

Wollongong Variation of Trusts and Amendment Ordinance 2023

No 5, 2023

Long Title

An Ordinance to vary the trusts on which certain property is held, to consolidate the property in the ACPT – Wollongong Trust and make consequential amendments to the *Wollongong Trust Ordinance 2016*.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

Preamble

- A. The Anglican Church Property Trust (the ACPT) is the trustee of the property described in the First Schedule (the **Wollongong Property**).
- B. By clause 5 of the *Wollongong Trust Ordinance 2016*, the Wollongong Property is held on trust for the purposes of the Parish of Wollongong (**Former Parish of Wollongong**).
- C. The ACPT is the trustee of the property described in the Second Schedule (the **Corrimal Property**).
- D. By clause 5 of the *Corrimal Trust Ordinance 2002*, the Corrimal Property is held on trust for the purposes of the Parish of Corrimal.
- E. The Parish of Wollongong and the Parish of Corrimal have been amalgamated under the *Parishes Ordinance 1979* to form a parish under the name 'Parish of Wollongong' (**Current Parish of Wollongong**).
- F. By reason of circumstances which have arisen after the creation of the trusts on which the Wollongong Property and the Corrimal Property are 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.

1. Name of ordinance

This Ordinance is the Wollongong Variation of Trusts and Amendment Ordinance 2023.

2. Declarations

- (1) By reason of circumstances which have arisen after the creation of the trusts on which the Wollongong 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 Former Parish of Wollongong, 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 Corrimal 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 Corrimal, and it is expedient that those trusts be varied in the manner set out in clause 4.

3. Amendment

The *Wollongong Trust Ordinance 2016* is amended as follows –

- (a) insert a new recital C in the Preamble as follows (and consequentially renumber the existing recital C as recital D) –
'The Parish of Wollongong and the Parish of Corrimal were amalgamated under the *Parishes Ordinance 1979* on 1 January 2023 to form a parish under the name 'Parish of Wollongong' (the "Parish")',
- (b) in the renumbered recital D delete the matter 'the parish of Wollongong ("the Parish")' and insert instead the words 'the Parish',
- (c) insert a new subclause 6(2)(c), and consequently renumber the remaining subclauses, as follows –
'(c) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purposes of the ACPT investing the amount, for such purposes as a majority of the parish council may from time to time determine; and', and

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- (d) delete all the matter in clause 9(1)(b) and insert instead the following –
(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.’
- (e) in the Schedule –
(i) delete the row in the table relating to the land in folio identifier 39/30903, and
(ii) delete the row in the table relating to the land in folio identifier 4/38/759104, and
(iii) delete the row in the table relating to the land in folio identifier B/417675, and
(iv) insert as new rows the matter in the Second Schedule of this Ordinance.

4. Variation of trusts

The trusts of the Wollongong Property and the Corrimal Property are varied so that they are held on the trusts set out in clause 5 of the *Wollongong Trust Ordinance 2016* (as amended by this Ordinance) as part of the capital of the ACPT – Wollongong Trust.

5. Parish Report

The Rector of the Parish is to bring a report to the Standing Committee on or before 3 years following the date of assent to this Ordinance which outlines how the property of the amalgamated parish has been used to support the ministry of the Parish and the measures which have been introduced to revitalise ministry across the Parish.

6. Repeal

The *Corrimal Trust Ordinance 2002* is repealed without affecting or invalidating any act undertaken under that ordinance prior to the repeal.

First Schedule

Column 1	Column 2
The land in folio identifier 102/1101956 known as the corner of Church Street and Market Street Wollongong, and the site of St Michael's Church.	The property is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .
The land in folio identifier 101/1101956 known as the corner of Church Street and Market Street Wollongong, and the site of a commercial building.	The property is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .
The land in folio identifier 3/154322 known as 6 Eastern Avenue Gwynneville, and the site of a residence.	The property is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .
Client Fund 451	The fund is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .
Client Fund 693	The fund is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .
Client Fund 796	The fund is held on trust for the Former Parish of Wollongong by clause 5 of the <i>Wollongong Trust Ordinance 2016</i> .

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Second Schedule

Column 1	Column 2
The land in folio identifier 9-12/D/4167 and Auto Consol 1525-169 known as 121 Princes Highway, Corrimal and the site of St Alban's church, a hall, and a rectory.	The property is held on trust for the parish of Corrimal by clause 5 of the <i>Corrimal Trust Ordinance 2002</i> .
Client Fund 0492	The fund is held on trust for the parish of Corrimal by clause 5 of the <i>Corrimal Trust Ordinance 2002</i> .

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

R TONG
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 March 2023.

B BOUNDS
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

13/04/2023