

ST. JAMES' SYDNEY PHILLIP STREET PROPERTY ORDINANCE  
AMENDMENT ORDINANCE 1973

No. 3 1973

AN ORDINANCE to vary the trusts upon which the income from a lease of certain land is held.

WHEREAS certain repairs need to be carried out on the church building known as St. James' Church, King Street, Sydney AND WHEREAS the Parish Council of the Parish of St. James Sydney proposes to borrow the sum of Two hundred thousand dollars (\$200,000) on the security of a second mortgage over the land described in the Schedule to the St. James' Sydney Phillip Street Property Ordinance 1962-1972 and to apply the same in effecting some of these repairs AND WHEREAS provision is made in clause 7 of the said ordinance as to the income from the lease of the said land AND WHEREAS it is expedient to vary that provision and to provide for the repayment of the said sum of Two hundred thousand dollars (\$200,000) and for the payment of all interest thereon from such income AND WHEREAS by reason of circumstances that have arisen since the creation of the trusts upon which the said income and the said land are held it is inexpedient to carry out the same to the extent to which the same are hereby varied NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS, DECLARES, DIRECTS AND RULES as follows:

1. (1) This ordinance may be cited as "St. James' Sydney Phillip Street Property Ordinance Amendment Ordinance 1973".

(2) The St. James' Sydney Phillip Street Property Ordinance 1962-1972 is hereinafter referred to as the "Principal Ordinance".

(3) The Principal Ordinance as amended by this ordinance may be cited as "St. James' Sydney Phillip Street Property Ordinance 1962-1973".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said income and the said land are held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

3. The Principal Ordinance is hereby amended by the insertion of the following clause after clause 3 thereof -

"3A (1) The Corporate Trustee is hereby empowered to mortgage, charge and to grant a second mortgage over the said land and to borrow on the security thereof a sum not exceeding Two hundred thousand dollars (\$200,000).

(2) The monies so borrowed, shall be paid to the Churchwardens of St. James' King Street Sydney and applied by them first, in payment of the costs and expenses of and incidental to this ordinance and to any charge, mortgage or mortgages granted pursuant thereto and then in meeting the cost of carrying out repairs on the church building known as St. James' King Street Sydney."

4. The Principal Ordinance is hereby further amended by the insertion of the following paragraph after the end of paragraph (i) of clause 7 thereof -

"(ia) In repaying such part of the sum borrowed pursuant to clause 3A hereof as shall become repayable from time to time and in payment of all interest payable on such loan."

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 26th day of March, 1973.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

MARCUS LOANE  
Archbishop of Sydney  
26/3/1973

operation of any other ordinance relating to the revocation or amalgamation of parishes or other ecclesiastical units.

7. The costs of and incidental to this Ordinance shall be paid by the churchwardens of the Parish of St. Peter East Sydney.

8. This Ordinance may be cited as "St. Peter's East Sydney Variation of Trusts Ordinance 1973".

### FIRST SCHEDULE

#### First Part

ALL THAT piece or parcel of land situate at Darlinghurst in the City of Sydney Parish of Alexandria having a frontage of 24' 5 $\frac{1}{2}$ " to Bourke Street and a frontage of 35' 9" to St. Peter's Lane by depths of 35' 9 $\frac{1}{2}$ " and 34' 3 $\frac{1}{2}$ " having an area of 3 perches and being the whole of the land comprised in Certificate of Title Volume 3496 Folio 125.

#### Second Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 52' 8" to Bourke Street and a frontage of 35' 1 $\frac{3}{4}$ " and 35' 10 $\frac{1}{2}$ " to St. Peter's Street by depths of 53' 1 $\frac{3}{4}$ " and 35' 9 $\frac{1}{2}$ " having an area of 6 $\frac{3}{4}$  perches and being the whole of the land comprised in Certificate of Title Volume 2835 Folio 221.

#### Third Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having frontage of 15' 11 $\frac{1}{2}$ " to St. Peter's Lane and a frontage of 15' 10 $\frac{1}{4}$ " to St. Peter's Street by depths of 77' 6 $\frac{1}{2}$ " and 77' 5" having an area of 4 $\frac{1}{2}$  perches and being the whole of the land comprised in Deed of Conveyance No. 219 Book 1304.

#### Fourth Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 105' to St. Peter's Lane and a frontage of 105' to St. Peter's Street by depths of 77' 6 $\frac{1}{2}$ " and 78' 9" being Lots 18, 19, 20 and 21 of Section 4 of the Barham Estate and being the whole of the land comprised in Deed of Conveyance No. 249 Book 1625.

#### Fifth Part

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid and having a frontage of 75' to St. Peter's Lane and a frontage of 75' to St. Peter's Street by depths of 78' 9" and 78' 11" being Lots 22, 23 and 24 of Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 153 Book 148.

#### Sixth Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 25' to St. Peter's Lane and a frontage of 25' to St. Peter's Street by depths of 78' and 78' 9" being Lot 25 of Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 838 Book 147.

#### Seventh Part

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 26' 3" to St. Peter's Lane and a frontage of 26' to St. Peter's Street by depths of 78' 9" and 78' 8" being Lot 26 in Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 837 Book 147.

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SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 77' 2 5/8" to Bourke Street and frontages of 53' 0" to St. Peter's Lane and St. Peter's Street respectively by a depth of 78' 0" on the eastern boundary containing an area of 4,100 square feet approximately being part of the land comprised in the First Schedule hereto and known as Lot 1 and being part of the land comprised in Certificate of Title Volume 12213 Folio 64.

THIRD SCHEDULE

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 79' 5 1/8" to Forbes Street and frontages of 228' 7 1/2" to St. Peter's Lane and 228' 9" to St. Peter's Street respectively by a depth of 78' 0" on the western boundary containing an area of 18,000 square feet approximately being part of the land comprised in the First Schedule hereto and known as Lot 2 and being part of the land comprised in Certificate of Title Volume 12213 Folio 64.

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

D. Cameron  
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 10th day of December 1973.

W.G.S. Gately  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
10/12/1973