

ST. JOHN'S DARLINGHURST SALE ORDINANCE 1975

No. 6, 1975.

AN ORDINANCE to vary trusts to authorise the sale of land at Darlinghurst and to provide for the application of the proceeds from the sale.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the owner of the land described in the Schedule hereto (hereinafter called the "said land") AND WHEREAS the said land is held upon trust to permit the same to be used for a Church, Parsonage and Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. John Darlinghurst AND WHEREAS the Corporate Trustee pursuant to the St. John's Darlinghurst Vesting and Leasing Ordinance 1962 granted a lease in respect of the said land for a term of 20 years AND WHEREAS it is expedient that the reversion be sold AND WHEREAS it is expedient that the trusts on which the said land and the proceeds from sale are held be 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 RULES AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said land is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the said land or any estate or interest therein in such manner on such terms and conditions and for such price as it may think fit. The proceeds from any such sale shall be applied as follows:-

- (a) as to sixty per centum (60%) thereof - in accordance with Clause 3 hereof, and
- (b) as to the balance - in accordance with Clause 4 hereof.

3. The moneys directed to be applied pursuant to this clause shall be applied

- (a) in meeting the cost of acquiring one or more dwellings (which expression, in this Clause, includes a house or a home unit) approved by resolution of Standing Committee at the request of a majority of the Parish Council of the said Parish for the use of any assistant minister, curate, or lay person who is paid a stipend or salary by the Churchwardens of St. John's Church Darlinghurst, and
- (b) in repaying any moneys borrowed for the purpose of acquiring any such dwelling,

and such part of the said moneys as is not so applied shall be invested. The income derived from the said moneys and any investments representing the same shall be paid to the said Churchwardens and applied by them for the purposes of the said Parish including, but without limiting the generality, in meeting all costs of and incidental to the said sale, any arrears of Synod assessments and repayments under any mortgage or charge granted pursuant to the St. John's Darlinghurst Mortgaging Ordinance 1975.

4. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the moneys directed to be applied pursuant to this Clause are held it is inexpedient to carry out such trusts and it is inexpedient to deal with or apply the said moneys or any part thereof for the use and benefit of the said Parish (except to the extent to which the said Parish may benefit from the said moneys pursuant to sub-clause (2) of this Clause) or for the same or like purposes as the purposes for which the said moneys were held immediately before this Ordinance.

(2) The moneys directed to be applied pursuant to this Clause shall be paid to the Corporate Trustee and held by it on trust for the Inner City

Area as defined in the Inner City Ordinance 1972-1973 and the said moneys shall be invested. All income from such moneys shall be paid to the Inner City Committee and applied by that Committee.

5. This Ordinance may be cited as "St. John's Darlinghurst Sale Ordinance 1975".

SCHEDULE

ALL THAT piece or parcel of land containing about 1 rood 12 perches being part of the land in Crown Grants of 28th October 1857 and 27th March, 1850 for Church, parsonage and school situated in the City of Sydney Parish of Alexandria County of Cumberland State of New South Wales, commencing at a point on the western alignment of Victoria Street bearing 1 degree 3 minutes and distant 383 feet 5 inches from the intersection of the western alignment of that street with the northern alignment of Liverpool Street and bounded thence on the east by part of the aforesaid western alignment of Victoria Street being a line bearing 1 degree 3 minutes for 123 feet to the south eastern corner of land comprised in Primary Application No. 28790 on the north by the southern boundary of the land comprised in that Application being a line passing along the southern face of a brick wall bearing 269 degrees 31 minutes 30 seconds for 125 feet 8½ inches to the south eastern alignment of Darlinghurst Road as fixed 10 feet south east of a very old stone kerb on the north west by part of the south eastern alignment of Darlinghurst Road by lines bearing consecutively 196 degrees 27 minutes for 4 inches, 196 degrees 1 minute for 96 feet 6¼ inches and 194 degrees 28 minutes 30 seconds for 3 feet 1 3/4 inches and on the south west by lines bearing consecutively 92 degrees 17 minutes for 119 feet 5 inches and 123 degrees 37 minutes for 38 feet to the point of commencement be the said several dimensions all a little more or less.

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 28th day of April, 1975.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney

28/4/1975