



Broadway Easement Ordinance 1997

No 1, 1997

Long Title

An Ordinance to permit the grant of an easement over land at Broadway 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 being lot 3 in deposited plan 574478 (the "Land").

B. The Land is church trust property and, under the Bishopthorpe Estate and St Barnabas' Sydney Variation Declaration of Trusts and Vesting Ordinance 1972, is held upon trust to be used for a church, parsonage, parish hall or counselling centre or partly for one or partly for another or other of such purposes in connection with the Church of England in Australia in the Parish of St Barnabas Sydney (the "Parish") and for such other purpose or purposes in connection with the Church in the Parish as may be approved from time to time by the parish council of the Parish and by the Archbishop.

C. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held, it is expedient that an easement for light and air be granted over the Land in favour of the adjoining owner.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

Name of Ordinance

1. This ordinance is the Broadway Easement Ordinance 1997.

Declarations

2. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe those trusts, it is inexpedient to deal with or apply the Land or any part of it for the same or a similar purpose as the trusts on which the Land is held and it is expedient that an easement for light and air be granted over the Land in favour of the adjoining owner and the proceeds applied in the manner set out in this Ordinance.

Power to Grant An Easement

3. The Property Trust is authorised to grant an easement for light and air over part of the Land in favour of the adjoining owner.

Application of Proceeds

4. The proceeds arising from the grant of the easement must be applied by the Property Trust as follows-

(a) in payment of the costs of and incidental to this ordinance and the granting of the easement; and

(b) the balance, for one or both of the following -

(i) the acquisition or construction of a residence for use by an assistant minister or person employed by the churchwardens of St Barnabas' Church, Broadway (the "Churchwardens"); and

(ii) such other purposes as the Standing Committee may approve by resolution following a request from the parish council of the Parish.

Investment Pending Application

5. Pending application of the proceeds of sale under clause 4, they must be invested and the income arising therefrom applied as follows -

(a) 50% must be paid to the churchwardens of St Barnabas' Church, Broadway to be used for the general purposes of the Parish; and

(b) the balance must be capitalised.

Review

6. The authority to apply the proceeds of sale under clause 4 and the income under clause 5 terminates on the 3rd anniversary of the date on which this ordinance receives assent or such later date as the Standing Committee may approve by resolution.

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

N.M. CAMERON

Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 28 January 1997.

W.G.S GOTLEY

Secretary

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

31/1/1997