



St James Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 1998

No 46, 1998

Long Title

An Ordinance to vary the St James Sydney Phillip Street Property Ordinance 1962 to provide for the application of income from the Building authorised by that ordinance for 10 years from 1 January 1999, with a review prior to 31 December 2003.

Preamble

A. The Glebe Administration Board ("GAB") is the registered proprietor of the Land described in Schedule 1 (the "Land").

B. Upon the Land is erected a 15 storey office building known as 169-171 Phillip Street, Sydney (the "Building").

C. The St James Sydney Phillip Street Property Ordinance 1962 (the "Principal Ordinance") provides for GAB to lease the Building and to apply the income in a certain manner.

D. Clause 8 of the Principal Ordinance provides that on or before 31 December 1998 the Churchwardens of the Parish of St James' Sydney (the "Parish") must promote an ordinance varying the provisions of the Principal Ordinance from and including 1 January 1999.

E. It is expedient to amend the Principal Ordinance and to vary the trusts upon which the Land and the Building are held so as to provide for the application and distribution of the income from the Building for 10 years commencing 1 January 1999, with a review prior to 31 December 2003.

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

Name

1. This Ordinance is the St James Sydney Philip Street Property Ordinance 1962 Amendment Ordinance 1998.

Declarations

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Land and the Building are held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

Amendment of Principal Ordinance

3. The Principal Ordinance is amended by deleting clauses 5, 7, 8 and 9 and the Schedule and inserting in their place the following -

"5. All income from the Building or any part thereof (excluding the Parish Area) in any of the Years 1999-2003 inclusive shall be applied in the following order of priority -

(a) in or towards all rates, taxes and other outgoings and expenses assessed or charged on, or in relation to the Land or the Building, or incurred in connection with deviation of such income, or the management of the Building;

- (b) in paying interest and other charges on moneys borrowed or otherwise obtained pursuant to clause 2 and in repaying those moneys;
- (c) in making the distributions authorised from time to time by clause 7; and
- (d) by crediting the residue to the Refurbishment Fund.”.

Income Distributions

“7. The following distributions are authorised -

(a) payment of all costs, expenses, stamp duty (if any) and outgoings in relation to or arising from the preparation and promotion of the St James Phillip Street Property Ordinance 1962 Amendment Ordinance 1998;

(b) payment of all costs, expenses and outgoings in relation to the investigation into, and the conversion of, title to the Church Building Land as described in Schedule 2;

(c) in each of the years 1999, 2000 and 2001 the following amounts shall be paid into the Refurbishment Fund -

1999 \$900,000

2000 \$1,050,000

2001 \$750,000;

(d) in 1999, payment of \$327,111 to the Churchwardens for the use and benefit of the Parish by equal quarterly instalments in advance;

(e) in 1999, payment of such moneys as are required to reimburse the Churchwardens for costs incurred arising from the inability for any reason, other than that mentioned in clause 4(2), to use or authorise the use of any part or parts of the Parish Area;

(f) in 1999, payment of moneys payable in respect of that year by the Churchwardens under clause 4(4);

(g) in 1999, payment of \$57,187 to the Churchwardens for the maintenance, preservation, renovation, refurbishment and improvement of St James Church by equal quarterly instalments in advance;

(h) in 1999, payment of \$219,500 to the Sydney Diocesan Synod Fund, for the use and benefit of the Anglican Church of Australia in the Diocese of Sydney as determined from time to time by the Synod;

(i) in each of the years 2000 to 2008 inclusive, the same amounts referred to in sub-clauses (d), (e), (f), (g) and (h) to the respective persons and for the respective purposes but varied in accordance with the Price Index;

(j) in each of the years 1999 to 2008 inclusive, payment of the residue of income received pursuant to clause 5, to the Churchwardens for the restoration, preservation, renovation, refurbishment and improvement of St James Church by equal quarterly instalments in advance.”.

“Review after 5 years

8. The Churchwardens shall on or before 31 December 2003 promote an ordinance to the Synod of the Diocese or the Standing Committee for the purpose of reviewing and if thought fit varying the provisions of clause 7 for the 5 year period commencing from and including 1 January 2004.”.

“Promotion of a Further Ordinance

9. The Churchwardens shall on or before 31 December 2008 promote an ordinance to the Synod of the Diocese or the Standing Committee for the purpose of considering and if thought fit varying the provisions of clause 7 for a period commencing from and including 1 January 2009.”.

“Name of Ordinance

10. This Ordinance is the 'St James Sydney Phillip Street Property Ordinance 1962'.”.

Schedule 1

(Title to the Phillip Street Land and Building)

The whole of the land situated in the City of Sydney, Parish of St James and County of Cumberland being Lot 1 in Deposited Plan 61495 and being the whole of the land comprised in Certificate of Title Folio Identifier 1/61495 together with all improvements erected thereon and known as 169 Phillip Street, Sydney.

Schedule 2

(Description of Church Building Land)

The whole of the land situated in the City of Sydney, Parish of St James and County of Cumberland being the whole of the land contained a Crown Grant dated 19 June 1843 with such additional parcels of land as shown on miscellaneous plan no. 1803-3000 surveyed by Mr Surveyor S.R. Dobbie on 15 June 1901 and examined and chartered on 13 August 1901 and as most recently surveyed on 3 July 1998 by Mr Surveyor David John Gray together with all improvements erected thereon and known as St James Anglican Church King Street, Sydney.

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

P. KELL

Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 7 December 1998.

M.A. PAYNE

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

18/12/1998