

Wollongong Leasing Ordinance 2001

No 30, 2001

Long Title

An Ordinance to authorise the leasing or licensing of certain land at Wollongong and to provide for the application of the income.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land referred to in Schedule 1 (the "Land").

B. The Land is church trust property held on certain trusts partly for the parish of Wollongong (the "Parish") and partly for the Wollongong Regional Council (the "Council") as set out in Schedules 2 and 3 respectively.

C. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is expedient that the Land be leased or licensed and that the income from any such lease or licence be 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 Wollongong Leasing Ordinance 2001.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe those trusts or to deal with or apply the Land for the same or like purposes as those trusts and it is expedient that the Land be leased or licensed and the income from any such lease or licence be applied in the manner set out in this Ordinance.

3. Power to Lease or Licence

(1) The Property Trust is authorised from time to time to lease or licence the whole or any part of the Land (except that part comprising St Michael's, Wollongong) upon request made by resolution of the parish council of the Parish.

(2) The terms of any lease or licence should be those agreed by the Property Trust upon the request of the parish council of the Parish after consultation between the Property Trust and the parish council of the Parish.

4. Application of Rental income

Subject to clause 5, the income from any lease or licence granted under clause 3 shall be paid to the Property Trust and, after payment of all costs of or incidental to this Ordinance and the granting of the lease or licence, shall be applied as follows:

- (a) first in payment of any goods and services tax (as defined in *A New Tax System (Goods and Services Tax) Act 1999*) payable in connection with the lease or licence; and
- (b) the balance, to be paid to the churchwardens of St Michael's Wollongong for application by the parish council of the Parish for the purposes of the Parish.

5. Heritage Buildings

If -

- (a) an order is made under the Heritage Act 1977 in relation to any building or other improvement on land within the Parish; or
- (b) the condition of any building or other improvement on land within the Parish is such that it is reasonable to conclude in accordance with recommendation(s) in a report commissioned from a heritage architect or other expert on heritage buildings, that an order may be made under that Act in relation to that building or improvement; or
- (c) as regards any building or improvement on land within the Parish, an offence is committed under that Act,

the Property Trust may -

- (a) do all such works and other things as to comply with the order, avoid the issue of the order or satisfy the omission or action which has given rise to the offence (as the case may be); and
- (b) apply the whole or any part or parts of the income referred to in clause 4 in or towards meeting the cost of all such works and things.

Schedule 1

All that piece or parcel of land at Wollongong being Lot 1 in Deposited Plan 220248 and the land in Folio Identifier 1/220248.

Schedule 2: Parish Trusts

That part of the land held upon trust for the Parish is by the St Michael's Wollongong Sale Ordinance 1957 held on 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's Wollongong.

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Schedule 3: Council Trusts

That part of the land held upon trust for the Council is by the Wollongong Ordinance 1989, held on trust for the promotion of religion in connection with the Anglican Church of Australia in the Wollongong zone.

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

N M CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 13 August 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
14/8/2001