

No. XXVIII.

MUNICIPAL
WHARVES.

An Act to amend the “Municipalities Act of 1867”; to enable Municipalities to lease and acquire Lands and to erect Wharves thereon; and for other purposes. [13th June, 1893.]

Preamble.

WHEREAS it is expedient that Councils of Municipalities should have power to take on lease, purchase, or otherwise acquire land situated outside of but adjoining to or abutting upon their boundaries and forming any parts of their shores, foreshores, bays, inlets, or other water frontages, and to construct thereon 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 boundaries of such Municipalities, and to exercise all other the powers intended to be conferred; and as it is doubtful whether such powers are now vested in Municipalities: 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:—

Short title.

1. This Act may be cited as the “Municipal Wharves Act of 1893,” and shall be read with and as forming part of the “Municipalities Act of 1867,” hereinafter termed the Principal Act.

Power for
Municipalities to
acquire lands and
erect wharves, &c.

2. It shall be lawful for the Council of any Municipality, from time to time, to purchase, take on lease, or otherwise acquire from the Government of New South Wales, or from any person or persons, lands situated outside but adjoining to or abutting upon the boundaries of such Municipality and forming any part of its shores, foreshores, bays, inlets, or other water frontages thereof, and, subject to the provisions of any local Harbour Trust Act now or hereafter enacted, to erect, build, and construct thereon 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 any local Harbour Trust, all or any wharves, jetties, piers, or landing places erected within or adjoining to the boundaries of such Municipality, 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, constructed, or extended, a plan and specification thereof shall be prepared and submitted to, and approved of by the Minister for Works, for the time being, of the Colony of New South Wales, whose approval must also first be obtained before any of the works referred to in this section can be carried out by any Municipal Council whose Municipality is situated outside the jurisdiction of any Harbour Trust.

Power to apply rates
towards purposes set
out in preceding
sections.

3. It shall be lawful for the Council of any Municipality to use and apply the rates and income of such Municipality for and towards all or any of the works set out or referred to in the preceding section

Municipal Wharves.

section in the same manner as if the said lands had been within the limits or boundaries within which such rates and income are raised by such Municipality.

4. The Council of any Municipality may in addition to the powers conferred by the one hundred and ninetieth section of the "Principal Act" 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 second section of this Act in the same manner as if all the said works and purposes had been expressly included in the said "Principal 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 such Council to mortgage such wharf or wharves, or any of them as may have been leased, purchased, or acquired by them, and the tolls, rates, and dues arising therefrom for all the estate, right, title, or interest of the said Municipality therein, or any less estate or interest, and all the rights, powers, and remedies given to mortgagors and mortgagees by the "Principal Act" shall extend to any securities effected under the powers conferred by this Act.

Power to borrow moneys for purposes in second section.

5. It shall be lawful for the Council of any Municipality, 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 may have been leased, purchased, or acquired as aforesaid by such Council, or as may be already in the possession of the Municipality; and may establish, levy, and impose, and may recover in any Court of competent jurisdiction tolls, rates, dues, and charges upon and in respect of steamers and other vessels 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 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 and collection of such wharves, tolls, rates, dues, and charges as in manner provided for by and consistent with sections one hundred and fifty-seven, one hundred and fifty-eight, and one hundred and fifty-nine of the Principal Act; and all penalties may be recovered and enforced in the manner provided by the Acts eleventh and twelfth Victoria, chapter two, and the Acts of Parliament amending same: Provided the 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.

Power to make by-laws and regulations.

6. It shall be lawful for the Council of any Municipality, from time to time, to let and demise or otherwise grant or permit to any person or persons the use or occupation of all or any of the said wharves, or any portion or portions thereof which may have been leased, purchased, or acquired by such Municipality aforesaid, for such time, upon such terms, and subject to such conditions, stipulations, and agreements as the said Council may deem advisable. But no such lease, demise, grant, or permission shall be for any term exceeding seven years, if such wharf be constructed on land which is the absolute property of the Municipality, nor if the said wharf be constructed on land held by such Municipality on lease, or for a limited time for any term exceeding the term of the said lease or the said limited time: Provided that no such lease, demise, grant, or permission shall give exclusive use of such wharf to any person, partnership, company, or corporation.

Power to let wharves.