

Dural District Land Sale Ordinance 2019

(Reprinted under the Interpretation Ordinance 1985.)

The Dural District Land Sale Ordinance 2019 as amended by the Dural District Land Sale Ordinance 2019 Amendment Ordinance 2022.

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Long Title

An Ordinance to permit the sale of certain land at Dural District and to provide for the application of the sale proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the registered proprietor of the land contained in folio identifier 6/528817 known as 28 Pitt Town Road, Kenthurst and the site of a residence (the “Land”).

B. The Land is church trust property and forms part of the property of the ACPT – Dural District Trust which, under the *Dural District Trust Ordinance 2015*, is held for the purposes of the parish of Dural District (the “Parish”).

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney ordains as follows.

1. Name

This Ordinance is the Dural District Land Sale Ordinance 2019.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 4.

3. Power of sale

The ACPT is authorised to sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

4. Allocations from the Dural District Trust

(1) Subject to clause 4(2) the ACPT is directed that it may make the following payments from that part of the capital of the ACPT – Dural District Trust comprising the proceeds from the sale of the Land –

- (a) first, in and towards the costs and expenses of and incidental to this Ordinance and the sale of the Land,
- (b) second, making a payment to the Parish as reimbursement for the amounts expended by it to undertake –

- (i) certain works on the Land including; separation of services from the adjoining lot, the modification of the carport and the construction of a boundary fence, and
- (ii) certain works on the land comprised in folio identifier 1/565603 including the construction or modifications to the waste water management system and the construction and relocation of the amenities block,
- (c) third, in and towards the costs of and incidental to –
 - (i) the provision of temporary housing a minister of the parish for a period of up to 18 months after sale of the Land or such other period determined by the Standing Committee by resolution,
 - (ii) the construction of residences on the land comprised in folio identifier 211/1234974 suitable for housing a Minister, Assistant Minister or Lay Minister, and
 - (iii) the construction of a driveway and parking areas on the land comprised in folio identifier 211/1234974 providing access to the residences and church carpark,
 - (iv) an architectural masterplan and related advice from consultants in respect to the redevelopment of the site of St Jude's Dural,
 - (v) the creation of permanent traffic entry points and any road way and car parking works relating to traffic flow, including signage, across the land comprised in folio identifiers 1/589402, 2/589402, 3/589402 and 1/386259, and
 - (vi) the renovation and repair of the church hall on the land comprised in folio identifier 3/589402.

(2) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

5. Capitalisation of income

Notwithstanding clause 7 of the *Dural District Trust Ordinance 2015*, all income arising from the investment of that part of the ACPT – Dural District Trust which comprises proceeds from the sale of the Land is to be capitalised.

Notes

The original form of ordinance was assented to on 10 December 2019.

Table of Amendments

Clause 4 Amended by Ordinance No 48, 2022.

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21 November 2022