

# Ashfield, Five Dock and Haberfield Easement Ordinance 2021

No 51, 2021

## Long Title

An Ordinance to authorise an easement over certain land at Ashfield and to provide for the application of the proceeds.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the registered proprietor of the land contained in Folio Identifier 8/17324 known as 171 Great North Road, Five Dock and the site of St Alban's Church, Five Dock (the "Land").

B. The Land is church trust property and by clause 5 of the *Ashfield, Five Dock and Haberfield Trust Ordinance 2001* is held upon trust for the purposes of the Parish of Ashfield, Five Dock and Haberfield.

C. It is proposed to grant the easement shown in the sketch in the Schedule to the Sydney Metro to erect scaffolding over the Land to provide protection to the church building during the construction of the Sydney Metro station at Five Dock (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 of ordinance

This Ordinance is the Ashfield, Five Dock and Haberfield Easement Ordinance 2021.

### 2. Declarations

By reason of circumstances which have arisen after the creation of 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 ACPT is authorised to grant the Easement, subject to such terms and conditions as the ACPT considers appropriate, provided that no such grant is to be made after the third anniversary of the date on which assent is given to the Ordinance without the consent of the Standing Committee given by resolution.

### 4. Application of the Proceeds of Grant

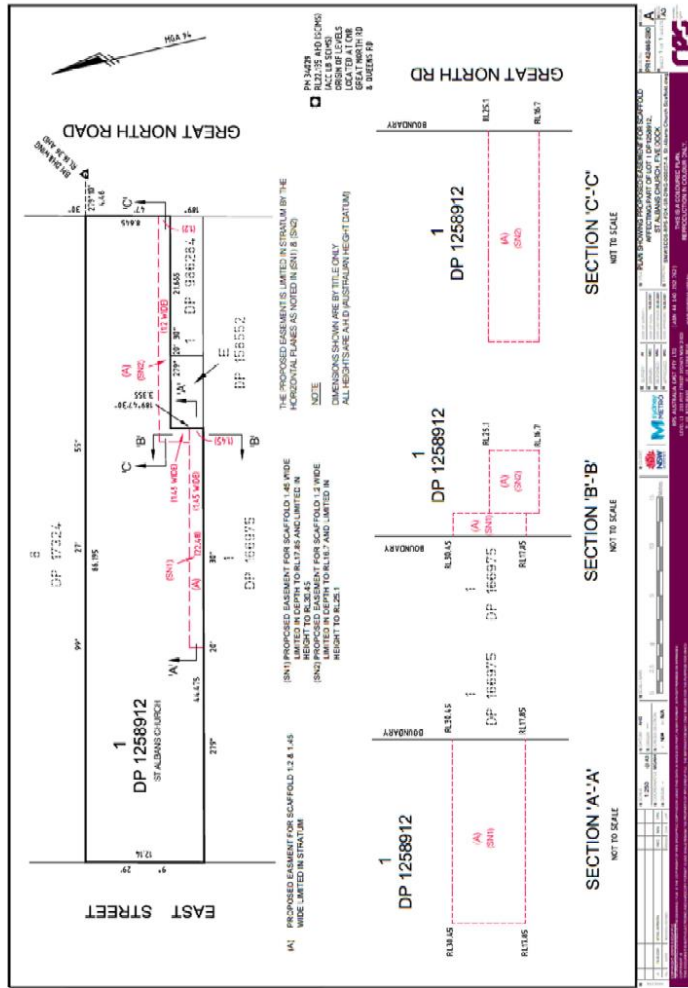
The proceeds from the grant of the Easement are to be paid to the ACPT and applied as follows –

- (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 wardens of the Parish of Ashfield, Five Dock and Haberfield to be applied for such purposes of the Parish as the parish council may from time to time determine, except payment of the stipend, allowances and benefits paid or provided to the Rector.

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## Schedule

Easement Site



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

MICHAEL STEAD  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 8 November 2021.

B BOUNDS  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

8/11/2021