

CUNDLETOWN LAND SALE ORDINANCE 2014

LONG TITLE

AN ORDINANCE to authorise the sale of certain lands at **Cundletown** in the Parish of **CUNDLE** in the County of **MACQUARIE** and to provide for the disposition of the proceeds of that sale.

EXPLANATORY MEMORANDUM

- A. The Trustees of Church Property for the Diocese of Newcastle (the “Trustees”) is the registered proprietor of the land contained in folio identifier 21/1193914 at Cundletown (“the Land”).
- B. The Land is church trust property and forms part of the property held on trust for the Parish of Taree (the “Parish”).
- C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.
- D. The Synod has in the Administration of Parishes Ordinance 2010 conferred on the Diocesan Council the authority to exercise the powers contained in the Anglican Church of Australia Trust Property Act 1917.

The Diocesan Council of the Diocese of Newcastle hereby ordains as follows:

DECLARATION OF OPINION

1. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in section 4.

AUTHORITY TO SELL

2. The Trustees are authorised to sell the land or any part or parts thereof by public auction or by private contract, and for such sum or sums and upon such terms and conditions as may be determined by the Property Approvals Board but freed from the said trusts which trusts shall by force of this ordinance cease and determine.

HOW SALE TO BE CARRIED OUT

3. The Trustees are hereby authorised to execute and do all necessary deeds conveyances transfers assurances and other instruments acts and things for giving full and complete effect to the provisions of this ordinance according to its true intent and meaning.

DISPOSITION OF PROCEEDS

4. The proceeds of sale, after payment of the costs of and incidental to this Ordinance and the sale of the Land, are to be paid to the Trustees and
 - a. First, to the costs of and incidental to this Ordinance and the sale of the Land,
 - b. Second, in payment of goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the sale,
 - c. Third, 9% of the proceeds of sale is to be paid to the Property Acquisition Fund,
 - d. Fourth, 1% of the proceeds of sale is to be paid to the Ministry Development Fund,
 - e. The balance to be placed upon trust and applied to capital works projects within the Parish of Taree as approved by the Property Approvals Board with all interest being capitalised unless otherwise approved by the Diocesan Council

REPEAL

5. The Taree (Cundletown) Land Sale Ordinance 2006 is repealed.

SHORT TITLE

This ordinance may be cited for all purposes as the Cundletown Land Sale Ordinance 2014.

PASSED BY DIOCESAN COUNCIL on the **Twenty-Sixth** day of **June 2014**.

Mr John Cleary
Secretary, Diocesan Council

THE ASSENT of the Lord Bishop of the Diocese was given to the above Ordinance on the **Twenty-Sixth** day of **June 2014** in the Eighth year of our Consecration and of our Translation to this See the First.

The Right Reverend Gregory Thompson
PRESIDENT