

East Sydney Ordinance 1992

No 28, 1992

An Ordinance to authorise the sale of certain land and to vary certain trusts.

Whereas

A. The Property Trust is the owner of the land (the "Land") in Certificate of Title volume 12213 folio 64 being the site (inter alia) of St Peter's Church and hall, Woolloomooloo.

B. The Property Trust holds that part of the Land described in the second schedule to the St Peter's East Sydney Variation of Trusts Ordinance 1973 upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church in Australia in the Parish of St Peter East Sydney.

C. The Property Trust holds that part of the Land described in the schedule to the St Peter's East Sydney Ordinance 1974 upon the following trust -

- (1) Until such time as Sydney Church of England Girls' Grammar School Council ("SCEGGS") pays to the Property Trust the sum of One million dollars (\$1,000,000) pursuant to clause 3 of the St Peter's East Sydney Variation of Trusts Ordinance 1973, upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church in Australia in the Parish of St Peter East Sydney.
- (2) Upon and after SCEGGS paying to the Property Trust the said sum of One million dollars (\$1,000,000) upon trust for the use benefit and purposes of the schools established or proposed to be established by SCEGGS.

D. SCEGGS has not paid the said sum of One million dollars (\$1,000,000) to the Property Trust.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts, it is expedient that the Land be sold, and it is inexpedient to deal with or apply the proceeds from the sale of the Land wholly for the use or benefit of the Parish of East Sydney or for the same or like purposes to those stated in recitals B and C.

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. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied, it is expedient that the Land be sold and it is inexpedient to deal with or apply the proceeds from the sale of the Land wholly for the use or benefit of the parish of East Sydney or for the same or like purposes to those stated in recitals B and C.

2. The Property Trust is hereby empowered to sell the whole or any part or parts of Land free from the trusts on which it is presently held in one or more parcels by public auction or by private contract at such time or times, at such price or prices and upon and subject to such terms, conditions, covenants and reservations as it may think fit provided that -

- (a) no sale may be effected until after the Synod, by resolution, consents thereto or the licence or sentence of consecration of St Peter's Church is revoked pursuant to clause 11 of the Church Grounds and Buildings Ordinance 1990; and
- (b) no such sale may be effected after the third anniversary of the date on which assent is given to this ordinance without the consent of the Standing Committee given by resolution thereof.

3. The proceeds from the sale of the Land (after paying thereout all costs of and incidental to this ordinance and to the sale of the Land) and any income therefrom must be applied by the Property Trust in the following order of priority -

- (a) in or towards all costs incurred by the Property Trust in relation to the Land including the provision of security after the closure of the Church;

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- (b) for such charitable purposes of the Anglican Church of Australia in the Diocese (including the Parish of East Sydney) as the Synod or the Standing Committee determines by ordinance presented on behalf of the Parish Council of the Parish after completion of the sale of the Land and within 3 years of the sale.

4. (1) On the date on which assent is given to this ordinance the rights, powers and duties conferred by the Church Administration Ordinance 1990 and the Church Grounds and Buildings Ordinance 1990, in relation to the management, control and use of the Land, on any persons holding office as churchwarden or member of a church committee or parish council shall continue until terminated pursuant to clause 25(5) of the Church Administration Ordinance 1990.

(2) After such termination the Property Trust may make from time to time after consultation with the Parish Council of the Parish (or its representative) such arrangements for the management, control and use of the Land as seem appropriate to the Property Trust after each such consultation.

(3) The St Peter's East Sydney Variation of Trusts Ordinance 1973 is repealed.

5. This ordinance may be cited as the "East Sydney Ordinance 1992".

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

E.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 September 1992.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
28/9/1992