

# East Sydney (Darlinghurst) Sale Proceeds and Distribution Ordinance 2000

(Reprinted under the Interpretation Ordinance 1985.)

The East Sydney (Darlinghurst) Sale Proceeds and Distribution Ordinance 2000 as amended by the East Sydney (Darlinghurst) Special Purpose Amendment Ordinance 2001 and the East Sydney (Darlinghurst) Variation of Trusts Ordinance 2003.

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## Long Title

An Ordinance to authorise the investment of part of certain sale monies, the distribution of the income earned thereon and the use of part of the sale monies for other purposes.

## Preamble

A. Under the East Sydney (Darlinghurst) Sale Proceeds and Distribution Ordinance 1996 (the "1996 Ordinance") the Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is authorised to apply the net income from the investment of a sum derived from the proceeds of sale under the East Sydney (Darlinghurst) Land Sale Ordinance 1995 (the "Sum").

B. By clause 4(2) of the 1996 Ordinance the authority to apply the net income from the Sum terminates on 25 March 2001 (the "First Review Date").

C. By clause 4(1) of the 1996 Ordinance the churchwardens of St John's Church Darlinghurst (the "Churchwardens") must not later than 6 months before the First Review Date present an ordinance to the Standing Committee to provide for the application of the Sum.

D. This Ordinance is presented by the Churchwardens in compliance with their obligations under clause 4(1) of the 1996 Ordinance.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Sum is held it is inexpedient to carry out and observe those trusts and it is expedient that they be varied 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 East Sydney (Darlinghurst) Sales Proceeds and Distribution Ordinance 2000.

### 2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Sum is held it is inexpedient to carry out and observe those trusts and it is expedient that they be varied in the manner set out in this Ordinance.

### 3. Application of Sum

The Sum together with all capitalised income, after payment of the costs of and incidental to this Ordinance and any ordinance amending this Ordinance and such administrative charges and commissions properly payable to the Property Trust, shall be held by the Property Trust as follows -

- (a) the Property Trust is authorised to apply up to \$445,000 or such greater amount as the Standing Committee may approve by resolution towards the St John's Spire restoration project;

- (b) the Property Trust is directed to lend the Churchwardens \$68,000 on an interest free basis for the general purposes of the parish of East Sydney (the "Parish"); and
- (c) as to the balance, to be invested.

#### **4. Distribution of Income**

Subject to clause 4A, the income from the investment referred to in clause 3 shall be applied as follows -

- (a) as to 30% thereof, to be capitalised for the purpose of preserving the real value of the capital investment; and
- (b) as to the balance, to be distributed to the Churchwardens to be used for general purposes of the Parish, excluding the rector's stipend and allowances.

#### **4A. Heritage buildings**

If –

- (a) an order is made under the Heritage Act 1977 in relation to any building or other improvements listed on the State Heritage Register situated on land held on trust for the Parish; or
- (b) the condition of any such building or other improvement is such that it is reasonable to conclude in accordance with the recommendation in a report commissioned from a heritage architect or other expert on heritage buildings, that an order may be made under that Act in relation to that building or improvement; or
- (c) as regards any such building or improvement, an offence is committed under that Act,

the Property Trust may –

- (d) do all such works and other things as to comply with the order, avoid the issue of the order or satisfy the omission or action which has given rise to the offence (as the case may be), and
- (e) apply the whole or any part or parts of the income from the investment referred to in clause 3 in or towards meeting the cost of all such works and things."

#### **5. Review**

- (1) On or before the day being 6 months before the Review Date the Churchwardens must present an ordinance to the Standing Committee for the application of the amount invested under this Ordinance and all other amounts held by the Property Trust under this Ordinance.
- (2) On the Review Date the authority to apply the balance of the income under clause 4(b) terminates.
- (3) In this clause, the "Review Date" is that day being the 5th anniversary of the date of assent to this Ordinance.

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#### **Table of Amendments**

Clause 3	Amended by Ordinance No 41, 2001
Clause 4	Amended by Ordinances Nos 41, 2001 and 41, 2003
Clause 4A	Inserted by Ordinance No 41, 2003

ROBERT WICKS  
**Legal Officer**

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**Diocesan Secretary**

13 February 2008