

The St John's Parramatta Endowment Fund Ordinance 1930

(Reprinted under the Interpretation Ordinance 1985.)

The St John's Parramatta Endowment Fund Ordinance 1930 as amended by the St John's Parramatta Endowment Fund Ordinance 1935, the St John's Parramatta Endowment Fund Ordinance 1952 and The St John's Parramatta Endowment Fund Ordinance 1930 Amendment Ordinance 2013.

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XXXXXXXXXX

Long Title

An Ordinance to vary the trusts of The St John's Parramatta Endowment Fund, to provide for a fixed term of office for the Trustees of the said Fund and for purposes incidental thereto.

Preamble

Whereas by Declaration of Trust dated the fifteenth day of May One thousand eight hundred and ninety-four registered No 23 Book 538 Walter Brown, Thomas Dixon, Henry Benjamin Hughes, Stephen John Pearson and Francis Thomas Watkins declared that they would hold certain moneys and property known as the The St John's Parramatta Endowment Fund and therein and hereinafter referred to as "the said Fund" upon trust for investment as therein provided including the purchase of freehold hereditaments and upon trust to pay the net interest or other income arising from the said Fund to the Churchwardens of the Church of St John Parramatta as a contribution towards the stipend of the incumbent for the time being of the said Church.

And Whereas the Trustees of the said Fund purchased certain freehold hereditaments situated in Macquarie and Hunter Streets Parramatta together with a residence erected thereon and leased part of such hereditaments (upon which the lessee erected a building) and subsequently sold such part and also other parts of the said hereditaments leaving a remainder which is described in the Schedule hereto and is hereinafter referred to as "the said land".

And Whereas the said Trustees demolished the said residence and built certain shops on the said land.

And Whereas for the purpose of the said purchase and building the said Trustees used the said Fund and the proceeds of the said sales and portion of the income of the said Fund.

And Whereas some of the hereinbefore recited actions of the said Trustees may not have been authorised by the said Declaration of Trust but were nevertheless beneficial for the object of such trust and it is expedient that the said actions should be ratified and confirmed.

And Whereas it is expedient that other premises should be built on the said land and that the said land should be mortgaged to raise moneys for such purpose.

And Whereas the said fund and the said land are Church Trust Property.

And Whereas by reason of circumstances subsequent to the creation of the Trusts to which the said Fund and the said land are for the time being subject it has become inexpedient to carry out and observe such Trusts in so far as the same are hereby varied and it is expedient to vary such Trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained.

And Whereas it is expedient to provide for a fixed term of office for the Trustees of the said Fund.

Now therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod Ordains and Declares as follows –

Declaration of Inexpediency

1. By reason of circumstances subsequent to the creation of the Trusts to which the said Fund and the said land are now subject it has become inexpedient to carry out or observe such Trusts to the extent to which the same are varied by this Ordinance and it is expedient that such Trusts should be varied accordingly.

Ratification and Confirmation

2. The actions of the said Trustees hereinbefore recited are hereby ratified and confirmed and shall be deemed to have been authorised by the said Declaration of Trust.

Election of trustees

3. (1) Subject to section 14 of the Anglican Church of Australia Trust Property Act 1917 (the "1917 Act") and subclause (2), a person holding the office of Trustee of the said Fund holds office for a term of 5 years.

(2) A person whose office is declared vacant pursuant to Section 14 by reason of the expiry of the 5 year term referred to in subclause (1) shall continue to hold office until his or her successor is elected, and is eligible for re-election to the office of Trustee of the said Fund.

Power to Mortgage

4. The whole or any part of the said land may be mortgaged to raise and secure the repayment of a sum or sums not exceeding ten thousand pounds (£10,000) together with interest thereon.

Application of Mortgage Proceeds

5. The moneys so raised as aforesaid together with the said Fund and any existing accumulations of income thereof may be applied in erecting on the said land such further buildings and improvements as the said Trustees shall think fit and the costs charges and expenses of and incidental to the said borrowing and this Ordinance.

Power to Lease

6. The whole or any part of the said land or buildings for the time being erected thereon may be let for terms not exceeding fifteen years and for building lease or leases not exceeding 40 years and upon such terms and conditions and as such rents fixed or progressive as the said Trustees shall deem expedient provided that no part of the said land or buildings shall be let or used for the manufacture sale or distribution of any wine, spirits beer or other intoxicating liquors. Provided that no building lease shall be granted in pursuance of this clause without the consent of the Archbishop of Sydney or his Commissary and a consent endorsed or any memorandum or instrument of lease signed by the said Archbishop or Commissary shall be conclusive proof that such consent has been given.

Power to Accept Surrenders of Leases etc

7. The said Trustees may accept surrenders of leases and tenancies and release tenants from claims thereunder and expend money in repairs and improvements of the said buildings and generally manage the said fund land and buildings in such manner as they shall deem advisable.

Application of Income

8. The rents issues and profits arising from the said fund and land (hereinafter called "the said income") shall be applied as follows –

- (a) In paying and satisfying all rates taxes and other statutory outgoings and obligations.

- (b) In paying the interest on the principal moneys borrowed under the authority of this ordinance and instalments of principal in reduction thereof in accordance with the mortgage.
- (c) In discharging all obligations incurred by the said Trustees in the exercise of their powers.
- (d) In paying a sum of at least five hundred pounds per annum to the Churchwardens of the Church of St John Parramatta which shall be applied by them as a contribution towards the stipend of the rector.
- (e) In setting aside each year as may be thought fit a sum not exceeding two hundred pounds as a sinking fund to provide for the depreciation of and capital expenditure in pursuance of clauses 5 and 7 on buildings now or hereinafter erected upon the said land.
- (f) In setting aside each year as may be thought a fit sum not exceeding one third of the balance of the said income as a reserve to meet a deficiency (if any) in the amount required to fulfil the obligations of the Trustees under this clause.

And the remainder of the said income shall be paid to the said Churchwardens to be applied for general parochial purposes.

8A. (1) The Trustees may apply from time to time the amounts set aside under subclauses (e) and (f) of clause 8 in whole or in part for any of the purposes respectively set out in those subclauses.

(2) Interest on any amount so set aside under subclause (e) of clause 8 and for the time being not applied, and interest on such interest, shall be added to such amount and shall not form part or be deemed to have formed part of the income applicable under clause 8.

Investment Powers

9. Moneys receivable by the said Trustees and not immediately required to be applied hereunder may be invested in manner directed by the said declaration of trust and in any one or more of the following investments, that is to say –

- (a) Investments for the time being allowed by law for investment of trust funds.
- (b) Purchase of real estate within the Commonwealth.
- (c) Deposit in any Government Savings Bank within the Commonwealth.
- (d) Fixed deposit in any Bank carrying on business within the Commonwealth.

and the said Trustees may vary or release such investments and raise money on the security thereof.

Consent

10. The power given by clause three hereof shall not be exercised without the consent of the said Standing Committee and a certificate under the hand of the Archbishop of Sydney or his Commissary that such consent has been given shall be conclusive proof of such consent in favour of a mortgagee and all persons claiming under him.

Citation

11. This Ordinance may be cited as “The St John’s Parramatta Endowment Fund Ordinance 1930”.

The Schedule

Lots E, F, G, H, I, J, K, and M of Hanleyville Estate with Frontages to Macquarie Street, St John’s Park and Hunter Street, Parramatta, in the Parish of St John County of Cumberland State of New South Wales as shown on Deposited Plan 15108.

Notes

Under clause 3 of Ordinance No 18, 1935, the provisions of clauses 3, 4, 5, 6, 7, 8 and 9 apply to "Lot D" as though Lot D had been included in the Schedule. "Lot D" is Lot D of Hanleyville Estate with frontage to Hunter Street as shown in Deposited Plan No 15108.

Under clause 4 of Ordinance No 18, 1935, the land specified in the Second Schedule to that ordinance shall not be leased, mortgaged or otherwise dealt with by the Trustees except with the consent in writing of the Archbishop or his Commissary. The clause further provides that a consent endorsed on any memorandum or instrument of lease or mortgage or other dealing affecting the land or any parts thereof and signed by the Archbishop or Commissary is conclusive proof in favour of all persons dealing with the land that the consent has been obtained. The land is Lot M of the subdivision of the Hanleyville Estate shown on Deposited Plan No 15108 except that portion thereof shown by red edging in Miscellaneous Plan of Subdivision (R.P) registered No 31760 (Now Deposited Plan No 331760).

Table of Amendments

Long Title	Amended by Ordinance No 30, 2013.
Preamble	Amended by Ordinance No 30, 2013.
Clause 3	New clause inserted by Ordinance No 30, 2013.
Clause 4	Renumbered by Ordinance No 30, 2013.
Clause 5	Amended by Ordinance No 18, 1935. Renumbered by Ordinance No 30, 2013.
Clause 6	Renumbered and amended by Ordinance No 30, 2013.
Clause 7	Amended by Ordinance No 1, 1952. Renumbered by Ordinance No 30, 2013.
Clause 7A	Inserted by Ordinance No 1, 1952. Renumbered by Ordinance No 30, 2013.
Clause 8	Renumbered and amended by Ordinance No 30, 2013.
Clause 8A	Renumbered and amended by Ordinance No 30, 2013.
Clause 9	Renumbered by Ordinance No 30, 2013.
Clause 10	Renumbered by Ordinance No 30, 2013.
Clause 11	Renumbered by Ordinance No 30, 2013.

STEVE LUCAS
Manager, Legal Services

ROBERT WICKS
Diocesan Secretary

18 September 2013

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Plan Form No. 2 (for Deposited Plan)

Municipality of Parramatta
Shire of
B. 613395. 20 1-28

PLAN
HANLEYVILLE ESTATE ^{off}_{1,114}

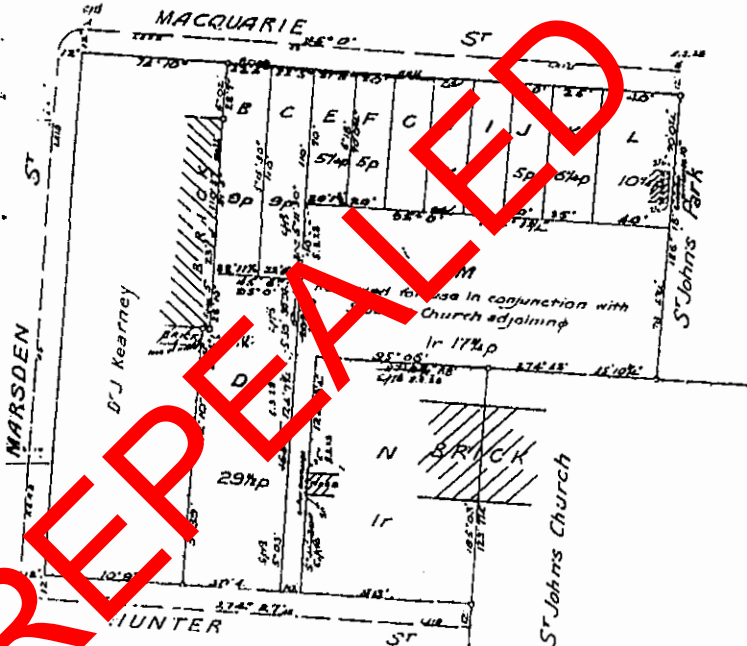
DP 15108

of the subdivision of the land in C.T. Vol. 3712 fol. 109

PARISH OF ST JOHN COUNTY OF CUMBERLAND

Scale 40 feet to an inch

M H



Restrictive covenants, if any, will be embodied in the Transfers of the Lots shown hereon.

E. J. Brown
John Phosden
Reginald P. Brown
W. H. Blampied
W. H. O'Connell
Adwards.

Approved and
 Covered by Council Clerk's Certificate

No. 2 of 32/S of 21st October 1927.

Council Clerk.

Subscribed and declared before me at Sydney
this 3rd day of January A.D. 1928

Licensed Surveyor

E. J. Brown
Date of Survey November 1927

Datum line of Azimuth A-B.

FOOT ENDS	FEET	INCHES	DECIMALS
1	1	0	0.0000
2	1	6	0.1250
3	1	12	0.2500
4	1	18	0.3750
5	1	24	0.5000
6	2	0	0.6250
7	2	6	0.7500
8	2	12	0.8750
9	2	18	1.0000
10	2	24	1.1250
11	3	0	1.2500
12	3	6	1.3750
13	3	12	1.5000
14	3	18	1.6250
15	3	24	1.7500
16	4	0	1.8750
17	4	6	2.0000
18	4	12	2.1250
19	4	18	2.2500
20	4	24	2.3750
21	5	0	2.5000
22	5	6	2.6250
23	5	12	2.7500
24	5	18	2.8750
25	5	24	3.0000
26	6	0	3.1250
27	6	6	3.2500
28	6	12	3.3750
29	6	18	3.5000
30	6	24	3.6250
31	7	0	3.7500
32	7	6	3.8750
33	7	12	4.0000
34	7	18	4.1250
35	7	24	4.2500
36	8	0	4.3750
37	8	6	4.5000
38	8	12	4.6250
39	8	18	4.7500
40	8	24	4.8750
41	9	0	5.0000
42	9	6	5.1250
43	9	12	5.2500
44	9	18	5.3750
45	9	24	5.5000
46	10	0	5.6250
47	10	6	5.7500
48	10	12	5.8750
49	10	18	6.0000
50	10	24	6.1250
51	11	0	6.2500
52	11	6	6.3750
53	11	12	6.5000
54	11	18	6.6250
55	11	24	6.7500
56	12	0	6.8750
57	12	6	7.0000
58	12	12	7.1250
59	12	18	7.2500
60	12	24	7.3750
61	13	0	7.5000
62	13	6	7.6250
63	13	12	7.7500
64	13	18	7.8750
65	13	24	8.0000
66	14	0	8.1250
67	14	6	8.2500
68	14	12	8.3750
69	14	18	8.5000
70	14	24	8.6250
71	15	0	8.7500
72	15	6	8.8750
73	15	12	9.0000
74	15	18	9.1250
75	15	24	9.2500
76	16	0	9.3750
77	16	6	9.5000
78	16	12	9.6250
79	16	18	9.7500
80	16	24	9.8750
81	17	0	10.0000
82	17	6	10.1250
83	17	12	10.2500
84	17	18	10.3750
85	17	24	10.5000
86	18	0	10.6250
87	18	6	10.7500
88	18	12	10.8750
89	18	18	11.0000
90	18	24	11.1250
91	19	0	11.2500
92	19	6	11.3750
93	19	12	11.5000
94	19	18	11.6250
95	19	24	11.7500
96	20	0	11.8750
97	20	6	12.0000
98	20	12	12.1250
99	20	18	12.2500
100	20	24	12.3750

I, E. J. Brown, Licensed Surveyor, do hereby certify that this map and plan are true and correct and that the same have been deposited in the Surveyor-General's Office.

LET REPEALED BE REPEALED IN SURVEYOR-GENERAL'S OFFICE.

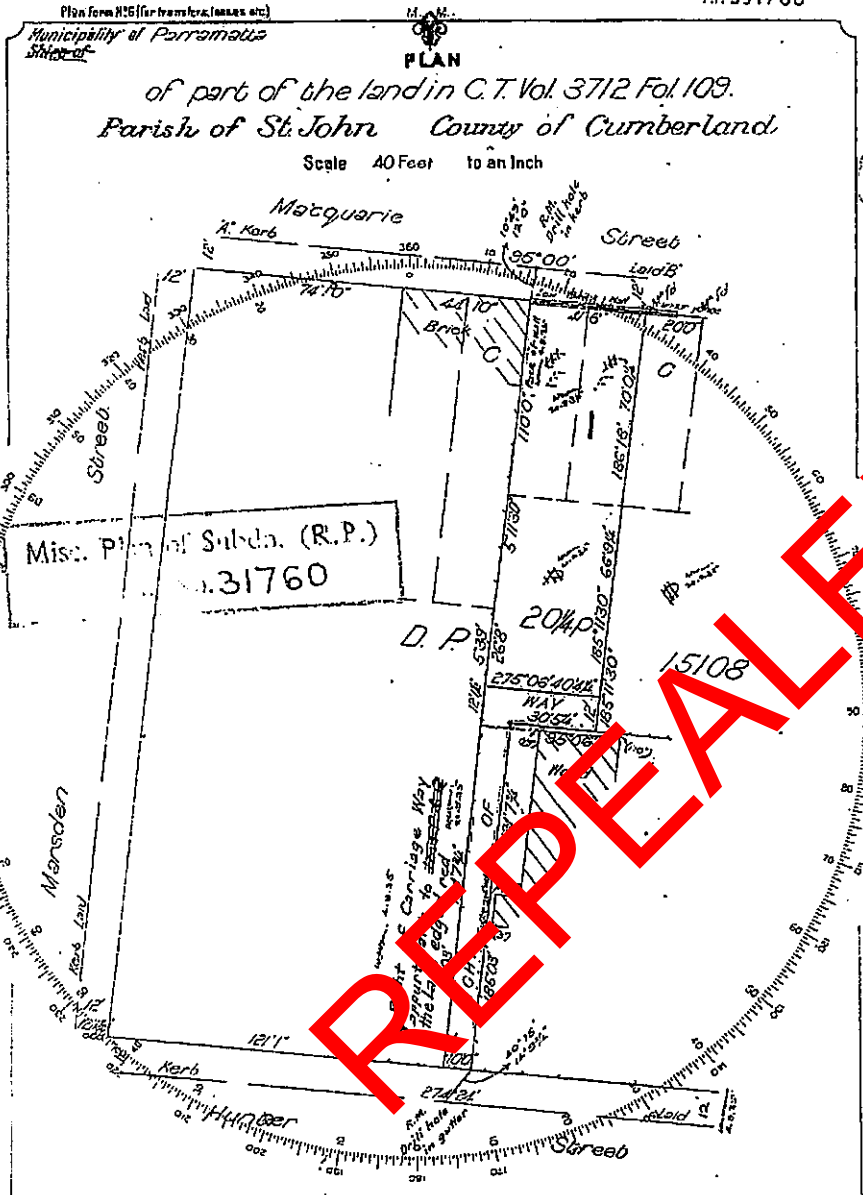
C 359520
 EP. 331760



CONVERSION TABLE ADDED IN
 DEPARTMENT OF LANDS

DP 331760		
FEET	INCHES	METRES
-	3	0.076
-	4 1/2	0.114
1	9	0.533
1	10	0.559
10	-	3.048
12	-	3.658
12	1 1/2	3.696
14	9 3/4	4.515
20	-	6.096
26	8	8.128
30	5 1/4	9.277
40	4 1/4	12.300
41	6	12.649
44	10	13.665
66	9 1/4	20.352
70	0 1/4	21.342
74	10	22.809
110	-	33.528
121	1	36.906
124	7 3/4	37.992

AC	RD	P	SQ	M
-	-	20	1/4	512.2



This margin to be left free from notation

Signature of parties to be made in this margin.

This is the plan marked " " referred to in
 Dated

I William Washington Mathers of Parramatta
 a Surveyor registered under the Surveyors Act, 1929, do hereby solemnly and sincerely
 declare (a) that all boundaries and measurements shown on this plan are correct,
 (b) that all survey marks found and relevant physical objects on or adjacent to the
 boundaries are correctly represented, (c) that all physical objects indicated actually exist
 in the positions shown, (d) that the whole of the material facts in relation to this land
 are correctly represented, (e) that the survey represented in this plan has been made
 in accordance with the Survey Practice Regulations, 1938 (1) by me (2) under my
 supervision, the character and extent of which was as required by the Survey Practice
 Regulations, 1938, and was completed on 7th July 1936 and reference marks
 have been placed as shown hereon.
 And I make this solemn declaration conscientiously believing the same to be true, and
 by virtue of the provisions of the Oaths Act, 1900.

Approved and covered by Council Clerk Certificate
 No. 4041/F 24/6/36
 Council Clerk.

Subscribed and declared before me at Parramatta
 this 11th day of July A.D. 1936
 Custom line of Azimuth A.D. P. M. K. O'Connell
 (Signature) W. W. Mathers
 Surveyor registered under the Surveyors Act, 1929

*Strike out either (1) or (2). (Insert date of Survey).

I, Bruce Richard Davies, Registrar General for New South Wales, certify
 that this negative is a photograph made as a permanent record of a
 document in my custody this 1st day of June, 1978