

---

*Parochial District of Pittwater Sale and Mortgage Ordinance,  
1956.*

---

No. 12, 1956.

AN ORDINANCE to authorise the sale of certain land in Queen's Parade Newport the mortgaging of certain land in Park Avenue, Avalon, in the Shire of Warringah and to provide for the application of the proceeds of such sale and mortgage.

WHEREAS by Indenture of Conveyance dated the Ninth day of July 1924 Registered No. 995 Book 1354 made between George Rudkin Jackson of the one part and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the other part the said George Rudkin Jackson did grant bargain sell alien release and convey unto the said Corporate Trustee all that piece or parcel of land situated in Queen's Parade Newport described in the First Schedule hereto 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 at Newport in the Mission District of Narrabeen and Pittwater AND WHEREAS since the said Conveyance the Parochial District of Pittwater has been formed and the said land is now situated in such Parochial District and is vacant AND WHEREAS it is inexpedient to carry out and observe the trusts upon which the said land is now held and it is expedient to vary the same as hereinafter set out AND WHEREAS the Corporate Trustee is the purchaser under Contract of Sale dated 29th March 1956 from Alfred Stephen Forster Newlands of the land and premises described in the Second Schedule hereto including certain effects therein for the sum of Four thousand three hundred and fifty-five pounds (£4,355) together with Agent's Commission of One hundred and forty five pounds (£145) AND WHEREAS the said land and premises are held for the sole benefit of the said Parochial District of Pittwater and it is intended to use the same as a Rectory in connection with such Parochial District AND WHEREAS there is a sum of Seven hundred and ninety-nine pounds (£799) and interest thereon still owing by the said Parochial District to the Church of England Property Trust Diocese of Sydney on behalf of the Sydney Church Endowment Fund in respect of the purchase of Lots 20, 21 and 22 Section F D.P. 6248 situated at Foam Crest Avenue Newport AND WHEREAS it is expedient to sell the land described in the First Schedule and to

*Parochial District of Pittwater Sale and Mortgage Ordinance,  
1956.*

apply the net proceeds in repayment of the amount owing to the Church of England Property Trust Diocese of Sydney as aforesaid and the balance in and towards the completion of the said Contract of Sale AND WHEREAS it is also necessary to mortgage the land described in the Second Schedule hereto for the purpose of borrowing the sum of Three thousand and twenty-five pounds (£3,025) to be applied in and towards the balance purchase money under the said Contract of Sale Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Directs as follows:—

1. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the First Schedule hereto are held it is inexpedient to carry out and observe the same to the extent to which they are hereby modified.

2. The land described in the said First Schedule shall henceforth be held by 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 Parochial District of Pittwater or any Parish hereafter incorporating the same.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

4. The land described in the First Schedule may be sold by private contract or public auction in one or more parcels at such time or times for such price or prices and upon such terms and conditions as the Corporate Trustee may think fit freed from the trusts aforesaid.

5. The money arising from the said sale shall after deducting thereout all rates and other outgoing properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale and transfer of the land in pursuance thereof be applied firstly in payment of the amount due to the Church of England Property Trust Diocese of Sydney on account of Sydney Church Endowment Fund in respect of the amount advanced by it for the purchase of Lots 20, 21 and 22 Section F Deposited Plan 6248 Foam Crest Avenue Newport and

---

*Parochial District of Pittwater Sale and Mortgage Ordinance,  
1956.*

---

the balance shall be applied towards the purchase money payable in respect of the purchase of the land described in the said Second Schedule.

6. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is expedient to mortgage the land described therein:—

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the said Second Schedule for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Three thousand and twenty-five pounds (£3,025).

(b) When the power is subsequently exercised such sum (not exceeding Three thousand and twenty-five pounds (£3,025) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than Seventy-five pounds (£75) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine Provided Further that no person or corporation advancing moneys under this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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

(iii) A document purporting to be certified by the Archbishop or Secretary of the Standing Committee 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.

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

*Parochial District of Pittwater Sale and Mortgage Ordinance,  
1956.*

---

- (a) When the power is first exercised in payment of the costs charges and expenses of this Ordinance so far as the same shall not have been paid under Clause 5 hereof and of such mortgage executed in pursuance of this Ordinance.
- (b) Subject thereto, the balance shall be applied in or towards the completion of the purchase of the land and premises described in the said Second Schedule.
- (c) 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 mortgages.

8. The Parish Council for the time being of the Parochial District of Pittwater or any parish hereafter incorporating the same shall within seven days of the date of the holding of 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 Secretary of the Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

9. This Ordinance shall be cited as "Parochial District of Pittwater Sale and Mortgage Ordinance 1956."

---

FIRST SCHEDULE.

All that piece or parcel of land situate in the Parish of Narrabeen County of Cumberland and State aforesaid being Lot thirty-five of Section "F" of the Subdivision known as Newport Pittwater, commencing at a point on the southern side of the Queen's Parade distant four hundred and seventy-two feet westerly from the main road from Barrenjoey to Manly and bounded on the East by the western boundary of Lot Thirty-six being a line bearing southerly to the north-east corner of Lot fourteen on the south by the northern boundary of the said Lot fourteen bearing westerly seventy-two feet on the west by a line bearing northerly about three hundred and seventy-five feet to the Queen's Parade aforesaid and on the north by the Queen's Parade aforesaid bearing easterly sixty-six feet to the point of commencement be the several dimensions all a little more or less.

---

*Parochial District of Pittwater Sale and Mortgage Ordinance,  
1956.*

---

SECOND SCHEDULE.

All that piece or parcel of land containing 1 rood 5 $\frac{1}{4}$  perches situated in the Shire of Warringah Parish of Narrabeen County of Cumberland having a frontage of 50 feet to Park Avenue being Lot 40 D.P. 13325 and the whole of the land comprised in Certificate of Title Volume 4461 Folio 101.

---

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

W. G. HILLIARD, Bishop.

-Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 7th day of May, 1956.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

12/5/1956.