
*St. David's Surry Hills Variation of Trust and
Leasing Ordinance 1965*

No. 14, 1965.

AN ORDINANCE to vary the trusts and to authorise the leasing of St. David's Church Surry Hills and for purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") by virtue of Deed of Consent of Trustees dated 3rd day of August 1897 Registered No. 475 Book 605 is seized of the land upon which is erected St. David's Church Surry Hills more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held upon trust for the benefit of the members of the Church of England who shall from time to time reside within the Parish or District known as St. David's Surry Hills and to permit the building erected thereon to be used as a Church as more particularly set forth in Indenture of Conveyance dated 5th day of October 1886 Registered No. 323 Book 350 AND WHEREAS no services have for some considerable time been held in the said Church of St. David's Surry Hills AND WHEREAS it is proposed to lease the said Church to the Reformed Church of Sydney for the purpose of worship and religious instruction by that Church AND WHEREAS it is inexpedient to carry out and observe the trusts upon which the said land is now held AND WHEREAS it is expedient that such trusts be varied and that such land be leased 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 inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient that the said land be leased as hereinafter set out.

2. The Corporate Trustee is hereby authorised to lease the land described in the Schedule for a term of five (5) years upon such conditions and stipulations as it may think fit including the following:-

- (a) The payment of an annual rent of not less than Six hundred pounds (£600) payable quarterly in advance.
- (b) The Lessee to pay charges insurance and other outgoings in respect of the land and the building.
- (c) The premises shall not be used for any purposes other than for the purpose of worship and religious instruction.

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(d) Not to assign or sub-let.

(e) A covenant to keep in good repair and to deliver up in good condition at the expiration of the lease.

(f) A proviso for re-entry on non-payment of rent or non-performance of covenants and conditions.

3. The rent payable in respect of the said lease shall be used by the Corporate Trustee for general parochial purposes within the parish in which such Church is situated.

4. This Ordinance may be cited as "St. David's Surry Hills Variation of Trust and Leasing Ordinance 1965."

SCHEDULE HEREINBEFORE REFERRED TO

All that parcel of land situate on the Surry Hills in the parish of Alexandria County of Cumberland and Colony of New South Wales be the hereinafter mentioned several dimensions a little more or less being part of block G twenty two of the Riley Estate Surry Hills aforesaid and containing by admeasurement thirty two perches more or less commencing at the intersection of the northern side of Arthur (late Church) Street with the eastern side of a lane ten feet wide the said intersection being distant one hundred feet easterly from the intersection of Riley Street with Arthur Street and bounded thence towards the West of the eastern side of the land ten feet wide aforesaid bearing northerly one hundred and twenty feet three inches to its intersection with Collins Lane thence towards the North by Collins Lane bearing easterly seventy one feet ten inches thence towards the East by the Western boundaries of the adjacent properties as occupied being a line bearing southerly one hundred and twenty one feet two inches to Arthur Street aforesaid and thence towards the South by Arthur Street bearing Westerly seventy four feet eleven inches to the point of commencement, upon which is erected the Church known as St. David's Surry Hills.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 31st day of May 1965.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

31/5/1965. HUGH SYDNEY,
Archbishop of Sydney.
