

ST. STEPHEN'S PENRITH CEMETERY ORDINANCE 1979

No. 17. 1979

AN ORDINANCE to vary the trusts on which certain land in the City of Penrith is held and to provide for the care management and control of certain adjoining land.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the land described in the First Schedule hereto (which land is hereinafter called "the said land") and the said land is church trust property within the meaning of the Church of England Trust Property Act 1917 as amended.

B. By Certificate of Consecration dated 16th July 1839 the building known as St. Stephen's Church, erected on part of the said land, was consecrated and by a further Certificate of Consecration dated 16th July 1839 the said land was also consecrated "as the Church Yard, Cemetery or Burying Place for the Dead Bodies of the Christian Residents and Inhabitants of Penrith".

C. The Cemetery on the part of the said land which is described in the Third Schedule hereto contains several historic graves and headstones and it is beyond the resources of the minister and churchwardens of the said church to maintain the same and the Council of the City of Penrith has expressed willingness to assume responsibility for the care control and management of the said part of the said land.

D. It is expedient that a further provision be made for the care control and management of the land described in the Third Schedule hereto.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is expedient to vary the same to the extent hereinafter set forth.

NOW THE STANDING COMMITTEE OF THE SYNOD OF THE DIOCESE OF SYDNEY in the name and the place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby varied.

(2) The land described in the Second Schedule hereto is to be held upon trust for a:-

- 30 (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

35 or partly for one or another of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of St. Stephen at Penrith or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

40 2. (1) The Corporate Trustee is hereby authorised and empowered to enter into an agreement with the Council of the City of Penrith under which the said Council shall assume responsibility for the care control and management of the land described in the Third Schedule hereto and the cemetery thereon. The said agreement shall contain such indemnities and other clauses as may seem fit to

45 the Corporate Trustee.

(2) During the term of any such agreement the provisions of Section 29 of the Sydney Church Ordinance 1912 as amended shall be suspended as regards the land described in the Third Schedule hereto.

50 3. The Corporate Trustee is hereby authorised and empowered to enter into an agreement with the Council of the City of Penrith pursuant to paragraph (b) of Section 452E(4) of the Local Government Act 1919 to facilitate the publication of a notification in the Gazette pursuant to Section 452E(1) of the said Act. *AL*

The said agreement shall contain such clauses as may seem fit to the Corporate Trustee.

55 4. This Ordinance may be cited as "St. Stephen's Penrith Cemetery Ordinance 1979".

FIRST SCHEDULE

ALL THAT piece or parcel of land situate and being on the south side of the High Road from Sydney to Bathurst in Penrith aforesaid containing one acre more or less whereon has been erected and built the Church of St Stephen the Martyr bounded on the north by a line west along the road 165 feet in length commencing at the north west corner of land theretofore belonging to John Tindale and formerly in the occupation of Charles Sims on the west by a line south 282 feet 6 inches thence on the north again by a west line 49 feet, on the west again by a line south 323 feet 7 inches thence on the south by a line east 154 feet and thence on the east by a line north 658 feet 6 inches to the Western Road.

AL

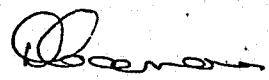
SECOND SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement 4020 square metres being Lot 101 in Deposited Plan 597910 situated in the City of Penrith Parish of Mulgoa County of Cumberland COMMENCING at a point on the southern side of High Street bearing 94° 01' and distant 56.235 metres from the intersection of the southern side of High Street aforesaid and the eastern side of Evan Street and bounded thence on the north by the southern side of High Street aforesaid bearing 95° 56' 30" distant 51.84 metres to the north western corner of the land comprised in Certificate of Title Volume 3763 Folio 90 bounded thence on the east by part of the western boundary of Certificate of Title Volume 3763 Folio 90 aforesaid bearing 194° 27' distant 86.08 metres to the north eastern corner Lot 102 Deposited Plan 597910 aforesaid bounded thence on the south by part of the northern boundary of Lot 102 Deposited Plan 597910 aforesaid bearing 275° 43' distant 42.52 metres to the south eastern corner Lot 6 Deposited Plan 1582 bounded thence on the west by a line bearing 8° 14' distant 85.37 metres to the point of commencement be the aforesaid dimensions all a little more or less NOW BEING all that piece or parcel of land situate at Penrith in the City of Penrith Parish of Mulgoa and County of Cumberland being Lot 101 in Deposited Plan 597910 and comprising the whole of the land in Certificate of Title Volume 13762 Folio 153.

THIRD SCHEDULE

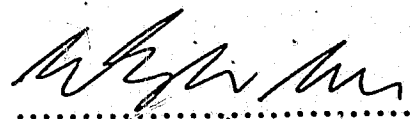
ALL THAT piece or parcel of land containing by admeasurement 5537 square metres being Lot 102 in Deposited Plan 597910 situated in the City of Penrith Parish of Mulgoa and County of Cumberland COMMENCING at a point on the western side of Fulton Lane bearing 14° 32' distant 21.715 metres from the intersection of the western side of Fulton Lane aforesaid and the northern side of Lethbridge Street bounded thence on the south by the northern boundary of the land in File Plan 350912 bearing 294° 30' distant 47.245 metres to the north western corner of Lot A in File Plan 350912 aforesaid bounded thence on the west by a line bearing 8° 22' distant 98.81 metres to the north eastern corner Lot 7 Deposited Plan 1582 bounded thence on the north partly by the southern boundary Lot 6 Deposited Plan 1582 aforesaid and partly by the northern boundary Lot 101 Deposited Plan 597910 aforesaid bearing 95° 43' distant 57.81 metres to the western boundary of the land comprised in Certificate of Title Volume 3763 Folio 90 bounded thence partly on the east by the western boundary of the land comprised in Certificate of Title Volume 3763 Folio 90 aforesaid bearing 194° 27' distant 19.09 metres to the intersection of the western side of Fulton Lane aforesaid and the northern side of Fulton Street bounded thence on the remainder of the east by the western side of Fulton Lane aforesaid bearing 194° 32' distant 96.185 metres to the point of commencement be the aforesaid dimensions all a little more or less NOW BEING all that piece or parcel of land situate at Penrith in the City of Penrith Parish of Mulgoa and County of Cumberland being Lot 102 in Deposited Plan 597910 and comprising the whole of the land in Certificate of Title Volume 13762 Folio 154.

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



.....
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney this 28th day of May, 1979.



.....
Secretary

I ASSENT to this Ordinance.

M. d. Doane

.....
Archbishop of Sydney
38/5/1979