

**BOTANY/MASCOT/EASTLAKES ORDINANCE 1990**

No 53, 1990

**AN ORDINANCE to authorise the variation of trusts for the sale of certain land at Botany in the Municipality of Botany and provide for the application of the proceeds hereof.**

**WHEREAS**

**A. The land described in the First Schedule hereto ("the land") is vested in the Anglican Church Property Trust Diocese of Sydney ("the Corporate Trustee") and is recited in the St Matthews Botany (St Johns Banksmeadow) Ordinance 1974 as being held upon trust for the purposes of and in connection with the Anglican Church of Australia in the Parish of Botany/Mascot/Eastlakes ("the Parish").**

**B. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property for the same or like purpose to the extent that they are hereby varied and it is expedient to sell the land described in the Second Schedule.**

**NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:**

**1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property for the same or like purpose and it is expedient that the land described in the Second Schedule should be sold.**

**2. The Corporate Trustee is hereby authorised to subdivide the land and to sell the land described in the Second Schedule within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement for such price and on and subject to such terms and conditions as to the Corporate Trustee may seem appropriate freed from the trusts upon which the land is now held.**

- 3. (1) The proceeds arising from the sale shall be applied by the Corporate Trustee as follows:-**
- (a) in payment of the costs of and incidental to this Ordinance and of any sale of the land;**
  - (b) in payment of all costs in relation to the subdivision of the land in the First Schedule including the cost of any works required by Botany Municipal Council;**
  - (c) in payment for repairs, additions and/or alterations, furnishings and fittings to the Parish Rectory at 6 Walker Avenue, Mascot, up to a sum of \$100,000; and**
  - (d) the balance shall be held upon trust for the Parish and invested by the Corporate Trustee.**

- (2) As to any income arising from the net proceeds of the sale:-**
- (a) 40 per cent shall be capitalised;**
  - (b) 10 per cent shall be paid to the Inner City Committee to be applied by that Committee for its purposes; and**
  - (c) 50 per cent shall be paid to the churchwardens for the time being of the Parish to be applied by those churchwardens for purposes within the Parish.**

**(3) This clause applies until 31 December 1996 and will be reviewed as soon as possible after 1 January 1996.**

**4. This Ordinance may be cited as "Botany/Mascot/Eastlakes Ordinance 1990"**

**BOTANY/MASCOT/EASTLAKES ORDINANCE 1990**

**FIRST SCHEDULE**

**ALL THAT piece or parcel of land at Botany in the Municipality of Botany Parish of Botany and County of Cumberland being lot 3 in Deposited Plan 576143 and being the whole of the land comprised in Certificate of Title Volume 12776 Folio 187.**

**SECOND SCHEDULE**

**ALL THAT piece or parcel of land in the Municipality of Botany Parish of Botany and County of Cumberland being Lot 31 in the draft Deposited Plan annexed to this Ordinance and being part of the land comprised in Certificate of Title Volume 12776 Folio 187.**

**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 the 17th day of December 1990.**

**W.G.S. GOTLEY**  
Secretary

**I ASSENT to this Ordinance.**

**DONALD ROBINSON**  
Archbishop of Sydney  
17/12/1990