Anglican Church Diocese of Sydney

Dee Why (Thomas Vickers Memorial) Sale Ordinance 1999

No 49, 1999

Long Title

An Ordinance to authorise the sale and distribution of certain real estate.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the Corporate Trustee) is the registered proprietor of the land described in the Schedule hereto upon which is erected a church building known as the Thomas Vickers Memorial Church (the subject property) within the Parish of Dee Why (the Parish).

B. By clause 2 of the St John's Dee Why Declaration and Variation of Trust Ordinance 1953 the subject property is held by the Corporate Trustee upon trust to permit the same to be used for a church, rectory, or church hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St John's Dee Why with Brookvale.

C. On 4 December 1998 the Archbishop of Sydney gave his consent to the discontinuance of services and the withdrawal of the licence to hold services in the subject property from 15 February 1999 on the understanding that the subject property may be sold and if so, part of the proceeds will go towards the construction of the Thomas Vickers Memorial Annex at St John's Dee Why.

D. The subject property was decommissioned on 14 February 1999.

E. By reason of circumstances which have arisen subject to the creation of the trusts on which the subject property is held it is expedient that the subject property be sold but it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same or like trusts on which the subject property is held.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

1. Name

This Ordinance is the Dee Why (Thomas Vickers Memorial) Sale Ordinance 1999.

2. Declaration

By reason of circumstances which have arisen subsequent to the creation of the trusts on which the subject property is held it is expedient that the subject property be sold but it is inexpedient to deal with or apply the proceeds of sale wholly for the use or benefit of the Parish or for the same or like trusts on which the subject property is held.

3. Authority

The Corporate Trustee is hereby authorised and empowered to sell the subject property within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time and at such price and upon such terms and conditions as it may determine freed from the trusts upon which the subject property is held.

4. Proceeds Arising from Sale

The proceeds arising from the sale of the subject property (after deduction of costs and fees of and incidental to this Ordinance and the sale thereof) and any income derived therefrom shall be applied and paid as follows -

(a) as to 10% of the proceeds to the Archbishop for the purposes of Vision 2001 to assist in the acquisition, construction and furnishing of new church buildings within the Diocese with priority given to a church building at Hoxton Park;

(b) from the balance of the proceeds a sum not exceeding the sum of $200,000 for the creation of a suitable memorial to the late Thomas Vickers at or adjacent to St John's Church in the form of a building or an addition to be used primarily for children's and youth ministry and to be known as the Thomas Vickers Memorial;

(c) as to the remainder:

(i) firstly, for the purpose of alteration to and upgrading of the rectory in the Parish in compliance with Diocesan guidelines;

(ii) secondly, for the purpose of structural and other work on the Parish Hall; and

(iii) thirdly, for such capital works of the Parish as the Parish Council of Dee Why considers by resolution to be appropriate.

Schedule

All that land situate in the Parish of Manly Cove, County of Cumberland and Local Government area of Warringah being Lot 13 in Deposited Plan 15141 and being the land comprised in Folio 13/15141 together with improvements thereon.

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

N M CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 6 December 1999.

M A PAYNE
Secretary

I Assent to this Ordinance.

R H GOODHEW
Archbishop of Sydney
11/12/1999