may be cited as "St. John's Darlinghurst Vesting and Leasing Ordinance 1962."

THE FIRST SCHEDULE

All that piece or parcel of land in Our said Territory, containing by Admeasurements Three roods, Thirty seven perches and three quarters of a perch, be the same more or less, situated in the County of Cumberland and Parish of Alexandria, City of Sydney at Darlinghurst, commencing on the West Side of Victoria Street at the South East corner of the Church of England School allotment and bounded on the east by Victoria Street bearing south three chains and eighty links; on the South by a line bearing West two chains fifty nine links and one half link to Brougham Street; on the

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West by Brougham Street bearing North three chains and eighty links, and on the North by the South boundary of the School allotment aforesaid being a line bearing East two chains fifty nine links and one half link to the point of commencement. Advertised in the Government Notice dated 5th March, 1857.

THE SECOND SCHEDULE

All that piece or parcel of land in Our said Territory containing by admeasurement, one rood fourteen and one half perches be the same more or less, situated in the County of Cumberland and Parish of Alexandria at Woolloomooloo City of Sydney, commencing at the North East corner of the Church allotment, and bounded on the East by Victoria Street northerly one chain thirty three and one half links; on the North by Westerly line of two chains and Sixty links to Brougham Street; on the West by that Street southerly one chain thirty links; and on the South by an easterly line of two chains fifty nine and one half links, dividing it from vacant land and from the Church allotment, to the commencing corner aforesaid.

THE THIRD SCHEDULE

All that piece or parcel of land containing about 1 rood 12 perches being part of the land in Crown Grants of 28th October 1857 and 27th March, 1850 for Church, parsonage and school situated in the City of Sydney Parish of Alexandria County of Cumberland State of New South Wales, commencing at a point on the Western alignment of Victoria Street bearing 1 degree 3 minutes and distant 383 feet 5 inches from the intersection of the western alignment of that street with the northern alignment of Liverpool Street and bounded thence on the east by part of the aforesaid western alignment of Victoria Street being a line bearing 1 degree 3 minutes for 123 feet to the south eastern corner of land comprised in Primary Application No. 28790 on the north by the southern boundary of the land comprised in that Application being a line passing along the southern face of a brick wall bearing 269 degrees 31 minutes 30 seconds for 125 feet 8½ inches to the south eastern alignment of Darlinghurst Road as fixed 10 feet south east of a very old stone kerb on the north west by part of the south eastern alignment of Darlinghurst Road by lines bearing consecutively 196 degrees 27 minutes for 4 inches, 196 degrees 1 minute for 96 feet 6¼ inches and 194 degrees 28 minutes 30 seconds for 3

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feet 1¾ inches and on the south west by lines bearing consecutively 92 degrees 17 minutes for 119 feet 5 inches and 123 degrees 37 minutes for 38 feet to the point of commencement be the said several dimensions all a little more or less.

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.

o 18/12/1962.

HUGH SYDNEY,
Archbishop of Sydney.