

# East Sydney (Darlinghurst) Land Sale Ordinance 1995

No 11, 1995

## Long Title

An Ordinance to authorise the sale of land known as 116 and 118 Burton Street, Darlinghurst and to provide for the application of the proceeds of sale thereof.

## Preamble

### Whereas

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land described in the first and second schedules (the "Land") situated in the parish of East Sydney (the "Parish").

B. That part of the Land described in the first schedule is church trust property held on trust for the purposes of the Parish although there are no written trusts.

C. That part of the Land described in the second schedule, under the East Sydney (Burton Street) Ordinance 1986, is held upon trust for the establishment and conduct of a residential hostel and counselling centre in association with the Parish or any other ancillary purpose thereto or such other purpose or purposes as the Standing Committee may by resolution determine at the written request of a majority of the parish council of the Parish in connection with the Anglican Church of Australia within the Diocese for the sole benefit of the Parish or any other ecclesiastical district into which it may be formed or of which it may form a part.

D. 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 the sale proceeds applied in the manner set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod Ordains, Directs, Declares and Rules as follows -

## Citation

1. This ordinance may be cited as the "East Sydney (Darlinghurst) Land Sale Ordinance 1995".

## Declarations

2. By reason of the 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 it is inexpedient to deal with or apply the sale proceeds for the same purposes as the trusts on which the Land is held.

## Power of Sale

3. (1) The Property Trust is authorised and empowered 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.

(2) Such sale may be by public auction or private agreement in one or more lots and for such price or prices and subject to such terms, conditions, covenants and reservations as the Property Trust may deem appropriate.

## Application of Proceeds

4. The Property Trust shall apply the proceeds arising from the sale of the Land and any income derived therefrom as follows -

- (a) first, to pay the costs and fees of and incidental to the preparation and passing of this ordinance, the preparation for the sale of the Land and the costs of the subsequent sale thereof;
- (b) secondly, the balance must be invested and any income earned thereon capitalised pending the promotion of a further ordinance by the churchwardens of St John's Church Darlinghurst, within 12 months of the date of assent to this ordinance, providing for the application of such balance and income.

## First Schedule

All the land situated at Darlinghurst in the Municipality of South Sydney, Parish of Alexandria and County of Cumberland being Lot B in Deposited Plan 90907 and the whole of the land in certificate of title folio identifier B/90907 and known as 116 Burton Street, Darlinghurst.

## Second Schedule

All the land situated at Darlinghurst in the Municipality of South Sydney, Parish of Alexandria and County of Cumberland being Lot C in Deposited Plan 90907 and the whole of the land in certificate of title folio identifier C/90907 and known as 118 Burton Street, Darlinghurst.

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

N.M. Cameron  
Chairman of Committees

## **East Sydney (Darlinghurst) Land Sale Ordinance 1995**

I Certify that this ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 June 1995.

W.G.S. Gotley  
Secretary

I Assent to this ordinance.

R.H. Goodhew  
Archbishop of Sydney  
26/6/1995