

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to sanction and provide for the construction of a branch railway from the main northern railway near Whittingham to the vicinity of Mount Thorley; to amend the Public Works Act, 1912; and for purposes connected therewith.

BE

Whittingham to Mount Thorley Railway.

BE it 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
5 follows:—

1. This Act may be cited as the "Whittingham to Mount Short title.
Thorley Railway Act, 1975".

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

10 "Commission" means the Public Transport Commission
of New South Wales;

"council" means council within the meaning of the Local
Government Act, 1919;

15 "scheduled work" means the work described in the
Schedule, subject to such modifications and
deviations as may be deemed necessary or desirable
by the Commission.

(2) The site of the scheduled work is shown on the
plan marked "Public Transport Commission of N.S.W.
20 Whittingham-Mt. Thorley Schedule Plan" sealed with the seal
of the Commission, countersigned by the Director of Engineer-
ing of the Commission and deposited in the office of the
Commission.

3. (1) The carrying out of the scheduled work is hereby Scheduled
25 sanctioned. work
sanctioned.

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

Whittingham to Mount Thorley Railway.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$9,700,000, shall not be exceeded by more than 10 per centum. Estimated cost not to be exceeded by more than 10 per centum.

5 5. (1) The scheduled work shall be deemed to be authorised works within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act"). Application of Public Works Act, 1912.

(2) For the purpose of the scheduled work, the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36, 37, 47, 48, 49, 91 (b), 126 (3), 151 and 153, shall apply to and in respect of the scheduled work.

(4) Notwithstanding the exclusion by subsection (3) of the provisions of section 91 (b) of the Act to and in respect of the scheduled work, the Commission may in its discretion make and maintain such fences in connection with the scheduled work as it thinks fit.

(5) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract to be made under section 3 (2).

6. Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act or of any other Act— Use of, and building on, the land.

- (a) the land acquired for the scheduled work may be used in connection with the scheduled work for such purposes as the Commission determines; and
- (b) structures, complying with such specifications as the Commission approves, may be erected on the land referred to in paragraph (a).

Whittingham to Mount Thorley Railway.

7. The scheduled work may be constructed on, over, under, along or by the side of a road if it is to be so constructed solely for the purpose of allowing the scheduled work to cross that road. Construction in proximity to roads.

5 8. If the scheduled work crosses a road on the level, the Commission as the Constructing Authority shall install such protective and safety devices at that crossing as it deems requisite or expedient. Protective and safety devices at level crossings.

10 9. (1) Notwithstanding any provision of the Public Roads Act 1902, the Public Works Act, 1912, or any other Act, where a road is or may be affected by the construction of the scheduled work the Commission may, with the approval of the Governor, by notice published in the Gazette close such part or parts of that road as is or are specified in the notice. Closing of roads.

15 (2) A notice referred to in subsection (1) shall not be published unless the Governor is satisfied—

(a) that no person will be denied reasonable access to land by virtue of the closure or partial closure of the road; or

20 (b) that where a person is denied access to land along the road that is proposed to be closed or partially closed, that a reasonably alternative road of access to that land is permanently available or has been provided by the Commission.

25 (3) Upon publication in the Gazette of a notice referred to in subsection (1), any dedication as a public road of the land specified in the notice shall absolutely cease and determine and the rights of any person to use the land specified in the notice or any part of that land for the purpose
30 of a road shall be extinguished.

(4)

Whittingham to Mount Thorley Railway.

(4) The land specified in the notice referred to in subsection (1) shall, upon publication of the notice, vest in the Commission as Constructing Authority.

5 (5) No claim against the Commission, whether as Constructing Authority or otherwise, for compensation shall arise from anything done by it under subsection (1) or from or in respect of the vesting under subsection (4).

10. (1) Where the scheduled work—

Maintenance
of roads
and bridges.

(a) crosses a road on the level;

10 (b) is carried over a road; or

(c) is carried under a road,

the maintenance of, and any future paving, kerbing, guttering, roadmaking, draining and other construction of a like or different nature in relation to, any such road—

15 (d) in a case to which paragraph (a) applies, up to the sleeper ends on each side of the scheduled work;

(e) in a case to which paragraph (b) applies, that is under the scheduled work, excluding the bridge or structure or any part of the bridge or structure that
20 carries the scheduled work; and

(f) in a case to which paragraph (c) applies, that is carried over the scheduled work,

shall, after the completion of the scheduled work, be undertaken without expense to the Commission by the council, the
25 Commissioner for Main Roads or any other authority, as the case may be, that would have been responsible for the road if the scheduled work had not been constructed, notwithstanding that the road may have been or be wholly or partly vested in the Commission.

(2)

Whittingham to Mount Thorley Railway.

(2) Where the scheduled work is carried under a road, the whole or a portion of a bridge or structure over which the road runs, or of an approach to the bridge or structure, that is not within the land required for or for the purposes of the scheduled work as a railway may be dedicated as a public road under the Public Roads Act 1902, or as a public highway under section 81 of the Public Works Act, 1912.

(3) A dedication referred to in subsection (2) of the whole or a portion of a bridge or structure over which a State highway or main road runs shall have the same effect as if the whole or the portion, as the case may be, of the bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

15

SCHEDULE.

Sec. 2.

Description of Works.

1. A railway in the Parishes of Wittingham, Warkworth and Wollombi in the County of Northumberland, commencing at Whittingham on the main northern railway at a point about 234 kilometres from Sydney, proceeding generally westerly for about 4 kilometres, then generally south westerly for about 6 kilometres passing to the south of Main Road No. 503 and terminating in the vicinity of portions 44, 139 and 140 in the Parish of Warkworth and portion 27 in the Parish of Wollombi, being in all about 12 kilometres in length.

2. Sidings, loops and loading facilities, and means of access thereto, including access from Main Roads Nos. 181, 503 and 213, as the Constructing Authority deems necessary.

3. Works for the protection of the environment as the Constructing Authority deems necessary or desirable as a consequence of carrying out the works referred to in items 1 and 2.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[8c]

No. , 1975.

A BILL

To sanction and provide for the construction of a branch railway from the main northern railway near Whittingham to the vicinity of Mount Thorley; to amend the Public Works Act, 1912; and for purposes connected therewith.

[MR FIFE—21 *August*, 1975.]

BE

Whittingham to Mount Thorley Railway.

BE it 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
5 follows:—

1. This Act may be cited as the "Whittingham to Mount Short title.
Thorley Railway Act, 1975".

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

10 "Commission" means the Public Transport Commission
of New South Wales;

"council" means council within the meaning of the Local
Government Act, 1919;

15 "scheduled work" means the work described in the
Schedule, subject to such modifications and
deviations as may be deemed necessary or desirable
by the Commission.

(2) The site of the scheduled work is shown on the
plan marked "Public Transport Commission of N.S.W.
20 Whittingham-Mt. Thorley Schedule Plan" sealed with the seal
of the Commission, countersigned by the Director of Engineer-
ing of the Commission and deposited in the office of the
Commission.

3. (1) The carrying out of the scheduled work is hereby Scheduled
25 sanctioned. work
sanctioned.

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

Whittingham to Mount Thorley Railway.

4. The cost of carrying out the scheduled work which, Estimated cost not to be exceeded by more than 10 per centum. exclusive of amounts paid in connection with the acquisition of land, is estimated at \$9,700,000, shall not be exceeded by more than 10 per centum.
- 5 5. (1) The scheduled work shall be deemed to be Application of Public Works Act, 1912. 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 work, the Commission shall be the Constructing Authority within the
10 meaning of the Act.
 - (3) The provisions of the Act, other than sections 34, 35, 36, 37, 47, 48, 49, 91 (b), 126 (3), 151 and 153, shall apply to and in respect of the scheduled work.
 - (4) Notwithstanding the exclusion by subsection (3)
15 of the provisions of section 91 (b) of the Act to and in respect of the scheduled work, the Commission may in its discretion make and maintain such fences in connection with the scheduled work as it thinks fit.
 - (5) Without prejudice to the generality of the other
20 provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract to be made under section 3 (2).
6. Notwithstanding the provisions of the Local Govern- Use of, and building on, the land.ment Act, 1919, of any ordinance made under that Act or
25 of any other Act—
 - (a) the land acquired for the scheduled work may be used in connection with the scheduled work for such purposes as the Commission determines; and
 - (b) structures, complying with such specifications as the
30 Commission approves, may be erected on the land referred to in paragraph (a).

Whittingham to Mount Thorley Railway.

7. The scheduled work may be constructed on, over, under, along or by the side of a road if it is to be so constructed solely for the purpose of allowing the scheduled work to cross that road. Construction in proximity to roads.
- 5 8. If the scheduled work crosses a road on the level, the Commission as the Constructing Authority shall install such protective and safety devices at that crossing as it deems requisite or expedient. Protective and safety devices at level crossings.
- 10 9. (1) Notwithstanding any provision of the Public Roads Act 1902, the Public Works Act, 1912, or any other Act, where a road is or may be affected by the construction of the scheduled work the Commission may, with the approval of the Governor, by notice published in the Gazette close such part or parts of that road as is or are specified in the notice. Closing of roads.
- 15 (2) A notice referred to in subsection (1) shall not be published unless the Governor is satisfied—
- (a) that no person will be denied reasonable access to land by virtue of the closure or partial closure of the road ; or
- 20 (b) that where a person is denied access to land along the road that is proposed to be closed or partially closed, that a reasonably alternative road of access to that land is permanently available or has been provided by the Commission.
- 25 (3) Upon publication in the Gazette of a notice referred to in subsection (1), any dedication as a public road of the land specified in the notice shall absolutely cease and determine and the rights of any person to use the land specified in the notice or any part of that land for the purpose
- 30 of a road shall be extinguished.

(4)

Whittingham to Mount Thorley Railway.

(4) The land specified in the notice referred to in subsection (1) shall, upon publication of the notice, vest in the Commission as Constructing Authority.

5 (5) No claim against the Commission, whether as Constructing Authority or otherwise, for compensation shall arise from anything done by it under subsection (1) or from or in respect of the vesting under subsection (4).

10. (1) Where the scheduled work—

Maintenance
of roads
and bridges.

- (a) crosses a road on the level;
- 10 (b) is carried over a road; or
- (c) is carried under a road,

the maintenance of, and any future paving, kerbing, guttering, roadmaking, draining and other construction of a like or different nature in relation to, any such road—

- 15 (d) in a case to which paragraph (a) applies, up to the sleeper ends on each side of the scheduled work;
- (e) in a case to which paragraph (b) applies, that is under the scheduled work, excluding the bridge or structure or any part of the bridge or structure that
- 20 carries the scheduled work; and
- (f) in a case to which paragraph (c) applies, that is carried over the scheduled work,

shall, after the completion of the scheduled work, be undertaken without expense to the Commission by the council, the
25 Commissioner for Main Roads or any other authority, as the case may be, that would have been responsible for the road if the scheduled work had not been constructed, notwithstanding that the road may have been or be wholly or partly vested in the Commission.

(2)

Whittingham to Mount Thorley Railway.

(2) Where the scheduled work is carried under a road, the whole or a portion of a bridge or structure over which the road runs, or of an approach to the bridge or structure, that is not within the land required for or for the purposes of the scheduled work as a railway may be dedicated as a public road under the Public Roads Act 1902, or as a public highway under section 81 of the Public Works Act, 1912.

(3) A dedication referred to in subsection (2) of the whole or a portion of a bridge or structure over which a State highway or main road runs shall have the same effect as if the whole or the portion, as the case may be, of the bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

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SCHEDULE.

Sec. 2.

Description of Works.

1. A railway in the Parishes of Wittingham, Warkworth and Wollombi in the County of Northumberland, commencing at Whittingham on the main northern railway at a point about 234 kilometres from Sydney, proceeding generally westerly for about 4 kilometres, then generally south westerly for about 6 kilometres passing to the south of Main Road No. 503 and terminating in the vicinity of portions 44, 139 and 140 in the Parish of Warkworth and portion 27 in the Parish of Wollombi, being in all about 12 kilometres in length.

2. Sidings, loops and loading facilities, and means of access thereto, including access from Main Roads Nos. 181, 503 and 213, as the Constructing Authority deems necessary.

3. Works for the protection of the environment as the Constructing Authority deems necessary or desirable as a consequence of carrying out the works referred to in items 1 and 2.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[8c]

PROOF

WHITTINGHAM TO MOUNT THORLEY RAILWAY BILL, 1975

EXPLANATORY NOTE

THE object of this Bill is to sanction and provide for the expenditure of approximately \$9.7m for the construction of a railway in the Singleton district for the transportation of coal.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1950-1951

PROOF

No. , 1975.

A BILL

To sanction and provide for the construction of a branch railway from the main northern railway near Whittingham to the vicinity of Mount Thorley; to amend the Public Works Act, 1912; and for purposes connected therewith.

[MR FIFE—21 August, 1975.]

BE

Whittingham to Mount Thorley Railway.

5 **B**E it 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 follows:—

1. This Act may be cited as the "Whittingham to Mount Short title.
Thorley Railway Act, 1975".

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

10 "Commission" means the Public Transport Commission
of New South Wales;

"council" means council within the meaning of the Local
Government Act, 1919;

15 "scheduled work" means the work described in the
Schedule, subject to such modifications and
deviations as may be deemed necessary or desirable
by the Commission.

(2) The site of the scheduled work is shown on the
plan marked "Public Transport Commission of N.S.W.
20 Whittingham-Mt. Thorley Schedule Plan" sealed with the seal
of the Commission, countersigned by the Director of Engineer-
ing of the Commission and deposited in the office of the
Commission.

25 3. (1) The carrying out of the scheduled work is hereby Scheduled
sanctioned. work
sanctioned.

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

Whittingham to Mount Thorley Railway.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$9,700,000, shall not be exceeded by more than 10 per centum. Estimated cost not to be exceeded by more than 10 per centum.

5 5. (1) The scheduled work shall be deemed to be authorised works within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act"). Application of Public Works Act, 1912.

(2) For the purpose of the scheduled work, the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36, 37, 47, 48, 49, 91 (b), 126 (3), 151 and 153, shall apply to and in respect of the scheduled work.

15 (4) Notwithstanding the exclusion by subsection (3) of the provisions of section 91 (b) of the Act to and in respect of the scheduled work, the Commission may in its discretion make and maintain such fences in connection with the scheduled work as it thinks fit.

20 (5) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract to be made under section 3 (2).

25 6. Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act or of any other Act— Use of, and building on, the land.

(a) the land acquired for the scheduled work may be used in connection with the scheduled work for such purposes as the Commission determines; and

30 (b) structures, complying with such specifications as the Commission approves, may be erected on the land referred to in paragraph (a).

Whittingham to Mount Thorley Railway.

7. The scheduled work may be constructed on, over, under, along or by the side of a road if it is to be so constructed solely for the purpose of allowing the scheduled work to cross that road. Construction in proximity to roads.
- 5 8. If the scheduled work crosses a road on the level, the Commission as the Constructing Authority shall install such protective and safety devices at that crossing as it deems requisite or expedient. Protective and safety devices at level crossings.
- 10 9. (1) Notwithstanding any provision of the Public Roads Act 1902, the Public Works Act, 1912, or any other Act, where a road is or may be affected by the construction of the scheduled work the Commission may, with the approval of the Governor, by notice published in the Gazette close such part or parts of that road as is or are specified in the notice. Closing of roads.
- 15 (2) A notice referred to in subsection (1) shall not be published unless the Governor is satisfied—
- (a) that no person will be denied reasonable access to land by virtue of the closure or partial closure of the road; or
- 20 (b) that where a person is denied access to land along the road that is proposed to be closed or partially closed, that a reasonably alternative road of access to that land is permanently available or has been provided by the Commission.
- 25 (3) Upon publication in the Gazette of a notice referred to in subsection (1), any dedication as a public road of the land specified in the notice shall absolutely cease and determine and the rights of any person to use the land specified in the notice or any part of that land for the purpose
- 30 of a road shall be extinguished.

(4)

Whittingham to Mount Thorley Railway.

(4) The land specified in the notice referred to in subsection (1) shall, upon publication of the notice, vest in the Commission as Constructing Authority.

- 5 (5) No claim against the Commission, whether as Constructing Authority or otherwise, for compensation shall arise from anything done by it under subsection (1) or from or in respect of the vesting under subsection (4).

10. (1) Where the scheduled work—

Maintenance
of roads
and bridges.

- (a) crosses a road on the level;
10 (b) is carried over a road; or
(c) is carried under a road,
the maintenance of, and any future paving, kerbing, guttering, roadmaking, draining and other construction of a like or different nature in relation to, any such road—
15 (d) in a case to which paragraph (a) applies, up to the sleeper ends on each side of the scheduled work;
(e) in a case to which paragraph (b) applies, that is under the scheduled work, excluding the bridge or structure or any part of the bridge or structure that
20 carries the scheduled work; and
(f) in a case to which paragraph (c) applies, that is carried over the scheduled work,

- shall, after the completion of the scheduled work, be undertaken without expense to the Commission by the council, the
25 Commissioner for Main Roads or any other authority, as the case may be, that would have been responsible for the road if the scheduled work had not been constructed, notwithstanding that the road may have been or be wholly or partly vested in the Commission.

(2)

Whittingham to Mount Thorley Railway.

(2) Where the scheduled work is carried under a road, the whole or a portion of a bridge or structure over which the road runs, or of an approach to the bridge or structure, that is not within the land required for or for the purposes of the scheduled work as a railway may be dedicated as a public road under the Public Roads Act 1902, or as a public highway under section 81 of the Public Works Act, 1912.

(3) A dedication referred to in subsection (2) of the whole or a portion of a bridge or structure over which a State highway or main road runs shall have the same effect as if the whole or the portion, as the case may be, of the bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

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SCHEDULE.

Sec. 2.

Description of Works.

1. A railway in the Parishes of Wittingham, Warkworth and Wollombi in the County of Northumberland, commencing at Whittingham on the main northern railway at a point about 234 kilometres from Sydney, proceeding generally westerly for about 4 kilometres, then generally south westerly for about 6 kilometres passing to the south of Main Road No. 503 and terminating in the vicinity of portions 44, 139 and 140 in the Parish of Warkworth and portion 27 in the Parish of Wollombi, being in all about 12 kilometres in length.

2. Sidings, loops and loading facilities, and means of access thereto, including access from Main Roads Nos. 181, 503 and 213, as the Constructing Authority deems necessary.

3. Works for the protection of the environment as the Constructing Authority deems necessary or desirable as a consequence of carrying out the works referred to in items 1 and 2.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1975.

An Act to sanction and provide for the construction of a branch railway from the main northern railway near Whittingham to the vicinity of Mount Thorley; to amend the Public Works Act, 1912; and for purposes connected therewith. [Assented to, 7th October, 1975.]

BE

Whittingham to Mount Thorley Railway.

BE it 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 follows:—

Short title. 1. This Act may be cited as the "Whittingham to Mount Thorley Railway Act, 1975".

Interpre-
tation. 2. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Commission” means the Public Transport Commission of New South Wales;

“council” means council within the meaning of the Local Government Act, 1919;

“scheduled work” means the work described in the Schedule, subject to such modifications and deviations as may be deemed necessary or desirable by the Commission.

(2) The site of the scheduled work is shown on the plan marked “Public Transport Commission of N.S.W. Whittingham-Mt. Thorley Schedule Plan” sealed with the seal of the Commission, countersigned by the Director of Engineering of the Commission and deposited in the office of the Commission.

Scheduled
work
sanctioned. 3. (1) The carrying out of the scheduled work is hereby sanctioned.

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

Whittingham to Mount Thorley Railway.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$9,700,000, shall not be exceeded by more than 10 per centum.

Estimated cost not to be exceeded by more than 10 per centum.

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

Application of Public Works Act, 1912.

(2) For the purpose of the scheduled work, the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36, 37, 47, 48, 49, 91 (b), 126 (3), 151 and 153, shall apply to and in respect of the scheduled work.

(4) Notwithstanding the exclusion by subsection (3) of the provisions of section 91 (b) of the Act to and in respect of the scheduled work, the Commission may in its discretion make and maintain such fences in connection with the scheduled work as it thinks fit.

(5) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract to be made under section 3 (2).

6. Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act or of any other Act—

Use of, and building on, the land.

- (a) the land acquired for the scheduled work may be used in connection with the scheduled work for such purposes as the Commission determines; and
- (b) structures, complying with such specifications as the Commission approves, may be erected on the land referred to in paragraph (a).

Whittingham to Mount Thorley Railway.

Construction
in proximity
to roads.

7. The scheduled work may be constructed on, over, under, along or by the side of a road if it is to be so constructed solely for the purpose of allowing the scheduled work to cross that road.

Protective
and safety
devices at
level
crossings.

8. If the scheduled work crosses a road on the level, the Commission as the Constructing Authority shall install such protective and safety devices at that crossing as it deems requisite or expedient.

Closing
of roads.

9. (1) Notwithstanding any provision of the Public Roads Act 1902, the Public Works Act, 1912, or any other Act, where a road is or may be affected by the construction of the scheduled work the Commission may, with the approval of the Governor, by notice published in the Gazette close such part or parts of that road as is or are specified in the notice.

(2) A notice referred to in subsection (1) shall not be published unless the Governor is satisfied—

- (a) that no person will be denied reasonable access to land by virtue of the closure or partial closure of the road; or
- (b) that where a person is denied access to land along the road that is proposed to be closed or partially closed, that a reasonably alternative road of access to that land is permanently available or has been provided by the Commission.

(3) Upon publication in the Gazette of a notice referred to in subsection (1), any dedication as a public road of the land specified in the notice shall absolutely cease and determine and the rights of any person to use the land specified in the notice or any part of that land for the purpose of a road shall be extinguished.

(4)

Whittingham to Mount Thorley Railway.

(4) The land specified in the notice referred to in subsection (1) shall, upon publication of the notice, vest in the Commission as Constructing Authority.

(5) No claim against the Commission, whether as Constructing Authority or otherwise, for compensation shall arise from anything done by it under subsection (1) or from or in respect of the vesting under subsection (4).

10. (1) Where the scheduled work—

Maintenance
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the maintenance of, and any future paving, kerbing, guttering, roadmaking, draining and other construction of a like or different nature in relation to, any such road—

(d) in a case to which paragraph (a) applies, up to the sleeper ends on each side of the scheduled work;

(e) in a case to which paragraph (b) applies, that is under the scheduled work, excluding the bridge or structure or any part of the bridge or structure that carries the scheduled work; and

(f) in a case to which paragraph (c) applies, that is carried over the scheduled work,

shall, after the completion of the scheduled work, be undertaken without expense to the Commission by the council, the Commissioner for Main Roads or any other authority, as the case may be, that would have been responsible for the road if the scheduled work had not been constructed, notwithstanding that the road may have been or be wholly or partly vested in the Commission.

(2)

Whittingham to Mount Thorley Railway.

(2) Where the scheduled work is carried under a road, the whole or a portion of a bridge or structure over which the road runs, or of an approach to the bridge or structure, that is not within the land required for or for the purposes of the scheduled work as a railway may be dedicated as a public road under the Public Roads Act 1902, or as a public highway under section 81 of the Public Works Act, 1912.

(3) A dedication referred to in subsection (2) of the whole or a portion of a bridge or structure over which a State highway or main road runs shall have the same effect as if the whole or the portion, as the case may be, of the bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Sec. 2.

SCHEDULE.

Description of Works.

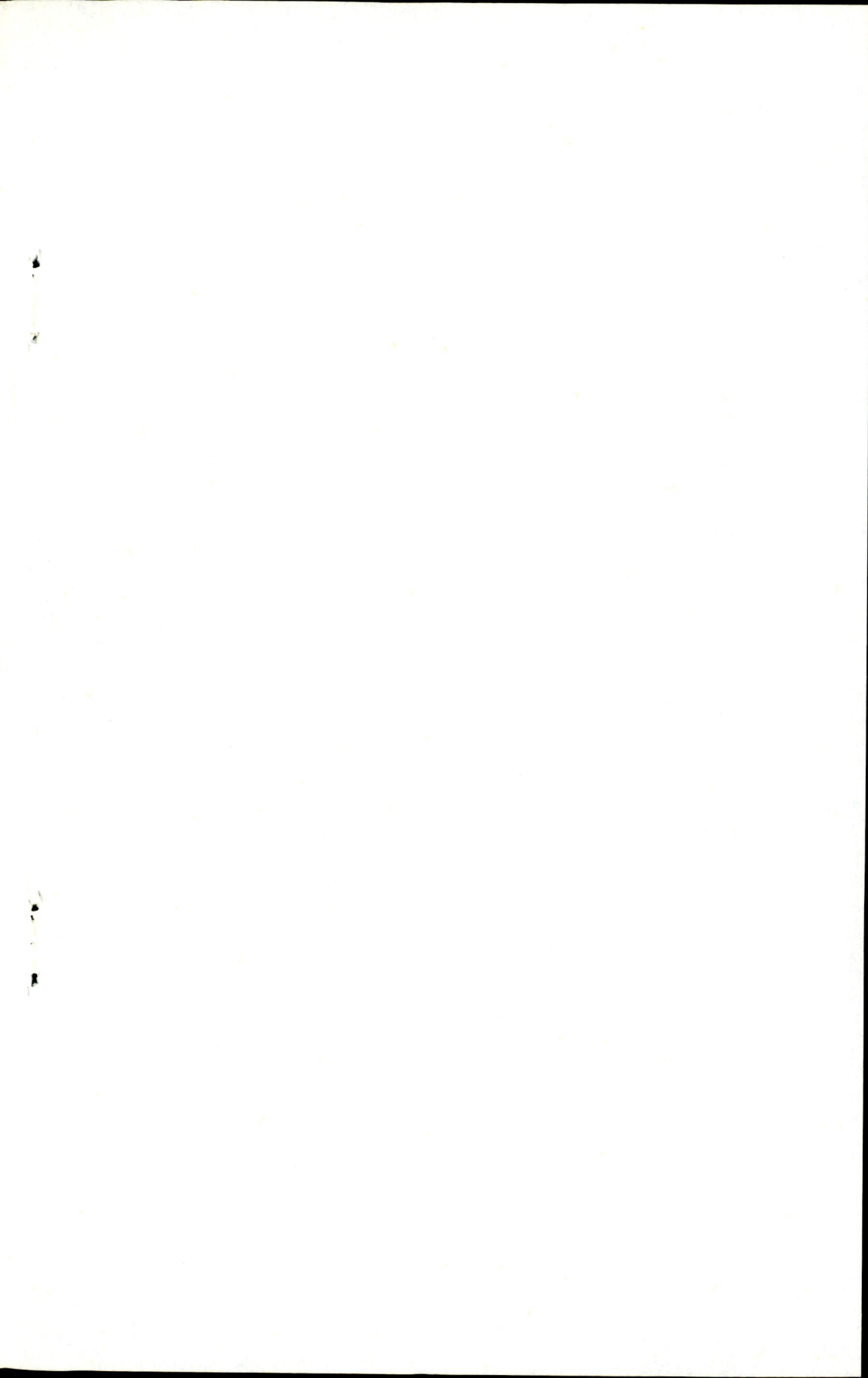
1. A railway in the Parishes of Whittingham, Warkworth and Wollombi in the County of Northumberland, commencing at Whittingham on the main northern railway at a point about 234 kilometres from Sydney, proceeding generally westerly for about 4 kilometres, then generally south westerly for about 6 kilometres passing to the south of Main Road No. 503 and terminating in the vicinity of portions 44, 139 and 140 in the Parish of Warkworth and portion 27 in the Parish of Wollombi, being in all about 12 kilometres in length.

2. Sidings, loops and loading facilities, and means of access thereto, including access from Main Roads Nos. 181, 503 and 213, as the Constructing Authority deems necessary.

3. Works for the protection of the environment as the Constructing Authority deems necessary or desirable as a consequence of carrying out the works referred to in items 1 and 2.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 10 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1975.

An Act to sanction and provide for the construction of a branch railway from the main northern railway near Whittingham to the vicinity of Mount Thorley; to amend the Public Works Act, 1912; and for purposes connected therewith. [Assented to, 7th October, 1975.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Whittingham to Mount Thorley Railway.

BE it 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 follows:—

Short title. 1. This Act may be cited as the "Whittingham to Mount Thorley Railway Act, 1975".

Interpre-
tation.

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

“Commission” means the Public Transport Commission of New South Wales;

“council” means council within the meaning of the Local Government Act, 1919;

“scheduled work” means the work described in the Schedule, subject to such modifications and deviations as may be deemed necessary or desirable by the Commission.

(2) The site of the scheduled work is shown on the plan marked “Public Transport Commission of N.S.W. Whittingham-Mt. Thorley Schedule Plan” sealed with the seal of the Commission, countersigned by the Director of Engineering of the Commission and deposited in the office of the Commission.

Scheduled
work
sanctioned.

3. (1) The carrying out of the scheduled work is hereby sanctioned.

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

4.

Whittingham to Mount Thorley Railway.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$9,700,000, shall not be exceeded by more than 10 per centum. Estimated cost not to be exceeded by more than 10 per centum.

5. (1) The scheduled work shall be deemed to be authorised works within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act"). Application of Public Works Act, 1912.

(2) For the purpose of the scheduled work, the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36, 37, 47, 48, 49, 91 (b), 126 (3), 151 and 153, shall apply to and in respect of the scheduled work.

(4) Notwithstanding the exclusion by subsection (3) of the provisions of section 91 (b) of the Act to and in respect of the scheduled work, the Commission may in its discretion make and maintain such fences in connection with the scheduled work as it thinks fit.

(5) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract to be made under section 3 (2).

6. Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act or of any other Act— Use of, and building on, the land.

- (a) the land acquired for the scheduled work may be used in connection with the scheduled work for such purposes as the Commission determines; and
- (b) structures, complying with such specifications as the Commission approves, may be erected on the land referred to in paragraph (a).

7.

Whittingham to Mount Thorley Railway.

Construction
in proximity
to roads.

7. The scheduled work may be constructed on, over, under, along or by the side of a road if it is to be so constructed solely for the purpose of allowing the scheduled work to cross that road.

Protective
and safety
devices at
level
crossings.

8. If the scheduled work crosses a road on the level, the Commission as the Constructing Authority shall install such protective and safety devices at that crossing as it deems requisite or expedient.

Closing
of roads.

9. (1) Notwithstanding any provision of the Public Roads Act 1902, the Public Works Act, 1912, or any other Act, where a road is or may be affected by the construction of the scheduled work the Commission may, with the approval of the Governor, by notice published in the Gazette close such part or parts of that road as is or are specified in the notice.

(2) A notice referred to in subsection (1) shall not be published unless the Governor is satisfied—

- (a) that no person will be denied reasonable access to land by virtue of the closure or partial closure of the road; or
- (b) that where a person is denied access to land along the road that is proposed to be closed or partially closed, that a reasonably alternative road of access to that land is permanently available or has been provided by the Commission.

(3) Upon publication in the Gazette of a notice referred to in subsection (1), any dedication as a public road of the land specified in the notice shall absolutely cease and determine and the rights of any person to use the land specified in the notice or any part of that land for the purpose of a road shall be extinguished.

(4)

Whittingham to Mount Thorley Railway.

(4) The land specified in the notice referred to in subsection (1) shall, upon publication of the notice, vest in the Commission as Constructing Authority.

(5) No claim against the Commission, whether as Constructing Authority or otherwise, for compensation shall arise from anything done by it under subsection (1) or from or in respect of the vesting under subsection (4).

10. (1) Where the scheduled work—

Maintenance
of roads
and bridges.

- (a) crosses a road on the level;
- (b) is carried over a road; or
- (c) is carried under a road,

the maintenance of, and any future paving, kerbing, guttering, roadmaking, draining and other construction of a like or different nature in relation to, any such road—

- (d) in a case to which paragraph (a) applies, up to the sleeper ends on each side of the scheduled work;
- (e) in a case to which paragraph (b) applies, that is under the scheduled work, excluding the bridge or structure or any part of the bridge or structure that carries the scheduled work; and
- (f) in a case to which paragraph (c) applies, that is carried over the scheduled work,

shall, after the completion of the scheduled work, be undertaken without expense to the Commission by the council, the Commissioner for Main Roads or any other authority, as the case may be, that would have been responsible for the road if the scheduled work had not been constructed, notwithstanding that the road may have been or be wholly or partly vested in the Commission.

(2)

Whittingham to Mount Thorley Railway.

(2) Where the scheduled work is carried under a road, the whole or a portion of a bridge or structure over which the road runs, or of an approach to the bridge or structure, that is not within the land required for or for the purposes of the scheduled work as a railway may be dedicated as a public road under the Public Roads Act 1902, or as a public highway under section 81 of the Public Works Act, 1912.

(3) A dedication referred to in subsection (2) of the whole or a portion of a bridge or structure over which a State highway or main road runs shall have the same effect as if the whole or the portion, as the case may be, of the bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Sec. 2.**SCHEDULE.***Description of Works.*

1. A railway in the Parishes of Wittingham, Warkworth and Wollombi in the County of Northumberland, commencing at Whittingham on the main northern railway at a point about 234 kilometres from Sydney, proceeding generally westerly for about 4 kilometres, then generally south westerly for about 6 kilometres passing to the south of Main Road No. 503 and terminating in the vicinity of portions 44, 139 and 140 in the Parish of Warkworth and portion 27 in the Parish of Wollombi, being in all about 12 kilometres in length.

2. Sidings, loops and loading facilities, and means of access thereto, including access from Main Roads Nos. 181, 503 and 213, as the Constructing Authority deems necessary.

3. Works for the protection of the environment as the Constructing Authority deems necessary or desirable as a consequence of carrying out the works referred to in items 1 and 2.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 7th October, 1975.

