

# Kirribilli and Neutral Bay Variation of Trusts and Amendment Ordinance 2020

No 50, 2020

## Long Title

An Ordinance to vary the trusts on which certain property is held, to consolidate the property in the ACPT- Kirribilli and Neutral Bay trust and make consequential amendments to the *Neutral Bay Trust Ordinance 2006*.

## Preamble

A. The Anglican Church Property Trust (the “ACPT”) is the trustee of the property described in the First Schedule (together, the “Kirribilli Property”).

B. The Kirribilli Property is held on the trust for the purposes of the Parish of Kirribilli although there are no written trusts.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Kirribilli Property is held, it is inexpedient to carry out and observe those trusts.

D. The ACPT is the trustee of the property described in the Second Schedule (together, the “Neutral Bay Property”).

E. The Neutral Bay Property is, by clause 5 of the *Neutral Bay Trust Ordinance 2006*, held on trust for the purposes of the Parish of Neutral Bay.

F. The Parish of Kirribilli and the Parish of Neutral Bay have been amalgamated under the *Parishes Ordinance 1979* to form the Parish of Kirribilli and Neutral Bay.

G. By reason of circumstances which have arisen after the creation of the trusts on which the Kirribilli Property and the Neutral Bay Property is held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts 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 Kirribilli and Neutral Bay Variation of Trusts and Amendment Ordinance 2020.

### 2. Declarations

(1) By reason of circumstances which have arisen after the creation of the trusts on which the Kirribilli Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish of Kirribilli, and it is expedient that those trusts be varied in the manner set out in clause 4.

(2) By reason of circumstances which have arisen after the creation of the trusts on which the Neutral Bay Property is held, it is inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish of Neutral Bay, and it is expedient that those trusts be varied in the manner set out in clause 4.

### 3. Amendment

(1) The *Neutral Bay Trust Ordinance 2006* is amended as follows –

- (a) substitute the words “Kirribilli and Neutral Bay” for the word “Neutral Bay” wherever it appears excluding when the word appears in the Schedule,
- (b) insert the matter “ACPT –” in the Long Title before the words “Kirribilli and Neutral Bay”,
- (c) substitute the word “ACPT” for the words “Property Trust” wherever it appears excluding where the word appears in –
  - (i) recital A of the Preamble in the phrase “Anglican Church Property Trust Diocese of Sydney”, and
  - (ii) clause 9(2) in the phrase “*Anglican Church Property Trust Ordinance 1965*”,

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- (d) substitute the word “wardens” for the word “churchwardens” wherever it appears,
- (e) delete the full stop at the end of clause 6(2)(d) and insert instead “, provided that any such purposes directed by resolution must be within the purposes of the Parish in accordance with clause 5.”,
- (f) delete all the matter in clause 7(2) and insert instead the following –
  - “(2) The income of the trust fund arising from a lease or licence granted pursuant to clause 9(1) is to be applied in accordance with clause 7(1)(b).”
- (g) delete the number “10” in clause 8(2) and insert instead the number “24”,
- (h) delete all the matter in clause 9(1) and insert instead the following –
  - “(1) With the written consent of the parish council of the Parish, the ACPT may lease or license any part of the real property forming part of the trust fund, except any part which is consecrated or licensed for use as a church, if –
    - (a) the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed 5 years, and
    - (b) the rental payable by the lessee or licensee is not more than any limit that is determined by the Standing Committee by resolution from time to time for the purposes of this clause.”, and
- (i) delete the matter “Anglican Church Property Trust Ordinance 1965” in clause 9(2) and insert instead the matter “*Anglican Church Property Trust Diocese of Sydney Ordinance 1965*”.

### 4. Variation of trusts

The trusts of the Kirribilli Property and the Neutral Bay Property are varied so that it is held on the trusts set out in clause 5 of the *Kirribilli and Neutral Bay Trust Ordinance 2006* as part of the capital of the ACPT – Kirribilli and Neutral Bay Trust under that Ordinance.

#### First Schedule

The land contained in folio identifiers 5/B/1537, 6/B/1537, 7/B/1537, 8/B/1537, 9/B/1537, and 10/B/1537, known as the Cnr of Broughton and Bligh Streets, Kirribilli and the site of the Church, Rectory and Parish Halls.
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ACPT Client Fund 384
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#### Second Schedule

The land contained in – <ul style="list-style-type: none"><li>(1) Folio identifier Auto Consol 5060-90, and</li><li>(2) Folio identifiers 47/3104 and 2/805649,</li></ul> known as the site of St Augustine’s church situated at the Corner of Wycombe Road and Shell Cove Road Neutral Bay.
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The land contained in folio identifier 1/552516 known as 10 Powell Street Neutral Bay.
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ACPT Client Fund 660
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ACPT Client Fund 657
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ACPT Client Fund 653
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ACPT Client Fund 655
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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

D S MARR  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 14 September 2020.

D GLYNN  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney

14/09/2020