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*St. Paul's Fairy Meadow Variation and Declaration of  
Trust and Mortgage Ordinance 1965*

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No. 12, 1965.

AN ORDINANCE to vary the trusts upon which certain land situated in the City of Greater Wollongong is held, to declare the trusts of other land therein situated, to authorise the mortgaging of the secondly mentioned land and to provide for the application of the proceeds.

WHEREAS by Conveyance dated 30th October 1916 made between George Alfred Roebuck of the one part and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the other part Registered No. 880 Book 1004 the land described in the first schedule hereto was conveyed to the Corporate Trustee upon trust for a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England at Towradgi in the Parish of Wollongong AND WHEREAS the Church of St. Paul Fairy Meadow is erected on such land AND WHEREAS by Conveyance dated 1st December 1904 made between Thomas Farrell of the one part and the Corporate Trustee of the other part Registered No. 728 Book 771 the land described in the second schedule was conveyed to the Corporate Trustee upon trust to permit a Church to be erected thereon to be called "Saint Aidan" and also to permit a School House to be erected thereon and to be subject to the Regulations (so far as they might be applicable) contained in the Sydney Church Ordinance or any Ordinance altering or modifying the same AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 7408 Folio 56 more particularly described in the third schedule hereto subject however to a mortgage to the Mutual Life and Citizens Assurance Co. Ltd. AND WHEREAS the church of Holy Trinity Mt. Ousley is erected on part of the said land AND WHEREAS all the said lands were, prior to the formation of the Provisional District of Fairy Meadow on the 1st day of April, 1964, within the Parish of St. Alban Corrimal and the said Churches erected thereon were administered as branch churches of that Parish but now form the Provisional District of St. Paul Fairy Meadow AND WHEREAS it is expedient that the trusts upon which the said lands are held be varied accordingly AND WHEREAS by Conveyance dated 22nd September, 1961 made between Frederick Ash Limited of the one part and the Corporate Trustee of the other part Registered No. 812 Book 2591 the land described in the fourth schedule hereto was conveyed to the Corporate Trustee in fee simple AND WHEREAS

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the said land is vacant and is church property held for the sole benefit of the Parish of St. Alban Corrimal but no trusts in writing have been declared concerning the same AND WHEREAS the said land is also now situated within the said Provisional District of St. Paul Fairy Meadow and it is expedient to declare the trusts thereof AND WHEREAS the consent in writing of a majority of the Parish Council of the Parish of St. Alban Corrimal has been given to the variation of the trusts upon which the said lands are held in favour of the said Provisional District AND WHEREAS it is proposed to erect a Rectory in connection with the said Provisional District upon the land described in the fourth schedule and for such purpose it is necessary to borrow the sum of Nine thousand pounds (£9,000) and it is expedient that the land be mortgaged to secure such advance NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the trusts upon which the lands described in the first, second, third and fourth schedules hereto are held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby modified.

2. The said lands shall henceforth be held by the Corporate Trustee upon trust to permit the same to be used in each case for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Provisional District of St. Paul Fairy Meadow or any Provisional Parish or Parish into which it may subsequently be formed.

3. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the fourth schedule hereto for the purpose of borrowing the sums following:-

(a) When the power is first exercised the sum of Nine thousand pounds (£9,000).

(b) When the power is subsequently exercised such sum not exceeding Nine thousand pounds (£9,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Seven hundred and twenty pounds (£720)

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per annum principal and interest when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) Any document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such Resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage hereby authorised shall be applied:-

- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and of any mortgage executed in pursuance thereof and the balance towards the cost of erecting a Rectory on the land described in the fourth schedule and of the prescribed furnishings thereof.
- (ii) When the power is subsequently exercised in discharge of any existing mortgage or mortgages and the costs of and incidental thereto and of such new mortgage or mortgages.
- (iii) Any mortgagee advancing moneys to the Corporate Trustee pursuant to the provisions of sub-clause (i) of this Clause is hereby authorised to pay the same to the Churchwardens for the time being of St. Paul's Church Fairy Meadow.

5. This Ordinance may be cited as "St. Paul's Fairy Meadow Variation and Declaration of Trust and Mortgage Ordinance 1965."

**FIRST SCHEDULE**

All that piece or parcel of land containing by admeasurement one rood two and three quarters perches or thereabouts and being Lots three and four of Section A of the first subdivision by John

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Steel Reid of part of Lots thirty five and thirty six of the Bellambi estate situate at Fairy Meadow near Wollongong in the County of Camden and State of New South Wales Commencing at a point on the eastern side of the Main South Coast Road leading from Wollongong to Bulli and distant ninety four feet southerly from the point of intersection of the east side of the said Main South Coast Road with the south side of Pioneer Road and bounded thence on the west by part of the said Main South Coast Road being a line bearing south for eighty-eight feet to the north west corner of Lot Five of said Section A thence on the south by the north boundary of the said Lot Five being a line bearing East for one hundred and thirty two feet to the south west corner of Lot twenty one of said Section A thence on the east by the west boundary of the said lot twenty one and part of the west boundary of lot twenty two aforesaid Section being a line bearing north for eighty eight feet to the south east corner of Lot two said Section A and thence on the north by the south boundary of said Lot two being a line bearing west for one hundred and thirty two feet to the point of commencement be any of the said several dimensions all a little more or less.

#### SECOND SCHEDULE

All that piece or parcel of, land situate at Balgownie near Wollongong in the Parish of Woonona County of Camden and State of New South Wales being Lot Two Section Three of a resubdivision by the said Thomas Farrell of part of the Balgownie Estate Commencing at a point on the north side of Farrell Street distant eighty six and seven tenths feet from its intersection with the east side of a reserved Lane twenty feet wide and being the south east corner of Lot One said Section and bounded thence on the west by a line dividing it from that Lot bearing northerly one hundred and fifty feet to the south west corner of Lot Ten Section Four thence on the north by a line dividing it from that Lot bearing easterly fifty feet to the north west corner of Lot Three Section Three thence on the east by a line dividing it from that Lot bearing southerly one hundred and fifty feet to Farrell Street aforesaid and thence on the south by part of the north side of that Street bearing westerly fifty feet to the point of commencement be the said several dimensions all a little more or less.

#### THIRD SCHEDULE

All that piece or parcel of land situated in the City of Greater Wollongong Parish of Woonona County of Camden having a frontage

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of 117 feet and splay corner to McGrath Street and depth of about 172 feet 6 inches being Lots 26 and 27 D.P. 24459 and Lot A in Plan annexed to Transfer No. G795213 all being the whole of the land comprised in Certificate of Title Volume 7408 Folio 56.

**FOURTH SCHEDULE**

All that piece or parcel of land by recent survey containing by admeasurement one rood five and a quarter perches or thereabouts and being Lot two and part of Lot one Section A of the subdivision by John Steel Reid of part of lots thirty five and thirty six of Bellambi Estate situate at Fairy Meadow near Wollongong in the Parish of Woonona County of Camden and State of New South Wales Commencing at a point on the eastern side of the Princes Highway bearing southerly and distant 12 feet from the intersection of the eastern side of the Princes Highway with the southern side of Towradgi Road and bounded thence on the west by part of the eastern side of said Princes Highway being a line bearing south for eighty two feet to the north western corner of Lot three said Section A thence on the south by said Lot three being a line bearing east for one hundred and thirty two feet to a point on the western boundary of lot twenty two said Section thence on the east by part of the western boundary of said Lot twenty two being a line bearing north for ninety six feet six inches to the southern side of Towradgi Road aforesaid and thence on the north by part of that side of Towradgi Road being a line bearing west for one hundred and twenty feet bounded thence on the north west by a line bearing south westerly for seventeen feet one and one half inches to the point of commencement by the said several dimensions all a little more or less and being part of the land in Conveyance Number 985 Book 1758.

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

H. G. S. BEGBIE,

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 31st day of May, 1965.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

31/5/1965.

Archbishop of Sydney.