

Woodville Road Easement Ordinance 2005

No 49, 2005

Long Title

An Ordinance to provide for the grant of an easement to drain water over certain land at Villawood and 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 Folio Identifier 10/577645 known as the site of St Stephen's Anglican church Villawood (the "Land").

B. The Land is church trust property and by clause 1 of the St Stephens Villawood Declaration of Trusts and Land Sale Ordinance 1971, is held upon trust to permit the same to be used 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 in the provisional district of St Stephen Villawood or any parish, provisional parish or provisional district into which it may be subsequently formed.

C. The provisional district of St Stephen's Villawood now forms part of the parish of Woodville Road (the "Parish").

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

E. 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 Woodville Road 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 7 November 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 Anne's Merrylands to be applied for such capital purposes consistent with the trusts on which the Land is held as the Standing Committee may from time to time determine by resolution on application by the parish council of the Parish.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 14 November 2005.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
1/12/2005