

# Darling Point (Queen Street Newtown) Land Sale Ordinance 2013

No 3, 2013

## Long Title

An Ordinance to permit the sale of certain land at Newtown and application of the proceeds.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifier B/440519 known as 24 Queen Street, Newtown (the "Land").

B. The Land is church trust property and by clause 3 of the Will of Constance Nancy Fitzgerald Cook made of 18 February 1999, the Land is held upon trust by The Church of England Property Trust Diocese of Sydney for the parish of St Marks Darling Point to be used as a Memorial to the late parents George Joseph Cook and Lila Constance Cook to be used as a residence, preferably for needy persons or retired clergy or their widows, with first priority to a minister who has served at St Marks Church, and any income received from the property to be used at the direction of the parish council of St Marks Church for the maintenance and upkeep of St Marks Church or for other purposes at the direction of the said parish council.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Darling Point (Queen Street Newtown) Land Sale Ordinance 2013.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 4.

### 3. Power of sale

The Property Trust is authorised to sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution whether given before or after that date.

### 4. Application of the Proceeds of Sale

(1) The proceeds of sale, after payment of the costs of and incidental to this Ordinance and the sale of the Land, are to be paid to the Property Trust and applied as follows –

- (a) first, in and towards the costs of and incidental to the purchase of land and construction of a residence thereon, or the purchase of a residence and the cost of fitting out and making any alterations considered necessary to render the residence suitable for its intended purpose, and
- (b) any residue funds are to be used at the direction of the wardens of St Mark's Darling Point for the maintenance and upkeep of the said residence at the direction of the Parish Council.

(2) Pending application of the sale proceeds, the sale proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

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

PG KELL  
Chairman of Committees

**Darling Point (Queen Street Newtown) Land Sale Ordinance 2013**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 February 2013.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
05/03/2013