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*St. John's Keiraville Variation of Trusts Vesting and  
Mortgaging Ordinance 1972*

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No. 19, 1972

AN ORDINANCE to vest in the Church of England Property Trust Diocese of Sydney a certain parcel of land at Gwynneville in the City of Wollongong to vary the trusts of certain lands situate as aforesaid to authorise the mortgaging of such lands and to provide for the application of the proceeds thereof and all matters incidental thereto.

WHEREAS by Deed of Conveyance dated 8th May 1958 Registered No. 117 Book 2445 the land described in the First Schedule hereto was conveyed to Leonard Nelson Corton, George Gordon Barnett and Arthur Richard Mayhew AND WHEREAS by Declaration of Trust dated 8th May 1958 Registered No. 118 Book 2445 the said Leonard Nelson Corton, George Gordon Barnett and Arthur Richard Mayhew declared that they held the said land upon trust to permit the same to be used for such purposes as the Church Committee of St. John's Church of England Keiraville shall from time to time direct but with the powers and rights in respect of the said property thereafter contained AND WHEREAS by Conveyance dated 19th November 1941 Registered No. 455 Book 1905 the land described in the Second Schedule hereto was conveyed to Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Provisional District of West Wollongong at Gwynneville AND WHEREAS by Conveyance dated 22nd May 1941 Registered No. 898 Book 1397 the land described in the Third Schedule hereto was conveyed unto the Corporate Trustee upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Provisional District of West Wollongong at Gwynneville AND WHEREAS all the said lands are church trust property and are now within the Provisional Parish of St. John Keiraville AND WHEREAS it is expedient to vest the land described in the First Schedule in the Corporate Trustee and to vary the trusts of the lands described in the Schedules hereto as hereinafter set out AND WHEREAS it is intended to erect a church and hall and to renovate the existing hall upon the lands described in the Second and Third Schedules hereto AND WHEREAS for such purposes it is expedient that the lands described in

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the Schedules hereto be mortgaged or charged to secure the sum of Thirty thousand dollars (\$30,000) to be applied as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts of the lands described in the Schedules hereto it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

2. The lands described in the Schedules hereto shall henceforth be held upon trust for a church parsonage or parish hall or partly for one or another or others of such purposes in connection with the Church of England in Australia at Gwynneville in the Provisional Parish of St. John Keiraville.

3. The land described in the First Schedule hereto is hereby vested in the Corporate Trustee.

4. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Schedules hereto are held it is expedient that such lands be mortgaged.

5. (1) The Corporate Trustee is hereby empowered from time to time to mortgage the lands described in the Schedules hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Thirty thousand dollars (\$30,000).

(b) When the power is subsequently exercised such sum, not exceeding Thirty thousand dollars (\$30,000) as Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Two thousand four hundred and seventy-four dollars (\$2,474) per annum inclusive of 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.

(2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(3) A document purporting to be certified by the Archbishop or the Diocesan Secretary as a copy of any such resolution

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shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

6. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (a) When the power is first exercised in payment of the costs of and incidental to this Ordinance the costs fees and other outgoings of and incidental to the said mortgage or charge executed in pursuance thereof and the balance towards the erection of a church and hall or the renovation of the existing hall on the lands described in the Second and Third Schedules hereto.
- (b) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or for such other purpose or purposes within the trusts of the said lands as the Standing Committee shall by resolution determine.
- (c) Any mortgagee advancing moneys pursuant to the provisions hereof is hereby authorised to pay such mortgage moneys to the Churchwardens for the time being of St. John's Church Keiraville.

7. The Churchwardens for the time being of St. John's Church Keiraville shall within seven days of the date of holding the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed the amount paid off and the balance owing.

8. This Ordinance may be cited as "St. John's Keiraville Variation of Trusts Vesting and Mortgaging Ordinance 1972".

#### FIRST SCHEDULE

ALL THAT piece or parcel of land situated at Gwynneville near Wollongong in the State of New South Wales being allotment 20 of section 4 of John Gwynne's subdivision of part of allotments 71 and 80 of the original subdivision of the "Mount Keira Estate" COMMENCING at the South-west corner of allotment 21 of section 4 aforesaid being a point distant 231 feet West from the intersection of the North side of William Street (now known as Moore Street) with the West side of Eastern Street and bounded thence on the East by the West side of allotment 21 aforesaid bearing North 165 feet

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thence on the North by the South side of allotment 7 of section 4 aforesaid bearing West 66 feet thence on the West by the East side of allotment 19 aforesaid section bearing South 165 feet to William Street aforesaid and thence on the South by the North side of that Street bearing East 66 feet to the point of commencement be the said several dimensions a little more or less.

**SECOND SCHEDULE**

ALL THAT piece or parcel of land situate at Eastern Street Gwynneville in the Parish of Wollongong County of Camden and State of New South Wales being lot 20 as shown on Registered Plan No. 875 COMMENCING on the Western side of Eastern Street at a point being the South-eastern corner of lot 21 in the said Registered Plan and bounded on the North by the Southern boundary of said lot 21 for a distance of 123 feet 4¼ inches bearing Westerly to the South-western corner of said lot 21 thence on the West by part of the Eastern boundary of lot 22 of the said Registered Plan bearing Southerly for a distance of 47 feet to the North-western corner of lot 19 of the said Registered Plan and thence on the South by the Northern boundary of lot 19 aforesaid bearing Easterly for a distance of 123 feet 4¼ inches to the North-eastern corner of said lot 19 being a point on the Western side of Eastern Street and thence on the East by the Western alignment of Eastern Street bearing Northerly for a distance of 47 feet to the point of commencement containing an area of 21¼ perches or thereabouts.

**THIRD SCHEDULE**

ALL THAT piece or parcel of land situate in Eastern Street in the Town of Gwynneville near Wollongong Parish of Wollongong County of Camden and State of New South Wales being lot 21 of a resubdivision of the land comprised in Indenture of Conveyance Registered No. 723 Book 1257 and as shown on Registered Plan No. 875 (O.S.) COMMENCING at a point on the Southern side of William Street bearing 269 degrees 55 minutes 20 seconds and distant 10 feet from the point of intersection of the Western side of Eastern Street with the Southern side of William Street aforesaid and bounded thence on the North by part of the Southern side of that Street being a line bearing 269 degrees 55 minutes 20 seconds for a distance of 113 feet 4¼ inches to the North-east corner of lot 22 of the said Registered Plan and bounded thence on the West by part of the Eastern boundary of that lot bearing 180 degrees 42 minutes for a distance of 48 feet to the North-west corner of lot 20 of said Registered Plan and bounded thence on the South by the Northern

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boundary of that lot bearing 89 degrees 55 minutes 20 seconds for a distance of 123 feet 4¼ inches to a point on the Western side of Eastern Street aforesaid and bounded thence on the East by part of the Western side of that Street bearing 0 degrees 42 minutes for a distance of 38 feet and bounded thence on the North-east by the splayed corner bearing 315 degrees 18 minutes 40 seconds for a distance of 14 feet 0¾ inches to the point of commencement be the said several dimensions all a little more or less containing an area of 21½ perches or thereabouts.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of June, 1972.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

26/6/1972.