

ST. JUDE'S DURAL CEMETERY ORDINANCE 1977

No. 49 1977

AN ORDINANCE to vary the trusts and authorise the sub-division lease and sale of certain land at Dural in the Shire of Hornsby and to provide for the application of the income or proceeds of sale thereof.

WHEREAS by Deed of Consent dated the 1st day of November, 1977 the land more particularly described in the First Schedule hereto was vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") AND WHEREAS the said land is held upon trust for use as a burial ground AND WHEREAS by the said Deed of Consent the Corporate Trustee is to hold the said land for the sole benefit of the Parish of St. Jude, Dural AND WHEREAS no record can be found in the Diocesan Registry that the said land has been consecrated AND WHEREAS it is now inexpedient and undesirable to continue the granting of burial rights in so much of the land as is not at present being used as a burial ground AND WHEREAS it is now expedient that the said land be subdivided and the land more particularly described in the Second Schedule hereto be authorised to be leased or sold and the income or proceeds of sale 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 ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. 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 inexpedient to carry out and observe the same and it is expedient that the said land be leased or sold and that the proceeds be applied as hereinafter set forth.

2. The Corporate Trustee is hereby authorised to cause the land described in the First Schedule to be subdivided, to lease the land described in the Second Schedule hereto for such term or terms and on such conditions as it shall think fit, or to sell such last mentioned land at such price and upon such terms and conditions as it shall think fit freed from any trusts upon which it is held.

3. The income derived from the leasing of the said land shall be applied towards the payment of any rates or taxes imposed thereon and the cost of properly maintaining the graves, monuments, fences and area generally, which is presently used as a burial ground. Any excess income over that expended for such purposes shall be applied towards the cost of obtaining council's approval for the subdivision and changed use of the land, survey and other expenses associated with the subdivision, and any income not so used shall be applied by the Parish Council of the Parish of St. Jude, Dural for such purposes as they may by resolution from time to time determine.

4. The proceeds arising from any sale hereby authorised shall be applied towards any outgoing to which the land may be subject, or any expenses of subdivision and change of use not satisfied from rental income as hereinbefore provided, and the cost of selling and transferring the said land, and any balance derived from the sale shall be applied to the cost of planning, erecting and furnishing the St. Jude's Dural Parish Centre or such other purposes as the Standing Committee of the Synod of the Diocese at the written request of the majority of the Parish Council of the said Parish may by resolution from time to time determine.

5. In the event that the excess land is sold and the balance of proceeds cannot be applied for the time being towards the principal or other purposes referred to in clause 4 then the proceeds of sale shall be invested by the Corporate Trustee and the income shall be applied initially as though it was rental referred to in clause 3.

6. This Ordinance may be cited as "St. Jude's Dural Cemetery Ordinance 1977"

FIRST SCHEDULE

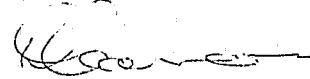
ALL THAT parcel of land containing two acres or thereabouts being part of Tuckwell's one hundred acres grant situated in the Parish of South Colah County of Cumberland and Colony of New South Wales commencing at the north western corner of the said Tuckwell's one hundred acres grant or in other words the northernmost corner of the said Tuckwell's one hundred acres grant and bounded on the north north east by a line south easterly (fenced and being part of the boundary line of the said one hundred acres grant) bearing south sixty six degrees each seven chains sixty eight links on the eastward by a line south south westerly bearing south twenty four degrees west three chains on the south south westward by a line north westerly bearing north sixty six degrees west five chains and sixty six links and on the westward by part of the boundary

line separating Tuckwell's one hundred acres grant from James Byrne's one hundred acres grant being a line north westerly to the commencing point bearing north ten degrees west three chains and sixty two links together with ALL THAT parcel of land containing twenty five perches more or less being part of James Byrne's one hundred acres grant situated at Castle Hill in the County of Cumberland New South Wales commencing at the north west corner of Tuckwell's one hundred acres grant and bounded on the eastward by part of the dividing line between James Byrne's and Tuckwell's one hundred acres grants being a line southerly bearing south ten degrees east three chains sixty two links, on the southward by a line northwesterly bearing north sixty six degrees west one chain to the eastern side of the Castle Hill road, on the westward by the Castle Hill road northerly and on the northward by a line from the commencement point before described north westerly bearing north sixty six degrees west seven links only and terminating on the eastern side line of the Castle Hill road.

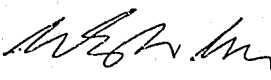
SECOND SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement 5658 square metres being Lot 2 of a proposed subdivision of Conveyance 889 Book 161 and Conveyance 890 Book 161 situate at Dural in the Shire of Hornsby Parish of South Colah County of Cumberland in the State of New South Wales COMMENCING at a point on the eastern side of Old Northern Road being the northwestern corner of Lot 2 on Deposited Plan No. 234894 thence bounded on the west by a line being the eastern boundary of proposed road widening shown in Deposited Plan No. 223272 distant 6.4 metres to the eastern side of Old Northern Road thence bounded on the north by a line being the southern boundary of Lot 1 of the proposed subdivision distant 51.42 metres thence bounded on the west by a line being the eastern boundary of Lot 1 of proposed subdivision distant 54.82 metres thence bounded on the north by lines being part of the southern boundary of Lot 4 on Deposited Plan No. 558601 distant 4.655 metres and 91.89 metres thence bounded on the east by a line being part of the western boundary of Lot 3 on Deposited Plan No. 234894 distant 59.45 metres thence bounded on the south by a line being the northern boundaries of Lots 3 and 2 on Deposited Plan No. 234894 distant 134.22 metres to the point of commencement as shown on proposed plan of subdivision by Mr. Surveyor A. Ayres.

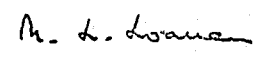
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.


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 21st day of November 1977.


Secretary.

I ASSENT to this Ordinance.


Archbishop of Sydney.

21/11/1977.