

# Cobbitty Amendment, Allocation and Authorisation Ordinance 2021

No 40, 2021

## Long Title

An Ordinance to –

- (a) amend the *Cobbitty Trust Ordinance 2013* to make arrangements for the long-term lease of Lot 1/DP562336,
- (b) to direct purposes for which certain capital of the ACPT – Cobbitty Trust may be applied, and
- (c) to authorise the Anglican Church Property Trust to provide consent to the mortgaging of the lease by the lessee.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the **ACPT**) is the registered proprietor of the whole of the land contained in Lot 1/DP562336 known as 335 Cobbitty Road, Cobbitty and the site of the rectory and a vacant block (the **Land**).

B. The Land is church trust property and forms part of the property of the ACPT – Cobbitty Trust which, under the *Cobbitty Trust Ordinance 2013*, is held for the purposes of the Parish of Cobbitty.

C. It is expedient that part of the Land be leased and the proceeds applied 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 Cobbitty Trust Ordinance 2013 Amendment Ordinance 2021.

### 2. Amendment

The *Cobbitty Trust Ordinance 2013* is amended by –

- (a) inserting the matter ‘to the *Cobbitty Trust Ordinance 2013 Amendment Ordinance 2018*’ after the word Schedule in clause 9(2), and
- (b) inserting a new subclause 9(3), and consequently renumbering the remaining subclauses, as follows –

‘(3) Notwithstanding subclause (1), with the written consent of the parish council of the Parish the ACPT may lease or licence that part of the land in folio identifier 1/DP562336 known as 335 Cobbitty Road, Cobbitty as shown approximately in the diagram in the Schedule to the *Cobbitty Amendment, Allocation and Authorisation Ordinance 2021*, provided that the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed 30 years, without limitation as to the rental amount.’

### 3. Allocation from the ACPT – Cobbitty Trust

The ACPT is directed under clause 6(2)(d) of the *Cobbitty Trust Ordinance 2013* that \$150,000 of the funds held in Client Fund 0434 may be applied for the purposes of a cash retention of 5% of the proposed \$3 million building contract for the construction of a childcare centre and may be applied by ACPT towards the building or rectification of any defects in the building provided that –

- (a) 50% of the cash retention fund (less any deduction by the ACPT for building works) shall be returned to Client Fund 0434 upon an occupation certificate being provided by the wardens to the ACPT, and
- (b) the remaining 50% of the cash retention fund (less any deduction by the ACPT for building works undertaken on the building or rectification of defects paid for by the ACPT) be returned to Client Fund 0434 after –
  - (i) the expiry of 12 calendar months from the date that the occupation certificate was issued with respect to the building, and

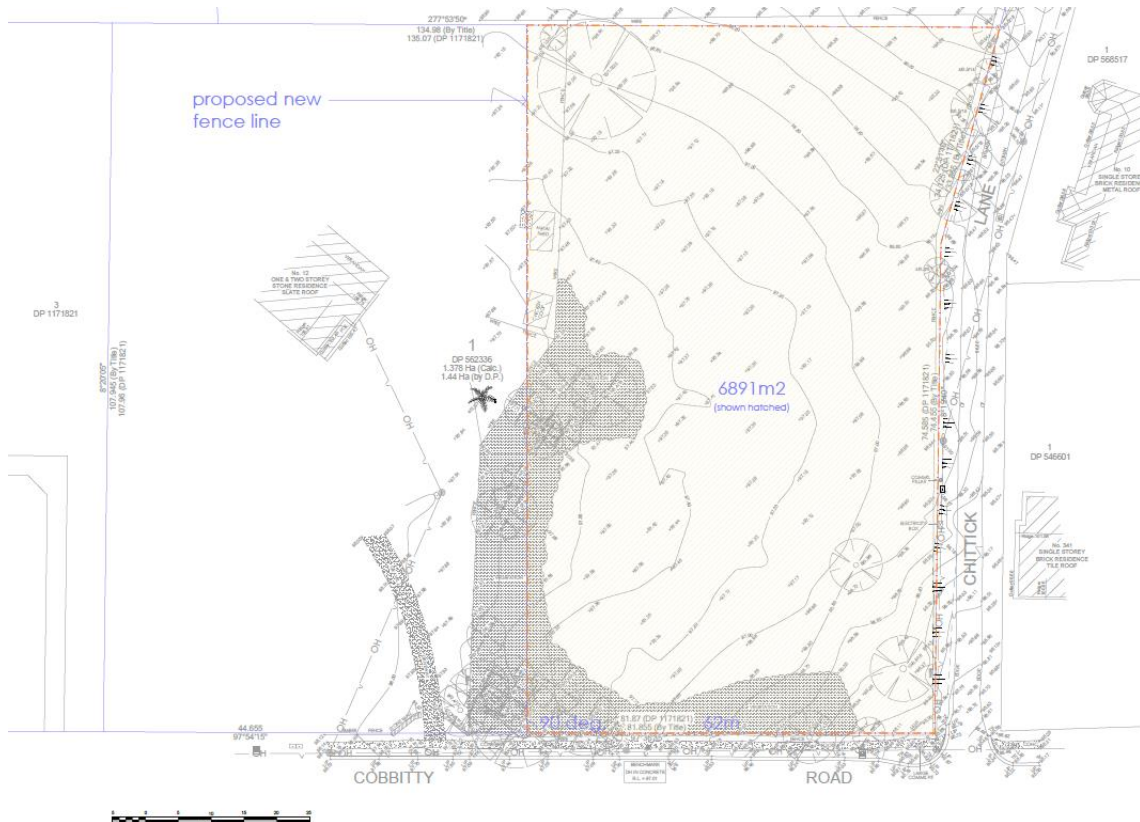
## Cobbitty Trust Ordinance 2013 Amendment Ordinance 2021

- (ii) a signed statement issued by the wardens of the Parish that the wardens are satisfied that there are no outstanding building defects to be rectified by the Lessee or its builder has been delivered to ACPT.

### 4. Authorisation

The ACPT is authorised to provide its consent to the mortgaging of the lease authorised under clause 9(3).

### Schedule



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

MICHAEL STEAD  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 October 2021.

D GLYNN  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

19/10/2021