



## St John's Park (Canley Vale) Variation of Trusts Ordinance 2004

No 15, 2004

### Long Title

An Ordinance to vary the trusts of certain funds held by the Property Trust to permit their application towards the costs of and incidental to the decontamination of land known as 96 Canley Vale Road, Canley Vale and for purposes incidental thereto.

### Preamble

A. The Property Trust holds funds known as client fund 474 (the "Client Fund").

B. By clause 5 of the St John's Park Land Sale and Variation of Trust Ordinance 1999 the Client Fund and any income derived therefrom is to be applied towards the building and fitting out of additional facilities in the parish of St John's Park with Canley Heights (the "Parish") on the properties known as 73 Edensor Road and 7 and 8 Toorak Close, St John's Park.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Client Fund is held it is inexpedient to carry out or observe those trusts or to deal with or apply the Client Fund wholly for the same or like purposes as those trusts and it is expedient to vary the trusts to the extent necessary to permit the applications specified in this ordinance.

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

### 1. Name

This Ordinance is the St John's Park (Canley Vale) Variation of Trusts Ordinance 2004.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Client Fund is held it is inexpedient to carry out or observe those trusts or to deal with or apply the Client Fund wholly for the same or like purposes as those trusts and it is expedient to vary the trusts to the extent necessary to permit the applications specified in clause 3.

### 3. Variation of trusts

The trusts on which the Client Fund is held are varied to the extent necessary to permit the Client Fund and any income derived therefrom to be applied towards the costs and expenses incurred by the Property Trust in relation to –

(a) decontaminating the site known as 96 Canley Vale Road, Canley Vale (the "site") to a level which complies with the requirements of the Environment Protection Authority ("EPA"), and

(b) enforcing the obligations of Mobil Oil Australia Limited ("Mobil") under a lease of the site granted to Mobil by the Property Trust including an obligation to decontaminate the site to a level which complies with the requirements of the EPA, and

(c) recovering from Mobil all costs and expenses incurred by the Property Trust in undertaking the actions referred to in paragraphs (a) and (b).

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

**R TONG**

*Deputy Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 31 May 2004.

**MA PAYNE**

*Secretary*

I Assent to this Ordinance.

**PETER F JENSEN**

*Archbishop of Sydney*

2/6/2004