

ST. PETER'S EAST SYDNEY VARIATION OF TRUSTS ORDINANCE 1973

No. 43 1973

AN ORDINANCE to vary the trusts of certain lands bounded by Bourke and Forbes Streets and St. Peter's Street, and St. Peter's Lane Darlinghurst.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as the proprietor of the land comprised in Certificate of Title Volume 3496 Folio 125 and is seised in fee simple of the land comprised in Deed of Conveyance No. 219 Book 1304 more particularly described in the first and third parts of the First Schedule hereto AND WHEREAS the said land is church trust property held upon trust to permit the same to be used for a Church Parsonage or a Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Peter Woolloomooloo now known as the Parish of St. Peter East Sydney AND WHEREAS the Corporate Trustee is registered as the proprietor of the land comprised in Certificate of Title Volume 2835 Folio 221 more particularly described in the second part of the First Schedule hereto AND WHEREAS the said land is church trust property but no trusts in writing have been declared concerning the same AND WHEREAS the Corporate Trustee is seised in fee simple of the land comprised in Deed of Conveyance No. 249 Book 1625 more particularly described in the fourth part of the First Schedule hereto AND WHEREAS the said land is church trust property held upon trust to permit the said land to be used as a site for the erection and maintenance of a church to be devoted to the worship of Almighty God according to the use of the United Church of England and Ireland AND WHEREAS the Corporate Trustee is seised in fee simple of the land comprised in Indenture of Conveyance No. 153 Book 148 and in Indentures of Conveyance No. 137 Book 147 and No. 838 Book 147 more particularly described in the fifth, sixth and seventh parts of the First Schedule hereto AND WHEREAS the said land is church trust property held upon trust to permit the Incumbent and Churchwardens for the time being of the adjacent Church of England known as St. Peter's Church to hold use occupy and possess the said land and all buildings now erected thereon or to receive the rents and profits and proceeds thereof and to apply the same for such purposes in connection with the said Church as they the said Incumbent and Churchwardens shall from time to time deem most advisable AND WHEREAS the whole of the land described in the First Schedule hereto lies within the Parish of St. Peter East Sydney and is now comprised in Certificate of Title Volume 12213 Folio 64 AND WHEREAS by reason of circumstances which have arisen since the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereinafter varied AND WHEREAS certain arrangements between Sydney Church of England Girls Grammar School Council (hereinafter called "S.C.E.G.G.S.") and the Parish of St. Peter East Sydney have been proposed in relation to part of the said land NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held, it is inexpedient to carry out and observe such trusts and it is expedient that such trusts be varied to the extent to which the same are hereby varied.

2. The said land shall be subdivided into lots one and two as more particularly described in the Second and Third Schedules hereto and shall henceforth be held in trust as follows:-

- (a) The land described in the Second Schedule hereto shall be held 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 Church of England in Australia in the Parish of St. Peter East Sydney.
- (b) The land described in the Third Schedule hereto shall be held upon trust for the use benefit and purposes of the schools established or proposed to be established by the S.C.E.G.G.S.

Council or any one or more of them in such manner as the said Council should from time to time determine.

3. S.C.E.G.G.S. shall pay to the Corporate Trustee the sum of ONE MILLION DOLLARS (\$1,000,000) and the Corporate Trustee shall apply the same in the following manner:-

- (a) by payment to the Churchwardens of St. Peter's Church East Sydney a sum no greater than TWO HUNDRED THOUSAND DOLLARS (\$200,000) or such greater sum as the Standing Committee by resolution may determine which shall be applied by the said Churchwardens towards the cost of building a new multi-purpose church centre upon the land described in the Second Schedule hereto, which centre shall be designed so as to be readily capable of adaption to commercial community or residential purposes as future circumstances may require.
- (b) the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) shall be loaned free of interest for a period of fifteen years to the Inner City Committee for the purpose of such development of inner city church property as the Inner City Committee shall determine PROVIDED that the whole or any part of such sum may during the said period if not being used for the abovementioned purpose be invested by the Corporate Trustee on behalf of the Inner City Committee and the income (if any) derived therefrom shall be held upon trust for the Inner City Committee and applied in furtherance of its objects PROVIDED FURTHER that upon the expiration of the said period of fifteen years the said sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) shall accrue to and form part of the capital sum invested by the Corporate Trustee as provided in sub-clause (c) hereunder.
- (c) the balance remaining shall be invested by the Corporate Trustee and the income so derived shall be applied as hereinafter set forth:-
 - (i) the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000) per annum shall be paid to the said Churchwardens for general parochial purposes within the said Parish PROVIDED that the adequacy of such amount may at the instance of the said Parish be reviewed from time to time and at least every five years shall be reviewed by the Standing Committee and if thought desirable varied by Ordinance.
 - (ii) the balance of the income shall be distributed in accordance with the Special Purposes Assessment Ordinance 1958 as amended.

4. The rector and churchwardens of the Parish of St. Peter East Sydney shall have the rent free use of the existing Church building within the Parish and known as St. Peter's Church until 1st December, 1974, or such later date as S.C.E.G.G.S. and the said rector and churchwardens shall mutually agree upon and the said churchwardens shall also have the right within fourteen (14) days of such date to remove at their own cost any memorials fittings or other items as they shall require from the existing Church building.

5. (1) The said Parish shall have control of any carillon to be installed in the nearby development carried out by S.C.E.G.G.S. and S.C.E.G.G.S. shall provide at half rental within the said development one two bedroom home unit and one car space free of charge for use by the staff of the said Parish.

(2) Access for pedestrians and vehicles for funerals and weddings at the St. Peter's Church Centre shall be provided at footpath level direct from St. Peter's Street on to the proposed plaza. In the event of the City Council requiring parking of and incidental to approval of the new Church Centre sufficient parking shall be made available in the nearby development carried out by S.C.E.G.G.S.

6. This Ordinance shall not be construed as in any way effecting the

operation of any other ordinance relating to the revocation or amalgamation of parishes or other ecclesiastical units.

7. The costs of and incidental to this Ordinance shall be paid by the churchwardens of the Parish of St. Peter East Sydney.

8. This Ordinance may be cited as "St. Peter's East Sydney Variation of Trusts Ordinance 1973".

FIRST SCHEDULE

First Part

ALL THAT piece or parcel of land situate at Darlinghurst in the City of Sydney Parish of Alexandria having a frontage of 24' 5 $\frac{1}{2}$ " to Bourke Street and a frontage of 35' 9" to St. Peter's Lane by depths of 35' 9 $\frac{1}{2}$ " and 34' 3 $\frac{1}{4}$ " having an area of 3 perches and being the whole of the land comprised in Certificate of Title Volume 3496 Folio 125.

Second Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 52' 8" to Bourke Street and a frontage of 35' 1 $\frac{3}{4}$ " and 35' 10 $\frac{1}{2}$ " to St. Peter's Street by depths of 53' 1 $\frac{3}{4}$ " and 35' 9 $\frac{1}{4}$ " having an area of 6 $\frac{3}{4}$ perches and being the whole of the land comprised in Certificate of Title Volume 2835 Folio 221.

Third Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having frontage of 15' 11 $\frac{1}{2}$ " to St. Peter's Lane and a frontage of 15' 10 $\frac{1}{4}$ " to St. Peter's Street by depths of 77' 6 $\frac{1}{2}$ " and 77' 5" having an area of 4 $\frac{1}{2}$ perches and being the whole of the land comprised in Deed of Conveyance No. 219 Book 1304.

Fourth Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 105' to St. Peter's Lane and a frontage of 105' to St. Peter's Street by depths of 77' 6 $\frac{1}{2}$ " and 78' 9" being Lots 18, 19, 20 and 21 of Section 4 of the Barham Estate and being the whole of the land comprised in Deed of Conveyance No. 249 Book 1625.

Fifth Part

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid and having a frontage of 75' to St. Peter's Lane and a frontage of 75' to St. Peter's Street by depths of 78' 9" and 78' 11" being Lots 22, 23 and 24 of Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 153 Book 148.

Sixth Part

ALL THAT piece or parcel of land situated at Darlinghurst as aforesaid having a frontage of 25' to St. Peter's Lane and a frontage of 25' to St. Peter's Street by depths of 78' and 78' 9" being Lot 25 of Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 838 Book 147.

Seventh Part

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 26' 3" to St. Peter's Lane and a frontage of 26' to St. Peter's Street by depths of 78' 9" and 78' 8" being Lot 26 in Section 4 of the Barham Estate and being the whole of the land comprised in Indenture of Conveyance No. 837 Book 147.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 77' 2 5/8" to Bourke Street and frontages of 53' 0" to St. Peter's Lane and St. Peter's Street respectively by a depth of 78' 0" on the eastern boundary containing an area of 4,100 square feet approximatley being part of the land comprised in the First Schedule hereto and known as Lot 1 and being part of the land comprised in Certificate of Title Volume 12213 Folio 64.

THIRD SHCEDULE

ALL THAT piece or parcel of land situate at Darlinghurst as aforesaid having a frontage of 79' 5 1/8" to Forbes Street and frontages of 228' 7 1/2" to St. Peter's Lane and 228' 9" to St. Peter's Street respectively by a depth of 78' 0" on the western boundary containing an area of 18,000 square feet approximatley being part of the land comprised in the First Schedule hereto and known as Lot 2 and being part of the land comprised in Certificate of Title Volume 12213 Folio 64.

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

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 10th day of December 1973.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
10/12/1973