

St Ives Easement Ordinance 2007

No 3, 2007

Long Title

An Ordinance to authorise the granting of an easement to drain water over certain land at Terrey Hills and the application of the proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the whole of the land comprised in lot 99 in deposited plan 656446 which is the entire parcel of land comprised in certificate of title folio identifier 99/656446 and known as 207 Mona Vale Road Terrey Hills New South Wales (the "Land").

B. Under clause 5 of the St Ives Trust Ordinance 2004 the Land is church trust property and forms part of the St Ives Trust, which is held on trust for the purposes of the Parish of St Ives (the "Parish").

C. It is proposed to grant an easement over the Land to drain water over the land for the benefit of the adjoining land owner (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 over part of the Land 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 St Ives Easement Ordinance 2007.

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 over part of the Land and that the proceeds for the granting of the easement be applied in the manner set out in clause 4.

3. Authority to grant the easement

The Property Trust is authorised to grant the Easement over the part of the Land shown in the plan of proposed easement signed by the Diocesan Secretary and dated 13 February 2007 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 compensation

(1) Subject to subclause 4(2), the Property Trust is directed to make the following payments from the capital of the St Ives Trust –

- (a) first in payment of any goods and services tax (as defined in "A New Tax System (Goods & Services Tax) Act 1999") payable in connection with 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;
- (c) third, towards either or both of the following –
 - (i) the costs and expenses of capital works on the Land, and
 - (ii) in reduction of the Parish's existing borrowings.

(2) No payment is to be made under subclause 4(1) until the easement has been granted and the proceeds paid to the Property Trust.

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

PG KELL
Chairman of Committees

St Ives Easement Ordinance 2007

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 19 February 2007.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
21/2/2007