

# St. Peter's Church of England, Cook's River, Cemetery Act 1968 No 48

[1968-48]



New South Wales

## Status Information

### Currency of version

Repealed version for 5 December 1968 to 7 July 2011 (accessed 12 July 2024 at 2:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 July 2011

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# St. Peter's Church of England, Cook's River, Cemetery Act 1968 No 48



New South Wales

An Act to authorise the use of St. Peter's Church of England Cemetery at Cook's River for purposes other than a cemetery; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *St. Peter's Church of England, Cook's River, Cemetery Act 1968*.

## 2 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**cemetery land** means the land described in the Schedule to this Act.

**Trust** means the Church of England Property Trust Diocese of Sydney.

## 3 Use of cemetery for other purposes

It shall be lawful for the Trust or such persons as may be authorised by the Trust to use the cemetery land for all or any of the following:

- (a) a rest park,
- (b) a garden area,
- (c) a recreation area,
- (d) such other purposes as may be declared by ordinance made under the *Church of England Trust Property Act 1917*, as subsequently amended,

notwithstanding:

- (i) that, immediately before the commencement of this Act, the cemetery land comprised a cemetery, and
- (ii) any trusts, conditions, encumbrances or dedications affecting the cemetery land

immediately before the commencement of this Act.

#### **4 Removal of human remains, monuments etc**

- (1) Before any use is made of the cemetery land under section three of this Act, the Trust or the persons authorised by the Trust under that section shall:
  - (a) compile a register of the names of and other relevant information in respect of persons buried in the cemetery land, so far as those names and that information can be obtained, and deposit the register in the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time, and
  - (b) subject as hereinafter provided, cause any monuments and other surface structures on the cemetery land to be collected with due care and disposed of at the discretion of the Trust.
- (2) At least three months before any monuments or other surface structures are collected and disposed of under subsection one of this section, an advertisement of the intention to do so and drawing attention to the right conferred by subsection three of this section on the representatives or persons claiming to be representatives referred to in the said subsection three shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.
- (3) At any time after the appearance of the first advertisement referred to in subsection two of this section and before the expiration of three months from the appearance of the last of those advertisements, the representatives or any persons claiming to be the representatives of any person buried in the cemetery land may, at their own expense, and with the permission of the Trust, remove any monument or other surface structure erected over the grave of that person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery as they desire, the remains of that person.
- (4) The Trust or the persons authorised by the Trust under section three of this Act shall as soon as practicable after the monuments and other surface structures are collected under subsection one of this section erect in a suitable position on the cemetery land a substantial monument in memory of those persons buried therein.

#### **5 No compensation payable**

No compensation shall be payable to any person in respect of the performance of any act authorised by this Act.

## Schedule

(Section 2)

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<sup>3</sup>/<sub>4</sub> inches 218 degrees 23 minutes 40 seconds distant 157 feet and bounded thence 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 a south 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<sup>1</sup>/<sub>4</sub> inches 130 degrees 32 minutes 30 seconds distant 69 feet 4<sup>3</sup>/<sub>4</sub> inches to the point of commencement.