
*St. Peters Cooks River (Cemetery Land) Variation
of Trust Ordinance 1967*

No. 11, 1967.

AN ORDINANCE to vary the trusts of certain land held on behalf of the Parish of St. Peter Cooks River and for purposes incidental thereto.

WHEREAS :-

1. By indenture of Conveyance dated the 7th day of December 1837 Registered No. 17 Book 0 Robert Campbell conveyed to the Bishop of Australia the land firstly described in the Schedule hereto to be held upon trust for the erection thereon of a Church or Chapel for the celebration of Divine Worship therein according to the use of the United Church of England and Ireland and upon trust for all and every of any other of the purposes provided for in and by the Act of the Governor of New South Wales with the advice of the Legislative Council thereof made and passed in the Eighth year of the Reign of his late Majesty King William the Fourth entitled "an Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and under and subject to the enactments clauses and provisions thereof.

2. By Deed of Consent dated 12th day of June 1925 Registered No. 748 Book 1388 John Charles Wright Doctor of Divinity Archbishop of Sydney and Metropolitan in pursuance and under the powers created by or in the Church of England Property Trust Act 1917 consented that the land firstly described in the Schedule excepting thereout the land secondly described in the Schedule (hereinafter called the residual parcel) should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney its successors and assigns subject to the trusts to which the said land was then subject or to so much of the same as were still subsisting undetermined and capable of taking effect.

3. Part of the residual parcel has since been resumed for road widening purposes.

4. Upon portion of the remainder of the residual parcel there are erected the Church known as St. Peter's Church Cooks River and a Rectory AND portion of the residual parcel (hereinafter called the Cemetery land) being the land thirdly described in the Schedule was used as a cemetery or burial ground in connection with the said Church but there have been no interments therein for many years AND WHEREAS by reason of the situation of the said land and

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by reason of circumstances which have arisen subsequent to the creation of the Trusts upon which the cemetery land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts upon which the cemetery land is held should be varied NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the cemetery land is held it is inexpedient to carry out and observe the same and it is expedient that the Trusts be varied.

2. Upon the passing of an Act by the Parliament of N.S.W. authorising the use of the said cemetery as a park or recreation area the cemetery land shall thenceforth be held upon trust to permit the same to be used as a Rest Park and/or garden or recreation area or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Peter Cooks River.

3. This ordinance may be cited as "St. Peter's Cooks River (Cemetery Land) Variation of Trust Ordinance 1967."

THE SCHEDULE

FIRST PART

All that piece or parcel of land containing by admeasurement six acres and fourteen perches more or less situate lying and being in the District of Bulanaming (in the Municipality of St. Peters Parish of Petersham County of Cumberland) bounded on the north east by Lot one commencing at the road leading from Sydney to Cooks River being a line bearing West forty degrees North twelve chains thirty links to Lot four on the North West by Lot four bearing South forty degrees West five chains nineteen links on the South West by Lot five purchased by Mr. Walker bearing East forty degrees South twelve chains thirty links to the aforesaid road and on the South East by that Road to the commencing point.

SECOND PART

All that piece or parcel of land containing three acres one rood three perches or thereabouts in the Municipality of St. Peters Parish of Petersham County of Cumberland COMMENCING at the

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Southernmost extremity of the South Eastern side of St. Peters Street as aligned and shown on Plan S.7-2 114 Sheet 2 and bounded thence by lines bearing South forty nine degrees twenty seven minutes East One hundred and nineteen feet seven and a half inches South forty two degrees fifty six minutes West Two hundred and sixty feet three inches North forty nine degrees forty seven minutes West forty seven feet eight inches and South thirty nine degrees fifteen minutes West eighty three feet ten inches to the northern boundary of the area comprised in Certificate of Title registered Volume 1724 Folio 21 thence by part of that boundary bearing North forty nine degrees nineteen minutes West Two hundred and fifty feet six inches and thence by lines bearing North forty nine degrees thirty seven minutes West one hundred and twenty four feet six inches North forty degrees twenty two minutes West three hundred and forty three feet seven inches and South forty nine degrees twenty seven minutes East three hundred and thirteen feet and a half inch to the point of commencement.

THIRD PART

All that piece or parcel of land situate in the Parish of Petersham County of Cumberland and State of New South Wales being part of Robert Campbell's Grant of 1799 and containing by admeasurement 1 acre 1 rood more or less COMMENCING at a point being the intersection of the south western boundary of primary application number 31471 with a north western boundary of the Princes Highway and bounded thence on the south east by a north western boundary of the aforesaid Princes Highway bearing successively 219 degrees 43 minutes 40 seconds distant 2 feet 10 $\frac{1}{2}$ inches 218 degrees 23 minutes 40 seconds distant 157 feet and bounded thence on the south west by lines bearing successively 310 degrees 3 minutes distant 135 feet 40 degrees 3 minutes distant 31 feet 6 inches 310 degrees 3 minutes distant 112 feet 6 inches 220 degrees 3 minutes distant 6 feet 310 degrees 3 minutes distant 31 feet 220 degrees 3 minutes distant 49 feet 308 degrees distant 83 feet 3 inches and bounded thence on the north west by the part of the north eastern boundary of St. Peters Public School being a line bearing 42 degrees 59 minutes 30 seconds distant 188 feet and bounded thence on the north east by lines bearing successively 132 degrees 31 minutes distant 15 feet 10 inches 130 degrees 20 minutes distant 135 feet 9 inches 129 degrees 51 minutes distant 126 feet 6 $\frac{1}{2}$ inches 130 degrees 32 minutes 30 seconds distant 69 feet 4 $\frac{1}{2}$ inches to the point of commencement.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees

I certify that this Ordinance was passed by the Standing
Committee of the Synod of the Diocese of Sydney on the 1st
day of May, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.
1/5/1967.

Archbishop of Sydney.