

GUNDY LEASING AND LAND SALE ORDINANCE 2019

AN ORDINANCE to authorise the disposal of certain lands at Gundy in the Parish of Scone in the County of Brisbane and to provide for the disposition of the proceeds of that disposal.

BE IT THEREFORE Ordained by the Diocesan Council of the Diocese of Newcastle as follows: -

PART 1 – PRELIMINARY

Title

1. This Ordinance may be cited as the ***Gundy Leasing and Land Sale Ordinance 2019***.

Background

2. The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the Land at Gundy.
3. The Land and all improvements on the Land are Church Trust Property.
4. It is expedient that the Land be leased and / or sold and that the proceeds be applied in the manner set out in this Ordinance.
5. The Synod has conferred on the Diocesan Council the authority to exercise the powers contained in the *Anglican Church of Australia Trust Property Act 1917 (NSW)*.

PART 2 – DEFINITIONS

6. In this Ordinance, unless the contrary intention appears:

Church Property	means Churches, Rectories, Parish Halls and other buildings vested in the Trustees of Church Property and used for Church purposes.
Diocesan Mission and Ministry Trust	means the trust established in accordance with the <i>Diocesan Mission and Ministry Trust Ordinance 2018</i> .
GST	means Goods and Services Tax as defined in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> .
Land	means the land contained in Folio Identifier: Lots 1, 2 and 3 of Section 9 DP 758490.

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PART 3 – LEASE OF LAND

Declaration of Opinion

7. 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 leased and the rental income shall be applied in the manner set out in section 10 of the ordinance.

Authority to Lease

8. Subject to the consent of the Bishop, the Land shall be leased for a period of not more than five (5) years.

Lease process

9. The Trustees of Church Property shall execute all necessary leases and do all other things to give full and complete effect to the provisions of this ordinance.

Disposition of proceeds

10. The lease rental proceeds are to be paid to the Anglican Parish of Scone.

PART 4 – SALE OF LAND

Declaration of Opinion

11. 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 14 of this ordinance.

Authority to Sell

12. The Trustees of Church Property shall sell the Land or any part or parts thereof by public auction or by private contract, on such terms and conditions as may be determined by the Newcastle Anglican Church Corporation subject to the property first being returned to secular use and the sale being approved by the Bishop.

13. The Land shall be freed from any trusts which shall by force of this ordinance cease.

Sale process

14. The Trustees of Church Property shall execute 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

15. 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 of Church Property and allocated in the following order:

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- (1) the costs of and incidental to this Ordinance and the disposal of the Land; then
- (2) the payment of GST payable in connection with the sale of the Land; then
- (3) forty percent (40%) of the proceeds of sale shall be withheld by the Trustees of Church for the payment of redress or related purposes as the Diocesan Council may direct; and
- (4) the remainder of the funds shall be disbursed by resolution of the Diocesan Council.

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

PASSED BY DIOCESAN COUNCIL on the 23rd May 2019.



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 May 2019 in the Eleventh year of our Consecration.



PRESIDENT

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