

## **A BILL FOR A TEA GARDENS LAND SALE ORDINANCE 2017**

### **LONG TITLE**

**AN ORDINANCE** to authorise the sale of certain lands at Tea Gardens in the Parish of **Buladelah Tea Gardens** 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 47/829692 at Tea Gardens ("the Land").
- B. The Land is church trust property and forms part of the property held on trust for the Parish of Buladelah Tea 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 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. The balance to be placed upon temporary trust and applied to the purchase of land and the erection of a building to serve as a Rectory as approved by the Property Approvals Board with all interest being capitalised unless otherwise approved by the Diocesan Council.

## SHORT TITLE

This ordinance may be cited for all purposes as the Tea Gardens Land Sale Ordinance 2017.

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

**PASSED BY DIOCESAN COUNCIL** on the 27<sup>th</sup> day of July 2017.



The Venerable Canon Sonia Roulston  
**Acting Secretary, Diocesan Council**

**THE ASSENT** of Peter Derrick James Stuart, Administrator (Sede Vacante) was given to the above Ordinance on the 27<sup>th</sup> day of July 2017 in the Ninth year of our Consecration.



**PRESIDENT**