



## **Darling Point Easement Ordinance 1996**

No 28, 1996

### **Long Title**

An Ordinance to authorise the grant of mutual easements for support, overhanging eaves and gutter and overhanging gutters through certain land at Darling Point.

### **Preamble**

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land (the "Land") described in the First Schedule.

B. The Land is church trust property held on trust for the parish of St Mark's Darling Point (the "Parish"), although no written trusts can be found.

C. The owner of land adjoining the Land has requested that the Property Trust grant an easement for overhanging eaves and gutters over that part of the Land described in the Second Schedule.

D. In consideration of such grant the adjoining owner has agreed to grant to the Property Trust easements for support and for overhanging gutter over those parts of the adjoining land described in the Third Schedule and for payment of the costs of and incidental to this Ordinance and the grant of easements.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts to the extent that those trusts are varied so as to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this Ordinance.

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

### **Name of Ordinance**

1. This ordinance is the Darling Point Easement Ordinance 1996.

### **Declarations of Inexpediency**

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts to the extent that those trusts are varied so as to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this Ordinance.

### **Authority to Grant and Accept Easements**

3. The Property Trust may grant an easement for overhanging eaves and gutters over that part of the Land described in the Second Schedule and accept the grant of easements for support and for overhanging gutter upon such terms and conditions as the Property Trust may on the advice of the parish council of the Parish think fit.

### **Costs of the Grants of Easements**

4. The costs of and incidental to this Ordinance and the grant of the easements are to be paid by the adjoining owner.

### **First Schedule**

All that land situated in the Municipality of Woollahra, Parish of Alexandria and County of Cumberland being the land contained in Certificate of Title Volume 2213 Folio 138 and being Lot 1 in Deposited Plan 966640.

### **Second Schedule**

All that land forming part of the Land being a strip of land 0.305 metres wide located at the northern boundary of the Land and described as "(B) Proposed Easement for Overhanging Eaves and Gutter 0.305 wide" in the plan of proposed easements over land being number 19 and number 21 Etham Avenue Darling Point prepared by Denny Linker & Co, Consulting Surveyors and dated 6 May 1996.

### **Third Schedule**

All that land situate as aforesaid being part of the land contained in Certificate of Title Volume 7544 Folio 249 and being Lot 23 in Deposited Plan 662391 and located at the southern boundary of the adjoining land and described respectively as "(A) Proposed Easement for Support 0.305 wide" and "(C) Proposed Easement for Overhanging Gutter 0.1 wide" in the Plan referred to in the Second Schedule.

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 21 October 1996.

**W.G.S. GOTLEY**

*Secretary*

I Assent to this Ordinance.

**R.H. GOODHEW**

*Archbishop of Sydney*

21/10/1996