

# Berrima (Glebe Land) Ordinance 1994

No 60, 1994

## Long Title

An Ordinance to vest certain land situated at Berrima in Anglican Church Property Trust Diocese of Sydney, to vary the trusts on which that land is held, to authorise the settlement of the terms on which compensation is to be paid for certain land and easements to be compulsory acquired by the Minister for Public Works and for other matters.

## Preamble

- A. The Archbishop is the owner in fee simple of certain land (the "Glebe Land") at Berrima being the residue of the 40 acre parcel of land referred to in a deed of grant dated 30 January 1843 registered in the Register of Grants of the United Church of England and Ireland number 78 page 27.
- B. The Glebe Land is church trust property held on the trusts set out in the Act 8 William IV No.5.
- C. In 1959 the Mittagong Shire Council resumed part of the Glebe Land for the construction of a reservoir to form part of the Berrima district water supply system and also resumed easements for water pipes and for access.
- D. No compensation was paid for the land and easements resumed.
- E. The reservoir and the water pipes were subsequently constructed but not on the land and easements resumed for that purpose.
- F. The Minister for Public Works (the "Minister") proposes acquiring, by compulsory process, that part of the Glebe Land (the "Reservoir Land") on which the reservoir was constructed and certain easements for water pipes and an easement for access and has requested that the church authorities agree to the compensation to be paid or provided upon completion of the acquisition by compulsory process.
- G. Wingecarribee Shire Council (the successor of Mittagong Shire Council) (the "Council") wishes to settle any compensation claim which may be subsisting from the resumption of the land and easements referred to in C.
- H. It is expedient to confirm the power to lease of the Glebe Land, to authorise the leasing of any land which may be transferred to the Property Trust and to provide for the application of the lease proceeds.
- I. By reason of circumstances which have arisen after the creation of the trusts on which the Glebe Land held it is inexpedient to carry out and observe those trusts and it is expedient that such trusts be varied and that the Property Trust be authorised to agree on the compensation to be paid or provided by the Minister on the acquisition of the Reservoir Land and the easements referred to in F. and that the Property Trust be authorised to settle the compensation claim referred to in G.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains, Directs, Declares and Rules as follows -

## Citation

1. This ordinance may be cited as the "Berrima (Glebe Land) Ordinance 1994".

## Vesting of Property

2. Consent is given to the Glebe Land vesting in the Property Trust.

## Declaration of Inexpediency

3. By reason of the circumstances which have arisen after the creation of the trusts on which the Glebe Land is held, it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied so as to permit the transactions contemplated by this ordinance.

## Authority to Negotiate Compensation

4. (1) The Property Trust is authorised to negotiate and execute any agreement with the Minister which incorporates the terms on which compensation is to be paid or provided for the compulsory acquisition of the Reservoir Land and the easements for water pipes and access set out on Deposited Plan No. 735013.

(2) The Property Trust is authorised to negotiate and execute any agreement with the Council which incorporates the terms on which the compensation claim referred to in paragraph G. of the Preamble is to be settled and may do anything that is necessary to give effect to that agreement.

## Application of Compensation Money

5. Any compensation money payable under any agreement referred to in clause 4 must be paid to the churchwardens ("Churchwardens") for such purposes of Holy Trinity Church Berrima ("Church") as the Churchwardens may consider appropriate.

## Leasing of the Glebe Land

6. The Property Trust is authorised to lease the Glebe Land and any land which may be transferred to it as part of the settlement of any claim for compensation relating to the Glebe Land.
7. The proceeds of any lease of the Glebe Land and any land which may be transferred to the Property Trust as part of the settlement of any claim for compensation relating to the Glebe Land shall be paid to the Churchwardens for such purposes of the Church as the Churchwardens consider appropriate.

## **Berrima (Glebe Land) Ordinance 1994**

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 12 December 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
12/12/1994