
The Cathedral Site Ordinance 1935.

No. 2. 1935.

AN ORDINANCE to deal with offers made by the Hon. the Premier of New South Wales to the Diocese of Sydney to amend the Cathedral Site Ordinance 1927 and for purposes connected therewith.

WHEREAS the agreement contained in the schedule to the Cathedral Site Ordinance 1927 has never been introduced for ratification to the Parliament of New South Wales and certain negotiations have taken place between the Premier of New South Wales and the Church authorities of the Diocese of Sydney and a specific promise has been made of a new site for the Cathedral in the terms contained in the first schedule hereto and alternative offers in the terms contained in the second and third schedules hereto has been recently made to His Grace the Archbishop of Sydney AND WHEREAS it is expedient that the said alternative offers should be considered by the Synod of the Diocese of Sydney, the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the constitutions for the management and good government of the Church of England within the State of New South Wales and by the Church of England Trust Property Act 1917 and of all other powers hereunto enabling it ordains directs and declares as follows:—

1. That this Synod hereby accepts the offers contained in the second and third schedules hereto and the Standing Committee is hereby empowered to do all such things as may appear to it to be necessary and convenient to carry the same into effect with power to agree to any minor modification of such offers.

2. When the offers contained in the second and third schedules hereto shall be carried into effect in accordance with the terms thereof this Synod declares that the same shall be deemed to be a complete satisfaction for the failure of the said agreement contained in the said recited Ordinance and for the failure of any satisfactory modification thereof and a release of the said promise mentioned in the first schedule hereto.

3. Upon the said offers being carried into effect as aforesaid the said Cathedral Site Ordinance 1927 shall be deemed to be superseded and to be of no further force or effect whatsoever.

4. This Ordinance may be cited as "The Cathedral Site Ordinance 1935."

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FIRST SCHEDULE.

4th November, 1933.

Dear Bishop Kirkby,

In confirmation of the information given to you and some of the members of your Committee on the 3rd November, in connection with the Anglican Cathedral, I now formally convey to you Cabinet's decision in the matter, which is to the effect that—

The Government, in the re-designing of the area on the eastern side of Macquarie Street between the Mitchell Library and the Registrar-General's Building, will recommend to Parliament that a suitable part of that area be provided for the Church of England as a Cathedral site in substitution for the present site of St. Andrew's, on such terms and conditions as may be mutually agreed upon; due consideration being given to the question of compensation for disturbance.

In signing this letter as Deputy Premier, I do so in the absence of the Premier, and with his acquiescence.

Yours faithfully,

M. F. BRUXNER

Deputy Premier.

The Right Rev. S. J. Kirkby, B.A.
Coadjutor Bishop,
Diocesan Church House,
George Street, Sydney.

SECOND SCHEDULE.

Premier's Department,

Sydney, 21st February, 1935.

His Grace the Archbishop of Sydney,
Sydney.

My Dear Archbishop,

Re Cathedral Site.

I refer to the negotiations that have been carried on by my colleague, Colonel Bruxner, Minister for Transport, on behalf of the Government, with the Cathedral Authorities.

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As you, and, I believe, the Committee dealing with this matter, are fully aware, the Government is very anxious to arrive at an adjustment of the St. Andrew's Cathedral site question which will be satisfactory to the Anglican Church and to the people of the State.

The whole object of this letter is, without going into a detailed history of the negotiations that have from time to time been carried on with this and previous Governments, to put forward a definite concrete proposal capable of immediate achievement on the basis of the recent proposals submitted to you and the Cathedral authorities by the Government.

In doing this I wish to make it perfectly clear that, although the Government submits this alternative proposal, it does not wish to convey the idea that it has definitely decided not to consider the Macquarie Street area as promised. On the contrary the Government desires, in endeavouring to arrive at a satisfactory settlement, to do so with the utmost candour and friendliness to the Church and will not depart from any promise made by it.

Under all the circumstances it feels that the Macquarie Street proposal cannot be brought very early to fruition either before the next election or shortly thereafter.

I feel sure you will all realise the Government's duty in regard to the Macquarie Street area which has been undoubtedly altered by the opening of Martin Place.

On the other hand, the alternative proposal now submitted is, I venture to suggest, something tangible and possible of immediate achievement.

The proposal is as follows:—

The Government will take immediate steps to prepare and introduce into Parliament the necessary legislation to provide for:

- (a) The resumption of the properties lying between St. Andrew's Place and Kent Street, tinted grey on the plan attached hereto. (In passing might I say that this plan has been drawn on a specially large scale to obtain clear definition.)
- (b) To vest this area in the Church of England Property Trust, Diocese of Sydney.

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- (c) To close and vest in the Church of England Property Trust, Diocese of Sydney, the roadway named St. Andrew's Place shown on the same plan and tinted grey.
- (d) As requested by the Cathedral authorities, to amend the Act 32 Victoria No. 4 called the Cathedral Close Act by removing the restriction contained in Section 3 of that Act so far as the area described in the second schedule is concerned.
- (e) You will observe on the plan a roadway which will separate the Town Hall properties from what will be the area belonging to the Cathedral. This is intended to be a one-way traffic street and, it is suggested, will prove of great advantage to the Cathedral as well as provide for the reasonable convenience of the Town Hall authorities. It will involve a slight readjustment of the present Cathedral area.
- (f) In order to assist the Cathedral authorities in remodeling and re-establishing their buildings the Government will submit to Parliament a measure authorising the payment to such authorities of one hundred thousand pounds (£100,000) payable in five annual instalments of twenty thousand pounds (£20,000) each without interest.

In submitting the legislation to Parliament the Government undertakes to recommend such legislation and to use its best endeavours to have it passed into law this Session.

In view of the fact that such Session must very shortly close, would it be too much to ask that this matter be speedily dealt with.

Yours faithfully,

B. S. B. STEVENS.

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THIRD SCHEDULE.

Premier's Department,
Sydney, 26th February, 1935.

His Grace the Archbishop of Sydney,
Sydney.

My dear Archbishop,

Re Cathedral Site.

I refer to my letter to you of the 21st instant, and also to further negotiations carried on to-day between yourself, the Cathedral Authorities, and the Government.

In order to meet Your Grace and the Cathedral Authorities in the very sincere desire which the Government realises the Synod is making to adjust this matter, the Government will add to its proposed legislation mentioned in my letter above referred to and submit to Parliament additional clauses to provide for:—

- (1) To vest that area shown as suggested road on the plan submitted and coloured pink running from Kent Street to St. Andrew's Place in the Church of England Property Trust Diocese of Sydney.
- (2) To reserve the Cathedral grounds and the additional areas referred to in my said letter and also referred to hereafter free from any resuming powers in any public or other authority save by actual fresh legislation.
- (3) The Government will use its best endeavours to arrange with the City Council for the resumption of that area to the north of the pink tinted area and marked suggested roadway now occupied by that Council for the purposes of its electricity undertakings and to vest in the Cathedral authorities that portion thereof which would be bounded on the north by the projection of the northern boundary of the Cathedral grounds to Kent Street.

The remainder of the pink tinted roadway north of St. Andrew's Place will also be included in the Cathedral grounds subject to any necessary right-of-way to be reserved to the City Council until it shall vacate the Electricity Building.

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It is understood that the Cathedral authorities will not be entitled to the possession of such additional area for such period of not less than seven years as may be agreed upon with the Council.

Upon the acceptance of these and the proposals contained in my letter to Your Grace of the 21st February, 1935, all claims of the Cathedral and Church authorities against the Government of New South Wales in respect of any lands heretofore taken from the Cathedral grounds whether in times past or in respect of the underground railway and whether for resumption disturbance or otherwise and all other claims which may arise by reason of the construction of such railway shall be deemed to have been satisfied.

Yours faithfully,

(Signed) B. S. B. STEVENS.

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

W. J. G. MANN,

Acting Chairman of Committees.

We certify that this Ordinance was passed this twenty-sixth day of February, 1935.

S. H. DENMAN
HARINGTON B. COWPER } Secretaries of
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

28th February, 1935.

CITY OF SYDNEY

KENT STREET

134' 0 1/2"

12.5' 4"

SUGGESTED ROAD
CITY COUNCIL

WORKERS BUILDING

BAPTIST CHURCH

126' 0"

BATHURST STREET

PLACE

ST ANDREWS

170' 0"

112' 0"

190' 0"

58' 6"

56' 6"

12' 0"

12' 0"

58' 10"

12' 0"

12' 0"

12' 0"

12' 0"

12' 0"

12' 0"

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12' 0"

12' 0"

12' 0"

12' 0"

12' 0"

12' 0"

12' 0"

TOWN HALL

EXISTING

ROADWAY

21' 0"

TRAFFIC

CHAPTER HOUSE

ST ANDREWS CATHEDRAL

GEORGE STREET

STREET

