

# St Mary's Balmain Variation of Trusts Ordinance 2020

No 66, 2020

## Long Title

An Ordinance to vary the trusts on which certain property at Balmain is held.

## Preamble

A. The Anglican Church Property Trust (the "ACPT") is the trustee of the property described in the Schedule (together, the "St Mary's Property").

B. By clause 5 of the *Darling Street Trust Ordinance 2005*, the St Mary's Property is held on trust for the purposes of the Parish of Darling Street.

C. By reason of circumstances which have arisen after the creation of the trusts on which the St Mary's Property is held, it is inexpedient to carry out and observe those trusts or to deal with or apply the St Mary's Property for the use or benefit of the Parish of Darling Street and it is expedient to vary those trusts in the manner set out in this Ordinance.

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

### 1. Name

This Ordinance is the St Mary's Variation of Trusts Ordinance 2020.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which St Mary's Property is held, it is inexpedient to carry out and observe those trusts or to deal with or apply the St Mary's Property for the use or benefit of the Parish of Darling Street and it is expedient to vary those trusts in the manner set out in clause 3.

### 3. Variation of trusts

The trusts of the St Mary's Property are varied so that they are held on trust for the purposes of the Provisional Parish of St Mary's Balmain or any parish or ecclesiastical district into which it may subsequently be formed or form a part (the "Parish").

### 4. Leasing

(1) On and from the date of commencement of this Ordinance and until the Review Date, the income arising from the St Mary's Property, after paying all rates, taxes, charges incurred by the ACPT in relation to the St Mary's Property, is to be paid to the Wardens of St Mary's Balmain to be applied for such purposes of the Parish as its Parish Council may determine.

(2) With the written consent of the Parish Council of the Parish, the ACPT may lease or license any part of the St Mary's Property, except any part that is consecrated or licensed as a church, if the term of the lease or licence (when aggregated with the term of any options to renew such lease or licence) does not exceed 5 years.

(3) For the purposes of this clause, "Review Date" means the date which is 3 years after the date this Ordinance commences or such later date as the Standing Committee may determine from time to time by resolution.

(4) Nothing in this clause limits the powers of the ACPT under the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* or under any other ordinance.

### 5. Amendment

The *Darling Street Trust Ordinance 2005* is amended by deleting rows one and two of the table in the Schedule of that Ordinance.

### 6. Commencement

This Ordinance commences on the date on which the Provisional Parish of St Mary's Balmain is created pursuant to an instrument signed by the Archbishop under clause 7 of the *Parishes Ordinance 1979*.

**St Mary's Balmain Variation of Trusts Ordinance 2020 Ordinance 2020**

**Schedule**

The land contained in folio identifier 51/790333 known as 85 Darling Street, Balmain and the site of a residence or residences.
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The land contained in folio identifier 100/861875 known as 87 Darling Street, Balmain and the site of St Mary's Church and hall.
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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

D S MARR  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 23 November 2020.

D GLYNN  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney

23/11/2020

REPEALED