

## MAYFIELD LAND SALE ORDINANCE 2020

**AN ORDINANCE** to authorise the sale of certain lands at **Mayfield** in the Parish of **Newcastle** in the County of **Northumberland** and to provide for the disposition of the proceeds of that sale.

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

### PART 1 – PRELIMINARY

Title

- This Ordinance may be cited as the ***Mayfield Land Sale Ordinance 2020***.

Background

- The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the land contained in folio identifier Lot 3 in DP 1142804 at Mayfield.
- The Land is Church Trust Property-
- By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that part of the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.
- The part of the Land containing St Andrew’s Church, Rectory and St Nicholas’ Cottage will be retained as Church Trust Property.
- 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*.

### PART 2 – DEFINITIONS

- In this Ordinance, unless the contrary intention appears:

|                                            |                                                                                                              |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>GST</b>                                 | means Goods and Services Tax as defined in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> . |
| <b>Land</b>                                | means the land contained in Folio Identifier 3/544502.                                                       |
| <b>Diocesan Mission and Ministry Trust</b> | The trust established in accordance with the Diocesan Mission and Ministry Trust Ordinance 2018.             |

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| <b>Y035</b>                                                                                                                                                                       | Issue Date: 26 March 2020   | Version 1   |
|                                                                                                                                                                                   | Review Date: Not Applicable | Page 1 of 2 |

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### PART 3 – SALE OF LAND

#### Declaration of Opinion

8. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that part of the Land be sold and that the proceeds be applied in the manner set out in this Part 3.

#### Authority to Sell

9. The Trustees are authorised to sell part of the Land (excluding the area where St Andrew's Church, rectory and St Nicholas' cottage are located) 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 Newcastle Anglican Church Corporation but freed from the said trusts which trusts shall by force of this ordinance cease and determine subject to the property first being returned to secular use.

#### Sale process

10. 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. This includes subdividing the Land in a manner that separates the Land into two or more lots in advance of any sale.

#### Disposition of proceeds

11. 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 allocated as follows:
  - a. firstly, to the costs of and incidental to this Ordinance and the sale of the Land;
  - b. secondly, in payment of GST payable in connection with the sale of the Land; and
  - c. thirdly, \$300,000 placed in a Consolidated Trust Account with the income and the capital of the trust being available for distribution for the purposes of capital works at St Andrew's Mayfield
  - d. fourthly, 40% of the remaining funds to be held by the Trustees of Church Property for the payment of redress or related purposes as the Diocesan Council may direct,
  - e. lastly, the balance of the remaining funds to be placed in an Endowment Fund for the purposes of the parish with the income of the trust being available to the Parish of MICA for general purposes;

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