

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)

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

PLAN HANLEYVILLE ESTATE

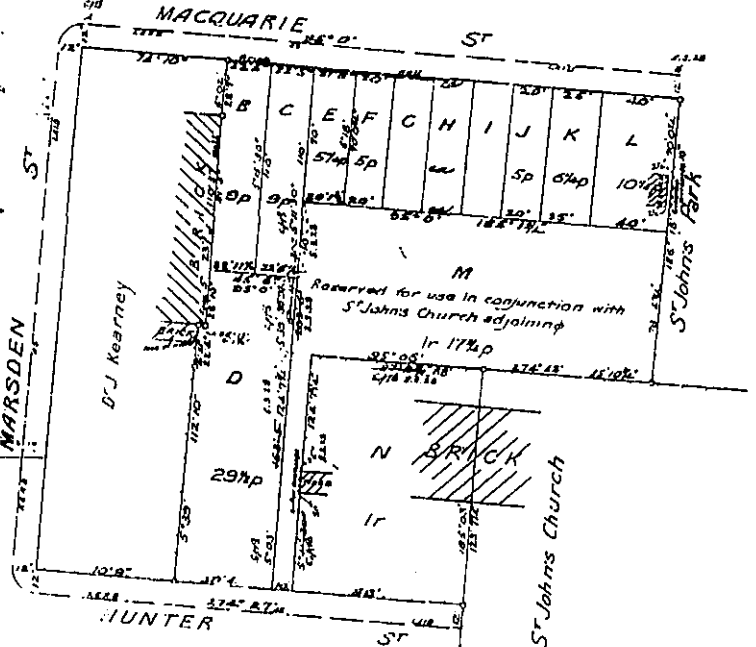
DP 15108

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 M



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

E. Brown
 Town Clerk
 Parramatta Shire Council
 Approved and
 Covered by Council Clerk's Certificate
 No. 6 of 20/5 of 21st October 1927.
[Signature]
 Council Clerk.

Edwin John Brown, 3100, Cumberland St Sydney
 Licensed Surveyor (Specialty) (under the Real Property Act, 1900, of New South Wales)
 Subscribed and declared before me at Sydney
 this 3rd day of January A.D. 1928
[Signature]
 Licensed Surveyor
 Date of Survey November 1927

ACRES	SQ FT	SQ YD
1.25	87120	12500
1.26	87744	12600
1.27	88368	12700
1.28	88992	12800
1.29	89616	12900
1.30	90240	13000
1.31	90864	13100
1.32	91488	13200
1.33	92112	13300
1.34	92736	13400
1.35	93360	13500
1.36	93984	13600
1.37	94608	13700
1.38	95232	13800
1.39	95856	13900
1.40	96480	14000
1.41	97104	14100
1.42	97728	14200
1.43	98352	14300
1.44	98976	14400
1.45	99600	14500
1.46	100224	14600
1.47	100848	14700
1.48	101472	14800
1.49	102096	14900
1.50	102720	15000
1.51	103344	15100
1.52	103968	15200
1.53	104592	15300
1.54	105216	15400
1.55	105840	15500
1.56	106464	15600
1.57	107088	15700
1.58	107712	15800
1.59	108336	15900
1.60	108960	16000
1.61	109584	16100
1.62	110208	16200
1.63	110832	16300
1.64	111456	16400
1.65	112080	16500
1.66	112704	16600
1.67	113328	16700
1.68	113952	16800
1.69	114576	16900
1.70	115200	17000
1.71	115824	17100
1.72	116448	17200
1.73	117072	17300
1.74	117696	17400
1.75	118320	17500
1.76	118944	17600
1.77	119568	17700
1.78	120192	17800
1.79	120816	17900
1.80	121440	18000
1.81	122064	18100
1.82	122688	18200
1.83	123312	18300
1.84	123936	18400
1.85	124560	18500
1.86	125184	18600
1.87	125808	18700
1.88	126432	18800
1.89	127056	18900
1.90	127680	19000
1.91	128304	19100
1.92	128928	19200
1.93	129552	19300
1.94	130176	19400
1.95	130800	19500
1.96	131424	19600
1.97	132048	19700
1.98	132672	19800
1.99	133296	19900
2.00	133920	20000
2.01	134544	20100
2.02	135168	20200
2.03	135792	20300
2.04	136416	20400
2.05	137040	20500
2.06	137664	20600
2.07	138288	20700
2.08	138912	20800
2.09	139536	20900
2.10	140160	21000
2.11	140784	21100
2.12	141408	21200
2.13	142032	21300
2.14	142656	21400
2.15	143280	21500
2.16	143904	21600
2.17	144528	21700
2.18	145152	21800
2.19	145776	21900
2.20	146400	22000
2.21	147024	22100
2.22	147648	22200
2.23	148272	22300
2.24	148896	22400
2.25	149520	22500
2.26	150144	22600
2.27	150768	22700
2.28	151392	22800
2.29	152016	22900
2.30	152640	23000
2.31	153264	23100
2.32	153888	23200
2.33	154512	23300
2.34	155136	23400
2.35	155760	23500
2.36	156384	23600
2.37	157008	23700
2.38	157632	23800
2.39	158256	23900
2.40	158880	24000
2.41	159504	24100
2.42	160128	24200
2.43	160752	24300
2.44	161376	24400
2.45	162000	24500
2.46	162624	24600
2.47	163248	24700
2.48	163872	24800
2.49	164496	24900
2.50	165120	25000
2.51	165744	25100
2.52	166368	25200
2.53	166992	25300
2.54	167616	25400
2.55	168240	25500
2.56	168864	25600
2.57	169488	25700
2.58	170112	25800
2.59	170736	25900
2.60	171360	26000
2.61	171984	26100
2.62	172608	26200
2.63	173232	26300
2.64	173856	26400
2.65	174480	26500
2.66	175104	26600
2.67	175728	26700
2.68	176352	26800
2.69	176976	26900
2.70	177600	27000
2.71	178224	27100
2.72	178848	27200
2.73	179472	27300
2.74	180096	27400
2.75	180720	27500
2.76	181344	27600
2.77	181968	27700
2.78	182592	27800
2.79	183216	27900
2.80	183840	28000
2.81	184464	28100
2.82	185088	28200
2.83	185712	28300
2.84	186336	28400
2.85	186960	28500
2.86	187584	28600
2.87	188208	28700
2.88	188832	28800
2.89	189456	28900
2.90	190080	29000
2.91	190704	29100
2.92	191328	29200
2.93	191952	29300
2.94	192576	29400
2.95	193200	29500
2.96	193824	29600
2.97	194448	29700
2.98	195072	29800
2.99	195696	29900
3.00	196320	30000

I, the Acting Surveyor, Registrar General for New South Wales, hereby certify that this is a photograph of a photograph which was taken and recorded by a
 Government Survey Party on the 21st day of October, 1927.
 THE REGISTRAR GENERAL'S OFFICE.



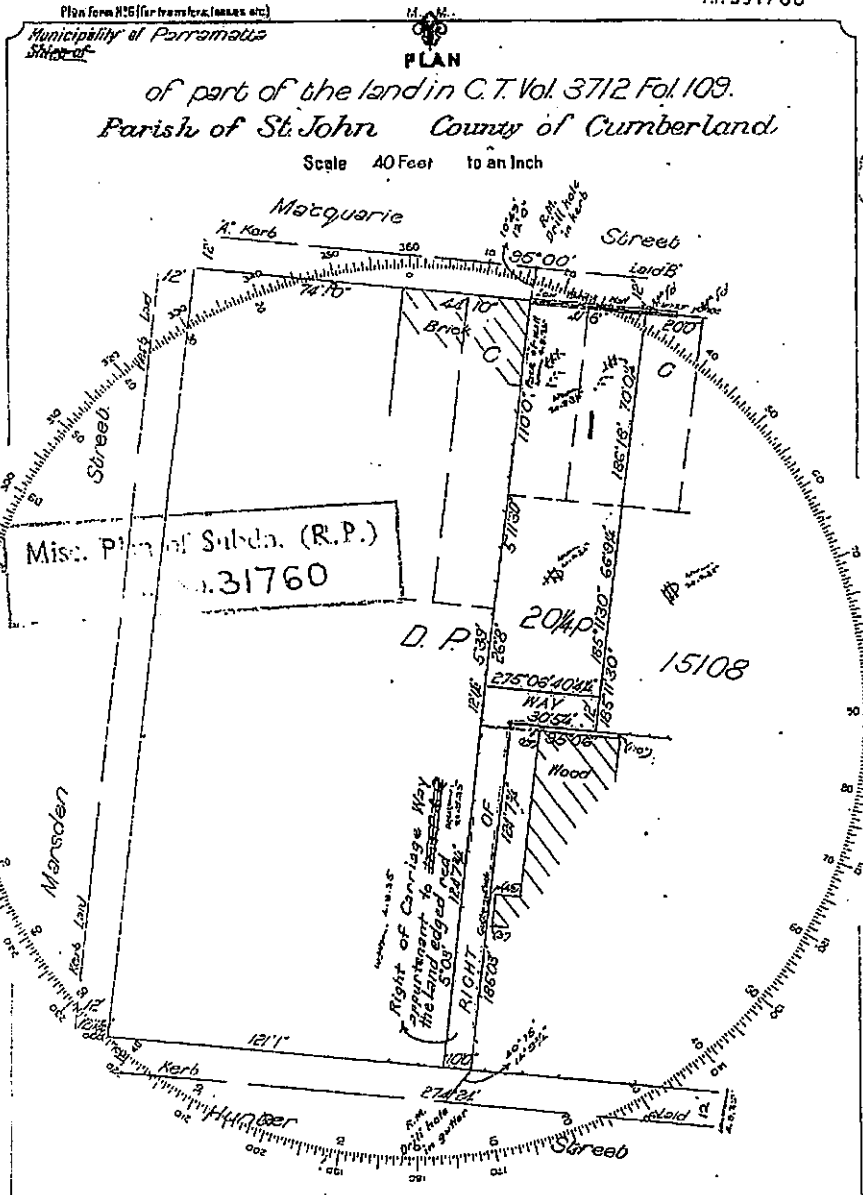
C 359520
 EP. 331760



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	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.

(Signature) 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