

PORT KEMBLA (FURTHER DEVELOPMENT) ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 28, 1971.

An Act to sanction and provide for the carrying out of certain works at and in connection with the Inner and Outer Harbours at Port Kembla, including dredging and excavating work; to authorise the Minister to negotiate and enter into contracts with the Broken Hill Proprietary Company Limited and other persons; to amend the Public Works Act, 1912; and for purposes connected therewith. [Assented to, 27th September, 1971.]

BE

Port Kembla (Further Development).

BE it enacted by the Queen's Most Excellent Majesty, by ^{No. 28, 1971} 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 "Port Kembla (Further Development) Act, 1971". Short title.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"contractual work" means work carried out or to be carried out in pursuance of a contract made under subsection one of section six of this Act;

"scheduled works" means the works described in the Schedule to this Act;

"wharf" means any structure, landing place or facility, erected, constructed or provided, before or after the commencement of this Act, in the Inner or Outer Harbour of Port Kembla or on land adjoining or adjacent thereto, where cargo may be loaded or discharged or where vessels may be berthed.

3. The plan of the scheduled works is the plan marked "Port Kembla Further Development 1971" signed by the Minister, countersigned by the Director of Public Works and deposited in the Public Office of the Minister. The plan.

4. (1) The carrying out of the scheduled works is hereby sanctioned. Scheduled works sanctioned.

(2) The Minister is empowered to carry out the scheduled works and for the purpose of so doing may do all such things, including entering into contracts, as he may consider necessary.

5.

Port Kembla (Further Development).

No. 28, 1971 5. The cost of carrying out the scheduled works which, exclusive of land exchanges and land acquisition, is estimated at thirty million dollars, shall not be exceeded by more than ten per centum.

Estimated cost not to be exceeded by more than ten per centum.

Minister empowered to negotiate and enter into contracts.

6. (1) The Minister may negotiate and enter into such contracts with the Broken Hill Proprietary Company Limited, and with other persons, as he may consider necessary for and in connection with the improvement and further development of Port Kembla and contiguous areas, including contracts for—

- (a) exchanges, leasing and sale of lands;
- (b) the opening and closing of roads;
- (c) the acquisition of land; and
- (d) the repayment to the said Company of any amounts advanced by it for and in connection with the said improvement and further development.

(2) A contract under subsection one of this section shall be subject to the concurrence of the Treasurer and the approval of the Governor.

Application of the Public Works Act, 1912.

7. (1) The scheduled works and any contractual work shall be authorised works within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act").

(2) For the purpose of the scheduled works and any contractual work the Minister shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections thirty-four, thirty-five, thirty-six and thirty-seven thereof, shall apply to and in respect of the scheduled works and any contractual work.

(4)

Port Kembla (Further Development).

(4) Without prejudice to the generality of the other provisions of this section the provisions of section thirty-eight of the Act shall apply to and in respect of a contract made or to be made under subsection two of section four or under subsection one of section six of this Act. No. 28, 1971

8. (1) The Minister, in respect of such portion or portions of the lands within the Port boundaries delineated on the Plan referred to in section three of this Act as are at the commencement of this Act used or dedicated as public roads, is empowered to close by notice in the Gazette the whole of that portion or those portions or such part or parts of that portion or those portions as he shall from time to time deem necessary for the purposes of this Act and upon publication in the Gazette of any such notice any and every dedication of the lands described in the notice for public road shall absolutely cease and determine and the rights of any person to use the lands so described or any part thereof for the purposes of a road shall be extinguished and the lands so described shall vest in the Minister as Constructing Authority for the purposes of this Act. Provision
re public
roads.

(2) No claim against the Minister, whether as a Constructing Authority or otherwise, for compensation shall arise from or in respect of anything done by him pursuant to subsection one of this section or from or in respect of the vesting pursuant to that subsection of any land in the Minister as Constructing Authority for the purposes of this Act.

9. The provisions of the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, in so far as they relate to the imposition, collection and payment of harbour and tonnage rates and berthing charges, shall apply to and in respect of every wharf as if it were a public wharf, and harbour and tonnage rates and berthing charges shall be payable accordingly in respect of all vessels berthed at a wharf : Provisions
of Harbour
and Ton-
nage Rates
Act, 1920,
to apply.

Provided that in respect of a vessel while berthed at a wharf erected under a contract, entered into in pursuance of section six of this Act, by which the whole or part of the cost of construction of such wharf has been provided by the

owner

Port Kembla (Further Development).

No. 28, 1971 owner of such vessel, the harbour and tonnage rates and berthing charges to be paid in respect of that vessel and its cargoes shall be the rates and charges provided for in such contract, or if no provision is made therefor in the contract, such proportion of the rates and charges which but for this proviso would be payable as shall be approved by the Governor.

Section 327 of Local Government Act, 1919, not to apply to subdivisions. **10.** Section three hundred and twenty-seven of the Local Government Act, 1919, shall not apply in respect of any subdivision of land made for the purposes of this Act.

Sec. 2.

SCHEDULE.

DESCRIPTION OF WORKS.

A deepening of the approaches to Port Kembla Outer Harbour and the extension of the breakwaters, together with the provision of such channels and turning areas in the Outer Harbour as are necessary to permit the passage of vessels having draughts of up to fifty feet.

The deepening, to permit the passage of vessels having draughts of up to fifty feet, and widening of the channel from the Outer Harbour to the Inner Harbour, together with any necessary structural works and the alteration or relocation or removal and replacement of any existing structures affected by the works.

The deepening of the Inner Harbour generally and the provision of a deep channel to enable vessels having draughts of up to fifty feet to navigate into and berth at the wharves built or to be built by Australian Iron and Steel Pty. Ltd. on land adjoining the Inner Harbour.

The whole of the work hereinbefore described to be subject to such modifications and deviations as may be deemed necessary or desirable by the Constructing Authority.

PUBLIC