
St John's Kings Cross Leasing Ordinance 1988

(Reprinted under the Interpretation Ordinance 1985.)

St John's Kings Cross Leasing Ordinance 1988 as amended by the St John's Kings Cross Lease Amendment Ordinance 1992.

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Long Title

An Ordinance to vary the trusts of certain property to authorise the leasing thereof and for other purposes incidental thereto.

Preamble

Whereas the land described in the First Schedule and the Second Schedule hereto are respectively vested in the Anglican Church Property Trust Diocese of Sydney (herein called "the Corporate Trustee") upon certain trusts declared in the St John's Darlinghurst Vesting and Leasing Ordinance, 1962 (herein called "the 1962 Ordinance") namely to permit the same to be used for a Church Parsonage and Parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St John Darlinghurst And Whereas the 1962 Ordinance did inter alia authorise the Corporate Trustee to lease part of the said land namely so much thereof as is described and set for the in the Third Schedule hereto (herein called "the Leased Site") upon the conditions therein set forth And Whereas the Leased Site has been leased for a term of years which term has now expired And Whereas the said Parish of St John Darlinghurst now includes the Church of St Peter's Woolloomooloo and is known as the Parish of East Sydney And Whereas the Corporate Trustee proposes to grant a lease of the Leased Site for a term of five (5) years upon the terms and conditions herein set forth And Whereas by reason of circumstances which have arisen subsequent to the creation of the trusts impressed by the 1962 Ordinance upon and in respect of the Leased Site it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is also inexpedient to deal with the Leased Site or apply the same or the income therefrom for the sole use or benefit of the said parish of St John Darlinghurst and it is expedient to vary such trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained 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.

Declarations

1. By reason of circumstances which have arisen subsequent to the Trusts created by the 1962 Ordinance upon and in respect of the Leased Site it is inexpedient to carry out and observe the same to the extent to which the same is hereby varied and it is also inexpedient to deal with the Leased Site or apply the same or the income therefrom for the sole use or benefit of the said Parish of St John Darlinghurst and it is expedient that such trusts be varied in manner hereinafter mentioned and that the land in the said Third Schedule be leased as hereinafter set forth.

Authority to Lease

¹ 2. The Corporate Trustee is hereby authorised to lease the Leased Site for a term not exceeding five (5) years in consideration of rental payments by the Lessee as follows -

- (a) Two hundred and twenty thousand dollars (\$220,000) per annum for the first year payable by quarterly instalments in advance of fifty five thousand dollars (\$55,000) per quarter
- (b) Two hundred and forty six thousand four hundred dollars (\$246,400) per annum for the second year payable by quarterly instalments in advance of sixty one thousand six hundred dollars (\$61,600) per quarter
- (c) Two hundred and seventy five thousand nine hundred and sixty eight dollars (\$275,968) per annum for the third year payable by quarterly instalments in advance of sixty eight thousand nine hundred and ninety two dollars (\$68,992) per quarter
- (d) Three hundred and nine thousand and eighty four dollars (\$309,084) per annum for the fourth year payable by quarterly instalments in advance of seventy seven thousand two hundred and seventy one dollars (\$77,271) per quarter
- (e) Three hundred and nine thousand and eighty four dollars (\$309,084) per annum for the fifth year payable by quarterly instalments in advance of seventy seven thousand two hundred and seventy one (\$77,271) per quarter

and in further consideration of payment by the lessee of certain outgoings as determined by the Corporate Trustee on the basis that the permitted use of the Leased Site shall be for the purposes of conducting a hire car business thereon and such lease shall otherwise contain such terms covenants and conditions as otherwise may be approved by the Corporate Trustee.

Application of Proceeds

3. The rental moneys arising from or incidental to the Lease herein referred to and all other moneys accruing to or payable to the Corporate Trustee arising from or incidental to such lease shall be paid by the Corporate Trustee in payment of the costs of and incidental to this Ordinance and of the preparation and execution of the said Lease and then as follows -

- (a) As to the first year of the term of the said Lease such moneys shall be paid to the Churchwardens of the Church of St John's Kings Cross to be applied for general parochial purposes as the Parish Council shall determine.
- (b) As to the second subsequent years of the term of the said Lease such moneys shall be paid in accordance with a further ordinance, a bill for which shall be presented by the Churchwardens before 1 April 1989.

Provided That pending payment or application of the said moneys as aforesaid the Corporate Trustee shall invest the moneys and capitalise the income.

Citation

4. This Ordinance may be cited as the "St John's Kings Cross Leasing Ordinance 1988".

First Schedule

All that piece or parcel of land in Our said Territory, containing by admeasurements Three roods, Thirty seven perches and three quarters of a perch, be the same more or less, situated in the County of Cumberland and Parish of Alexandria, City of Sydney at Darlinghurst, commencing on the West Side of Victoria Street at the South East corner of the Church of England School allotment and bounded on the east by Victoria Street bearing south three chains and eighty links; on the South by a line bearing West two chains fifty nine links and one half link to Brougham Street; on the West by Brougham Street bearing North three chains and eighty links, and on the North by the South boundary of the School allotment aforesaid being a line bearing East two chains fifty nine links and one half link to the point of commencement. Advertised in the Government Notice dated 5th March, 1857.

Second Schedule

All that piece or parcel of land in Our said Territory, containing by admeasurement, one rood, fourteen and one half perches be the same more or less, situated in the County of Cumberland and Parish of Alexandria at Woolloomooloo City of Sydney, commencing at the North East corner of the Church allotment and bounded on the east by Victoria Street northerly one chain thirty three and one half links; on the North by Westerly line of two chains and Sixty links to Brougham Street; on the West by that Street southerly one chain thirty links; and on the South by an easterly line of two chains fifty nine and one half links, dividing if from vacant land and from the Church allotment, to the commencing corner aforesaid.

Third Schedule

All that piece or parcel of land containing about 1 rood 12 perches being part of the land in Crown Grants of 28th October 1857 and 27th March, 1850 for Church, parsonage and school situated in the City of Sydney Parish of Alexandria County of Cumberland State of New South Wales, commencing at a point on the Western alignment of Victoria Street bearing 1 degree 3 minutes and distant 383 feet 5 inches from the intersection of the western alignment of that street with the northern alignment of Liverpool Street and bounded thence on the east by part of the aforesaid western alignment of Victoria Street being a line bearing 1 degree 3 minutes for 123 feet to the south eastern corner of land comprised in Primary Application No 28790 on the north by the southern boundary of the land comprised in that Application being a line passing along the southern face of a brick wall bearing 269 degrees 31 minutes 30 seconds for 125 feet 8½ inches to the south eastern alignment of Darlinghurst Road as fixed 10 feet south east of a very old stone kerb on the north west by part of the southeastern alignment of Darlinghurst Road by lines bearing consecutively 196 degrees 27 minutes for 4 inches, 196 degrees 1 minute for 96 feet 6½ inches and 194 degrees 28 minutes 30 seconds for 3 feet 1¼ inches and on the south west by lines bearing consecutively 92 degrees 17 minutes for 119 feet 5 inches and 123 degrees 37 minutes for 38 feet to the point of commencement be the said several dimensions all a little more or less.

Endnotes

1. Amended by Ordinance No 1, 1992 and under the Interpretation Ordinance 1985.

M.A. PAYNE
Legal Officer

W.G.S. GOTLEY
Diocesan Secretary

9 May 2008