
*St. Andrew's Bondi Beach Declaration of Trust
and Mortgage Ordinance 1967*

No. 19, 1967.

AN ORDINANCE to declare the trusts of certain land at Bondi Beach in the Municipality of Waverley to authorise the mortgaging of such land and to provide for the application of the proceeds and matters incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 7621 Folio 114 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of St. Andrew's Bondi Beach (formerly known as St. Barnabas' North Bondi) a branch church in the Parish of St. Matthew's Bondi but no trusts in writing have been declared concerning the same AND WHEREAS it is expedient that the trusts be now declared AND WHEREAS it is now proposed to erect a Church and Church Hall on the said land and for such purpose it is necessary and expedient that the land be now mortgaged or charged to secure a sum of Twenty thousand dollars (\$20,000) to be applied towards the erection of the said Church and Church Hall NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND RULES as follows:-

1. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used for a Church Church Hall and Rectory or Parsonage in connection with the Church of England in Australia for St. Andrew's at Bondi Beach in the Parish of St. Matthew Bondi or in any other District or Parish in which it may subsequently be situated.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient that the said land be mortgaged.

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

(a) When the power is first exercised a sum not exceeding Twenty thousand dollars (\$20,000)

(b) When the power is subsequently exercised such sum not exceeding Twenty thousand dollars (\$20,000) as Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate

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of not less than Two thousand dollars (\$2,000) per annum principal and interest when the power is first exercised and when the power is subsequently exercised at such rate as Standing Committee shall by resolution determine.

- (ii) Any renewal of the mortgage shall be deemed to be a subsequent exercise of the power.
 - (iii) A document purporting to be signed by the Archbishop or Diocesan Secretary as a copy of any such resolution as aforesaid 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 as follows:-
- (i) When the power is first exercised in payment of the costs of and incidental to this Ordinance and any mortgage or charge executed in pursuance thereof and the balance towards the cost of erection of a new Church and Church Hall on the said land.
 - (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage) in payment of the principal interest and costs of discharge of any existing mortgage.
 - (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. Andrew's Bondi Beach.

5. The Churchwardens of St. Andrew's Bondi Beach shall within seven days of the holding of the Annual Vestry Meeting of St. Matthew's Bondi 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 particulars of the amount borrowed, the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. Andrew's Bondi Beach Declaration of Trust and Mortgage Ordinance 1967."

SCHEDULE

All that piece of land in the Municipality of Waverley Parish of Alexandria County of Cumberland being lot 'A' in plan lodged with Transfer No. G.891326 and lot 34 in plan lodged with Transfer

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No. A.693169 having a frontage of 39 feet 9½ inches to Ramsgate Avenue, Bondi Beach with a depth along Wairoa Avenue of 168 feet 6 inches and being the whole of the land comprised in Certificate of Title Volume 7621-Folio 114.

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

H. C. 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 26th day of June, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

26/6/1967.

MARCUS LOANE,
Archbishop of Sydney.
