

WOLLONGONG ORDINANCE 1989

No 12, 1989

AN ORDINANCE to declare and vary the respective trusts on which certain property is held.

WHEREAS

A. The Property Trust is the registered proprietor of the land described in the First Schedule hereto.

B. The land described in the First Schedule is held upon the trusts expressed in St Michael's Wollongong Sale Ordinance No 19, 1957 namely "upon trust to permit the same to be used for a church, parsonage, parish hall or curate's residence or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St Michael Wollongong".

C. The land described in the Second Schedule is part of the land described in the First Schedule.

D. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land in the Second Schedule is held, it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is also inexpedient to deal with or apply the same for the sole use and benefit of the Parish of Wollongong.

E. By the Wollongong Anglican Regional Council (49 Market Street) Ordinance No 14, 1988 the Property Trust was authorised to sell certain land at Wollongong and apply the net proceeds (and all accretions thereto) (all of which are hereinafter called "the Proceeds") towards the purchase of a building in Wollongong or towards the construction of a building upon land in Wollongong to be held upon trust for such of the purposes of the Wollongong Anglican Regional Council as that Council may determine from time to time by resolution thereof.

F. Such land has been sold and the Corporate Trustee holds the Proceeds.

G. Doubts have arisen as to the validity of the trusts upon which the Proceeds are held.

H. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Proceeds are held it is inexpedient to carry out and observe the same to the extent that they are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. By reason of circumstances which have arisen subsequent to the creation of the respective trusts upon which:

(a) the land described in the Second Schedule; and

(b) the Proceeds, in so far as the same exceed the sum of two hundred and fifty thousand dollars (\$250,000)

are held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such land or any part thereof for the same or like purposes and it is also inexpedient to deal with or

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apply the same for the sole use or benefit of the Parish of Wollongong and it is expedient that such trusts be varied as hereinafter set out.

(1) The Proceeds in so far as the same exceed the sum of two hundred and fifty thousand dollars (\$250,000) and the land described in the Second Schedule shall henceforth be held upon trust for the promotion of religion in connection with the Anglican Church of Australia in the Wollongong Zone.

(2) The Wollongong Anglican Regional Council shall govern and control the management and use of the said land and shall be wholly responsible for the maintenance and repair of all buildings thereon and for meeting and discharging all moneys payable in respect of the said land to the same extent as it would be liable if it were both the beneficial owner thereof and the registered proprietor thereof.

(3) The Property Trust shall apply the proceeds in so far as the same exceed the sum of two hundred and fifty thousand dollars (\$250,000) and any income which accrues thereon in or towards meeting the cost of improvements to the land described in the Second Schedule and the maintenance thereof if and when requested by the Wollongong Anglican Regional Council so to do.

(4) For the purposes of subclause (1) of this clause -

(a) "Wollongong Anglican Regional Council" means the Council established by the Wollongong Anglican Regional Council Ordinance 1972; and

(b) "Wollongong Zone" means the part of the Diocese defined as the "Region" in that ordinance.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said sum of two hundred and fifty thousand dollars (\$250,000) is held it is inexpedient to carry out and observe the same and it is expedient that such sum shall henceforth be held upon trust for the Parish of Wollongong to be applied by the Corporate Trustee in or towards the cost of the acquisition of a house or houses suitable for accommodating the rector of the Parish and or alternatively an assistant of the said rector. Pending such application the Property Trust shall invest the sum of \$250,000 and capitalise the income.

4. This Ordinance may be cited as the "Wollongong Ordinance 1989".

FIRST SCHEDULE

ALL THAT piece or parcel of land at Wollongong in the City of Wollongong Parish of Wollongong and County of Camden being Lot 2 in Deposited Plan 220248 and being part of the land in Crown Grant dated 9th May 1842 recorded in the Register of Grants of the United Church of England and Ireland No 65 Page 13.

SECOND SCHEDULE

ALL THAT piece or parcel of land situate at Wollongong in the City of Wollongong Parish of Wollongong County of Camden and State of New South Wales being part of Lot 11 in a plan of subdivision by Mr Surveyor Thomas dated 3rd of February 1989 being also part of Lot 2 D.P. 220248 COMMENCING at the south eastern corner of Lot 1 D.P.

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220248 being a point on the northern side of Market Street and bounded thence on the west by part of the eastern boundary of Lot 1 aforesaid being a line bearing  $359^{\circ} 45'$  for 25.69 metres bounded thence on the north by a line bearing  $89^{\circ} 45'$  for 2.26 metres thence again on the west by a line bearing  $359^{\circ} 45'$  for 4 metres thence again on the north by a line bearing  $89^{\circ} 45'$  for 26.18 metres bounded thence on the east by a line bearing  $179^{\circ} 45'$  for 11 metres thence on the north east by a line bearing  $147^{\circ} 37' 20''$  for 10.23 metres and thence again on the east by a line bearing  $179^{\circ} 45'$  for 10 metres to the northern side of Market Street aforesaid and bounded thence on the south by part of the northern side of Market Street aforesaid being a line bearing  $269^{\circ} 42'$  for 33.88 metres to the point of commencement and containing an area of 913 square metres all the aforesaid dimensions and area being a little more or less.

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

E.D. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23rd day of May 1989.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
28/ 5 / 89