
Christ Church Kiama Lands Leasing Amendment Ordinance
1952.

No. 19, 1952.

WHEREAS by the "Christ Church Kiama Lands Leasing Ordinance of 1899" provision was made for the leasing of certain lands more particularly described therein and the application of the rents and profits therefrom.

AND WHEREAS leases were granted from time to time in exercise of the said powers.

AND WHEREAS certain of the buildings and improvements erected on the lands so leased have fallen into disrepair.

AND WHEREAS by reason of circumstances which have arisen subsequent to the passing of the said Ordinance it has become expedient to amend the same.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains declares directs and rules as follows:—

1. (a) This Ordinance may be cited as the "Christ Church Kiama Lands Leasing Amendment Ordinance, 1952."
- (b) The "Christ Church Kiama Lands Leasing Ordinance of 1899" shall be referred to in this Ordinance as the Principal Ordinance.
- (c) The Principal Ordinance as amended by this Ordinance may be cited as the "Christ Church, Kiama Lands Leasing Ordinance 1899-1952."

2. By reason of circumstances subsequent to the passing of the Principal Ordinance it is expedient to amend the same and to provide for the sale of certain houses outbuildings and general improvements erected on part of the land described in the First Schedule to the said Ordinance.

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3. The Principal Ordinance is amended by inserting after the word "forth" in Clause 1 the following words "and to sell the houses outbuildings and general improvements erected on Lots 1, 2, 3 and 4 fronting Manning Street being part of the land described in the First Schedule hereto."

4. Clause 2 of the Principal Ordinance is deleted and the following clause substituted therefor—

"2. The whole or portion of the said lands set out in the Schedules hereto shall be demised freed from the trusts aforesaid to any person or persons or corporation, such demise as aforesaid to be either for the purpose of building thereon or of re-building or repairing any of the 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 Standing Committee of the Synod may by resolution approve and may contain an option that the said buildings or any of them erected on Lots 1, 2, 3 and 4 fronting Manning Street and being part of the land described in the first Schedule hereto may be sold to the Lessee or Lessees of such lands upon such terms and conditions and at such price or prices as the said Standing Committee may also by resolution approve and 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 Brewer Wine Ale or Beer Seller or any dangerous noxious or offensive trade or business whatsoever And also that every or any 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

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covenants and conditions therein contained and so as the Lessee or Lessees do execute a counter part 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 Standing Committee of Synod may by resolution approve.

5. Clause 3 of the Principal Ordinance is deleted and the following substituted therefor:—

"3. (a) The rents and profits derivable from any such Lease or Leases as aforesaid shall be paid to the Churchwardens of Christ Church, Kiama, and after payment thereof of the expenses of and incidental to this Ordinance and the said Lease or Leases and of the said sale or sales shall be applied in or towards the maintenance repair and improvement of Christ Church, Kiama, aforesaid and of the Schoolhouse and Minister's dwelling house and any moneys not so required shall be applied for such general purposes in connection with the said Church and Parish as the said Churchwardens shall deem expedient.

(b) (i) The purchase money arising from the sale or sales of the said houses outbuildings and general improvements together with any moneys received in consideration for any option or options shall be paid to the Church of England Property Trust of the Diocese of Sydney and except as provided by Paragraph (ii) hereunder shall be held in trust to invest both as to capital and income until the expiry of the lease or leases and thereafter the resultant amount shall be paid as may be required to the said Churchwardens for use in the development of the land described in the first schedule or for such other purposes in connection with the said Parish as the said Standing Committee may by resolution determine.

(ii) One half of the purchase money mentioned in the preceding paragraph hereof shall be paid to the said Churchwardens for the repair of the Rectory, and such amount shall be repaid by them by equal annual instalments during the period of the lease or leases with interest at the rate of $3\frac{1}{2}\%$ per annum to the said Property Trust which shall hold such moneys upon the

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same trust and for the same purposes as provided by Paragraph (i) hereof.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of November, 1952.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

28/11/1952.