

*Alignment of Sydney Streets.***No. XX.**ALIGNMENT OF  
SYDNEY STREETS.**An Act for better regulating the Alignment of  
Streets in the Town of Sydney. [28th October,  
1834.]**

Preamble.

4 Wm. IV. No. 7.

No person to build  
within twelve feet of  
the curb-stone of the  
footway.The Surveyor Gene-  
ral to lay before the  
Governor and  
Executive Council a  
plan of the carriage  
and footways.Proviso that the curb-  
stone shall not be on  
private property.

4 Wm. IV. No. 11.

All land now open to  
the street or formed  
into a street at the  
public expense to be  
deemed dedicated to  
the public.

WHEREAS owing to the deficiency of the earlier records of the alienation of land by the Crown in the Town of Sydney encroachments have been made on the space allotted for the public streets and the properties of many individuals have been deteriorated by the projection of houses beyond an established line And whereas by a certain Act of the Governor and Council of New South Wales passed in the fourth year of the reign of His present Majesty King William the Fourth intituled “*An Act for regulating the Police in the Town and Port of Sydney and for removing and preventing Nuisances and Obstructions therein*” it is amongst other things enacted That the Surveyor General of New South Wales shall set out as far as may be practicable within three months after the passing of the said recited Act or in case of unavoidable delay as soon thereafter as can be done the breadth of the carriage and footways in the streets and public places within the said Town And whereas it would greatly contribute to the public convenience and the general improvement of property within the said Town to make further provision for regulating the alignment on which houses shall in future be built Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing and publication of this Act it shall not be lawful for any person to erect any building of any kind or description whatsoever within the said Town of Sydney within twelve feet of the outer curb-stone or exterior edge of such footway unless as hereinafter provided.

2. And be it further enacted That before the said Surveyor General shall set out the footway in any street or part of a street or public place in the said town after the passing of this Act he shall lay before the Governor and Executive Council a plan of the same setting forth the proposed breadth of the carriage and footways and thereupon it shall and may be lawful for the said Governor and Council by notice in the New South Wales *Government Gazette* to fix and declare the distance from the curb-stone or exterior edge of the said footway in any such street or part of a street or public place within which it shall not be lawful to erect any building provided that such distance shall in no case exceed twelve feet unless with the consent of the proprietor of the soil.

3. Provided always and be it further enacted That the curb-stone or exterior edge of the said footways shall in no case be placed or formed upon land not hitherto forming part of the street or footway unless with the consent of the proprietor of such land or under and by virtue of the provisions of an Act of the said Governor and Council passed in the fourth year of the reign of His said Majesty intituled “*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*” And provided also that all land which shall have been at the time of the publication of the general objects of this Act in the New South Wales *Government Gazette* or shall hereafter be left open and used as a carriage or footway within the said town as well as all land which has been or shall hereafter be formed into a street within the said town at the public expense shall be deemed and taken to be dedicated to the public and shall

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shall not be fenced in or resumed on any pretence whatsoever but shall be subject to all such and the like regulations orders powers authorities and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law.

4. And be it further enacted That as soon as the footway of any street part of a street or public place of the said town shall be fixed and declared by the Governor and Executive Council as hereinbefore mentioned no house shop or other building shall be erected nor allowed to project or encroach in any part within the distance from the curb-stone or exterior edge of the footway fixed and declared as aforesaid nor shall any house shop or other building which is now erected within the distance to be fixed and declared as aforesaid from the curb-stone or exterior edge of the said footways be rebuilt in the whole or in any part nor shall any addition or alteration be made to the same except in conformity with the provisions hereof and any person who shall erect or rebuild any such house shop or other building in whole or in any part or make any addition or alteration to the same except according to the provisions hereof shall forfeit and pay for every such offence the sum of twenty pounds and if the said house shop or building or any addition or projection shall not be removed or abated within one month after notice shall be served to that effect by the Town Surveyor on the proprietor or occupier thereof or left at his or her usual place of abode the further sum of one pound for every day the same shall remain contrary to the provisions of this Act and it shall be lawful for any two or more Justices of the Peace upon the application of the said Town Surveyor or his deputy and upon proof of the contravention of this Act to grant a warrant authorizing the said Surveyor to cause the said house shop or building and all additions or alterations thereto so far as the same may be contrary to the provisions of this Act to be taken down and the materials thereof to be sold and thereout to pay the charges of taking down the same and the surplus if any shall be paid to the owner of such materials.

Regulating the distance from the footway at which houses shall be built.

5. And be it further enacted That after the passing of this Act no person whatsoever shall begin to erect any house shop or other building in any street within the said town without first serving notice in writing on the Surveyor of the said town on any lawful day between the hours of eleven and three o'clock stating such intention and describing the proposed situation of the building and the said Surveyor is hereby required and directed within three days after the receipt of such notice to furnish such person with a paper signed by the said Town Surveyor specifying the provisions of this Act so far as the same may relate to the erection of such shop house or other building and if any person shall begin to erect the same without having first served such notice and received such paper he or she shall forfeit and pay a sum not exceeding ten pounds and if the said Surveyor shall refuse or neglect to furnish such written paper within three days after the receipt of such notice he shall on conviction forfeit and pay the sum of ten pounds.

Notice to be given to the Town Surveyor of intention to build.

6. And be it further enacted That every owner or occupier of any house building or premises within the said town having any entrance area garden or other open space adjoining the footway of any street or public place within the said town beneath the level of the curb-stone or exterior edge of such footway shall protect and guard the same by good and sufficient rails fences or other enclosures so as to prevent danger to persons passing and repassing and further that every such owner or occupier of any such house building or premises having any steps adjoining the footway of any street or public place shall in like manner protect and guard the same by rails or other enclosures

Open spaces and steps adjoining the footways to be enclosed under penalty.

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*Court of Claims.*

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enclosures so as to prevent the like danger to persons passing and repassing and in failure thereof every such owner or occupier shall as often as he shall be convicted of such offence either before or in the view of any one Justice of the Peace appointed under the provisions of the said first recited Act forfeit and pay any sum not being less than forty shillings nor exceeding five pounds.

Not to interfere with powers formerly vested in Surveyors.

7. And be it further enacted That nothing in this Act contained shall be deemed to interfere with the powers vested in any Surveyor by the provisions of any other Act in force within the said Colony.

Recovery and application of fines.

8. And be it further enacted That all penalties and forfeitures hereinbefore mentioned shall be recovered and applied in like manner as in the said first recited Act is mentioned and directed.

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