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*St. Luke's Liverpool Dedication and Leasing Ordinance, 1961.*

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No. 2, 1961.

AN ORDINANCE to authorise the dedication and the leasing of certain lands at Liverpool in the Municipality of Liverpool Parish of St. Luke County of Cumberland and to provide for the application of the rents and profits therefrom.

WHEREAS by Crown Grant dated the 19th day of September 1842 registered in the Register of Grants of the United Church of England and Ireland No. 78 page 19 certain lands containing a total of forty acres as more particularly described in the said Crown Grant were granted to the Right Reverend William Grant Broughton Doctor of Divinity Bishop of Australia or the Bishop of Australia for the time being Thomas Valentine Blomfield Joshua John Moore and Richard Sadlier upon trust for the appropriation thereof as a glebe annexed to the Church of England and Ireland as by law established erected at Liverpool and known as St. Luke's. AND WHEREAS the said lands are Church Trust Property vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) upon the aforesaid trusts.

AND WHEREAS by Ordinance No. 9, 1930, entitled St. Luke's Liverpool Sale Ordinance 1930 certain portions of the said land namely twenty acres thereof more particularly described in the first part of the schedule to the said Ordinance, 14 acres 2 roods, 35 perches more particularly described in the second part of the Schedule to the said Ordinance and also that portion more particularly described in the fourth part of the Schedule to the said Ordinance were authorised to be and have been sold by the Corporate Trustee.

AND WHEREAS the residue of the said lands namely 5 acres, 1 rood and 5 perches, as more particularly described in the third part of the schedule to the said Ordinance is still held by the Corporate Trustee on behalf of the Parish of St. Luke, Liverpool.

AND WHEREAS a certain plan of sub-division dated the 4th day of November 1960 of the said residue has been duly prepared by Mr. Surveyor Walter Ross Hardy to sub-divide the said land into Lots A and B.

AND WHEREAS the Council of the Municipality of Liverpool have duly approved the said sub-division subject however to the dedication to the public for road purposes of the splayed corners of the said land as shown on the said plan of sub-division as more fully described in the first schedule hereto.

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AND WHEREAS it is proposed to lease Lot A containing 3 acres 1 rood and 19½ perches more particularly described in the second schedule hereto for a term of thirty (30) years to Woolworth's Limited.

AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such Lot A is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient to vary such trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained.

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 lands described in the said first and second schedules are held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby varied and it is expedient:-

(i) That the land described in the first schedule hereto be dedicated to the public for road purposes.

(ii) That the land described in the second schedule hereto be leased.

2. The Corporate Trustee is hereby authorised to dedicate the said land described in the first schedule hereto to the public for road purposes freed from the said trusts.

3. The Corporate Trustee is hereby authorised to lease the said land described in the second schedule hereto for a term not exceeding thirty (30) years and subject to the following provisions:-

(a) The lessee will forthwith erect a building and improvements for use as a retail store according to the plans and specifications approved by the lessor at a cost of not less than forty-five thousand pounds (£45,000) in labour and materials without tenant rights to the lessee in the said building improvements.

(b) Payment by the lessee of an annual rental of four thousand seven hundred pounds (£4,700) which shall be subject to reappraisal but by way of increase only at the expiration of the tenth and twentieth years of the term.

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- (c) Payment by the lessee of rates land tax insurance and other outgoings or charges on the said land.
- (d) Premises not to be opened or used for Sunday trading.
- (e) Premises not to be used for the sale of intoxicating liquor of any description.
- (f) Premises to be used only for the purposes of carrying on the business of a retail food market and variety chain store or other business in conformity with the nature of its business conducted in its general chain of stores and for offices staff rooms store rooms and car parks in connection with such business.
- (g) A covenant not to assign transfer demise sublet or part with possession of the demised premises without the consent of the Corporate Trustee.
- (h) Payment by the lessee of costs charges and expenses of and incidental to this Ordinance and the said lease and all fees payable to Messrs. Jones Lang Wootton & Sons in accordance with the Scale of the Real Estate Institute of New South Wales.
- (i) A covenant to keep in good repair and to deliver up in the same condition at the expiration of the lease.
- (j) A proviso for re-entry on non-payment of rent or non-performance of the covenants and conditions.
- (k) A covenant by the lessor with the lessee for quiet enjoyment.
- (l) A covenant by the lessor with the lessee for the right of the lessee to remove at the expiration of the term or within a reasonable term thereafter plant machinery utensils shelving counters and other things in the nature of trade or tenants fixtures with the proviso to make good any damage occasioned in such removal.
- (m) Such other covenants and conditions as may be approved and required by the Corporate Trustee.

4. The Corporate Trustee is hereby authorised to execute such documents as may be necessary to dedicate the land in the first schedule to the public for road purposes and for vesting the same in the Council of the Municipality of Liverpool for such purposes.

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5. The Corporate Trustee shall apply the rents to be paid in respect of the said lease as follows:-

- (a) In repayment to the Churchwardens for the time being of the Parish of St. Luke Liverpool of so much of the annual Diocesan General and Special Purposes Assessments paid by the said Parish as is applicable to the rental arising from such lease.
- (b) In respect of ten per centum (10%) of the annual balance of such rent to the Churchwardens for the time being of the Parish of St. Luke Liverpool to be applied in such manner and for such purposes as the said Parish Council of the said Parish may determine.
- (c) In respect of the balance of such rental to the Churchwardens for the time being of the Parish of St. Luke Liverpool to be applied by them towards such capital expenditure in the Parish of St. Luke Liverpool as the Parish Council of such Parish may determine PROVIDED that should the Parish of St. Luke, Liverpool, be subdivided by the formation of any new Provisional District, Provisional Parish or Parish during the currency of the said lease some part of the said rental shall be allocated to such Provisional District, Provisional Parish or Parish in such manner as the Standing Committee may by Ordinance determine.

6. This Ordinance may be cited as St. Luke's Liverpool Dedication and Leasing Ordinance, 1961.

**THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.**

ALL THAT piece of land containing  $\frac{3}{4}$  perch being part of Section 38 of the Town of Liverpool as shown on a plan signed by Mr. Surveyor Ross Hardy dated 4/11/60 situated in the Municipality of Liverpool Parish of St Luke County of Cumberland and State of New South Wales COMMENCING at the intersection of the north eastern alignment of Elizabeth Street with the south eastern alignment of Northumberland Street and bounded thence on the north west by part of the south eastern alignment of Northumberland Street being a line bearing 8 degrees 53 minutes for 30' 0", thence on the north east by part of the south western boundary of Lot B on abovementioned plan dated 4/11/60 being lines bearing 173 degrees 56 minutes for 15' 6", 144 degrees 02 minutes 20 seconds for 15' 6", and 114 degrees 08 minutes 30 seconds for 15' 6" to

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the north eastern alignment of Elizabeth Street and thence on the south west by part of the north eastern alignment of that street being a line bearing 279 degrees 11 minutes 40 seconds for 30' 0" to the point of commencement.

AND ALSO ALL THAT piece of land containing  $\frac{3}{4}$  perch being part of Section 38 of the Town of Liverpool as shown on a plan signed by Mr. Surveyor Ross Hardy dated 4/11/60 situated in the Municipality of Liverpool Parish of St. Luke County of Cumberland and State of New South Wales COMMENCING at the intersection of the south western alignment of Campbell Street with the south eastern alignment of Northumberland Street and bounded thence on the north west by part of the south eastern alignment of Northumberland Street being a line bearing 188 degrees 53 minutes for 30' 0" thence on the south east by part of the north western boundary of Lot A on abovementioned plan dated 4/11/60 being lines bearing 23 degrees 53 minutes 30 seconds for 15' 6 $\frac{1}{2}$ " 53 degrees 54 minutes 30 seconds for 15' 6 $\frac{1}{2}$ " and 83 degrees 55 minutes 30 seconds for 15' 6 $\frac{1}{2}$ " to the south western alignment of Campbell Street and thence on the north east by part of the south western alignment of that street being a line bearing 278 degrees 56 minutes for 30' 0" to the point of commencement.

AND ALSO ALL THAT piece of land containing  $\frac{3}{4}$  perch being part of section 38 of the Town of Liverpool as shown on a plan signed by Mr. Surveyor Ross Hardy dated 4/11/60 situated in the Municipality of Liverpool Parish of St. Luke County of Cumberland and State of New South Wales COMMENCING at the intersection of the south western alignment of Campbell Street with the north western alignment of Hume Highway and bounded thence on the south east by part of the north western alignment of Hume Highway being a line bearing 188 degrees 44 minutes 30 seconds for 30' 0" thence on the south west by part of the north eastern boundary of Lot A on abovementioned plan dated 4/11/60 being lines bearing 353 degrees 46 minutes 20 seconds for 15' 6 $\frac{1}{2}$ " 323 degrees 50 minutes 20 seconds for 15' 6 $\frac{1}{2}$ " and 293 degrees 54 minutes for 15' 6 $\frac{1}{2}$ " to the south western alignment of Campbell Street and thence on the north east by part of the south western alignment of that street being a line bearing 98 degrees 56 minutes for 30' 0" to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece of land containing 3 acres 1 rood 19 $\frac{3}{4}$  perches being part of Section 38 of the Town of Liverpool and being Lot A

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on the plan signed by Mr. Surveyor W. R. Hardy dated 4/11/60 situated in the Municipality of Liverpool Parish of St. Luke County of Cumberland and State of New South Wales COMMENCING at a point on the South Eastern alignment of Northumberland Street bearing 188 degrees 53 minutes and distant 30' 0" from the intersection of the South Eastern alignment of Northumberland Street with the South Western alignment of Campbell Street and bounded thence on the North West by part of the South Eastern alignment of Northumberland Street as widened being lines bearing 23 degrees 53 minutes 30 seconds for 15' 6½", 53 degrees 54 minutes 30 seconds for 15' 6½" and 83 degrees 55 minutes 30 seconds for 15' 6½" to the South Western alignment of Campbell Street thence on the North East by part of the South Western alignment of that Street being a line bearing 98 degrees 56 minutes for 234' 4½" thence on the North East by part of the South Western alignment of Hume Highway as widened being lines bearing 113 degrees 54 minutes for 15' 6½" 143 degrees 50 minutes 20 seconds for 15' 6½" and 173 degrees 46 minutes 20 seconds for 15' 6½" to the North Western alignment of Hume Highway thence on the South East by part of the North Western alignment of Hume Highway being a line bearing 188 degrees 44 minutes 30 seconds for 475' 10½" thence on the South West by the North Eastern boundary of Lot B on abovementioned plan dated 4/11/60 being a fenced line bearing 281 degrees 14 minutes 40 seconds for 295' 10½" to the South Eastern alignment of Northumberland Street and thence on the North West by part of the South Eastern alignment of that Street being a line bearing 8 degrees 53 minutes for 463' 11½" to the point of commencement.

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 27th day of February, 1961.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance

27/2/1961.

HUGH SYDNEY,  
Archbishop of Sydney.