

Robertson Cemetery Transfer Ordinance 2001

No 27, 2001

Long Title

An Ordinance to authorise the transfer of certain land to Wingecarribee Shire Council and for related matters.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land described in part A of Schedule 1.

B. The Rev Hutton Smyth King, Rollo Albert Cape, the Honourable Edward Knox, Shepherd Smith and Alexander Stuart, each of whom is believed to be dead, are the owners of the land described in part A of Schedule 2.

C. The land is described in part A of each of Schedules 1 and 2 is church trust property held upon the trusts specified in part B of the relevant Schedule.

D. By reason of circumstances which have arisen after the creation of the trusts upon which the land is held it is expedient that the land described in part A of each of Schedules 1 and 2 be transferred for nominal consideration to Wingecarribee Shire Council.

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

1. Name

This Ordinance is the Robertson Cemetery Transfer Ordinance 2001.

2. Consent to vesting

Consent is given to the land described in part A of Schedule 2 vesting in the Property Trust.

3. Declarations of inexpediency

By reason of circumstances which have arisen after the creation of the trusts upon which the land described in part A of each of the Schedules are respectively held it is expedient to carry out and observe those trusts and it is expedient that such land be transferred for nominal consideration to Wingecarribee Shire Council.

4. Power of transfer

The Property Trust may transfer the land described in part A of each of the Schedules, or such part of the land as remains church trust property, to Wingecarribee Shire Council for a consideration of \$1 within a period of 3 years after the date of assent to this ordinance, and thereafter only with the consent of the Standing Committee by resolution.

Schedule 1

Part A: Lot 4 in deposited plan 773276 situated in the civil parish of Kangaloon in the county of Camden being the cemetery situated near the corner of Main Road and Kirkland Road, East Kangaloon.

Part B: By clause 1 of the St John's Robertson Vesting Variation of Trusts and Land Sale Ordinance 1970, the land is held upon trust to permit the same to be used as a cemetery in connection with the Anglican Church in Australia in the parish of St John Robertson.

Schedule 2

Part A: The following land described in conveyance book 290 no. 181 in the civil parish of Mittagong and county of Camden, being the cemetery situated in Tourist Road Glenquarry -

All that piece of land situate at Upper Mittagong containing by admeasurement 2 acres more or less commencing at the south east corner of the Public School Ground Upper Mittagong thence north 5 chains thence east 4 chains, thence south 5 chains thence west 4 chains to the point of commencement.

Part B: By conveyance book 290 no. 181 the land is held upon trust as the site for an Anglican Church and a burial ground.

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 13 August 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
15/8/2001