

MARTINS CREEK LAND SALE ORDINANCE 2017

LONG TITLE

AN ORDINANCE to authorise the sale of certain lands at **Martins Creek** in the Parish of **BARFORD** in the County of **DURHAM** 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 1/177492 at Martins Creek ("the Land").
- B. The Land is church trust property and forms part of the property held on trust for the Parish of Gresford Paterson (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 in such a manner, 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 subject to the property first being reverted to secular use.

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, 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,
 - b. Second, to the costs of and incidental to this Ordinance and the sale of the Land,
 - c. Third, 15% of the GST exclusive sale price to the Exceptional Special Purposes Trust,
 - d. The balance to be placed upon temporary trust and applied to capital works and building maintenance projects within the Parish of Gresford Paterson as approved by the Property Approvals Board.

SHORT TITLE

This ordinance may be cited for all purposes as the Martins Creek Land Sale Ordinance 2017.

PASSED BY DIOCESAN COUNCIL on the **Twenty Third** day of **February 2017**.



Mrs Linda Wilson
Acting Secretary, Diocesan Council

THE ASSENT of the Bishop Peter Stuart exercising authority as the Commissary to the Bishop of Newcastle was given to the above Ordinance on the **Twenty Third** day of **February 2017** in the Ninth year of our Consecration

