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# St Michael's Sydney Ordinance 1994

(Reprinted under the Interpretation Ordinance 1985.)

The St Michael's Sydney Ordinance 1994 as amended by the Surry Hills Variation of Trusts Ordinance 1997.

## Long Title

An Ordinance to vary the trusts relating to certain property held for the purposes of the parish of St Michael's Sydney and for other matters.

## Preamble

Whereas

A. Under the St Michael's Sydney (St David's Surry Hills Development) Ordinance 1972, as amended (the "1972 Ordinance"), certain funds (the "1972 Ordinance Funds") are held by the Property Trust upon the trusts declared in that ordinance.

B. Under the St Michael's Sydney Ordinance 1979 (the "1979 Ordinance") certain funds (the "1979 Ordinance Funds") are held by the Property Trust upon the trusts declared in that ordinance.

C. The Property Trust is the registered proprietor of the land (the "Land") referred to in the schedule.

D. The Land is church trust property held for the purposes of the parish of St Michael's Sydney ("Parish") on the trusts set out in the 1972 Ordinance and the 1979 Ordinance.

E. By reason of circumstances which have arisen after the creation of the trusts on which the 1972 Ordinance Fund, the 1979 Ordinance Fund and the Land are respectively held, it is inexpedient to carry out and observe the same and it is expedient that those trusts be varied 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 said Synod Hereby Ordains Declares Directs and Rules as follows.

## Citation

1. This ordinance may be cited as the "St Michael's Sydney Ordinance 1994".

## Declaration of Inexpediency

1 2. By reason of circumstances which have arisen after the creation of the trusts on which the 1972 Ordinance Fund, the 1979 Ordinance Fund and the Land is held, it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied in the manner set out in this ordinance.

## Amendments to the Principal Ordinance

1 3. The 1972 Ordinance Fund and the 1979 Ordinance Funds shall be combined into one fund (the "1994 Fund") which shall be held upon trust for the purposes of the Anglican Church Diocese of Sydney in the Parish. Without derogating from the generality of such purposes, the Standing Committee may, upon the written request of a majority of the parish council of the Parish, specify, by resolution, particular purposes upon which the 1994 Fund is to be held and applied.

4. Pending the application of the funds held in the 1994 Fund, the Property Trust shall invest that Fund and the income shall be applied in the manner set out in clause 7.

5. The Land shall be held upon trust for the purposes of the Anglican Church Diocese of Sydney in the Parish.

6. The Property Trust is empowered to govern and control the use of the Land, and without limiting the generality of foregoing, may -

(a) grant a lease or leases or licence or licenses in respect of the whole or any part or parts of the Land; and

(b) accept surrenders of any such leases.

1 7. (1) Until 21 February 1997 the income from the investment of the 1994 Fund and the net proceeds of any lease of the Land or any part or parts thereof shall be applied towards paying, or reimbursing the churchwardens of St Michael's Church Sydney (the "Churchwardens")

for the costs of the promotion of this ordinance and the balance remaining shall be applied as follows -

- (a) 22% is to be capitalised, such capitalised income to be invested in growth investments;
  - (b) 10% is to be paid to the Inner City Committee for its purposes;
  - (c) 3% is to be applied toward the purposes of the Diocese of Sydney through the Diocesan Income and Expenditure Ordinance; and
  - (d) the balance to be paid to the Churchwardens to be applied by them for such purposes of the Parish as the parish council of the Parish may, by resolution, approve.
- (2) The income earned on the 1994 Fund during the period from 22 February 1997 until 31 December 2001 shall be applied as follows -
- (a) 20% is to be capitalised;
  - (b) 10% is to be paid to the South Sydney Regional Council for the charitable purposes of that Council;
  - (c) 5% is to be paid to the trustee of the property held on the trusts set out in the Diocesan Endowment Ordinance 1984 to be added to the capital of that property; and
  - (d) the balance to be paid to the Churchwardens to be applied by them for such purposes of the Parish as the parish council may by resolution approve.
- (3) After 31 December 2001 the income shall be distributed in accordance with a further ordinance which shall be presented by the Churchwardens before 1 June 2001.
8. (1) Subject to subclause (2), the following ordinances are repealed -
- (a) St Michael's Sydney (St David's Surry Hills Development) Ordinance 1972;
  - (b) St Michael's Sydney (St David's Surry Hills Development) Ordinance 1972 Amendment Ordinance 1976;
  - (c) St Michael's Sydney Ordinance 1979; and
  - (d) St Michael's Sydney (Building Restoration) Ordinance 1982.
- (2) Such repeal does not invalidate any act taken under those ordinances prior to the date of assent to this ordinance.

### **Schedule**

The land comprised in Certificate of Title Volume 13228 Folio 211 being lot 222 in deposited plan 584637 and known as 19 Arthur Street, Surry Hills.

The land comprised in Certificate of Title Volume 13234 Folio 229 being lot 2 in deposited plan 252228 and known as 14 Arthur Street, Surry Hills.

The land comprised in Certificate of Title Volume 13234 Folio 230 being lot 3 in deposited plan 252228 and known as 16 Arthur Street, Surry Hills.

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### **Endnotes**

MARK PAYNE  
Legal Officer

9 May 2008

WARREN GOTLEY  
Diocesan Secretary

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1. Amended by Ordinance No 15, 1997.