

BUNNERONG ELECTRICAL  
POWER-HOUSE SITE AGREE-  
MENT RATIFICATION ACT.

Act No. 5, 1928.

George V,  
No. 5, 1928.

An Act to ratify a certain Agreement made between the Honorable John Thomas Lang, Premier of the State of New South Wales, on behalf of the Government of the said State, of the first part, and the Municipal Council of Sydney of the second part, relating to the sale to the Municipal Council of Sydney of a site for an electrical power-house at Bunnerong, Botany Bay; to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 29th May, 1928.]

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:—

Short title.

1. This Act may be cited as the "Bunnerong Electrical Power-house Site Agreement Ratification Act, 1928."

Ratification  
of agreement.

2. (1) The agreement, a copy of which is set out in the Schedule to this Act, is hereby ratified.

(2) All matters and things by the agreement agreed to be done by or on behalf of the Government of New South Wales are hereby sanctioned and authorised.

THE

**THE SCHEDULE.**

**AGREEMENT** made the twenty-fifth day of February, 1927 Between The Honorable John Thomas Lang, the Premier of the State of New South Wales, for and on behalf of the Government of the said State (hereinafter referred to as "the Premier," which expression shall, where the context admits, include his successors in such office) of the one part, and the Municipal Council of Sydney (a body corporate constituted by the Sydney Corporation Act, 1902, and hereinafter referred to as "the Council") of the other part. Whereas by virtue of Special Lease No. 1925/20, Metropolitan Land District, the Council is the holder of the land described in the Schedule hereto, the said Special Lease being for a term extending from the 11th September, 1925, to the 31st December, 1952, and being limited to the surface of the said land and to a depth of 500 feet below the surface and being subject to the provisions of the Crown Lands Consolidation Act, 1913, and the Regulations thereunder, and to the Special Conditions, provisions, exceptions, covenants, and reservations mentioned in the notification dated the 19th day of March, 1926, of the granting of such Special Lease, published in the Government Gazette of the 19th day of March, 1926. And whereas the Council has intimated to the Premier its desire to acquire the fee simple of the surface of the land comprised in the said Special Lease and the land below such surface to a depth of 1,000 feet and the Premier has agreed to sell the same to the council at the price and upon and subject to the terms and conditions hereinafter contained. Now this Agreement witnesseth that in pursuance of such agreement and in consideration of the reciprocal undertakings and agreements hereinafter contained and to be performed on the part of each of the parties hereto respectively they do hereby agree with each other as follows:—

1. This Agreement is subject to ratification by the Parliament of the State of New South Wales and shall not take effect until so ratified and the Premier undertakes to submit the same for such ratification without delay.

2. Upon such ratification as aforesaid and upon payment of the purchase money hereinafter mentioned there shall be granted to the Council for an estate in fee simple subject however to the conditions reservations and exceptions hereinafter mentioned the surface of the said land described in the Schedule hereto and the land below such surface to a depth of one thousand feet which surface and the land below the same to the depth lastly before mentioned is hereinafter referred to as "the said land" to the intent and so that the residue of the term of years then unexpired and to come created by the said Special Lease No. 1925/20 Metropolitan Land District may be merged and extinguished in the reversion and inheritance in fee simple of that part of the said land as is demised by the said Special Lease.

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3. Within three months from such ratification as aforesaid the Council will pay into the Treasury of the said State the sum of £8,731 3s. 5d. as purchase money in respect of the said land.

4. Immediately after such ratification as aforesaid the Council shall at its own expense commence proceed with and complete without any unnecessary delay the construction erection and installation of the buildings machinery plant and other things necessary for the establishment on the said land of an electrical power station capable of generating at a rate of not less than 100,000 kilowatts.

5. Within 10 years after the said land shall have been granted to the Council as hereinbefore provided the Council shall at its own expense construct along the whole of the water frontage of the said land a drive way (including carriage-ways and footpath) in accordance with plans and specifications to be previously submitted to and approved of by the Premier and shall dedicate as a public highway the land upon which such drive way shall be situated.

6. Within six months after the said land shall have been granted to the Council as hereinbefore provided the Council shall also construct in accordance with plans and specifications to be approved of by and in all respects to the reasonable satisfaction of the Council of the Municipality of Randwick that part of the road known as Military-road situated on the south-eastern side of the said land and extending from Bunnerong-road to its intersection with the road catalogued R. 12877-1603 in the Department of Lands, Sydney.

7. If the Council shall fail to perform within the times and in the manner aforesaid all or any of the matters or things on its part in clauses 4, 5 and 6 hereof provided to be performed the said land together with all buildings and other improvements thereon shall thereupon become absolutely forfeited to His Majesty.

8. The Council shall take upon itself all risk of subsidence or lateral movement of the said land which may result from mining operations which have been are being or may hereafter be carried on upon or in the said land or the lands immediately beneath or adjoining the said land and neither His Majesty the King his Heirs and Successors nor the Government of the said State nor any person or persons as shall have been or may hereafter be authorised by His Majesty the King his Heirs or Successors or the said Government to carry on any such mining operations shall be subject to any proceedings by way of injunction or otherwise in respect of or be in any manner liable for any damage whatsoever whether directly or indirectly caused or occasioned by the subsidence or lateral movement of the said land or any part thereof or otherwise howsoever by reason of His Majesty the King his Heirs or Successors or the said Government or any person or persons as shall have been or may hereafter be authorised as aforesaid having worked or now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for worked won or removed or now or hereafter searching for working winning or removing any minerals under in or from the said land or the lands immediately beneath the said land or adjoining thereto or in the vicinity thereof.

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9. The provisions of clauses 4 to 8 (inclusive) hereof shall be inserted in the Grant hereinbefore provided for as conditions binding the said land and subject to which the same is granted and the said Grant shall also contain the reservations and exceptions following that is to say a reservation and exception unto His Majesty of all minerals which the said land contains with full power and authority for His Majesty and such person or persons as shall from time to time be authorised by His Majesty to enter upon the said land and to search for mine dig and remove the said minerals. And also of all such parts and so much of the said land as may after the date of the said Grant be required for public ways viaducts canals railways tramways dams sewers or drains in over and through the same to be set out by the Governor for the time being of the said State or some person by him authorised in that respect. And also of all sand clay stone gravel and indigenous timber and all other materials the natural produce of the said land which may be required at any time thereafter for the construction and repair of any public ways bridges or canals or for naval purposes or railways and tramways or any fences embankments viaducts dams sewers or drains necessary for the same together with the right of taking and removing all such materials by such person or persons as may be authorised in that behalf by the Governor aforesaid. And also a reservation for His Majesty and for the Governor aforesaid by such person or persons as shall be by His Majesty or the said Governor authorised in that behalf of full power to make and conduct through in under upon or over the said land or any portion thereof all public ways viaducts railways tramways canals and all common or public drains and sewers which may be deemed expedient and the right of full and free ingress egress and regress into out of and upon the said land for the several purposes aforesaid or any of them.

In witness whereof the Premier has hereunto set his hand and seal and the seal of the Council has been hereunto affixed.

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the parish of Botany, county of Cumberland, containing an area of 87 acres 1 rood 10 perches: Commencing on the mean high-water mark of Botany Bay at the southern corner of portion 166 and bounded thence by the south-eastern boundary of that portion bearing 32 degrees 43 minutes 683·42 links to the southern side of a road 50 links wide south of portion 165; thence by that southern side of that road bearing 90 degrees 39 minutes 15·25 links to the south eastern side of a road 100 links wide south-east of the land comprised in Certificate of Title volume 2837 folio 132; thence by that side of that road bearing 16 degrees 12 minutes 286·3 links to a south-western side of Bunnerong-road; thence by south-western sides of that road bearing 125 degrees 49 minutes 369·5 links, 99 degrees 51 minutes 560 links, and 109 degrees 19 minutes 61·2 links to a north-western side of Military-road; then by north-western sides and a northern side of Military-road bearing 216 degrees 28 minutes 30 seconds 2809·6 links, 220 degrees 13 minutes 1497·6 links, 207 degrees 33 minutes 30 seconds 479·4 links, and 273 degrees 30 minutes 232·5 links to the mean high-water mark of Botany Bay; thence by lines bearing 273 degrees 30 minutes 267·5 links 309 degrees 249 links, and 355 degrees 33 minutes 4144 links,

**No. 5, 1928.** links, to the mean high-water mark of Botany Bay; thence by that mean high-water mark generally south-easterly to the point of commencement—as shown on plan catalogued Ms. 6507 Sy. in the Department of Lands, Sydney, and being inclusive of an area of 32 acres 2 roods 25 perches beyond and below the mean high-water mark of Botany Bay.

Signed, sealed, and delivered by } (L.S.)  
 the HONORABLE JOHN THOMAS }  
 LANG as such Premier as afore- } JOHN T. LANG.  
 said in the presence of—  
 F. C. G. TREMLETT.

The Common Seal of the Municipal }  
 Council of Sydney was here- } (L.S.)  
 unto affixed by me, WILLIAM }  
 GRAZEBROOK LAYTON, Town }  
 Clerk of the City of Sydney, }  
 on the day and year first }  
 before written. } W. G. LAYTON.