

University and College Lands and Victoria Park Act 1924 No 36

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New South Wales

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University and College Lands and Victoria Park Act 1924 No 36



New South Wales

An Act to carry into effect the exchange of certain land between the Municipal Council of Sydney and the University of Sydney; to provide a new road; to validate a transfer and subgrant to Saint Paul's College Trustees of certain college lands, portion of land formerly granted to the University of Sydney; to authorise a subgrant to the Women's College; to settle and declare the trusts upon which the land granted to the University of Sydney by the Crown grant dated the eighteenth day of January, one thousand eight hundred and fifty-five, now remaining vested in the University, shall be held; to amend the *Victoria and Rushcutter's Bay Parks Act 1910*, and certain other Acts; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *University and College Lands and Victoria Park Act 1924*.

2 Vesting of land described in Schedule One in Municipal Council of Sydney

The land described in Schedule One, forming portion of land granted to the University of Sydney, shall be and the same is hereby vested in the Municipal Council of Sydney for an estate in fee-simple upon the same trusts and with the same powers and subject to the same limitations as if the said land described in Schedule One had formed part of the land described in Schedule One to the *Victoria and Rushcutter's Bay Parks Act 1910*.

3 Vesting of land described in Schedule Two in University

The lands described in Schedule Two, forming part of Victoria Park vested in the Municipal Council of Sydney by the *Victoria and Rushcutter's Bay Parks Act 1910*, shall be and the same are hereby vested in the University of Sydney, their successors and assigns for an estate in fee-simple to be held upon the trusts set out in section nine of this Act, subject as to the lands described in Schedule Five to the rights conferred on the Municipal Council of Sydney by section six of this Act.

4, 5 (Repealed)

6 Rights of drainage over certain lands

The Municipal Council of Sydney shall have the free right of using for the purpose of

sewerage and drainage the lands described in Schedule Five which form part of the lands described in Schedule Two with the right to make and forever hereafter to repair and maintain all such sewers and drains therein as may be reasonable and proper, making good nevertheless at their own expense all damage and disturbance which may be caused to the surface of the said land.

7 Validation of transfer and subgrant to Saint Paul's College trustees

- (1) A certain indenture of subgrant dated the twenty-ninth day of October, one thousand nine hundred and twenty-four, and made between the University of Sydney of the first part the Honorable Sir William Portus Cullen, the Honorable Mr Justice Philip Whistler Street, Alfrey Becher Stewart White, Esquire, Francis Alfred Allison Russell, Esquire, and the Reverend Arthur Henry Garnsey, as trustees for Saint Paul's College of the second part and the Warden and Fellows of Saint Paul's College of the third part, and a certain memorandum of transfer of even date and collateral thereto whereby the land comprised in land grant dated the first day of October, one thousand nine hundred and one, registered volume one thousand three hundred and seventy-five, folio sixty, forming part of the land described in Schedule Six was expressed to be transferred to the said trustees for Saint Paul's College, are hereby validated and shall operate and take effect as if the lands thereby subgranted and transferred being the lands described in Schedule Six including the land comprised in the said land grant of the first day of October, one thousand nine hundred and one, had wholly formed part of the lands granted to the University of Sydney by the said Crown grant of the eighteenth day of January, one thousand eight hundred and fifty-five and subject to the trusts, conditions, and provisos thereof, and as if the said lands formed one of four several portions of the said land consisting each of not less than eighteen acres directed by the said grant to be selected by the Senate of the said University for the purposes in the said Crown grant declared.
- (2) In respect of the lands described in Schedule Seven, being land adjoining the lands comprised in Schedule Six and formerly enclosed as lands of Saint Paul's College whereon the Senate of the said University is presently erecting a building intended for use as a Physics Laboratory, the Senate shall not at any time carry the said building or any building on the said land to a greater height than that of the said building now being erected without the consent of the Warden and Fellows of the said college.

8 Women's College land

Any land including the land whereon the Women's College building is now erected and not being less than two acres and being part of the land granted to the University of Sydney by the Crown grant dated the eighteenth day of January, one thousand eight hundred and fifty-five, which may from time to time hereafter by resolution of the Senate of the University be set apart for the council of the Women's College, being the college incorporated by the Act passed in the fifty-third year of the reign of Her late Majesty Queen Victoria number ten to establish and endow a college for women within the

University of Sydney, since repealed and consolidated in the Statute number seventy-one of one thousand nine hundred and two as a site for buildings and recreation grounds for the college, shall be deemed and be taken to be a part or portion of the said grant formerly selected by the Senate of the said University in accordance with the provisions of the said Crown grant for the religious society denominated the Wesleyan Methodists but which said selection lapsed and the said University is hereby empowered to make and execute a subgrant of such land or lands being part or parts of the land granted to it by the Crown grant as it may set apart as aforesaid upon trust for the said council of the Women's College in the same manner and with the said effect in all respects as if such land so set apart as aforesaid were part of the said lapsed portion and as if the Governor with the advice of the Executive Council and after such lapse had nominated the said Women's College as a college in trust for which such land or lands so set apart as aforesaid were to be subgranted.

9 Substituted trusts of land retained by University

Subject to the provisions of this Act and to section eighteen of the [Wesley College Incorporation Act 1910](#), and except so far as any of the lands described in the said grant of the eighteenth day of January, one thousand eight hundred and fifty-five, are included in the lands described in Schedule One, Schedule Three, and Schedule Six or have heretofore been subgranted by the University of Sydney in pursuance of the said grant to trustees for the Principal and Councillors of Saint Andrew's College or to trustees for the Rector and Fellows of Saint John's College or have been vested in Prince Alfred Hospital under and by virtue of the [Prince Alfred Hospital Act 1902](#), the whole of the lands described in the said grant are hereby freed and discharged from any trusts in favour of any college under the said grant and shall be and the same are hereby vested in the University of Sydney and their successors for an estate in fee-simple upon trust for the erection thereon of buildings for the said University and for the formation of a park and gardens in connection therewith or for such other purposes in connection with the University of Sydney as the Senate of the said University shall deem fit.

Schedule One

(Section 2)

Land to be vested in the Municipal Council as part of Victoria Park

All that piece or parcel of land situate in the City of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, and containing by admeasurement 7 acres 35½ perches or thereabouts, being part of principal grant to University, dated 18th day of January, 1855, and part of the land comprised in certificate of title, volume 2,230, folio 206, and part of the land comprised in certificate of title, volume 2,230, folio 207: Commencing at the intersection of the southern building line of Parramatta-road with the eastern building line of proposed roadway 66 feet wide, and bounded thence on the north by the southern building line of Parramatta-road aforesaid, being lines bearing 84 degrees 7 minutes 42 seconds distant 33 feet 1⅛ inches, 83 degrees 5 minutes 30 seconds distant 70 feet 11⅞ inches, 82 degrees 40 minutes 6 seconds distant 684 feet ⅝ inch respectively to the building line common to both Parramatta-road and City-road, formerly known as Newtown-road; thence on the

north-east by the building line common to both Parramatta-road and City-road, formerly known as Newtown-road aforesaid, being the arc of a circle whose radius is 86 feet 10³/₄ inches, the chord of which bears 143 degrees 52 minutes 27 seconds distant 138 feet ¹/₄ inch, the length of arc being 159 feet 5⁵/₈ inches to the western building line of City-road, formerly known as Newtown-road; thence on the east by the western building line of City-road, formerly known as Newtown-road, aforesaid being a line bearing 199 degrees 55 minutes 12 seconds distant 277 feet 6³/₄ inches; thence on the south-west and south by the north-eastern and northern boundary of Victoria Park, being lines bearing 327 degrees 13 minutes 53 seconds distant 8 feet 1¹/₈ inches, 262 degrees 48 minutes 53 seconds distant 850 feet 5⁵/₈ inches respectively to the eastern building line of proposed roadway 66 feet wide aforesaid; thence on the west by the eastern building line of proposed roadway 66 feet wide aforesaid, being a line bearing 12 degrees 2 minutes 42 seconds distant 381 feet to the point of commencement, be the said several dimensions all a little more or less.

Schedule Two

(Section 3)

Land now part of Victoria Park to be vested in the University of Sydney for University purposes

All that piece or parcel of land situate in the City of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, and containing by admeasurement 9 acres or thereabouts, and being part of Victoria Park vested in the Municipal Council of Sydney by the *Victoria and Rushcutter's Bay Parks Act 1910*: Commencing at a point at the intersection of the southern boundary of certificate of title, volume 2,230, folio 207, with the western building line of proposed roadway 66 feet wide, such point bearing 192 degrees 2 minutes 42 seconds distant 353 feet 5¹/₈ inches from the intersection of the western building line of proposed roadway 66 feet wide aforesaid with the building line common to both proposed roadway 66 feet wide aforesaid and Parramatta-road; and bounded thence on the north by part of the southern boundary of certificate of title, volume 2,230, folio 207, aforesaid, being a line bearing 262 degrees 48 minutes 53 seconds distant 174 feet 9⁷/₈ inches; thence on part of the west by a fenced line being the arc of a circle the length of which being 179 feet 3⁷/₈ inches, the radius of which is 230 feet ³/₈ inch, the chord of which bears 211 degrees 20 minutes 9 seconds distant 174 feet 9³/₄ inches; thence again on the west by fenced lines bearing respectively 183 degrees 32 minutes 14 seconds distant 66 feet 7¹/₂ inches, 182 degrees 52 minutes 57 seconds distant 86 feet 1³/₄ inches, 193 degrees 5 minutes 8 seconds distant 44 feet 1⁷/₈ inches, 193 degrees 48 minutes 38 seconds distant 61 feet 4⁵/₈ inches, 195 degrees 23 minutes 11 seconds distant 61 feet 9³/₈ inches, 197 degrees 42 minutes 57 seconds distant 80 feet 8¹/₂ inches, 204 degrees 24 minutes 17 seconds distant 110 feet 4³/₄ inches, 202 degrees 6 minutes 14 seconds distant 48 feet 1¹/₄ inches, 199 degrees 41 minutes 16 seconds distant 30 feet 1³/₄ inches, 196 degrees 37 minutes 2 seconds distant 72 feet 2¹/₄ inches, 187 degrees 10 minutes 28 seconds distant 78 feet 2⁵/₈ inches, 183 degrees 57 minutes 46 seconds distant 90 feet 2⁷/₈ inches, 181 degrees 43 minutes 8 seconds distant 54 feet 1³/₄ inches, 180 degrees 58 minutes 44 seconds distant 24 feet ³/₄ inch, 180 degrees 58 minutes 19 seconds distant 60 feet 4¹/₂ inches, 179 degrees 1 minute 4 seconds distant 40 feet 8⁵/₈ inches, 177 degrees 48 minutes 26 seconds distant 49 feet 1⁵/₈ inches, 177 degrees 20 minutes 32 seconds distant 24 feet ¹/₈ inch, 175 degrees 34 minutes 32 seconds distant 48 feet 4¹/₄ inches, 174 degrees 13 minutes 23 seconds distant 106 feet 4⁷/₈ inches, and a line partly fenced bearing 158 degrees 55 minutes 11 seconds distant 34 feet 8¹/₈ inches to the north-western building line of City-road, formerly known as Newtown-road; thence on the south-east by the north-western building line of City-road, formerly known as Newtown-road, as occupied being the face of a dwarf wall with iron railing on centre

being lines bearing 36 degrees 17 minutes 36 seconds distant 165 feet $1\frac{7}{8}$ inches, the arc of a circle the length of which being 255 feet $11\frac{7}{8}$ inches, the radius of which is 591 feet 9 inches, the chord of which bears 47 degrees 32 minutes 24 seconds distant 253 feet $11\frac{7}{8}$ inches, 58 degrees 25 minutes 39 seconds distant 216 feet $6\frac{1}{8}$ inches respectively to the building line common to City-road, formerly known as Newtown-road, and proposed roadway 66 feet wide aforesaid; thence on the east by the building line common to City-road, formerly known as Newtown-road, and proposed roadway 66 feet wide, being the arc of a circle the length of which is 28 feet $7\frac{1}{2}$ inches, the radius of which is 20 feet, the chord of which bears 17 degrees 24 minutes 40.3 seconds distant 26 feet 3 inches to the western building line of proposed roadway 66 feet wide aforesaid; thence on the east by the western building line of proposed roadway 66 feet wide aforesaid, being the arc of a circle the length of which is 853 feet $4\frac{3}{8}$ inches, the radius of which is 1,371 feet 6 inches, the chord of which bears 354 degrees 13 minutes 11.8 seconds distant 839 feet $7\frac{7}{8}$ inches; thence again on the east by the western building line of proposed roadway 66 feet wide aforesaid being a line bearing 12 degrees 2 minutes 42 seconds distant 136 feet 6 inches, to the point of commencement of the said several dimensions, all a little more or less.

Schedule Three

(Section 4)

Description of new road between Newtown-road and Parramatta-road

All that piece or parcel of land situate in the City of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, and containing by admeasurement 2 acres $21\frac{1}{2}$ perches or thereabouts being part of principal grant to University dated the 18th day of January, 1855, part of certificate of title, volume 2,230, folio 207, and part of Victoria Park vested in the Municipal Council of Sydney by the [Victoria and Rushcutter's Bay Parks Act 1910](#): Commencing at a point on the southern building line of Parramatta-road, such point bearing 262 degrees 27 minutes 44 seconds distant 28 feet $4\frac{1}{8}$ inches from the intersection of the southern building line of Parramatta-road aforesaid with the prolongation northerly of the western building line of proposed roadway 66 feet wide; and bounded thence on the north by the southern building line of Parramatta-road aforesaid being lines bearing 82 degrees 27 minutes 44 seconds distant 58 feet $2\frac{1}{2}$ inches, 84 degrees 7 minutes 42 seconds distant 39 feet $9\frac{5}{8}$ inches respectively to the eastern building line of proposed roadway 66 feet wide aforesaid; thence on the east by the eastern building line of proposed roadway 66 feet wide aforesaid being a line bearing 192 degrees 2 minutes 42 seconds distant 540 feet $6\frac{1}{4}$ inches; thence by the arc of a circle whose radius is 1,305 feet 6 inches the chord of which bears 174 degrees 33 minutes 3.08 seconds distant 784 feet $10\frac{5}{8}$ inches, the length of arc being 797 feet $2\frac{1}{2}$ inches to the building line common to proposed roadway 66 feet wide and City-road, formerly known as Newtown-road; thence by that building line common to proposed roadway 66 feet wide and City-road, formerly known as Newtown-road, aforesaid, being the arc of a circle whose radius is 20 feet, the chord of which bears 107 degrees 44 minutes 32.7 seconds distant 30 feet 4 inches, the length of arc being 34 feet 5 inches to the north-western building line of City-road, formerly known as Newtown-road; thence on the south-east by the north-western building line of City-road, formerly known as Newtown-road, aforesaid being a line bearing 238 degrees 25 minutes 39 seconds distant 107 feet 1 inch to the building line common to City-road, formerly known as Newtown-road, and proposed roadway 66 feet wide; thence on part of the west by the building line common to City-road, formerly known as Newtown-road, and proposed roadway 66 feet wide aforesaid, being the arc of a circle whose radius is 20 feet, the chord of which bears 17 degrees 24 minutes 40.3 seconds distant 26 feet 3 inches, the length of arc being 28 feet $7\frac{1}{2}$ inches; thence again on the west by the western building line of proposed roadway 66 feet wide

aforesaid, being the arc of a circle whose radius is 1,371 feet 6 inches, the chord of which bears 354 degrees 13 minutes 11.8 seconds distant 839 feet $7\frac{7}{8}$ inches, the length of arc being 853 feet $4\frac{3}{8}$ inches; thence again on the west by the western building line of proposed roadway 66 feet wide aforesaid, being a line bearing 12 degrees 2 minutes 42 seconds distant 489 feet $11\frac{1}{8}$ inches to the building line common to proposed roadway 66 feet wide aforesaid and Parramatta-road; thence by that building line common to proposed roadway 66 feet wide and Parramatta-road aforesaid, being the arc of a circle the radius of which is 20 feet, the chord of which bears 317 degrees 15 minutes 13 seconds distant 32 feet $8\frac{1}{8}$ inches, the length of arc being 38 feet 3 inches to the point of commencement, be the said several dimensions all a little more or less.

Schedule Four

(Section 4)

Main Drive from City-road to University

All that piece or parcel of land situate in the City of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, being part of the land comprised in certificate of title, volume 2,230, folio 207, and forming part of the land described in Schedule One, and being the existing Main Drive from City-road, formerly known as Newtown-road, to the University.

Schedule Five

(Section 6)

Land to be subject to right of drainage

All that piece or parcel of land situate in the City of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, being part of Victoria Park vested in the Municipal Council of Sydney by the [Victoria and Rushcutter's Bay Parks Act 1910](#), and forming part of the land described in Schedule Two: Commencing at the south-western corner of land comprised in Schedule Two bearing north-easterly to the south-eastern corner of land comprised in Schedule Two aforesaid, being a strip of land 12 feet wide and parallel to the north-western building line of City-road, formerly known as Newtown-road.

Schedule Six

(Section 7 (1))

Land comprised in transfer and subgrant to Saint Paul's College Trustees

All that piece or parcel of land having an area of 15 acres 1 rood 20 perches situated in the parish of Petersham, county of Cumberland, and State of New South Wales, being Crown grant, registered volume 1,375, folio 60, together with part of 126 acres granted to the University of Sydney on the 18th day of January, 1855: Commencing on the north-western side of City-road, formerly known as Newtown-road, at a point bearing north-easterly and distant 89 feet $2\frac{3}{4}$ inches from its intersection with the northern building line of Saint Paul's road, formerly known as Bligh-street; and bounded thence on part of the south-east by the north-western side of City-road, formerly known as Newtown-road, 90 feet wide, being lines bearing north 40 degrees 28 minutes 20 seconds east for 307 feet $5\frac{1}{2}$ inches, and north 38 degrees 45 minutes east for 121 feet $6\frac{1}{2}$ inches; thence on part of the north-east by a fenced line bearing north 32 degrees 53 minutes west for 55 feet $9\frac{1}{4}$ inches; thence on part of

the south-east by a fenced line bearing north 36 degrees 52 minutes east for 95 feet 11¼ inches to a point which lies on the prolongation of the north-eastern side of a stone lodge; thence again on part of the north-east by a line bearing north 53 degrees 29 minutes west for 158 feet 6 inches by a circularly curved line of 100 feet radius concave towards the east, whose length is 79 feet 10½ inches, and whose chord bears north 30 degrees 36 minutes west for 77 feet 9¼ inches, and again by a straight line bearing north 7 degrees 43 minutes west for 277 feet 10¼ inches; thence on part of the north by a line bearing south 82 degrees 17 minutes west for 161 feet 8 inches; thence again on part of the north-east by a fenced line bearing north 32 degrees 2 minutes west for 180 feet; thence again on part of the north by a line bearing south 82 degrees 17 minutes west for 504 feet to a fenced line; thence on the west by that fenced line being part of the eastern boundaries of the Wesley College land and of the Women's College land bearing south 10 degrees 32 minutes 30 seconds east for 770 feet 4 inches; thence on the south-west by a continuation of the boundary of the Women's College land, being lines bearing south 30 degrees 19 minutes east for 124 feet 9 inches, south 10 degrees 56 minutes east along the edge of an eaves-gutter for 50 feet, north 81 degrees 12 minutes east for 2 feet 4½ inches and along a line in part fenced bearing south 10 degrees 30 minutes east for 118 feet 10 inches to the northern building line of Saint Paul's road; thence on part of the south by that building line bearing north 88 degrees 16 minutes east for 20 feet to the south-western corner of a stone pillar; thence again on part of the north-east by a fenced line bearing north 10 degrees 56 minutes west for 121 feet 7 inches; thence again on part of the south by lines passing partly along a fence touching the north-western corner of a brick building, and again passing along a fence bearing north 87 degrees 27 minutes east for 163 feet 9¼ inches, and north 88 degrees 15 minutes 40 seconds east for 253 feet 1¾ inches; thence again on part of the west by a fenced line, being the eastern boundary of Crown grant registered volume 2,352, folio 207, bearing south 5 degrees 29 minutes east for 56 feet 5 inches, to the point to commencement.

Schedule Seven

(Section 7 (2))

Site of Physics Laboratory

All that piece or parcel of land having an area of 3 roods 37¼ perches, situate in the parish of Petersham, county of Cumberland, and State of New South Wales, being part of 126 acres granted to the University of Sydney on the 18th day of January, 1855: Commencing at the north-western corner of the land of Saint Paul's College described in Schedule number Six; and bounded thence on the south by the northern boundary of that land bearing north 82 degrees 17 minutes east for 504 feet, thence on the east by a line bearing north 7 degrees 43 minutes west for 85 feet, thence on the north by a line bearing south 82 degrees 17 minutes west for 504 feet, and thence on the west by a line bearing south 7 degrees 43 minutes east, to the point of commencement.