

BIRMINGHAM GARDENS LAND SALE ORDINANCE 2018

LONG TITLE

AN ORDINANCE to authorise the sale of certain lands at **Birmingham Gardens** in the Parish of **Hexham** in the County of **Northumberland** 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 at Birmingham Gardens contained in folio identifiers:
 - a. Lot 1 / DP 517256 known as 8 Naughton Avenue;
 - b. Lot 785 / DP 12691 known as 4-6 Naughton Avenue; and
 - c. Lot 781 / DP 12691 known as 5 Moore Street ("the Land").
- B. The Land is church trust property and forms part of the property held on trust for the Parish of Birmingham Gardens (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 Board of the Newcastle Anglican Church Corporation 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 is 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. Thirdly, 40% of the proceeds of sale to be held by the Trustees of Church Property for the payment of redress or related purposes as the Diocesan Council may direct,
 - d. The remainder of the funds to be placed in the Diocesan Mission and Ministry Trust.

SHORT TITLE

This ordinance may be cited for all purposes as the Birmingham Gardens Land Sale Ordinance 2018.

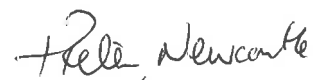
I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the 23rd day of **August 2018**.



Mrs Linda Wilson
Secretary, Diocesan Council

THE ASSENT of Peter Derrick James Stuart, Bishop of the Diocese was given to the above Ordinance on the 23rd day of **August 2018** in the Tenth year of our Consecration.



PRESIDENT