

SYDNEY COLLIERIES, LIMITED, ENABLING ACT.

Act No. 23, 1924.

An Act to enable Sydney Collieries, Limited, to drive four new headings from the Birthday and Jubilee Shafts in the Balmain Colliery and also three branch headings from the four new headings and also certain cut throughs for ventilation and other purposes under certain public streets and lanes, Crown and private lands, and lands under part of Sydney Harbour; and for purposes connected therewith. [Assented to, 4th November, 1924.]

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BE it enacted by the King'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. This Act may be cited as the “Sydney Collieries, Limited, Enabling Act, 1924.”

2. In this Act, unless the context otherwise requires—

Interpreta-
tion.

“Company” means the Sydney Collieries, Limited, and includes its successors and assigns.

“Headings” includes branch headings.

3. (1) Subject to the provisions of this Act it shall be lawful for the company to drive the headings described in the Schedule to this Act.

Headings and
cut throughs.

(2)

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(2) With respect to the said headings the following conditions shall be observed :—

- (a) The maximum width of the headings shall be twelve feet and the maximum height eleven feet and the minimum height of the heading to be used as a travelling road six feet.
- (b) The distance between the centres of number one and number two headings shall be not less than thirty yards.
- (c) The distance between the centre of the proposed number two heading and the centre of the existing heading from the Birthday Shaft shall be not less than forty-four yards.
- (d) The distance between the centre of the existing heading from the Jubilee Shaft and the centre of number three heading shall be not less than forty-four yards.
- (e) The distance between the centres of number three heading and number four heading shall be not less than thirty yards.
- (f) The depth from the low tide level of Sydney Harbour to the floor of the headings at the point of commencement shall be not less than two thousand seven hundred feet.

(3) Subject to the provisions of subsection two of this section the company may deviate from the routes of the headings approximately set out in the Schedule, but not to any greater distance than one chain without the previous sanction of the Minister for Mines.

(4) It shall be lawful for the company to drive between number one and number two headings and between number three and number four headings and between the branch headings authorised to be driven by this Act cut throughs each of a maximum width of eight feet and at a distance apart of not less than two chains from centre to centre.

(5) It shall also be lawful for the company to drive not more than seven cut throughs each of a maximum width of twelve feet between the headings authorised

authorised to be driven by this Act and the existing headings authorised to be driven by the Sydney Harbour Collieries Act of 1903. George V,
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(6) The exclusive right of ingress, egress, and regress along the said headings and cut throughs hereby authorised to be driven is hereby vested in the company.

4. (1) The company shall drive, construct, and maintain the said headings and cut throughs in such manner that they shall not interfere with or damage the surface of the lands through which the same are driven, or any adjacent mines or underground workings. Construction,
maintenance,
and compen-
sation.

(2) In case of any such damage or interference as aforesaid the company shall be liable to compensate the owners, lessees, or occupiers of the lands, or the persons entitled to work the adjacent mines or underground workings.

(3) The damage or interference for which the company shall be liable to make compensation includes all damage or interference whether temporary, permanent, or recurring, and all other damage, loss, costs, charges, and expenses which may be occasioned by the performance of any of the matters and things hereby authorised to be performed by the company.

(4) No such owner, lessees, occupier, or person shall be entitled to compensation unless within ninety days after the time when he first became aware of the damage he gives notice in writing of such damage to the company.

(5) Unless within one month from the giving of such notice the parties agree upon the amount of compensation in respect of damage the same shall be determined by arbitration in accordance with the Arbitration Act, 1902.

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Sec. 3.

THE SCHEDULE.

No. 1 HEADING.

No. 1 Heading to commence at a point on an eastern boundary of M.P. 28, and being distant about 11 degrees 0 minutes for 50 links from the southern extremity of that boundary line of M.P. 28 which is shown on the plan of that portion in the Mines Department as traverse line 332 and which line bears 11 degrees 0 minutes for 556 links thence passing in an easterly direction under Crown land underlying that part of Sydney Harbour outside M.P. 28 between the eastern boundary of M.P. 28 aforesaid and the original high water mark; thence in an easterly direction under land bounded on the south-west by Water-street, on the south-east by River-street, on the north-east by Cove-street, and on the north-west by the waters of Sydney Harbour; thence in a south-easterly direction under the same land; thence in a south-easterly direction under River-street and Reuss-street; thence in an easterly direction under Reuss-street; thence in an easterly direction under land bounded on the south-east by Birchgrove-road, on the north-east by Cove-street, on the north-west by Sydney Harbour, and on the south-west by Reuss-street; thence in an easterly direction under Birchgrove-road; thence in an easterly direction under land bounded on the north-east by Cove-street, on the north-west by Birchgrove-road, on the south-west by Spring-street, and on the south-east by Gipps-street; thence in an easterly direction under Cove-street; thence in an easterly direction under land bounded on the south-west by Cove-street and on the south-east by Grove-street, on the north-east by Rose-street, and on the north-west by Ferdinand-street; thence in an easterly direction under Grove-street; thence in an easterly direction under land bounded on the north-east by Cameron-street, on the north-west by Grove-street, and also by Cove-street, Birchgrove-road, Spring-street, and Gipps-street; thence in an easterly direction under Cameron-street; thence in an easterly direction under land bounded on the south-west by Cameron-street, on the south-east by Gipps-street, on the north-east by Bay-street, and on the north-west by Grove-street; thence in an easterly direction under Gipps-street; thence in an easterly direction under land bounded on the north-west by Gipps-street, on the north-east by Bay-street, on the south-east by Rowntree-street, and on the south-west by Cameron-street; thence in an easterly direction under the intersection of Rowntree-street, Bay-street, and Dock-road; thence in an easterly direction under land bounded on the north-west by Rowntree-street, on the south-west by Bay-street, and on the south-east by a lane 20 feet wide; thence in an easterly direction under the lane 20 feet wide just mentioned; thence in an easterly direction under land bounded on the north-west by a lane 20 feet wide (just mentioned), on the south-west by Bay-street, on the south-east by Short-street, thence in an easterly direction under Short-street; thence in an easterly direction under land the property of the Mort's Dock and Engineering Company, Limited; thence in an easterly direction under Yeend-street; thence in an easterly direction under land bounded on the south-west by Yeend-street, on the north-east by Ballast Point road, and on the east by Ronald-street; thence in an easterly direction under Ballast Point road; thence in an easterly direction under land bounded on the south-west by Ballast Point

Point road, on the west by Lemm-street and the north-east by Wharf-road, on the east by Ronald-street, and on the south-east by Ballast Point road; thence in an easterly direction under Ronald-street; thence in an easterly direction under land bounded on the north by the waters of Snail's Bay, on the west by Ronald-street, and on the south and on the south-east by the waters of Waterview Bay; thence in an easterly direction under Crown land underlying part of Waterview Bay outside M.P. 15 to a north-western boundary of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 170 and which line bears 45 degrees 0 minutes 600 links.

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The approximate bearings and distances of the No. 1 Heading as above described are to be as follows: Commencing at a point on a south-eastern boundary line of M.P. 28 numbered 332 at about 50 links northerly from the southern extremity of that line and bearing thence about 91 degrees for about 170 links, thence bearing about 139 degrees for about 570 links, thence bearing about 91 degrees for about 5,330 links to a boundary of M.P. 15.

NO. 2 HEADING.

No. 2 Heading to commence at a point on the north-east boundary of the freehold property of the Sydney Collieries, Limited, certificate of title vol. 2131, fol. 232, at a distance of about 680 links north-westerly from the intersection of the north-west side of Birchgrove-road with the south-west side of Water-street; thence passing in a north-easterly direction under Crown land underlying that part of Sydney Harbour outside M.P. 28, between the boundary of M.P. 28 and the original high water mark; thence in a north-easterly and easterly direction under Water-street; thence in a south-easterly direction under land bounded on the south-west by Water-street, on the south-east by River-street, on the north-east by Cove-street, and on the north-west by the waters of Sydney Harbour; thence in a south-easterly direction under River-street; thence in a south-easterly direction under land bounded on the south-west by Water-street, on the north-west by River-street, on the north-east by Reuss-street, and on the south-east by Birchgrove-road; thence in an easterly direction under the same land; thence in an easterly direction under Reuss-street; thence in an easterly direction under land bounded on the south-east by Birchgrove-road, on the north-east by Cove-street, and on the north-west by Sydney Harbour, and on the south-west by Reuss-street; thence in an easterly direction under Birchgrove-road; thence in an easterly direction under land bounded on the north-east by Cove-street, on the north-west by Birchgrove-road, on the south-west by Spring-street, and on the south-east by Gipps-street; thence in an easterly direction under the intersection of Cove-street with Grove-street; thence in an easterly direction under land bounded on the north-east by Cameron-street, on the north-west by Grove-street, and also by Cove-street, Birchgrove-road, Spring-street and Gipps-street; thence in an easterly direction under Cameron-street; thence in an easterly direction under Gipps-street; thence in an easterly direction under land bounded on the north-west by Gipps-street, on the north-east by Bay-street, and on the south-east by Rowntree-street, and on the south-west by Cameron-street; thence in an easterly direction under Rowntree-street; thence in an easterly direction

**George V,
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The approximate bearings and distances of the No. 2 Heading as above described are to be as follows: Commencing at a point on the north-east boundary of the freehold property of the Sydney Collieries, Limited, certificate of title vol. 2134, fol. 232, distant about 680 links north-westerly from the intersection of the north-west side of Birchgrove-road with the south-west side of Water-street and bearing thence about 49 degrees for about 40 links, thence in a curve bearing northerly and easterly for about 100 links, thence bearing about 139 degrees for about 500 links, and thence bearing about 91 degrees for about 5,300 links to a boundary of M.P. 15.

NO. 3 HEADING.

No. 3 Heading to commence at a point on the south-east boundary of the freehold property of the Sydney Collieries, Limited, certificate of title vol. 2134, fol. 232, distant south-westerly about 390 links from the intersection of the north-west side of Birchgrove-road with the south-west side of Water-street, thence passing in a south-easterly direction under Birchgrove-road; thence in a south-easterly and in an easterly direction under land bounded on the north-west by Birchgrove-road, on the north-east by Spring-street, on the south-east by Thomas-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under Thomas-street; thence in an easterly direction under land bounded on the north-west by Thomas-street, on the north-east by Spring-street, and on the south-east by Gipps-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under Gipps-street; thence in an easterly direction under land bounded on the north-west by Gipps-street, on the north-east by Spring-street

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Spring-street, on the south-east by Rowntree-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under the intersection of Rowntree-street and Spring-street; thence in an easterly direction under land bounded on the north-west by Rowntree-street, on the north-east by Cameron-street, on the south-east by Short-street, and on the south-west by Spring-street; thence in an easterly direction under Cameron-street; thence in an easterly direction under Short-street; thence in an easterly direction under land bounded on the north-west by Short-street, on the south-east by Bay-street and Phillip-street, and on the south-west by Cameron-street; thence in an easterly direction under Bay-street; thence in an easterly direction under the property of Mort's Dock and Engineering Company, Limited; thence in an easterly direction under Crown land underlying part of Waterview Bay outside M.P. 15 from the boundary of Mort's Dock and Engineering Company, Limited, lands aforesaid to an original boundary of M.P. 15; thence in an easterly direction under land underlying the waters of Waterview Bay, which forms part of M.P. 15, but which is specially exempted from mining operations under the Sydney Harbour Collieries (Limited) Act of 1903; thence in an easterly direction under Crown lands underlying part of Waterview Bay outside M.P. 15 to a north-west boundary of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 169 and which line bears 69 degrees 0 minutes for 700 links.

The approximate bearings and distances of the No. 3 Heading above described are to be as follows: Commencing at a point on the south-east boundary of the free-hold property of the Sydney Collieries, Limited, certificate of title vol. 2134, fol. 232, distant south-westerly about 390 links from the intersection of the north-west side of Birchgrove-road with the south-west side of Water-street; thence bearing about 139 degrees for 150 links; thence bearing about 91 degrees for about 4,710 links to a north-west boundary of M.P. 15 which is shown on the plan of that portion in the Mines Department as traverse line 169.

NO. 4 HEADING.

No. 4 Heading to commence on the north-western boundary of the Public School property at a point distant about 120 links north-easterly from the north-eastern extremity of Gow-street and passing thence in a south-easterly direction under the Public School property aforesaid; thence in a south-easterly direction under Birchgrove-road; thence in a south-easterly direction under land bounded on the north-west by Birchgrove-road, on the north-east by Spring-street, on the south-east by Thomas-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under Thomas-street; thence in an easterly direction under land bounded on the north-west by Thomas-street, on the north-east by Spring-street, on the south-east by Gipps-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under Gipps-street; thence in an easterly direction under land bounded on the north-west by Gipps-street, on the north-east by Spring-street, on the south-east by Rowntree-street, and on the south-west by Macquarie-terrace; thence in an easterly direction under Rowntree-street; thence in an easterly direction under land bounded

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George V, on the north-west by Rowntree-street, on the north-east by Spring-street, and on the south-east by Short-street, and on the south-west by Curtis-street; thence in an easterly direction under Spring-street; thence in an easterly direction under land bounded on the north-west by Rowntree-street, on the north-east by Cameron-street, on the south-east by Short-street, and on the south-west by Spring-street; thence in an easterly direction under Short-street; thence in an easterly direction under land bounded on the north-west by Short-street, on the north-east by Cameron-street, on the south-east by Phillip-street, and on the south-west by Spring-street; thence in an easterly direction under Cameron-street; thence in an easterly direction under land bounded on the north-west by Short-street, on the south-east by Bay-street and Phillip-street, and on the south-west by Cameron-street; thence in an easterly direction under Phillip-street; thence in an easterly direction under the property of the Mort's Dock and Engineering Company, Limited; thence in an easterly direction under Crown land underlying part of Waterview Bay outside M.P. 15 from the boundary of the Mort's Dock and Engineering Company, Limited, lands aforesaid to an original boundary of M.P. 15; thence in an easterly direction under land underlying the waters of Waterview Bay which forms part of M.P. 15 but which is specially exempted from mining operations by the Sydney Harbour Collieries (Limited) Act of 1903, to the imaginary line from Yeend-street and Ronald-street Wharf to Thames-street Wharf, which line is the south-eastern boundary of the exempted area aforesaid.

The approximate bearings and distances of the No. 4 Heading described above are to be as follows: Commencing at a point on the north-western boundary of the Public School property distant north-easterly about 120 links from the north-eastern extremity of Gow-street; thence bearing about 139 degrees for about 800 links; thence bearing about 91 degrees for about 4,520 links to the imaginary line from Yeend-street and Ronald-street Wharf to the Thames-street Wharf which forms the south-eastern boundary of the area specially exempted from mining operations by the Sydney Harbour Collieries (Limited) Act of 1903.

NO. 1 BRANCH HEADING.

No. 1 Branch Heading to commence on the imaginary line from Yeend-street and Ronald-street Wharf to Thames-street Wharf which imaginary line is the south-eastern boundary of the area underlying the waters of Waterview Bay which is specially exempted from mining operations by the Sydney Harbour Collieries (Limited) Act of 1903, at a point distant about 15 links south-westerly from the south-western extremity of a north-western boundary of M.P. 15 which is shown on the plan of that portion in the Mines Department as traverse line 169 and passing thence in a northerly direction under land underlying the waters of Waterview Bay and forming part of the area specially exempted from mining operations as aforesaid; thence in a northerly direction under Crown land underlying part of Waterview Bay outside M.P. 15; thence in a northerly direction under Yeend-street; thence in a northerly direction under land bounded on the south-west by Yeend-street, on the north-east and north-west

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north-west by Ballast Point road, and on the east by Ronald-street; thence in a northerly direction under Ballast Point road; thence in a northerly direction under Ronald-street; thence in a northerly direction under land bounded on the west by Ronald-street, on the north by the waters of Snail's Bay, and on the east and south-east by the waters of Waterview Bay; thence in a northerly direction under Crown land underlying part of Snail's Bay outside M.P. 15 to a south-western boundary of M.P. 15 which is shown on the plan of that portion in the Mines Department as traverse line 174 and which line bears 297 degrees for 1,200 links.

The approximate bearing and length of No. 1 Branch Heading as described above is to be as follows: Commencing on the imaginary line from Yeend-street and Ronald-street Wharf to Thames-street Wharf at a point distant about 15 links south-westerly from the south-west extremity of a north-west boundary line of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 169 and bearing from that point about 1 degree for 1,070 links to a south-west boundary of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 174.

NO. 2 BRANCH HEADING.

No. 2 Branch Heading to commence at a point in the existing heading from the Birthday Shaft, distant westerly about 180 links from the west side of Ronald-street, thence passing in a northerly direction under land bounded on the south-west by Yeend-street, on the north-east and north-west by Ballast Point road, and on the east by Ronald-street; thence in a northerly direction under Ballast Point road; thence in a northerly direction under land bounded on the south-east and south-west by Ballast Point road, on the west by Lemm-street, on the north-east by Wharf-road, and on the east by Ronald-street; thence in a northerly direction under Wharf-road; thence in a northerly direction under land bounded on the south-west by Wharf-road, on the west by Lemm-street, on the north-east by the waters of Snail's Bay, and on the east by Ronald-street; thence in a northerly direction under Crown land underlying part of Snail's Bay outside M.P. 15 to a south-west boundary of M.P. 15 which is shown on the plan of that portion in the Mines Department as traverse line 174 and which line bears 297 degrees for 1,200 links.

The approximate bearing and length of No. 2 Branch Heading as described above is to be as follows: Commencing at a point in the Birthday Shaft Heading distant westerly about 180 links from the west side of Ronald-street and bearing about 1 degree for about 830 links to a south-west boundary of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 174.

NO. 3 BRANCH HEADING.

No. 3 Branch Heading to commence at a point in the proposed No. 1 Heading as before described, distant westerly about 300 links from the west side of Ronald-street; thence passing in a northerly direction under land bounded on the south-east and south-west by Ballast

George V, Ballast Point road, on the west by Lemm-street, on the north-east by
No. 23. Wharf-road, and on the east by Ronald-street; thence in a northerly direction under Wharf-road; thence in a northerly direction under land bounded on the south-west by Wharf-road, on the west by Lemm-street, on the north-east by the waters of Snail's Bay, and on the east by Ronald-street; thence in a northerly direction under Crown land underlying part of Snail's Bay outside M.P. 15 to a south-west boundary of M.P. 15 which is shown on the plan of that portion in the Mines Department as traverse line 174 and which bears 297 degrees for 1,290 links.

The approximate bearing and length of No. 3 Branch Heading as described above is to be as follows: Commencing at a point in the proposed No. 1 Heading distant westerly about 300 links from the west side of Ronald-street and bearing about 1 degree for 550 links to a south-west boundary of M.P. 15 shown on the plan of that portion in the Mines Department as traverse line 174.
