

Castle Hill Easement Ordinance 2005

No 31, 2005

Long Title

An Ordinance to provide for the grant of an easement to drain water and the application of the proceeds therefrom on certain land at Castle Hill.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Folio Identifier 11/733800 known as 421 Old Northern Road, Castle Hill (the "Land").

B. The Land is church trust property and by subclause 3(2) of the Castle Hill Ordinance 1982 is held upon trust for the parish of Castle Hill (the "Parish").

C. It is proposed to grant an easement to drain water over the Land for the benefit of an adjoining landowner (the "Easement").

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that the Easement be granted 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 Castle Hill Easement Ordinance 2005.

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 Easement be granted and that the proceeds be applied in the manner set out in clause 4.

3. Authority to Grant

The Property Trust is authorised to grant the Easement over part of the land shown in the plan of proposed Easement signed by the Diocesan Secretary and dated 15 September 2005 subject to such terms and conditions as the Property Trust considers appropriate provided that no such grant is to be made after the third anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

4. Application of Proceeds of Grant

The proceeds from the grant of the Easement are to be paid to the Property Trust and applied as follows –

- (a) first, in the payment of any taxes (including in the nature of goods and services tax) payable by reason of the grant of the Easement, and
- (b) second, towards the costs and expenses of and incidental to the grant of the Easement and the promotion of this Ordinance, and
- (c) third, the balance is to be paid to the churchwardens of St Paul's Castle Hill to be applied towards the cost of capital improvements to properties held on any trust for the Parish in such a manner and such amounts as a majority of the parish council of the Parish may from time to time approve by resolution.

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

P G KELL
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 September 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
27/9/2005