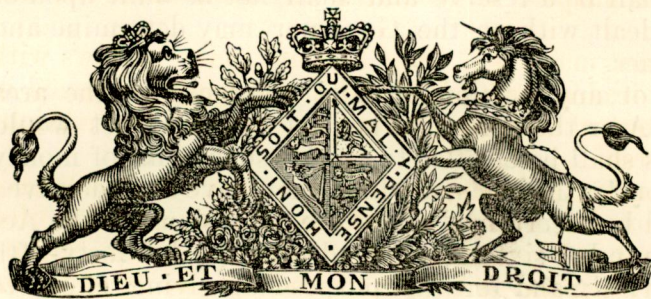


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 8 September, 1886. }

F. W. WEBB,
Acting Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to provide for the Resumption and Regulation of Sites
for Noxious Trades.

WHEREAS it is expedient to provide Sites for the exercise of Preamble.
Noxious Trades in order that such exercise should create as little nuisance as possible to the inhabitants of the City of Sydney and the neighbouring Suburbs and that such trades may in future be
5 carried on without being or threatening to become a nuisance to the public or dangerous to public health 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
10 follows:—

1. This Act may be cited as the "Noxious Trades Sites Act Short title and interpretation.
1886" and in its construction the word "Governor" means Governor with the advice of the Executive Council the word "Minister" means
15 the Minister for Public Works "Noxious Trades" shall mean any trade which the Governor in Council by notification in the *Government Gazette* shall declare to be such and "Prescribed" means prescribed by this Act or by Regulations made under its authority.

2. On the passing of this Act the land described in Schedule Resumption of land in Schedule A.
20 A shall for the purposes of this Act vest in the Minister and his successors as (and such Minister and his successors are hereby declared to be for the purposes of this Act) a corporation sole on behalf of Her Majesty for an estate of inheritance in fee simple in possession freed
and

Noxious Trades Sites.

and discharged from all trusts obligations estates interests contracts charges rates taxes rights-of-way or other easements whatsoever to the intent that the legal estate therein together with all powers incident thereto or conferred by this Act shall be vested in the said Corporation with absolute powers of dealing with and disposing of such land for the purposes of this Act.

3. The land described in Schedule B being portion of the land resumed under the last preceding section shall and it is hereby declared to be set apart as a sanitary or neutral zone so as to separate the lands open to lease as hereinafter provided from the adjoining or surrounding lands and such zone shall be a reserve and shall not be built upon or occupied but shall be dealt with as the Governor may determine and in the prescribed manner.

4. The owners of any portion of land embraced in the area described in Schedule A or the persons who but for this Act would have been such owners shall be entitled to receive such sums of money by way of compensation for the lands of which they have been deprived under this Act as shall be ascertained under the provisions of the Act forty-fourth Victoria number sixteen as amended by the Act forty-fifth Victoria number twenty-six and for the purpose of giving effect to this section the following sections of the said Acts are declared to be incorporated with this Act viz.—

(a) As to conversion of the estates of owners of lands into a claim to compensation—Section eleven of the Act forty-fourth Victoria number sixteen.

(b) As to notice of claim for compensation and abstract of title—Section twelve of the Act forty-fourth Victoria number sixteen and First Schedule thereto as amended by section three of the Act forty-fifth Victoria number twenty-six.

(c) As to procedure after receipt of notice of claim and the institution of proceedings in Supreme Court—Sections thirteen and fourteen of the Act forty-fourth Victoria number sixteen.

(d) As to the nature of the issue in actions for compensation verdict and costs the payment of compensation and the mode of assessing compensation—Section two of the Act forty-fifth Victoria number twenty-six and sections sixteen and eighteen of the Act forty-fourth Victoria number sixteen.

(e) As to power of entry—Section nineteen of the Act forty-fourth Victoria number sixteen.

(f) As to sale of superfluous lands—Section twenty-two of the Act forty-fourth Victoria number sixteen.

(g) As to Procedure on registration of transfer—Section twenty-four of the Act forty-fourth Victoria number sixteen.

And in order to carry out the intention of this section the words “this Act” whensoever occurring in any of the sections so declared to be incorporated shall be held to include this present Act and the words “under the sixth section of this Act” in section twenty-four of the Act forty-fourth Victoria number sixteen shall be held for the like purpose to refer to section two of this Act.

5. It shall be lawful for the Minister subject to the provisions of this Act to grant leases by auction or tender or by private contract of any lands resumed or reserved under this Act not being within the area described in Schedule B and with or without any rights or privileges over or affecting any such lands for the purpose of exercising and carrying on noxious trades provided the following conditions be observed—

(i) Every such lease shall be made to take effect in possession at or within one year next after the making thereof and shall be for a term of years not exceeding fifty years. Provided always that any such lease may be for a less term of years.

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- (II) On every such lease shall be reserved the best rent or reservation in the nature of rent either uniform or not that can be reasonably obtained to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine.
- 5 (III) Every such lease shall be by deed and the lessee shall execute a counterpart thereof and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due or for some less period to be specified in that behalf.
- 10 6. Subject and in addition to the conditions hereinbefore mentioned every such lease shall contain such covenants conditions and stipulations as the Governor shall deem expedient with reference to the special circumstances of the demise. Leases may contain special covenants.
- 15 7. Any leases granted in pursuance of this Act may be surrendered either for the purpose of obtaining a renewal of the same or not and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease. Leases may be surrendered and renewed.
- 20 8. It shall be lawful for the Governor on the recommendation of the Minister whenever it shall appear to the public interest so to do to direct that any part of the area described in Schedule A be set apart and laid out for roads streets lanes or paths or for sewerage or drainage or for watercourses or the storage of water or for any other purpose sanctioned by him not inconsistent with the intent of this Act. Power to dedicate and lay out roads streets &c.
- 25 And it shall be lawful for the Governor by notification in the *Gazette* to declare the portions of the land therein described to be dedicated to the public or vested in Trustees therein named upon trusts to secure the permanent appropriation of such lands to the purposes aforesaid. And the expenses incurred in laying out any such lands for such purposes shall be defrayed out of the rents or other income derived under this Act.
- 30 9. It shall be lawful for the Governor to make Regulations for carrying this Act into full effect and to that intent he may declare in the prescribed manner what trades shall be considered "Noxious Trades" within the meaning of this Act—to provide for and prescribe the times and places where and the persons to whom the rent reserved on the lease of any such lands shall be paid—the forms of any leases to be granted under this Act and the covenants and conditions to be contained therein—the forms of surrenders of any such leases—the manner of remitting moneys paid to any public officer authorized to receive the same. Regulations.
- 40 And all such Regulations shall be laid before Parliament within fourteen days after the making thereof if then in Session and if not then within fourteen days after the commencement of the then next Session and shall unless dissented from by either House of Parliament within thirty days have the force of law upon publication in the *Gazette*.
- 45 10. Every holder of a lease under this Act shall hold such lease subject to the covenants conditions and stipulations contained in such lease and to all regulations made under this Act and it shall be lawful for the Minister upon being satisfied after due inquiry that the holder of any such lease is not performing the said covenants conditions and stipulations or not conforming to the said regulations to declare such lease to be and thereupon the same shall be forfeited. Obligations of lessees.
- 55 11. Whenever he shall deem it advisable in the interests of the public health the Minister shall have power to resume any portion of land leased under the provisions of this Act upon giving six months notice to the lessee of his intention to resume the said land or any portion thereof on payment to the lessee of the value of the leasehold. Lands leased may be resumed in the interests of the public health.

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leasehold resumed and of all improvements made or erected in or upon the said land to be ascertained by arbitration in the prescribed manner unless the Minister and the lessee agree as to such value.

12. No action shall be maintainable and no proceedings shall be taken either at law or in equity against any lessee under this Act or against any agent or servant of such lessee in respect of any nuisance created by him in the exercise of any noxious trade within any area held by such lessee under this Act except by the Attorney-General or by the leave or consent in writing of such Attorney-General. But nothing in this section shall affect any proceedings by or in the name of the Minister for the purpose of resuming any land under the last preceding section.

No liability for nuisance.

13. The Governor may from time to time make by-laws with respect to any noxious trades established within the land mentioned in this Act in order to control manage prevent or diminish the noxious or injurious effects thereof.

Governor may make by-laws &c.

14. Notwithstanding anything in this Act the Crown shall have and may enforce all remedies by way of information of intrusion filed by the Attorney-General or by summary proceedings under any statute at the instance of any person to be authorized by the Minister in respect to any encroachment intrusion or trespass upon any land embraced within the description contained in Schedule A.

Crown's remedy for trespass by writ of intrusion or summary procedure not to be prejudiced.

SCHEDULES.

SCHEDULE A.

25 County of Cumberland parish of Sutherland area about two thousand nine hundred and seventy acres Commencing on the southern shore of Quibray Bay at a point bearing south eighty-eight degrees fifty-two minutes twenty-five seconds west magnetic and distant one hundred and fifty-one chains two and a half links from Solander trigonometrical station and bounded thence by a line bearing south one degree 30 two minutes forty seconds west magnetic about forty-nine chains to Coronulla beach on the South Pacific Ocean thence by the waters of that ocean south-easterly easterly north-easterly northerly and north-westerly by the waters of Botany Bay south-westerly and westerly and by the waters of Quibray Bay south-easterly and south-westerly to the point of commencement and embracing J. Connell's five hundred acres F. Lawrence's 35 eighty acres James Birmis's seven hundred acres Reserve notified under general notice of twenty-fourth December one thousand eight hundred and sixty-one and part of Reserve No. 23A notified eight February one thousand eight hundred and seventy-six.

SCHEDULE B.

40 County of Cumberland parish of Sutherland area about two hundred and thirteen and a quarter acres Commencing on the southern shore of Quibray Bay at a point bearing south eighty-eight degrees fifty-two minutes twenty-five seconds west magnetic and distant one hundred and fifty-one chains two and a half links from Solander trigonometrical station and bounded thence by the said shore of Quibray Bay westerly to a point bearing south eighty-eight degrees thirty-one minutes forty seconds west 45 magnetic and distant one hundred and ninety-one chains twenty-three links from Solander trigonometrical station aforesaid thence by a line bearing south magnetic about sixty-two chains forty links to Coronulla Beach on the South Pacific Ocean thence by the waters of that ocean north-easterly to the south-west corner of the noxious trades site before described and thence by the western boundary of that site being a line 50 bearing north one degree two minutes forty seconds east magnetic about forty-nine chains to the point of commencement and embracing part of John Connell Laycock's two hundred and forty-eight acres a road one chain wide and part of reserve No. 23A notified eighth February one thousand eight hundred and seventy-six.