

ILLAWARRA
HARBOUR AND
LAND CORPORATION
ACT FURTHER
AMENDMENT.

An Act to amend and extend the Illawarra Harbour and Land Corporation Act of 1890, and the Illawarra Harbour and Land Corporation Act Amendment Act of 1895. [20th November, 1899.]

Preamble.

WHEREAS the Illawarra Harbour and Land Corporation (Limited) (being a joint stock company duly incorporated and registered under the Companies Acts of 1874 and 1888, and hereinafter called the corporation), obtained on December twentieth, one thousand eight hundred and ninety, legislative authority to form and maintain an entrance and passage between the South Pacific Ocean and the waters of Lake Illawarra, in the county of Camden: And to construct, use, maintain, and in certain respects control and regulate a harbour within the waters of the said lake and of Windang Bay, in the said county of Camden: And to make, establish, maintain, and control wharfage

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wharfage and shipping accommodation in connection therewith, and to construct, work, use, and maintain line or lines of railway to connect with the said harbour all or any coal-bearing lands situate between the South Coast Colliery on the north and the Macquarie River on the south: And to reclaim, purchase, take, occupy, and otherwise acquire land in certain cases, and on certain terms as to acquisition, compensation, payment, rent, investiture, and otherwise: And to levy, receive, and recover rates, tolls, and dues for the use of the said entrance, harbour, and accommodation, and for towage, and fares, freights, and other charges for the use of the said railways, and to confer and impose upon the said corporation certain powers, rights, duties, and liabilities: And to extend the rights of owners of the foreshores of the said lake: And for other purposes: And whereas the Act authorising such work was by an Act amended on December twelfth, one thousand eight hundred and ninety-five: And whereas in connection with the rights, powers, and privileges granted important industries have been established: And whereas the corporation have expended large sums, totalling forty-four thousand pounds, under the provisions granted: And whereas undertakings which have arisen out of the operations of the corporation have necessitated the construction of a branch line of railway not specifically included within the Principal Act: And whereas the construction of such branch line over a parish road received the full authority of the Central Illawarra Municipal Council, and it is advisable that such branch line and sanction should receive legislative approval: And whereas it is advisable that provision should be made for adding further branch lines within the lands owned by the corporation: And whereas the rights of transit-charges and other matters should be more clearly defined by enactment: And whereas under the provisions of the Illawarra Harbour and Land Corporation Act Amendment Act of 1895 the corporation have lodged with the Colonial Treasurer the sum of ten thousand pounds: And whereas the corporation requires still further time to carry out the remainder of its objects: 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 corporation to continue the running upon and maintenance of traffic upon its branch line already constructed and leading from its main trunk line through the Lakelands Estate, the property of the corporation, and across Kanahooka-road, in the Borough of Central Illawarra. And the action of the municipal council in sanctioning the construction of such line over Kanahooka-road be, and is hereby, confirmed.
2. It shall be lawful for the corporation to construct, maintain, and use any further branch lines upon lands at any time owned by the corporation, Authority to construct further branch lines.

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Proviso.

No branch lines outside lands of the corporation to be made without approval of Governor.

Minimum charge.

Increase of depth of channel to twenty feet.

Proviso as regards deposit in Treasury.

corporation, and to provide for a continuation of such rights of construction, maintenance, and user upon any lands so owned when subdivided, and over, along, and across any road, street, lane, and reserve in any and every such subdivision, subject to the terms and conditions as to freight-charges imposed in the Principal Act and in this Act: Provided always that in any and all cases where any such extension or branch line shall cross any road, street, or lane, the authority of the Municipal Council of Central Illawarra, or any borough hereafter embracing the same or separating itself therefrom having any authority over such road, street, or lane, shall first be had and obtained: Provided also that no extension of any branch line, excepting within the lands owned by the corporation at the commencement of this Act, shall be proceeded with until after the approval of the Governor shall have been obtained.

3. It shall be lawful, notwithstanding the regulation of tolls and charges prescribed in section thirty-two of the Principal Act, to fix a minimum charge of sixpence per ton as a freight-charge upon all goods conveyed in owners' trucks, drawn by owners' locomotive, steam or other power, or ninepence when drawn by the corporation, using its own locomotive, steam or other power, and for the corporation to fix the intervals and sites of stopping places upon all lines constructed:

Provided that, with the exception of establishing such minimum charge, the general tenor and meaning of section thirty-two of the Principal Act shall remain in full force and effect, and no agreement entered into by the corporation prior to the passing hereof shall be affected hereby.

4. The conditions imposed under section one of the Principal Act shall be completed in accordance with the provisions specified therein within the term of two years from the twentieth day of December, one thousand eight hundred and ninety-eight, subject, however, to the Governor having the right by proclamation at any time before the twentieth day of December, one thousand nine hundred, to direct that in the public interest the entrance and channel described in section one of the Principal Act shall be formed to a depth of twenty feet at low tide in lieu of the channel described in such section one. And the corporation shall, within four years from the date of such proclamation, form the said entrance and channel to the said depth of twenty feet:

Provided always that the sum of ten thousand pounds deposited by the corporation with the Colonial Treasurer on the twentieth day of December, one thousand eight hundred and ninety-seven, shall be retained by him as a security for the due completion of the work as in the Principal Act as amended or in the said proclamation appointed, notwithstanding anything in the proviso to section one of the Illawarra Harbour and Land Corporation Act Amendment Act of 1895, which proviso

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proviso is hereby extended in conformity with this Act. Such deposit shall not be liable to forfeiture until the time herein or by the said proclamation appointed for the completion of the work. And should the entrance and channel be not formed as aforesaid, all harbour rights and privileges acquired by the said corporation under the Principal Act, the Amending Act, and by this Act, may be declared null and void. And all reclaimed land shall revert to the Crown. And the said deposit of ten thousand pounds shall be liable to forfeiture: Provided that section one of the Principal Act shall be read and construed as if the term mentioned in such section had been ten years from the commencement of the said Principal Act instead of seven years as therein mentioned.

5. This Act may for all purposes be cited as the "Illawarra short title. Harbour and Land Corporation Act Further Amendment Act of 1899," and shall be deemed to be incorporated with and construed as part of the said Illawarra Harbour and Land Corporation Act of 1890, which Act is hereinbefore called the Principal Act, and of the said Illawarra Harbour and Land Corporation Act Amendment Act of 1895.