
St Michael's Wollongong Leasing Ordinance 1963

(Reprinted under the Interpretation Ordinance 1985.)

The St Michael's Wollongong Leasing Ordinance 1963 as amended by or in accordance with the St Michael's Wollongong Leasing Amendment Ordinance 1978 and the Interpretation Ordinance 1985.

Long Title

An Ordinance to authorise the leasing of certain land situated in Market Street Wollongong in the City of Greater Wollongong to provide for the application of the rents and profits therefrom and purposes incidental thereto.

Preamble

¹ Whereas by Crown Grant bearing date the ninth day of May One thousand eight hundred and forty two recorded in the Register of Grants of the United Church of England and Ireland No. 65 Page 13 on the Ninth day of June One thousand eight hundred and forty two the land therein mentioned and described in the First Schedule hereto was granted unto the Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares to hold unto the said Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares their heirs and assigns forever upon trust for the erection thereon of a church of the United Church of England and Ireland as by law established **And Whereas** pursuant to St Michael's Wollongong Sale Ordinance 1957 (No. 19, 1957) the said land was vested in Anglican Church of Australia Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) 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 Anglican Church of Australia in the Parish of St Michael Wollongong **And Whereas** the land described in the second Schedule hereto forms part of the said land and is now vacant **And Whereas** it is proposed to lease the land described in the second Schedule for use as a service station as hereinafter provided and for such reason it is inexpedient to carry out and observe the trusts upon which the same is now held to the extent to which they are hereby varied or modified **Now** the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod **Hereby Ordains Declares and Directs** as follows -

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First and Second Schedules hereto is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied or modified and it is expedient that the land described in the Second Schedule be leased as hereinafter set out.

2. The Corporate Trustee is hereby authorised and empowered to lease the land described in the Second Schedule for a term of ten years with option of renewal for two further terms of five years at a rental of One thousand six hundred and fifty pounds (£1,650) per annum or at an annual sum representing seven per centum of the Valuer General's valuation of the unimproved value of the land demised at the expiration of the lease whichever is the greater for the first term of five years and at a rental of One thousand eight hundred and fifty pounds (£1,850) per annum or at an annual sum representing seven per centum of a similar valuation at the expiration of such first renewal period whichever is the greater upon such conditions and stipulations as it may think fit including the following -

- (a) The lessee shall use the land only for a petrol and oil service station with its appurtenances and amenities according to plans and specifications to be approved by the Lessor and the Council of the City of Greater Wollongong which building and improvements shall revert to the lessor on expiration of the term.
- (b) Payment of a cash premium of Ten thousand pounds (£10,000) on the execution of the lease and an annual rental payable quarterly in advance of One thousand five hundred pounds (£1,500)

during the first ten years and thereafter for each succeeding term of five years in respect of which the option of renewal may be exercised at the rentals hereinbefore stated.

- (c) The lessee shall erect a suitable dividing fence or landscape screening between the land and the remainder of the land in the first Schedule according to proposals submitted to and approved by the lessor.
 - (d) The land shall be effectively closed to preclude public parking thereon when no attendant is present at the service station but persons attending St Michael's Church and Parish Halls on Sundays and at such other times during the night as the Rector and Churchwardens may reasonably require shall be entitled to park their cars on the "apron" of such station.
 - (e) The lease shall contain prohibitions against Sunday Trading including the use of automatic vending machines and any advertising of the service station in connection with the church or its name.
 - (f) No beer, ale, wine or spirituous liquors used as beverages shall be sold or consumed upon the premises.
 - (g) The lessee shall pay rates insurances and other outgoings in respect of the said land and buildings.
 - (h) The premises shall not be used for any purpose other than a service station with the appurtenances and amenities thereof for the sale of petrol, oil and other motor requirements.
No spray painting, panel beating or major repairs to be carried out and no second hand cars displayed for sale.
 - (i) A covenant to keep in good repair and deliver up in good repair and condition at the expiration of the lease.
 - (j) A proviso for re-entry on non-payment of rent or non-performance of covenants and conditions.
 - (k) Payment by the lessee of all Agent's fees, the costs of and incidental to the subdivision of the land, promotion of this Ordinance and preparation of the Lease.
3. The premium payable in respect of the said lease shall be applied by the Corporate Trustee as follows -
- (i) The establishment of a Parish Centre and Adult Christian Education Block by:
 - (a) The conversion of the present Rectory of St Michael's Wollongong for such purpose and the acquisition of another Rectory in lieu thereof either by purchase of land and building or purchase of land and the erection of a building thereon; or
 - (b) The erection of such a Centre on the residue of the existing church land.
 - (ii) The balance if any not so applied in pursuance of the preceding subclause towards additions and alterations to the existing church buildings or the erection of further buildings or such other capital expenditure as the Churchwardens and Parish Council of the said Church may determine.
- ² 4. The annual rent payable under the said lease shall be applied as follows -
- (i) At least one-tenth thereof towards such purposes and in such proportions as the Parish Council shall with the approval of the Wollongong Zone Council given by resolution determine for the work of the Anglican Church of Australia in the Diocese of Sydney beyond the Parish of St Michael Wollongong or diocesan work within the said Parish.
 - (ii) The balance for such parochial purposes as the Churchwardens and Parish Council of the said Parish may from time to time determine.
5. This Ordinance may be cited as "St Michael's Wollongong Leasing Ordinance 1963-1978".

First Schedule

All that piece or parcel of land in the State aforesaid containing by admeasurement Two acres be the same more or less situated in the County of Camden and Parish of Wollongong Town of Wollongong Commencing at the south west corner and bounded on the south by a line bearing east five chains to Church Street on the east by a line bearing north four chains on the north by a line bearing west five chains and on the west by a

line bearing south four chains to the south west corner (advertised as No. 28 in the Government Notice dated 8th February, 1842).

Second Schedule

All that piece or parcel of land containing about 1 rood 5 1/2 perches situated at Wollongong in the City of Greater Wollongong Parish of Wollongong and County of Camden and situated at the south western corner of the land comprised in the first schedule hereto having a frontage of about 115 feet to Market Street on the west and 108 feet to Market Street on the south being Lot 1 in plan of subdivision by Surveyor Allan Masters to be registered as a Deposited Plan.

Endnotes

1. Amended pursuant to the Interpretation Ordinance 1985.
2. Amended by Ordinance No 16, 1978 and pursuant to the Interpretation Ordinance 1985.

K.R. BOWDEN
Assistant Diocesan Secretary

17 November 1989

W.G.S. GOTLEY
Diocesan Secretary