

Broadway Variation of Trusts for Archbishop's Residence Ordinance 2017

No 25, 2017

Long Title

An Ordinance to vary the trusts and authorise the subdivision of certain land at Forest Lodge and matters incidental thereto.

Preamble

A. The Property Trust is the trustee of the land comprised in folio identifier 101/1161665 known as 22 Catherine Street, Forest Lodge (the "Catherine Street Land").

B. The Property Trust is also the trustee of the land comprised in folio identifier 102/1161665 known as 37A Arundel Street, Forest Lodge (the "Arundel Street Land").

C. The Property Trust is also the trustee of the portion of land in folio identifier 104/1161665 known as 35 Arundel Street, Forest Lodge that is surrounded by a bold line in the sketch in Appendix A, having dimensions of approximately 19.645 metres by 4.71 metres (the "Rectory Annex").

D. By clause 5 of the *Broadway Trust Ordinance 2013*, the Land is held on trust for the purposes of the Parish of Broadway (the "Parish").

E. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the use or benefit of the Parish or for the same or like purposes, and it is expedient that the trusts be varied in the manner set out in this Ordinance.

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

1. Name

This Ordinance is the Broadway Variation of Trusts for Archbishop's Residence Ordinance 2017.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the use or benefit of the Parish or for the same or like purposes and it is expedient that those trusts be varied in the manner set out in clause 4.

3. Definitions

"Capital Fund" means the fund of this name held under the *Endowment of the See Capital Ordinance 2012*.

"Endowment of the See Committee" means the committee of that name constituted by the *Endowment of the See Expenditure Ordinance 2012*.

"Land" means the Catherine Street Land, the Arundel Street Land and the Rectory Annex.

"Parish Council" means the parish council of the Parish.

"Subdivision" means the subdivision authorised in clause 5.

"Trigger Date" means the date that the Property Trust makes the payment referred to in clause 6.

4. Variation of trusts

(1) On and from the Trigger Date, the Land is held on trust for the purposes set out in the *Endowment of the See Capital Ordinance 2012* as an addition to the Capital Fund.

(2) On and from the date that the Sum is paid in accordance with clause 6, the trusts of that part of the capital of the ACPT – Broadway Trust comprising the Sum are varied to the extent necessary to permit the payments referred to in clause 7.

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5. Subdivision

On and from the Trigger Date, the Property Trust is authorised to subdivide the land in folio identifier 104/1161665 known as 35 Arundel Street, Forest Lodge by way of boundary adjustment so that the Rectory Annex forms part of the Catherine Street Land.

6. Payment of the Sum

The Property Trust must pay the sum of \$3,250,000 from the Capital Fund to the capital of the ACPT - Broadway Trust within 7 days of this Ordinance receiving assent (the "Sum").

7. Application of the Sum

On and from the Trigger Date, the Property Trust is directed that it may make the following payments from the capital of the ACPT – Broadway Trust -

- (a) an amount of up to \$1 million to pay out the loan undertaken by the Parish to finance the construction of improvements on the land in folio identifier 3/574478 known as the site of St Barnabas' Church Broadway, and
- (b) an amount of up to \$100,000 towards the costs of and incidental to the preparation of architectural plans and lodgement of a development application in relation to the Arundel Street Land, and
- (c) in the event that the development application referred to in paragraph 7(b) is approved, an amount of up to \$250,000 in and towards construction and fitout of a function centre on the Arundel Street Land, and
- (d) amounts determined by the Parish Council of the Parish from time to time by resolution to meet the costs of and incidental to restoring, maintaining, repairing and/or improving real property that is held on trust for the purposes of the Parish.

8. Costs

The costs of and incidental to this Ordinance and the Subdivision are to be paid from the Capital Fund.

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

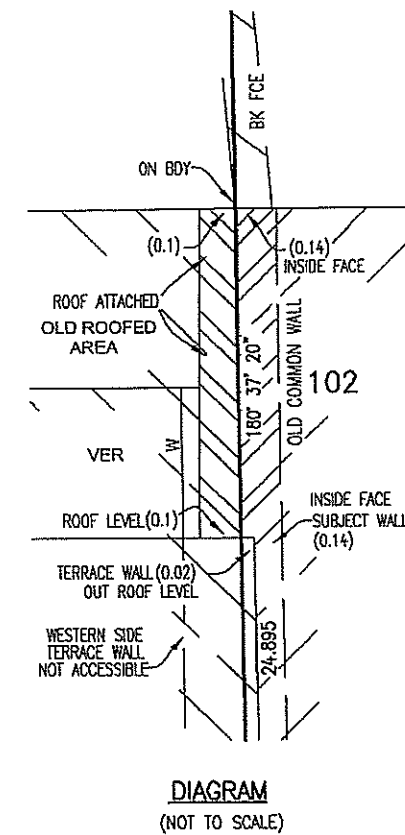
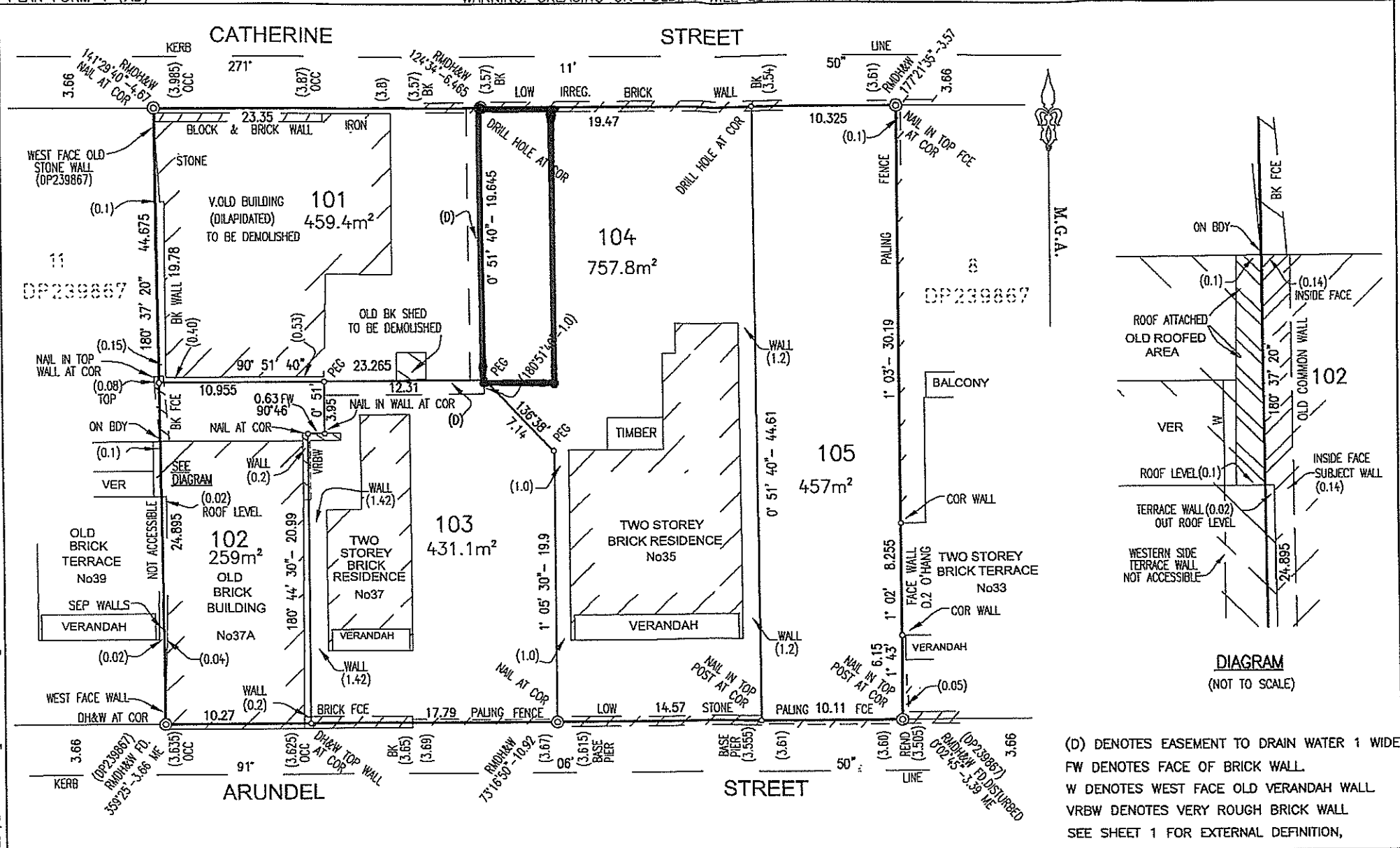
R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 September 2017.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
09/10/2017



(D) DENOTES EASEMENT TO DRAIN WATER 1 WIDE
 FW DENOTES FACE OF BRICK WALL
 W DENOTES WEST FACE OLD VERANDAH WALL
 VRBW DENOTES VERY ROUGH BRICK WALL
 SEE SHEET 1 FOR EXTERNAL DEFINITION,

Reg:R864780 /Doc:DP 1161665 P /Rev:08-Mar-2011 /Sts:SC,OK /Prt:08-Mar-2011 15:01 /Egs:ALL /Seq:2 of 4
 Ref:lands:ict-eplan /For Surveyors Use Only /Src:W

Surveyor: ANTHONY ALLEN Date of Survey: 1/11/2008 Surveyor's Ref: 033-08 DP	PLAN OF SUBDIVISION OF LOTS 9 & 10 DP239867	LGA: SYDNEY Locality: GLEBE Subdivision No: 40/2010 Lengths are in metres. Reduction Ratio 1:250	Registered 7.3.2011	DP1161665
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