

ST. JOHN'S DEE WHY WITH BROOKVALESALE ORDINANCE 1975NO. 16, 1975

AN ORDINANCE to vary the trusts and to authorise the sale of certain land at Brookvale and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificate of Title Volume 1224 Folio 190 more particularly described in the Schedule hereto (hereinafter called "the land") AND WHEREAS the land is church trust property held for the benefit of the Parish of St. John Dee Why with Brookvale (hereinafter called "the Parish") but no trusts in writing have been declared concerning the same AND WHEREAS there is erected on the land the church known as St. Luke's Brookvale but no evidence of the consecration thereof has been found AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the land be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY DECLARES ORDAINS RULES AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the land be sold.
2. The Corporate Trustee is hereby empowered to sell the land by public auction or private treaty at such time and at

such price and upon such terms and conditions as the Corporate Trustee may determine freed from any trusts whatsoever.

3. The proceeds arising from the sale of the land after paying  
30 thereout the costs of and incidental to this Ordinance and  
of the transfer in pursuance thereof and all outgoings to  
which the said land may be subject shall be applied:-

(a) In payment of the outstanding debts of the Parish not  
exceeding \$18,000 or such larger sum as may be approved  
35 by resolution of the Standing Committee.

(b) In the redemption of the Debentures issued by the  
Parish not exceeding \$10,000 or such larger sum as may  
be approved by resolution of the Standing Committee.

(c) In payment of the costs of renovating the Parish Hall  
40 situate adjacent to the church of St. John Dee Why not  
exceeding \$12,000 or such larger sum as may be approved  
by resolution of the Standing Committee

and the balance of such proceeds together with any unexpended  
portion of the amounts referred to in (a) (b) and (c) above  
45 shall be held by the Corporate Trustee in trust for the  
Parish and shall be invested and after adding ten per centum of  
the income therefrom to the balance of such proceeds annually  
the balance of the income shall be applied for such purposes as  
shall be approved of by resolution of the Standing Committee at the  
50 request of a majority of the Parish Council of the Parish.

4. This Ordinance may be cited as "St. John's Dee Why with  
Brookvale Sale Ordinance, 1975".

THE SCHEDULE HEREINBEFORE REFERRED TO

ALL THAT piece of land situate at Brookvale in the Shire of Warringah, Parish of Manly Cove and County of Cumberland being lots 18 and 19 of Section 3 in Deposited Plan 1521 having a frontage of about 132 feet to Roger Street and containing about 2 roods in area and being the whole of the land comprised in Certificate of Title Volume 1224 Folio 190.

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

D. CAMERON  
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 7th day of July, 1975.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance

A. JACK DAIN  
Commissary  
Archbishop of Sydney  
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