

An Act to enable the Borough of Balmain to lease and acquire lands and to erect thereon wharves and to levy rates on all wharves in its possession. [23rd November, 1887.]

BOROUGH OF
BALMAIN WHARVES

WHEREAS it is desirable and would be for the advantage of the Preamble. ratepayers and residents of the Borough of Balmain and the public generally that the said Borough, by the Municipal Council thereof, should have power to take on lease, purchase or otherwise acquire land situated outside of but adjoining to or abutting upon the boundaries of the said Borough and forming any part of the shores, fore-shores or harbour of Port Jackson or any bays or inlets thereof, and to construct thereon and also on lands already leased from the Government of New South Wales or from Her Majesty the Queen, wharves, jetties, piers, landing-places, waiting-rooms and other erections and improvements, and to lease, purchase or acquire wharves, jetties, and piers already erected within or adjoining the said Borough, and to charge for and recover at law if necessary all rates, fees, and tolls as fixed by the by-laws of the said Borough that may be hereafter confirmed by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, and to have and exercise all other the powers intended to be hereby conferred, and it is doubtful whether such powers are now vested in the said Borough. 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. It shall be lawful for the Borough of Balmain by the Municipal Council for the time being thereof, hereinafter styled the Borough, from time to time to purchase, take on lease, or otherwise acquire from Her Majesty the Queen or the Government of New South Wales, or from any person or persons lands situate outside but adjoining to or abutting upon the boundaries of the Borough, and forming any part of the shores, foreshores or Harbour of Port Jackson, or any bays or inlets thereof, and to erect, build and construct thereon, and also on any lands already leased by the Borough from the said Government or Her Majesty the Queen, one or more wharves, jetties, piers and landing places with all necessary or convenient roads, ways, sea walls and approaches thereto, and all necessary or convenient waiting rooms, sheds, conveniences, offices and buildings, and from time to time to effect all necessary or advisable repairs, amendments, alterations, additions and improvements thereto, and also to take on lease, purchase or acquire for any term, estate or interest from the said Government or from Her said Majesty all or any wharves, jetties, piers or landing places already erected within or adjoining the boundaries of the Borough, and from time to time to effect all necessary repairs, amendments, alterations, additions and improvements thereto. Provided that before any such wharf, jetty, pier or landing place shall be erected, built or constructed a plan and specification thereof shall be prepared and submitted to and approved of by the Minister for Lands and the Minister for Works for the time being of the Colony of New South Wales.

2. It shall be lawful for the Borough to use and apply the rates and income of the Borough for and towards all or any of the works and purposes Power to apply rates towards purposes set out in preceding section.

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purposes set out or referred to in the preceding section in the same manner as if the said lands had been within the limits or boundaries of the Borough.

Power to borrow for purposes in first section.

3. The Borough may in addition to the powers conferred by the one hundred and ninetieth section of the "Municipalities Act of 1867" borrow and use all moneys which may be necessary for the purpose of effecting and carrying out the works and purposes set out or referred to in the first section of this Act in the same manner as if all the said works and purposes had been expressly included in the said Municipalities Act, and in addition to the securities referred to in the one hundred and ninety-first section of the last mentioned Act it shall be lawful for the said Borough to mortgage such wharf or wharves or any of them as may have been leased, purchased or acquired by the Borough, and the tolls, rates and dues arising therefrom for all the estate, right, title and interest of the Borough therein, or any less estate or interest, and all the rights, powers and remedies given to mortgagors and mortgagees by the "Municipalities Act of 1867" shall extend to any securities effected under the powers conferred by this Act.

Power to make by-laws and regulations.

4. It shall be lawful for the Borough from time to time to make, alter, add to, repeal and amend all necessary regulations and by-laws for the purpose of regulating and controlling the use of such of the said wharves, jetties, piers, landing-places, waiting-rooms and other erections as have been or may hereafter be leased, purchased or acquired as aforesaid by the Borough, or as may be already in the possession of the Borough, and may establish, levy and impose tolls, rates, dues and charges upon and in respect of steamers and other vessels and boats plying or making fast to or lying alongside of or landing or receiving goods or passengers upon or from or otherwise using any of the said wharves, and may recover all such tolls, rates, dues and charges in any Court of competent jurisdiction from any owner, lessee or charterer of such steamers or vessels or boats, and may erect gates, bars and other works necessary for the collection of such tolls, rates, dues and charges, and may make by-laws for the proper management of such wharves and collection of such tolls, rates, dues and charges, and in such by-laws the Borough may provide maximum and minimum penalties for the breach or non-observance of any of the said by-laws, and all such penalties may be recovered and enforced in the manner provided by the Act eleventh and twelfth Victoria chapter two, and the Acts of Parliament amending the same. All or any such by-laws being consistent with the provisions of this Act and not repugnant to any other Act or law in force within the Colony of New South Wales shall have the force of law when confirmed by the Governor as aforesaid and published in the *Government Gazette*, but not sooner or otherwise. And copies thereof shall be laid before both Houses of Parliament forthwith if Parliament be sitting, and if not, then within fourteen days after the opening of the next Session: Provided that free access over any of the said wharves which may be situated at the end of any public road or street shall be allowed to all passengers landing or embarking from or on any steamers, vessels or boats not plying for hire.

By-laws to be proved by production of the Government Gazette.

5. The production of the *Government Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws have been made, confirmed and published as is herein required. Provided that no objection to the validity of any such by-law which may be sustained on the ground of its repugnancy to this Act or to any Act or law as aforesaid shall be affected by anything in this section contained.

Power to let wharves.

6. It shall be lawful for the Borough from time to time to let and demise or otherwise grant or permit to any person or persons the use

Albury Cattle Sale-yards.

use or occupation of all or any of the said wharves or any portion or portions thereof for such time upon such terms and subject to such conditions, stipulations and agreements as the Borough may deem advisable. But no such lease, demise, grant or permission shall be for any term exceeding seven years if any such wharf be constructed on land which is the absolute property of the Borough nor if any such wharf be constructed on land held by the Borough on lease for any term exceeding the term of the said lease. Provided that no such lease, demise, grant or permission shall give exclusive use of such wharf to any ferry company.

7. Unless the context shall otherwise require the term "wharf" Interpretation. or "wharves" whenever herein used shall mean and include the one or more wharves, jetties, piers, landing places, roads, ways, sea walls, approaches, waiting-rooms, sheds, conveniences, offices and buildings mentioned in the first and fourth sections of this Act.

8. This Act may be cited as the "Borough of Balmain Wharves Short title. Act."