

# Avalon with Palm Beach Leasing Ordinance 2011

No 4, 2011

## Long Title

An Ordinance to authorise the leasing of certain land at Avalon and to provide for the application of the income.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the whole of the land contained in Lots 40 and 41 of Section 2 of DP9935 known as 1 Kevin Avenue, Avalon and the site of St Mark's Avalon (the "Land").

B. The Land is church trust property held on trust for the parish of Avalon with Palm Beach although there are no written trusts.

C. It is expedient that part of the Land be leased and the proceeds applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Avalon with Palm Beach Leasing Ordinance 2011.

### 2. Declaration of Expediency

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 leased and the proceeds thereof be applied in the manner set out in this Ordinance.

### 3. Authority to Lease

The Property Trust is authorised to grant a lease over that part of the Land identified in the sketch plan signed by the Diocesan Secretary on 10 March 2011 for a term not exceeding 10 years (including any options to renew) for the purposes of a pre school or child care centre on such terms and conditions as the Property Trust considers appropriate.

### 4. Application of Proceeds from Lease

(1) The income from any lease granted under clause 3 is to be paid to the Property Trust and applied as follows –

- (a) in payment of all rates, taxes and charges incurred by the Property Trust in relation to the Land and the leasing of the Land; and
- (b) the balance is to be paid to the wardens of the principal church of the Parish (the "Wardens") to be applied for such purposes of the Parish as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.

(2) If the Property Trust by resolution directs, the Wardens are authorised and directed to make the payments referred to in paragraph 4(1)(a) as agent of the Property Trust and for that purpose –

- (a) all income arising from the lease is to be paid directly to the Wardens in that capacity, and
- (b) after the application of moneys under paragraph 4(1)(a), the remaining balance is taken to have been paid to the Wardens pursuant to paragraph 4(1)(b).

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

P KELL  
Chairman of Committees

**Avalon with Palm Beach Leasing Ordinance 2011**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 February 2011.

R WICKS  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
22/02/2011