

# Balmain (St Mary's) Variation of Trusts Amendment Ordinance 2002

No 42, 2002

## Long Title

An Ordinance to amend the Balmain (St Mary's) Variation of Trusts Ordinance 1996.

## Preamble

A. By the Balmain (St Mary's) Variation of Trust Ordinance 1996 (the "Principal Ordinance") the Anglican Church Property Trust Diocese of Sydney (the "Property Trust") holds a sum of money (the "Sum") on the trusts specified in the Principal Ordinance.

B. By reason of circumstances that have arisen after the creation of the trusts on which the Sum is held, it is inexpedient to carry out and observe those trusts.

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

### 1. Name

This Ordinance is the Balmain (St Mary's) Variation of Trusts Amendment Ordinance 2002.

### 2. Declaration

By reason of circumstances that have arisen after the creation of the trusts on which the Sum is held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

### 3. Variation of Trusts

(1) The Principal Ordinance is amended by -

- (a) inserting the matter "and subject to clause 10" after the matter "clause 6" in clause 7; and
- (b) inserting the words "or the renovation and furnishing of any existing residence" before the words "for use as a rectory" in clause 7(b)(i); and
- (c) inserting the words "and/or the renovation of any existing building or part thereof for use as another or other residences" after the word "residences" in clause 7(b)(iii); and
- (d) inserting a new clause 10 as follows -

#### "Heritage Buildings

10. If -

- (a) an order is made under the Heritage Act 1977 in relation to any building or other improvement on land within the Provisional Parish; or
- (b) the condition of any building or other improvement on land within the Provisional Parish is such that it is reasonable to conclude in accordance with recommendation(s) in a report commissioned from a heritage architect or other expert on heritage buildings, that an order may be made under that Act in relation to that building or improvement; or
- (c) as regards any building or improvement on land within the Provisional Parish, an offence is committed under that Act,

the Property Trust may -

- (d) do all such works and other things as to comply with the order, avoid the issue of the order or satisfy the omission or action which has given rise to the offence (as the case may be); and
- (e) apply the whole or any part of the Sum in or towards meeting the cost of all such works and things."

(2) The Property Trust is authorised to pay the costs and expenses of and incidental to the promotion of this Ordinance from the Sum.

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 26 August 2002.

M A PAYNE  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
27/08/2002