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*St. Luke's Dapto Leasing Ordinance, 1960.*

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No. 38, 1960.

AN ORDINANCE to authorise the leasing of certain land at Dapto in the City of Greater Wollongong Parish of Calderwood County of Camden and to provide for the application of the premium rents and profits therefrom.

WHEREAS by Ordinance No. 6, 1946, entitled Dapto with Albion Park Vesting and Sale Ordinance, 1946, certain land containing forty acres described in Conveyance dated 24th February, 1853, Registered No. 518 Book 26 was vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS the said land was held for the use and on behalf of the Church of England in the Parish of Dapto with Albion Park AND WHEREAS portion of the said land namely Lot B of a sub-division thereof as more fully described in the Schedule to the said Ordinance was authorised to be sold AND WHEREAS the residue namely Lot A of such sub-division is still held by the Corporate Trustee on behalf of the said Parish and has by a recent sub-division approved by the Council of the City of Greater Wollongong been further sub-divided into Lots C and D AND WHEREAS it is proposed to lease Lot C containing three acres more particularly described in the Schedule hereto for a term of thirty years to Woolworths Limited AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such Lot C is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied or to apply the premium hereinafter described wholly for the use or benefit of the said Parish but it is expedient to apply portion of the premium to be paid as a consideration for the said lease to purposes outside the said Parish 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 land described in the Schedule hereto is held it is expedient that the said land be leased.

2. The Corporate Trustee is hereby authorised to lease the said land for a term not exceeding thirty years and subject to the following provisions:—

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- (a) The lessee shall erect a building and improvements for use as a retail store according to plans and specifications approved by the lessor.
- (b) Payment of a premium of Twenty-one thousand pounds (£21,000) and an annual rental of Two thousand five hundred pounds (£2,500) which shall be subject to re-appraisal but by way of increase only at the expiration of the tenth and twentieth years of the term.
- (c) Payment by the lessee of rates, land tax, insurance and other outgoings or charges on the said land.
- (d) Payment of the sum of Two hundred pounds (£200) towards the cost of removing the weatherboard hall now on the land.
- (e) Reservation in favour of the lessor of a right of carriage-way over a strip 30' wide along and within the south-western boundary of the land.
- (f) Satisfactory screening along the south-eastern boundary of the land.
- (g) The premises not to be used for Sunday trading except with the consent and to the extent permitted by resolution of Standing Committee of Synod.
- (h) The premises not to be used for the sale of wine, beer, ale or spirituous liquors of any description.
- (i) The premises to be used only for the purpose of a retail general store appurtenances and amenities and parking area in connection therewith.
- (j) Payment by the lessee of the costs charges and expenses of and incidental to this Ordinance and any lease in pursuance thereof and of the fees payable to Messrs. Jones, Lang, Wootton and Sons in accordance with the scale of the Real Estate Institute of New South Wales.
- (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.

3. The Churchwardens of St. Luke's Dapto are hereby authorised to remove from the land to be leased the existing weatherboard hall thereon to another site.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in such Schedule is held it is inexpedient to carry out and observe the same to the extent to which, such trusts are hereby varied, or to apply the premium to be paid in respect of the lease wholly for the use or benefit of the said Parish of Dapto but it is expedient that part of the said premium be applied to purposes outside the said Parish.

5. The Corporate Trustee shall apply the premium to be paid in respect of the lease as follows:—

The sum of One thousand pounds (£1,000) shall be paid to each of the following namely:—

The Illawarra Chesalon Home, the Illawarra Grammar School, the West Kembla New Rectory Fund and the balance to the Churchwardens for the time being of St. Luke's Dapto to be applied by them towards such capital expenditure in the Parish of Dapto with Albion Park as the Parish Council of such Parish may determine.

6. The Corporate Trustee shall apply the rents to be paid in respect of the lease as follows:—

- (i) In respect of the first ten (10) years to the said Churchwardens to be applied by them in the same way as the balance of the said premium.
- (ii) In respect of the balance of the term in such manner and for such purposes as Standing Committee by Ordinance upon the application of the Parish Council of the said Parish may determine.

7. This Ordinance may be cited as "St. Luke's Dapto Leasing Ordinance 1960."

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**SCHEDULE.**

All that piece of land containing 3 acres being part of Lot A as shown on Miscellaneous Plan of Sub-division (O.S.) Registered No. 5875 and being Lot C on a plan signed by Mr. Surveyor Ross Hardy dated 18/8/60 situated at Dapto in the City of Greater Wollongong Parish of Calderwood County of Camden and State of New South Wales Commencing at a point on the south eastern alignment of Princes Highway bearing 21 degrees 35 minutes 50 seconds and distant 199' 9½" from the intersection of the south eastern alignment of Princes Highway with the south western alignment of Byamee Street and bounded thence on the north east by part of the south western boundary of land in Section 63 Deposited Plan 3773 being a line passing along the south western face of a wall and along a fence bearing 113 degrees 17 minutes 40 seconds for 348' 2¼" thence on the south east by the north western boundary of Lot D on abovementioned plan dated 18/8/60 being a line bearing 20 degrees 18 minutes 50 seconds for 376' 2¼" thence on the south west by part of the north eastern boundary of the Dapto Show Ground being a line bearing 114 degrees 02 minutes 30 seconds for 350' 0" to the south eastern alignment of Princes Highway and thence on the north west by part of the south eastern alignment of Princes Highway being lines bearing 20 degrees 18 minutes 50 seconds for 316' 6¼" and 21 degrees 55 minutes 50 seconds for 55' 1" to the point of commencement subject to a Right of Way 30' 0" wide along the south western boundary from Princes Highway to Lot D at rear.

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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 28th day of November, 1960.

**W. L. J. HUTCHISON,**

Secretary.

I assent to this Ordinance.

**HUGH SYDNEY,**

Archbishop of Sydney.

28/11/1960.

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William Andrews Printing Co. Pty. Ltd., 96 May Street, St. Peters