

COOK'S RIVER IMPROVEMENTS ACT.

Act No. 24, 1946.

George VI. An Act to sanction and to provide for the construction of certain works for the improvement of Cook's River, and Woll Creek; and for purposes connected therewith. [Assented to, 5th April, 1946.]

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 "Cook's River Improvements Act, 1946."

Works sanctioned.

2. (1) (a) The carrying out of the work described in the Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c) The Minister for Public Works is empowered to carry out the said work and shall be the Constructing Authority for the same within the meaning of the said Act, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six, and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

3.

3. The plan of the said work is the plan marked **No. 24, 1946.** "Cook's River Improvements" signed by the Minister The Plan. for Public Works and countersigned by the Chief Engineer, Department of Public Works, and deposited in the public office of the said Minister.

4. The cost of carrying out the said work, exclusive of **Cost.** land resumptions, is estimated at six hundred thousand pounds and such estimated cost shall not in any circumstances be exceeded by more than ten per centum.

5. (1) Where land is resumed for the purpose of carrying out the said work, the council of the area within which such resumed land is situated shall, on demand, pay to the said Minister the amount of compensation and interest paid or payable in respect of such resumption together with all necessary costs, charges and expenses of and incidental to such resumption.

(2) Where the carrying out of the said work renders necessary the extension of any bridges or drains, the council having the care, control or management of such bridges or drains shall on demand pay to the said Minister the cost of such extension.

(3) Where the said Minister, by arrangement with a council, spreads filling from the said work upon any public reserve under the care, control and management of that council, such council shall, on demand, pay the cost thereof to the said Minister.

(4) In the event of a council making default in the payment of any amount to the Minister under this section and such default continuing for a period of three months after written notice has been given to such council by or on behalf of the Minister then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent Acts, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

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(5) For the purpose of this section the expressions "council", "area" and "public reserve" have the meanings ascribed thereto respectively by the Local Government Act, 1919, as amended by subsequent Acts.

SCHEDULE.

The work consists of—

- (1) the re-alignment and dredging of the channel of Cook's River from the Cook's River (Prince's Highway) bridge at Tempe, upstream to Church Street, Canterbury;
- (2) the re-alignment and dredging of the channel of Wollie Creek from its confluence with Cook's River near the railway bridge at Tempe, upstream to the main western suburbs outfall sewer;
- (3) the construction of levee banks and bank protection works along the channels of Cook's River and Wollie Creek;
- (4) the extension of existing bridges over Cook's River where rendered necessary by the re-alignment of the channel thereof;
- (5) the construction of new drains and the extension of existing drains leading into Cook's River and Wollie Creek where rendered necessary by the re-alignment of the channels thereof;
- (6) the reclamation and improvement of low-lying areas adjacent to the re-aligned channels of Cook's River and Wollie Creek;
- (7) the removal of the tide gates on Cook's River (Prince's Highway) Bridge near Tempe;
- (8) all other necessary works incidental to the above.

The above to be subject to such modifications and deviations as the Minister for Public Works may deem desirable.

INFLAMMABLE