

No 21, 1989

AN ORDINANCE to authorise the distribution of certain rental moneys.

WHEREAS the land described in the First Schedule and the Second Schedule hereto are respectively vested in the Anglican Church Property Trust Diocese of Sydney (herein called "the Corporate Trustee") upon certain trusts declared in the St Johns Darlinghurst Vesting and Leasing Ordinance, 1962 (herein called "the 1962 Ordinance") namely 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 1962 Ordinance did inter alia authorise the Corporate Trustee to lease part of the said land namely so much thereof as is described and set forth in the Third Schedule hereto (herein called "the Leased Site") upon the conditions therein set forth AND WHEREAS the Leased Site has been leased for a term of years which term has now expired AND WHEREAS the said Parish of St John Darlinghurst has been amalgamated with the Parish of St Peter's East Sydney and the amalgamated Parish is known as the Parish of East Sydney AND WHEREAS pursuant to and in accordance with the St Johns Kings Cross Leasing Ordinance 1988 (herein called "the 1988 Ordinance") the Leased Site was leased for a term of five (5) years upon the terms and conditions set forth in such Ordinance AND WHEREAS the 1988 Ordinance provided inter alia that the rental moneys arising from or incidental to the Lease therein referred to and all other moneys accruing to or payable to the Corporate Trustee arising from or incidental to such lease, should, subject to the terms, conditions and provisos expressed therein, be paid by the Corporate Trustee as follows:

- (a) As to the first year of the term of the said Lease, such moneys should be paid to the Churchwardens of St Johns Kings Cross to be applied for general parochial purposes as the Parish Council should determine.
- (b) As to the second and subsequent years of the term of the said Lease, such moneys should be paid in accordance with a further ordinance, a bill for which shall be presented by the Churchwardens before 1 April 1989.

AND WHEREAS the within ordinance presented by the said Churchwardens as aforesaid in compliance with the hereinbefore recited obligation.

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. The rental moneys arising from or incidental to the Lease herein referred to and all other moneys accruing to or payable to the Corporate Trustee arising from or incidental to such lease shall be paid by the Corporate Trustee in payment of the costs of and incidental to this Ordinance and subject to such administrative charges and commissions properly payable to the Corporate Trustee then such moneys shall be held and paid upon trust as follows:

(a) As to the second year of the term of the said Lease such moneys shall be paid:

- (i) as to a ten per centum (10%) share thereof, to the Inner City Committee;

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- (ii) as to one percentum (1%) share thereof, to the Church Missionary Society to be used in such manner as the New South Wales Council of the said Society shall determine from time to time; and
 - (iii) as to the balance, then in accordance with the provisions of sub-paragraph (b) hereof.
- (b) As to the said balance of the said moneys, then:
- (i) Firstly such moneys up to the sum of \$100,000 shall be paid in or towards repayment of all principal and interest owed in respect of the Parish to any bank or financial or lending institution,
 - (ii) Secondly, in or towards the payment of stipends, allowances or remuneration of clerical and/or laypersons (other than the stipend or allowances of the rector) working on a full or part time basis within the Parish or within adjacent areas in the Diocese to the extent of a sum not exceeding \$50,000, and
 - (iii) as to the residue of such moneys as to the capital and any income therefrom in each year the whole of such moneys shall be paid to the Churchwardens for the time being of the Church of St John Kings Cross for payment in or towards the maintenance, refurbishing, repair, renovation and restoration of St John's Church and the rectory adjacent thereto.

AND that in the case of the moneys arising in respect of the third, fourth and fifth years of the term of the said lease, such moneys shall be distributed in accordance with a further ordinance a bill for which shall be presented by the churchwardens before the 1st April 1990.

PROVIDED THAT pending payment or application as aforesaid the said moneys shall be invested by the Corporate Trustee.

2. This Ordinance may be cited as the "St Johns Kings Cross Lease Distribution Ordinance 1989."

FIRST SCHEDULE

All that piece or parcel of land in Our said Territory containing by Admeasurements Three roods, Thirty seven perches and three quarters of a perch, be the same more or less, situated in the County of Cumberland and Parish of Alexandria, City of Sydney at Darlinghurst, commencing on the West Side of Victoria Street at the South East corner of the Church of England School allotment and bounded on the east by Victoria Street bearing south three chains and eighty links; on the South by a line bearing West two chains fifty nine links and one half link to Brogham Street; on the West by Brogham Street bearing North three chains and eighty links, and on the North by the South Boundary of the School allotment aforesaid being a line bearing East two chains fifty nine links and one half link to the point of commencement. Advertised in the Government Notice dated 5th March, 1857.

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SECOND SCHEDULE

All that piece or parcel of land in Our said Territory, containing by admeasurement, one rood, fourteen and one half perches be the same more or less, situated in the County of Cumberland and Parish of Alexandria at Woolloomooloo City of Sydney, commencing at the North East corner of the Church allotment and bounded on the east by Victoria Street northerly one chain thirty three and one half links; on the North by Westerly line of two chains and Sixty links to Brougham Street; on the West by that Street southerly one chain thirty links; and on the South by an easterly line of two chains fifty nine and one half links, dividing it from vacant land and from the Church allotment, to the commencing corner aforesaid.

THIRD 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 8 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 6 inches and 194 degrees 28 minutes 30 seconds for 3 feet $1\frac{3}{4}$ 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 this Ordinance as printed is in accordance with the Ordinance as reported.

E.D. CAMERON
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 July 1989.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney

31 / 7 / 89