

Manly Vale with Allambie Heights Easement Ordinance 2006

No 20, 2006

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 Manly Vale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Folio Identifiers 51/7568 and 52/7568 known as the site of St Peter's Anglican Church Manly Vale (the "Land").

B. The Land is church trust property and by clause 2 of the St Peters Manly Vale Variation of Trusts and Mortgaging Ordinance 1964 is held upon trust for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in Australia at Manly Vale in the Provisional District of All Saints Balgowlah with St Peters Manly Vale or any Provisional Parish or Parish into which it may subsequently be formed or form a part.

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 Manly Vale with Allambie Heights Easement Ordinance 2006.

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 along the southern boundary of the Land as shown in the Concept Stormwater Management Plan signed by the Diocesan Secretary and dated 24 July 2006 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 Peter's Manly Vale to be applied for such purposes of the Parish of Manly Vale with Allambie Heights as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.

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

R TONG
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 31 July 2006.

CJ MORONEY
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
30/8/2006