

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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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

Plan Form No. 2 (for Deposited Plan)

DP 15108

PLAN
HANLEYVILLE ESTATE ^{97/3}
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

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

E. J. Brown
Surveyor

W. J. O'Connell
Council Clerk

Approved and
Covered by Council Clerk Certificate
No. 16 of 30/S of 21st October 1927

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

Edwin John Brown, J.P. Surveyor
W. J. O'Connell, J.P. Council Clerk

Date of Survey November 1927

I, the Printing Officer, Registrar General for New South Wales, certify that this register is a photograph of a document which was received at the Registrar General's Office on the 21st day of October, 1927.

THE REGISTRAR GENERAL'S OFFICE.

ACRES	SQ FT	SQ YD
1.125	48,600	11,250
1.250	54,000	12,500
1.500	65,000	15,000
1.750	76,000	17,500
2.000	87,000	20,000
2.250	98,000	22,500
2.500	109,000	25,000
2.750	120,000	27,500
3.000	131,000	30,000
3.250	142,000	32,500
3.500	153,000	35,000
3.750	164,000	37,500
4.000	175,000	40,000
4.250	186,000	42,500
4.500	197,000	45,000
4.750	208,000	47,500
5.000	219,000	50,000
5.250	230,000	52,500
5.500	241,000	55,000
5.750	252,000	57,500
6.000	263,000	60,000
6.250	274,000	62,500
6.500	285,000	65,000
6.750	296,000	67,500
7.000	307,000	70,000
7.250	318,000	72,500
7.500	329,000	75,000
7.750	340,000	77,500
8.000	351,000	80,000
8.250	362,000	82,500
8.500	373,000	85,000
8.750	384,000	87,500
9.000	395,000	90,000
9.250	406,000	92,500
9.500	417,000	95,000
9.750	428,000	97,500
10.000	439,000	100,000

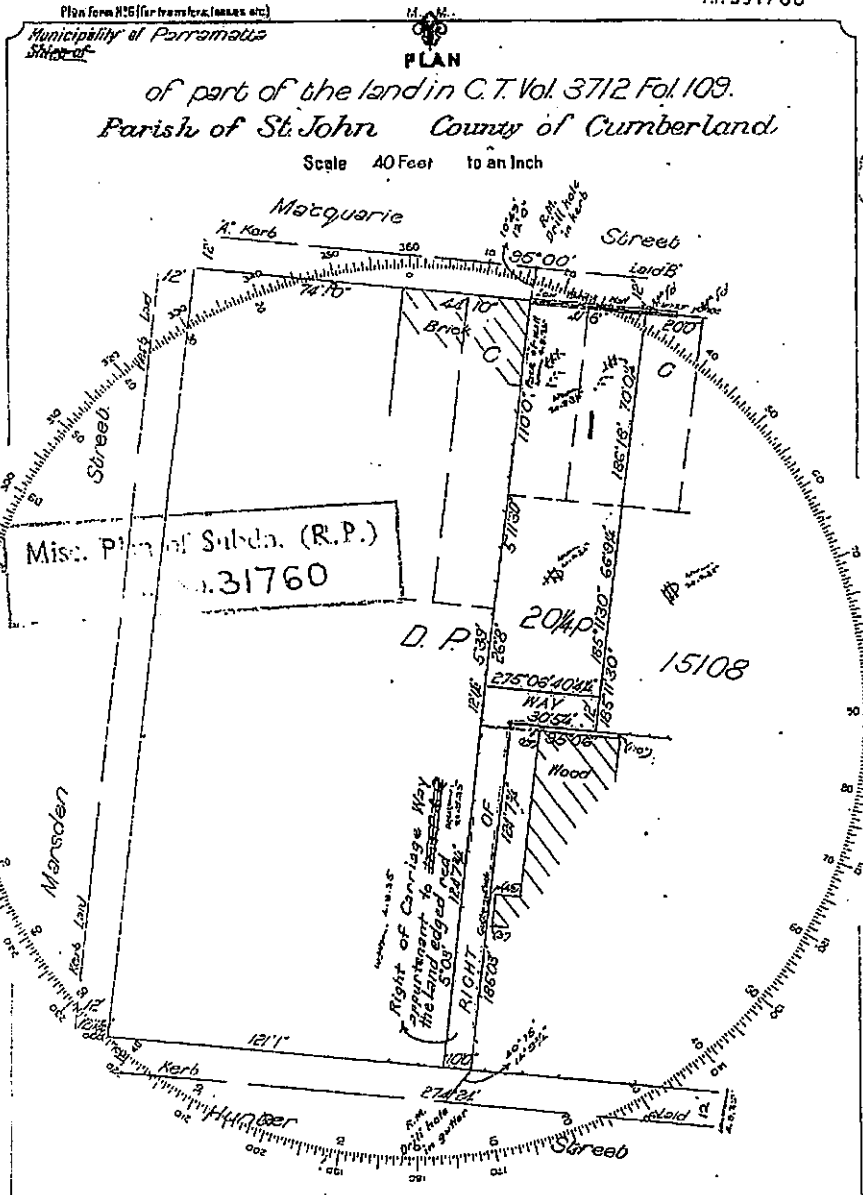
C 359520
 EP. 331760



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	SD	M
-	-	20	1/4	512.2



This margin to be 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