

Dundas/Teloepa Easement Ordinance 2012

No 50, 2012

Long Title

An Ordinance to authorise the registration of an easement to drain water over certain land at Rydalmore and to provide for the application of the proceeds.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Certificate of Title Folio Identifiers 7/ 219954 and 8/219954 known as the site of St Andrew's Church, 7 St Andrew's Place, Rydalmore (the "Land").

B. The Land is church trust property and by clause 1 of the St Andrews Dundas Declaration of Trust Subdivision Land Sale Ordinance 1963, is held upon trust to permit the same to be used for a church, parsonage and parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at Dundas.

C. It is proposed to grant an easement 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 Dundas with Teloepa Easement Ordinance 2012.

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 for drainage of water 1 metre wide burdening Lot 7 in DP 219954 and 1 metre wide and 1.83 metres wide burdening lot 8 in DP 219954 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

(1) Subject to subclause 4(2), the Property Trust is directed that it may make the following payments from that part of the capital of the ACPT – Dundas/Teloepa Trust comprising the proceeds arising from the grant of easement under clause 3 –

- (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, towards the costs and expenses of the maintenance of the property at 7 St Andrew's Place, Rydalmore.

(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

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 10 December 2012.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
20/12/2012