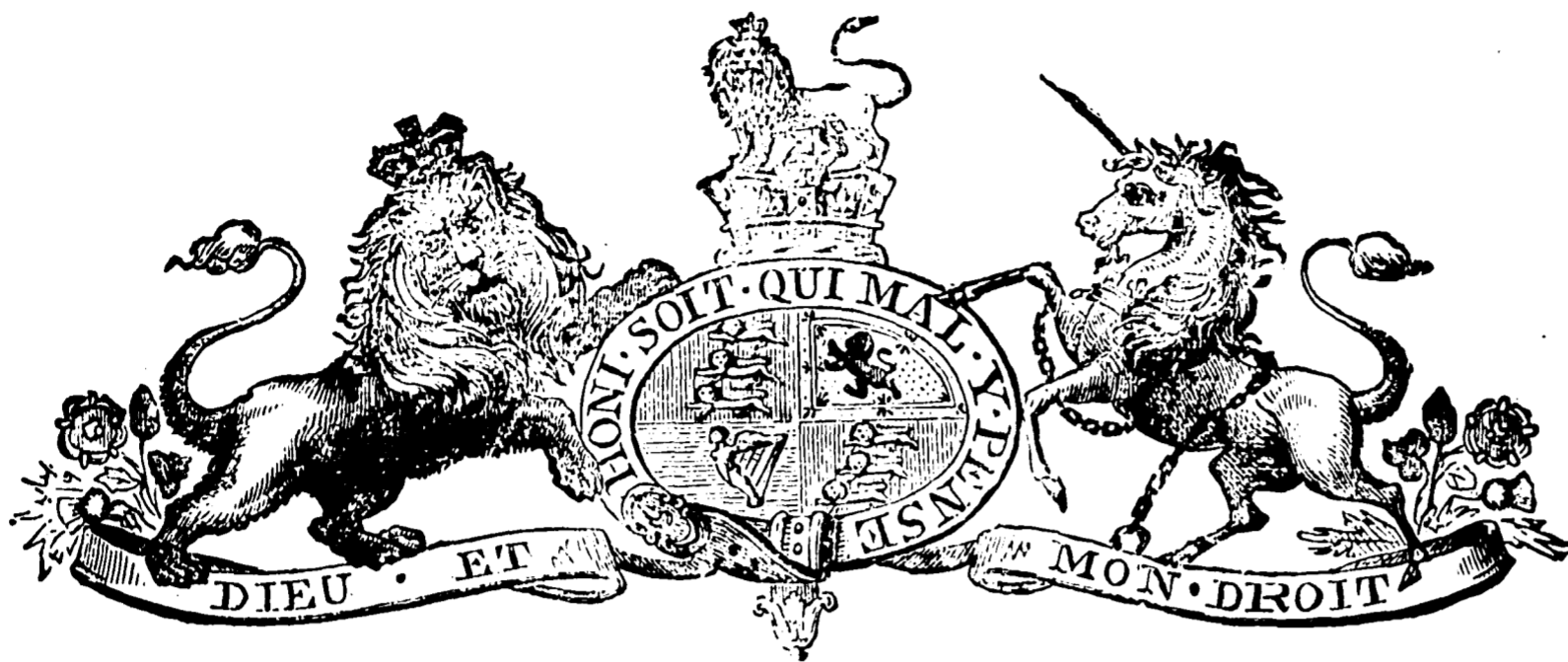


VICTORIA.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

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No. MXLVIII.

An Act to provide for the Suppression of the Nuisance arising from the Port Melbourne Lagoon and for other purposes.

[25th November 1889.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Port Melbourne Lagoon Act 1889.*" Short title.

2. The bed and soil and shores of the waters and the land within the metes and bounds described in the Schedule hereto are hereby vested in the Board of Land and Works (in this Act referred to as the "Board") for an estate of inheritance in fee simple. Certain land vested in the Board of Land and Works Schedule.

Nothing in this Act contained shall in any way affect or diminish the estate or interest existing at the time of the passing of this Act of any person or body other than that of The Melbourne Harbor Trust Commissioners in the said bed and soil and shores and pieces or parcels of land.

3. The said bed and soil and shores and land shall be excised from the lands described in the First Schedule to "*The Melbourne Harbor Trust Further Amendment Act 1883*" and in the First Schedule to "*The Melbourne Harbor Trust Act 1876*"; and notwithstanding anything in the said Acts contained the said Schedules so far as they include the land hereby vested in the Board are hereby repealed. Land divested from The Melbourne Harbor Trust Commissioners. See No. 552 s. 47 and No. 763 ss. 2 and 12.

4. The

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Land vested in the Board to be raised and filled up.

4. The land described in the Schedule hereto and hereby vested in the Board shall within one year after the passing of this Act be reclaimed raised and filled up by the Board to a level of ten feet above the level of low water at ordinary spring tides in Hobson's Bay.

Material to be used for filling up.

5. The material to be used in the reclaiming raising and filling up of the said land shall be clean sand or earth, or shall be any material purchased by the Board from The Melbourne Harbor Trust Commissioners, being such earth silt clay mud or other matter as is usually raised by the dredges of the said Commissioners.

No earth silt clay mud or other matter raised by such dredges shall be used for the purpose aforesaid which has been raised from the neighbourhood of the place of discharge or outlet of any sewer or drain or which the Board of Public Health certifies in writing under the hand of its Secretary to be for sanitary reasons unfit for such purpose.

Board to construct sewers drains and other works on lands vested.

6. The Board shall in or on the land hereby vested in the Board, and in or on any lands lying to seaward of the said land, construct and erect such main and other sewers drains and channels and also such reservoirs sluices pumping stations pumping engines and other works as may be necessary for the proper sewerage and drainage of the said land and of the area the sewage and drainage of which immediately before the passing of this Act flowed or was emptied or passed in into through or over the said land hereby vested in the Board.

Treasurer may advance sums due from Port Melbourne and South Melbourne, to be repaid by same.

7. The Treasurer of Victoria may out of the public account for the purpose of enabling the Board to carry out the provisions of this Act advance on behalf of the municipality of Port Melbourne any sum or sums not exceeding in all Five thousand five hundred pounds, and on behalf of the municipality of South Melbourne the sum of Five thousand five hundred pounds.

Such sums so advanced by the said Treasurer shall be deemed to have been advanced on behalf of such municipalities respectively.

Such municipalities shall respectively repay such sums to the Board; and until the repayment thereof shall pay yearly to the Board in liquidation of the principal and as interest upon the amount advanced by the Treasurer on their behalf respectively a sum being at the rate of Six pounds per centum in each year upon the sum or sums so advanced until the said sum or sums are repaid.

Of such yearly payments thirty shillings per centum in each year on the sum or sums so advanced shall be set apart as a sinking fund for the repayment of the same.

The Board shall apply all such moneys received by it under the provisions of this section in repayment to the said Treasurer of such advances made by him out of the public account.

The sums to be paid by the said municipalities in pursuance of the provisions of this section shall be paid by each of the said municipalities out of its municipal fund.

8. The

8. The Melbourne Harbor Trust Commissioners shall out of the Harbor Trust fund pay to the Board the sum of Five thousand pounds for the purpose of enabling the Board to carry out the provisions of this Act, and such sum shall be paid in such instalments and at such times as the Board thinks fit to require.

Melbourne Harbor Trust to contribute.

9. When the land described in the Schedule hereto or any portion thereof has been reclaimed raised and filled up in accordance with the provisions of this Act the Board may direct that any of the said land for the time being vested in the Board shall be a public street and highway or public streets and highways from a date to be specified in such order.

Board may dedicate portion of reclaimed land to the public for highways.

Such order shall be published in the *Government Gazette*, and thereupon the portions of the said land to which such order relates shall be deemed to be dedicated to the public as a public street and highway or public streets and highways accordingly.

10. All the land described in the Schedule hereto and hereby vested in the Board and which is not required for public streets and highways shall after having been reclaimed raised and filled up in accordance with the provisions of this Act be sold by the Board by public auction in the same manner and on the same conditions in all respects as lands of the Crown which may be sold by auction are by law directed to be sold.

Sale of remaining portion of land by this Act vested in the Board.

11. When all the land described in the Schedule hereto other than that dedicated to the public as aforesaid has been sold the Board shall after defraying out of the moneys received from the sale thereof so much of the cost of the works authorized and directed by this Act as cannot be defrayed out of moneys contributed by the various corporations hereinbefore by this Act directed to contribute divide the amount remaining into two equal parts.

Application of proceeds of sale of land.

One of such parts shall be paid to the mayor councillors and citizens of the city of South Melbourne, and the other of such parts shall be paid to the mayor councillors and burgesses of the town of Port Melbourne, and the said moneys are hereby appropriated accordingly.

If at the time when any payment to any of the said corporations becomes due under the provisions of this section any sum is then due under the provisions of this Act to Her Majesty or the Board by such corporation the Board may set off the sum so due to such corporation against the sum due by it as aforesaid.

12. The council of the city of South Melbourne shall forthwith after the passing of this Act proceed to cleanse and open up a storm-water channel fifty-five chains in length existing at the time of the passing of this Act in Kerferd-street in the said city and extending from the St. Kilda and Melbourne railroad to high-water mark in Hobson's Bay; and the said council shall at all times keep the same free from obstruction and in good condition and repair.

Council of South Melbourne to open storm-water channel in Kerferd-street.

13. The

Port Melbourne  
council to have  
control and  
management of  
works, and to  
defray expenses of  
maintenance.

13. The mayor councillors and burgesses of the town of Port Melbourne shall have the control and management of the sewers drains channels reservoirs sluices pumping stations pumping engines and other works erected by the Board under the authority of this Act when the same have been completed.

Such control shall be exercised subject to regulations from time to time made by the said municipality and approved by the Governor in Council.

If the said municipality fail or neglect to make and forward regulations for such purpose made as aforesaid to the Governor in Council within one month after being directed by the Chief Secretary so to do, or if any regulations so made be not approved by the Governor in Council, the Governor in Council may make such regulations as he thinks fit for the purpose of defining the powers to be exercised by the said municipality and the mode in which such control and management is to be exercised.

The cost of managing maintaining and working of such sewers drains channels reservoirs sluices pumping stations pumping engines and other works shall be borne by the said municipality ; and it shall be the duty of the said municipality to keep all such works at all times in proper condition and repair, and not to cause or permit any nuisance to exist in connection with the same.

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## SCHEDULE.

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### PORTION OF BED SOIL AND SHORE, PORT MELBOURNE OR SANDRIDGE LAGOON.

Commencing at the north-west corner of section A, municipal district of Port Melbourne; thence by a line to the south-western corner of section 55; thence by a line, section 55, bearing north-easterly to the south-western angle of section 53; thence by a line, section 53, bearing north-easterly and easterly to Pickles-street; thence by that street bearing north to the south angle of section 52; thence by that section bearing north-westerly to the south-western angle thereof; thence again by that section a line and section 50 bearing northerly to Bridge-street; thence north-westerly by that street to the north-east angle of section 20; thence by a line, section 19, a line, section 13, a line to the north-eastern angle of section 6; thence southerly and westerly by section 6; thence by a line and by section 2B to the north-eastern corner of that section; and thence by a line back to the commencing point.

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MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.