

St. Andrew's Cathedral Site Development Ordinance, 1970

No. 37, 1970

AN ORDINANCE to authorise and provide for the development of certain parts of the land comprised in Certificate of Title Volume 4804 Folio 186 and certain adjoining land and for purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as the proprietor in fee simple of the land (hereinafter called the "said land") comprised in Certificate of Title Volume 4804 Folio 186 and more particularly described in the First Schedule hereto AND WHEREAS there are erected on the said land buildings known as St. Andrew's Cathedral, the Chapter House, Diocesan Church House (part of which was formerly known as "The Deanery"), St. Andrew's Cathedral School (hereinafter called the "School") and certain other buildings AND WHEREAS the said land is held upon trust for all or any of the following purposes, that is to say, a site for a Cathedral Church, a residence for the Chief Officiating Minister of the Cathedral, a Church House and offices and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney AND WHEREAS by a contract dated the 2nd day of July, 1970, the Corporate Trustee agreed to acquire from The Sydney County Council certain land described in the Second Schedule hereto (hereinafter called the "acquired land") adjacent to the said land AND WHEREAS no trusts have been declared in writing concerning the acquired land AND WHEREAS there are erected on the land described in the Third Schedule hereto (which land is part of the said land) buildings known as St. Andrew's Cathedral and the Chapter House AND WHEREAS it is proposed to demolish some or all of the improvements on the balance of the said land and on the acquired land and to erect one or more new buildings thereon AND WHEREAS it is expedient to make provision for the carrying out of these proposals AND WHEREAS such new building or buildings will in addition to providing for administrative offices in connection with the Diocese of Sydney also be in part used for commercial purposes and the rents and profits applied as hereinafter provided AND WHEREAS provision has been made for the management and control of the said land by St. Andrew's Cathedral Building Ordinance 1937 (No. 9, 1937) and Diocesan Church House and Vested Buildings Management Ordinance 1941 (No. 8, 1941) AND WHEREAS certain monies known as the Cathedral Compensation Fund being the assets shown in the account called "St. Andrew's Cathedral Site Account" are held upon trust for the use benefit or purposes of the Church of England in the Diocese of Sydney and in connection with the erection of buildings in addition to or in substitution for in enlargement or alteration of all or any of the buildings on the said land and for certain other purposes AND WHEREAS by reason of circumstances which have arisen since the creation of the trusts upon which the said land and the Cathedral Compensation Fund are held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby varied NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

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1. (a) St. Andrew's Cathedral Building Ordinance 1937 is hereby repealed but such repeal shall not affect or invalidate anything done thereunder hitherto.
(b) Diocesan Church House and Vested Buildings Management Ordinance 1941 is varied to the extent provided herein.
2. (a) The Corporate Trustee is hereby authorised and empowered to bring the acquired land under the provisions of the Real Property Act 1900 and to subdivide the said land and the acquired land into two lots, one lot (which is hereinafter called "Lot B") comprising the part of the said land which is described in the Third Schedule hereto to be the same a little more or less and the other lot (which lot is hereinafter called "Lot A") comprising the balance of the said land and the acquired land.
(b) The Corporate Trustee is hereby authorised and empowered to further subdivide Lot A if the Standing Committee considers it expedient to do so provided that all references to Lot A hereinafter shall include any subdivision thereof.
3. (a) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it has become inexpedient to carry out and observe the same in their entirety and it is expedient that such trusts be varied to the extent that the same are hereby varied.
(b) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said Cathedral Compensation Fund is held it has become inexpedient to carry out and observe the same in their entirety and it is expedient that such trusts be varied to the extent that the same are hereby varied.
4. The Standing Committee is hereby authorised to demolish Diocesan Church House and all or any or any part of the other buildings and improvements standing on Lot A, to excavate the whole or any part of Lot A, to erect one or more new buildings and other improvements thereon and to otherwise develop the whole or any part of Lot A safeguarding and preserving as fully as possible the mature trees thereon (all of which buildings improvements and other development are hereinafter called the "new buildings") in such manner as is, in the opinion of the Standing Committee, expedient or appropriate.
5. The Standing Committee is hereby authorised to construct a car parking station (hereinafter called the "car park") and/or a concourse (hereinafter called the "concourse") between the Town Hall Railway Station and any of the said new buildings wholly under Lot A or partly under Lot B and partly under Lot A provided that such car park and concourse do not interfere with the buildings known as St. Andrew's Cathedral and the Chapter House.
6. (a) The St. Andrew's Cathedral Chapter (hereinafter called the "Chapter") with the approval of the Standing Committee

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shall make all arrangements necessary to relocate (if in its opinion any such relocation is necessary) the School on the said land or elsewhere during any building operations affecting the School building erected on the said land as at the date on which this Ordinance is passed and until such time as suitable permanent accommodation is available for the School. The cost of any such relocation shall be charged to the total cost of carrying out the works envisaged by this Ordinance.

- (b) The Chapter shall not before or during such relocation without the prior approval of the Standing Committee allow the number of students attending the School to exceed 320.
7. (a) For the purpose of this Clause, the power to manage includes:
- (i) all powers of governing and controlling and of user,
 - (ii) power to repair, renovate, demolish, alter or improve, and
 - (iii) power to direct the Corporate Trustee to grant leases or licences to such persons or companies at such rentals, for such terms and upon such covenants, provisions and conditions as the Standing Committee may consider appropriate.
- (b) The Standing Committee shall have the power to manage the new buildings and any car park and concourse.
8. In exercising the authorities and powers given by Clauses 4, 5 and 7 of this Ordinance the Standing Committee shall consult with the Chapter in all matters relating to the School.
9. For the purpose of exercising all or any of the authorities and powers hereby given, the Standing Committee is hereby authorised:
- (a) to constitute one or more committees of persons who need not be members of the Synod;
 - (b) to appoint persons to any such committee;
 - (c) to remove any person from any such committee;
 - (d) to amend or vary the constitution of any such committee;
 - (e) to employ any person, company or body corporate (including, but without limiting the generality, the Corporate Trustee and the Glebe Administration Board) whether on an honorary basis or otherwise, to assist the Standing Committee or any such committee in the exercise of all or any of the authorities and powers thereof;
 - (f) to delegate all or any of the authorities and powers hereby given to any such committee or to any person, company or body corporate;
 - (g) to revoke, vary or amend any such delegation;
 - (h) to borrow monies with or without security including the security of Lot A or the future income to be derived

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- therefrom and for this purpose the Corporate Trustee shall mortgage or charge the whole or any part of Lot A or the future income to be derived therefrom from time to time and in such manner as the Standing Committee may by resolution direct;
- (i) to use any monies borrowed donated or subscribed in connection with the exercise of the authorities and powers hereby given; and
 - (j) to apply the whole or any part of the Cathedral Compensation Fund and any income thereof in exercising all or any of the authorities and powers hereby given.
10. (a) The term "gross surplus" where used in this clause means, in relation to any period, the total gross rents, issues and profits from the new buildings and any car park and concourse during the period under consideration less the aggregate of:
- (i) all outgoings incurred during that period in deriving such rents, issues and profits,
 - (ii) all maintenance and other expenditure incurred in connection with the new buildings, the car park and concourse during that period and any provision set aside by the Standing Committee therefor during that period,
 - (iii) all interest payable during that period on monies borrowed by the Standing Committee to erect the new buildings, the car park and the concourse, and
 - (iv) such repayments of the said borrowed monies as Standing Committee may make during the said period.
- (b) Each gross surplus shall be applied by the Standing Committee for such purposes in connection with the St. Andrew's Cathedral and the administration of the affairs of the Church of England in Australia within the Diocese of Sydney as the Standing Committee and the Chapter shall from time to time agree upon, provided that to the extent to which the Standing Committee and the said Chapter shall not agree as to the application of such gross surplus or any part thereof, such gross surplus or part thereof shall be applied for such of the aforesaid purposes as the Synod shall from time to time by resolution determine.
11. The acquired land shall be held upon the same trusts as the balance of Lot A is held pursuant to this Ordinance.
12. This Ordinance may be cited as "St. Andrew's Cathedral Site Development Ordinance 1970".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate in the City of Sydney Parish of St. Andrew and County of Cumberland having an area of approximately 2 acres 1 rood 13-35/100 perches and having frontages of approximately 251 feet 9-7/8 inches to George Street approximately 332 feet 7 1/2 inches to Bathurst Street approximately

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237 feet 4½ inches to Kent Street and a depth of approximately 445 feet 9-1/8 inches and being the whole of the land comprised in Certificate of Title Volume 4804 Folio 186.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate as aforesaid having an area of approximately 6-3/10 perches and having a frontage of about 11 feet 2 inches to Kent Street, a depth on one side of about 90 feet 9 inches and on the other side of about 90 feet 9 inches and a rear measurement of about 27 feet 3 inches being part of the land comprised in description J.J. in a Deed of Conveyance dated 17th of June 1938 registered number 795 Book 1819 made between The Council of the City of Sydney and The Sydney County Council.

THIRD SCHEDULE

ALL THAT piece or parcel of land situate as aforesaid having an area of 3 roods 26½ perches commencing at the intersection of George and Bathurst Streets bounded on the east by the western alignment of George Street by a line bearing 177 degrees 0 minutes 00 seconds for 181 feet 11½ inches bounded thence on the north by a line bearing 83 degrees 58 minutes 20 seconds for 243 feet 5½ inches bounded thence on the west by a line bearing 165 degrees 10 minutes 30 seconds for 174 feet 7-5/8 inches and bounded on the south by the northern alignment of Bathurst Street bearing 266 degrees 30 minutes 00 seconds for 207 feet 4-1/8 inches to the point of commencement.

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

ATHOL RICHARDSON,
Chairman of Committees.

We certify that the Ordinance was passed by the Synod of the Diocese of Sydney this 13th day of October, 1970.

W. L. J. HUTCHISON,
K. N. SHELLEY,
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

14/10/1970.