

General Post Office (Approaches Improvement) Act 1889 No 13

[1889-13]



New South Wales

Status Information

Currency of version

Repealed version for 7 December 2007 to 5 July 2012 (accessed 18 July 2024 at 13:22)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

- **Note**

Section 3 of the [General Post Office \(Approaches Improvement\) Act Further Amendment Act 1901 No 39](#) reads as follows:

3 Repeal

So much of the Principal Act and the Amendment Act as is inconsistent with this Act is hereby repealed.

(The “Principal Act” means the [General Post Office \(Approaches Improvement\) Act 1889](#). The “Amendment Act” means the [General Post Office \(Approaches Improvement\) Act Amendment Act 1892](#).)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 July 2012

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General Post Office (Approaches Improvement) Act 1889 No 13



New South Wales

An Act to authorize the resumption of certain portions of Land situate between George and Pitt Streets, in the City of Sydney, for the purpose of improving the approaches to the General Post Office, for the disposal of portion of the Land so to be resumed, together with part of the site of the Tank Stream; and for other purposes in connection therewith.

Preamble

WHEREAS the present approaches to the General Post Office are insufficient and inconvenient, and it is expedient to authorize the resumption of certain portions of land lying between George and Pitt Streets, northward of the said Post Office, for the purpose of forming between the said Streets and Post Office a new Street; and it is also expedient to provide for the disposal of such portion of the lands resumed as may not be required for the formation of the said Street, together with part of the site of the Tank Stream, subject to the conditions hereinafter mentioned, and to make such further provision in connection with the said purposes as is hereinafter contained:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

1 Name of Act

This Act may be cited as the *General Post Office (Approaches Improvement) Act 1889*.

2 Resumption of certain blocks of land between George and Pitt Streets as described in Schedule

Upon the passing of this Act, the several portions of land described respectively in Schedules One, Two, Three, and Four of this Act shall be, and the same are hereby, resumed for the purposes of this Act; and a notification shall be published by the Governor with the advice of the Executive Council in the Gazette, and in one or more newspapers circulating in the Metropolitan Police District, declaring that the said portions have been resumed by Her Majesty for the purposes of this Act. Upon the publication of such notification in the Gazette the lands therein described (being those respectively specified

in Schedules One, Two, Three, and Four to this Act) shall for the purposes, and subject to the provisions, of this Act, be vested in the Minister for Public Works and his successors as a corporation sole, on behalf of Her Majesty, for an absolute estate in fee simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, and easements whatsoever.

3 Compensation for resumed lands

The respective owners of the portions of land resumed by this Act, or of any estate or interest therein, or the persons who, but for the provisions hereof, would have been such owners, shall each be entitled to receive compensation for and in respect of the lands so resumed, and the amount of such compensation shall be ascertained in accordance with the provisions of the Lands for Public Purposes Acquisition Acts, being the Acts of the forty-fourth Victoria number sixteen, and forty-fifth Victoria number twenty-six. For the purpose of ascertaining and dealing with such compensation, and for other purposes auxiliary thereto, the enactments hereinafter specified are declared to be incorporated with this Act, viz:

- (a) As to conversion of the estates of owners of lands into a claim to compensation,—Section eleven of the Act forty-fourth Victoria number sixteen.
- (b) As to notice of claim for compensation and abstract of title,—Section twelve of the Act forty-fourth Victoria number sixteen, and First Schedule thereto, as amended by section three of the Act forty-fifth Victoria number twenty-six.
- (c) As to procedure after receipt of notice of claim, and the institution of proceedings in the Supreme Court,—Sections thirteen and fourteen of the Act forty-fourth Victoria number sixteen.
- (d) As to the nature of the issue in actions for compensation, verdict and costs, the payment of compensation, the mode of assessing compensation, and the obligation of the party claiming payment to make out a Title,—Section two of the Act forty-fifth Victoria number twenty-six, section sixteen of the Act forty-fourth Victoria number sixteen, and section twenty-four of the “*Public Works Act of 1888*”.
- (e) As to procedure on registration or transfer,—Section twenty-four of the Act forty-fourth Victoria number sixteen.

And in order to carry out the intention of this section the words “this Act” whensoever occurring in any of the sections so declared to be incorporated herewith shall be held to include this present Act, and the words “under the sixth section of this Act” in section twenty-four of the Act forty-fourth Victoria number sixteen shall be held, for the like purpose, to refer to section two of this Act.

4 Incorporation of certain provisions of “*Public Works Act of 1888*”

The several sections of the “*Public Works Act of 1888*”, hereinafter specified, together

with the respective powers, authorities, duties, liabilities, obligations, and other the provisions therein contained are hereby declared to be incorporated with, and embodied in this Act to the intent that the same may be applied as fully and effectually to, and in respect of, the lands resumed by this Act as if the said sections had been specifically enacted herein. Provided that, wheresoever in any section so incorporated the words "Constructing Authority" occur, there shall, for the purposes of this Act, be substituted in lieu of such words, the expression "Minister for Public Works"; the expression "authorized work", wheresoever occurring in any such section shall be held to refer to the work authorized by this Act; and the words "this Act" shall similarly be held to refer to "this present Act". The following are the sections of the said Public Works Act so declared to be incorporated herewith:

- (I) As to the deposit of compensation money in certain cases with the Master in Equity, and the application and investment thereof; as to payment of such money in certain cases to trustees, or to the parties themselves, the exoneration of the Minister in respect thereof after payment, the presumption of ownership, and the payment of costs,—Sections sixty-two to seventy-two, both inclusive.
- (II) As to the procedure by the Minister in case the owner or occupier of any lands resumed by this Act shall refuse to give up possession thereof, or hinder the Minister from entering upon, or taking possession of the same,—Section seventy-seven.
- (III) As to the purchase or redemption of the interests of mortgagees, and the deposit of principal and interest due on mortgages with the Master in Equity, the procedure to be observed when the mortgaged lands are of less value than the mortgage debt, and where part only of lands in mortgage is taken,—Sections eighty-one to eighty-six, both inclusive.
- (IV) As to the release of lands from rent charges and other incumbrances, and the procedure thereon,—Sections eighty-seven to ninety, both inclusive.
- (V) As to the apportionment of rent where lands so resumed are taken under lease, and as to compensation to tenants,—Sections ninety-one to ninety-four, both inclusive.

5 Statutory authority of Minister to complete work, and power to sell or lease residue of land

Notwithstanding anything contained in any other Act, this Act shall, for all purposes whatsoever, be deemed to be an absolute statutory authority, enabling the Minister for Public Works to commence and complete, subject to such plans and conditions as the Governor, with the advice aforesaid, shall prescribe, the enlargement and improvement of the thoroughfare hereinafter mentioned; and the lands resumed by this Act, together with the portion of land mentioned in subsection (b) of this section, shall be used for, and applied to, the purposes following, that is to say:

- (a) Towards the formation and making of a public street one hundred feet wide, between

George and Pitt Streets, and such street, after formation and completion by the said Minister, shall, upon a proclamation by the Governor, with the advice of the Executive Council, published in the Gazette, become vested in the Municipal Council of the City of Sydney in the same manner as other public highways of the said City are vested in the said Council, and subject to the like powers and obligations as are applicable in respect of such public highways.

- (b) The residue of the said lands remaining after the formation of the said street, together with the portion of land situate between the lands resumed by this Act, and commonly known as the Tank Stream, may be sold or leased by public auction, at such times, for such prices, and subject to such terms, conditions, covenants and provisions for buildings (temporary or perpetual), and for the occupation thereof, as the Governor, with the advice aforesaid, may determine.

Provided always that the Governor, with the advice aforesaid, may form and dedicate to the public, in such manner as he may think fit, a lane connecting Chisholm-lane and Angel-place of not less than the lawful width, for the purpose of giving access to the buildings to be erected on the lands so sold or leased, reserving for future disposal two feet in width of the resumed land in front of the adjoining land on the north.

6 Provision for payment of compensation etc and for application of moneys

The Colonial Treasurer shall, by virtue of warrants under the Governor's hand (which the Governor is hereby authorized to issue), pay out of the Consolidated Revenue Fund, such sums of money as shall be found necessary to provide compensation for the lands resumed under this Act, the cost of forming the street hereinbefore authorized, and all other expenses connected therewith. Provided always that the proceeds of sale of any portion of the lands so resumed, or by this Act authorized to be sold, and of any buildings or material now being thereon, and the rents derived from the leasing of any portion of such lands or buildings erected thereon shall be paid over to the said Treasurer, and by him be carried to the credit of the Consolidated Revenue Fund.

7 Repeal of Acts does not affect operation of savings and transitional provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subsection, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

Table

Column 1

General Post Office (Approaches Improvement) Act Amendment Act 1892

General Post Office (Approaches Improvement) Act Further Amendment Act 1901

Column 2

Sections 2 and 3 and First and Second Schedules

Sections 4-7 and Schedules A-C

- (2) The provisions listed in Column 2 of the Table to subsection (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Schedule One

County of Cumberland, parish of Saint James, area 30.4 perches: Commencing at a point in the eastern building-line of George-street, bearing north five degrees thirteen minutes east, and distant one hundred and ninety-four and nine-hundredths links from the north-west corner of the base-course of the present structure of the General Post Office; and bounded thence on part of the west by part of the eastern building-line of George-street, bearing north five degrees and fourteen minutes east, seventy-five and ninety-four-hundredths links to the southern side of Chisholm-lane, twenty feet wide; thence on part of the north by the southern side of that lane, being lines bearing south eighty degrees fifty-five minutes thirty seconds east, one hundred and eight and thirty-two-hundredths links, and south eighty-one degrees nine minutes forty seconds east, seventy-two and eleven-hundredths links to the south-eastern corner of the said lane; thence on the remainder of the west by part of the eastern side of the said lane, bearing north five degrees thirty-seven minutes east, eleven and twenty-three-hundredths links, to a point in the westerly prolongation of the northern side of a stone wall; and thence on the remainder of the north by a line bearing south seventy-nine degrees fourteen minutes east, fifty-seven and forty-nine-hundredths links, partly along the northern side of the said stone wall to its north-east corner on the western side of the Tank Stream; thence on the north-east by the western side of the said Tank Stream, being lines bearing south forty minutes east, sixteen and one-half links, partly along the eastern end of the said stone wall to the north-east corner of a stone building, and south twelve degrees eight minutes forty seconds east, seventy and eleven-hundredths links, along the north-east side of the said stone building to its south-east corner; and thence on the south by a line bearing north eighty-one degrees forty-seven minutes twenty seconds west, two hundred and sixty and three-tenths links, to the point of commencement.

Note—

All bearings are taken from the Trigonometrical Meridian.

Schedule Two

County of Cumberland, parish of Saint James, area 1 rood 1.7 perches: Commencing at a point on the eastern building-line of George-street, bearing north five degrees thirteen minutes east, and distant ninety-five and nine-hundredths links from the north-west corner of the base-course of the present structure of the General Post Office; and bounded thence on part of the west by part of that building-line bearing north five degrees thirteen minutes east ninety-nine links; thence on the north by a line bearing south eighty-one degrees forty-seven minutes twenty seconds, east two hundred and sixty and three-tenths links to the south-east corner of a stone building, being a point on the western side of the Tank Stream, and which is also the north-east corner of a brick building; thence along that side of that Tank Stream on part of the east by the eastern side of that brick building bearing south eleven degrees fifty-six minutes forty seconds west, sixty-six and eighty-five-hundredths links to its south-east corner, which is also the north-east corner of a stone building; thence on the remainder of the east by the said western side of the said Tank Stream, being the eastern side of that stone building bearing south thirteen degrees fifteen minutes, west twenty-four and twenty-seven-hundredths links to a corner in the wall thereof; thence on the south-east by a line bearing south forty-three degrees nine minutes west, sixteen and twenty-one-hundredths links along the north-western side of the said Tank Stream to the most southerly corner of the eastern end of an old stone wall, which is a point in the northern boundary of land already resumed by the Crown, and shown on plan catalogued S 336,858 in

the Department of Lands; thence on part of the south by a line partly along the southern side of that old stone wall, and that line produced bearing north eighty-one degrees forty-six minutes forty seconds west, in all one hundred and seventy-nine and two-tenths links, to a point in the southerly prolongation of the western side of an old brick wall; thence on the remainder of the west by that southerly prolongation and that western side of that brick wall, bearing north four degrees forty minutes east, in all six links, to the southern side of a brick and stone building; thence on the remainder of the south by a line along part of that southern side of that building and its prolongation, bearing north eighty-two degrees twenty-three minutes west, in all fifty-nine and seventy-six-hundredths links, to the point of commencement.

Note—

All bearings are taken from the Trigonometrical Meridian.

Schedule Three

County of Cumberland, parish of Saint James, area 1 rood 6.25 perches:

Commencing at a point on the western building line of Pitt-street, bearing north five degrees nineteen minutes and thirty seconds east, and distant one hundred and sixty-eight and thirty-four-hundredths links from the north-east corner of the base-course of the present structure of the General Post Office; and bounded thence on the south-east by part of that building-line bearing north five degrees eighteen minutes east, ninety-three and thirty-four-hundredths links, to the south-western side of the stone building known as Bell's Chambers; thence on part of the north-east by the south-western side of that stone building, being lines bearing north seventy-eight degrees fifty-two minutes forty seconds west, eighty-one and fifty-seven-hundredths links, and north seventy-nine degrees twenty-nine minutes west, eighteen and eight-tenths links to the south-west corner of the said stone building, and which is the most southerly corner of the eastern side of Angel-place, twenty feet wide; thence again on part of the north-east by the southern side of the said Angel-place, being a line bearing north eighty-three degrees thirty-three minutes twenty seconds west, thirty-four and four-hundredths links to its south-western corner, which is the south-east corner of a brick building; thence on the remainder of the north-east by the southern side of that brick building bearing north eighty-four degrees fifteen minutes, west one hundred and fifty-seven and ninety-nine-hundredths links to its south-west corner on the eastern side of the Tank Stream; thence on part of the south-west by the north-eastern side of that Tank Stream bearing south eleven degrees nineteen minutes east, eighty-five and fifty-one-hundredths links to an angle in the wall of a brick building; thence on the north-west by that wall of that building along the eastern side of the Tank Stream, being a line bearing south six degrees two minutes west, twenty-seven and sixty-seven-hundredths links to the south-west corner of that building; and thence on the remainder of the south-west by a line bearing south eighty-five degrees thirty-seven minutes thirty seconds, east two hundred and sixty-seven and eighty-seven-hundredths links, to the point of commencement.

Note—

All bearings are taken from the Trigonometrical Meridian.

Schedule Four

County of Cumberland, parish of Saint James, area 35.8 perches: Commencing on the western building-line of Pitt-street, on the southern side of a brick building at a point bearing north five degrees seventeen minutes east, and distant eighty-four links from the north-east corner of the base-course of

the present structure of the General Post Office; and bounded thence on the east by part of that building-line, bearing north five degrees twenty-one minutes forty seconds, east eighty-four and thirty-four-hundredths links; thence on the north by a line bearing north eighty-five degrees thirty-seven minutes thirty-seconds, west two hundred and sixty-seven and eighty-seven hundredths links, to the south-west corner of a brick building, being a point on the eastern side of the Tank Stream, and the north-west corner of a stone wall; thence on the north-west by a line being the eastern side of that Tank Stream to the south-west corner of that stone wall and that line produced, bearing south thirteen degrees thirty-four minutes west, in all seventy-nine and sixty-four-hundredths links, to a point in the northern boundary of land already resumed by the Crown; thence on part of the south by the northern boundary of that land to the south-west corner of a brick building, and by the southern side of that brick building to its south-east-corner, being a line bearing south eighty-four degrees eight minutes twenty seconds east, in all seventy-eight and fifty-six-hundredths links; thence on the remainder of the south by the northern boundary of that land, being a line bearing south eighty-four degrees thirty-five minutes, east two hundreds and sixty-three-hundredth links, to the point of commencement.

Note—

All bearings are taken from the Trigonometrical Meridian.