

CONCURRENCE COPY

RAILWAY CONSTRUCTION (EAST HILLS TO CAMPBELLTOWN) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Railway Construction (Maldon to Port Kembla) Bill, 1983, is cognate with this Bill.

The object of this Bill is to sanction and provide for the expenditure of approximately \$35 million for the construction of a railway from East Hills to Campbelltown for the carriage of passengers and for general freight services.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 empowers the State Rail Authority ("the Authority") to carry out the scheduled work, being principally the construction of the abovementioned railway, and to do all things necessary in connection therewith.

Clause 4 provides that the cost of carrying out the scheduled work shall not exceed by more than 10 per cent the estimated cost of \$35,000,000.

Clause 5 applies the provisions of the Public Works Act, 1912, with certain exceptions, to the construction of the scheduled work.

Clause 6—

- (a) enables the Authority to use the land acquired in connection with the scheduled work for such purposes as it determines and to erect buildings on the land to such specifications as it approves notwithstanding the provisions of any Act; and
- (b) provides for the application of Part V (environmental assessment) of the Environmental Planning and Assessment Act, 1979, to and in respect of the construction of the scheduled work and for the Authority to be the determining authority within the meaning of that Part.

Clause 7 allows the scheduled work to be constructed on, over, under, along or by the side of a road.

Clause 8 stipulates that where the scheduled work crosses a road on the level the Authority is to install appropriate protective and safety devices at the crossing.

Clause 9 provides for the closure of roads in connection with the construction of the scheduled work and the procedure to be carried out in relation to any such closures.

Clause 10 limits the Authority's responsibility in relation to roads which the scheduled work crosses and provides for the dedication as a public road of certain bridges, etc., over the scheduled work.

Clause 11 removes any necessity for the Authority to give notice of an intention to blast rock in connection with the construction of the scheduled work and prevents any injunction from being issued against the Authority, its servants or its agents or any contractor in relation to any nuisance caused by any necessary or proper operation carried out in connection with the construction of the scheduled work.

Clause 12 validates any act done by the Authority at any time before the commencement of the proposed Act that could lawfully have been done had the proposed Act been in force at that time.

Schedule 1 sets out a description of the scheduled work.

**RAILWAY CONSTRUCTION (EAST HILLS TO
CAMPBELLTOWN) BILL, 1983**

No. , 1983.

A BILL FOR

**An Act to sanction and provide for the construction of a railway from East
Hills to Campbelltown; and for other purposes.**

[MR PACIULLO—23 November, 1983.]

See also Railway Construction (Maldon to Port Kembla) Bill, 1983.

28993A 400—

Railway Construction (East Hills to Campbelltown).

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:—

5 **Short title.**

1. This Act may be cited as the "Railway Construction (East Hills to Campbelltown) Act, 1983".

Interpretation.

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

"scheduled work" means the work described in Schedule 1, subject to such modifications and deviations as may be deemed necessary or desirable by the Authority;

"the Authority" means the State Rail Authority.

15 (2) The site of the work described in Schedule 1 is as shown on the plan marked "State Rail Authority of New South Wales East Hills to Campbelltown Scheduled Plan No. 2014/50,627" sealed with the seal of the Authority, countersigned by the Chief Civil Engineer of the Authority, and deposited in the office of the Authority.

20 **Scheduled work sanctioned.**

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

(2) The Authority 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.

Railway Construction (East Hills to Campbelltown).

Cost of scheduled work.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$35,000,000 shall not exceed that amount by more than 10 per cent.

5 Application of Public Works Act, 1912.

5. (1) The scheduled work shall be deemed to be an authorised work 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 Authority shall be 10 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 15 of section 91 (b) of the Act to and in respect of the scheduled work, the Authority 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 20 of a contract to be made under section 3 (2).

Application of other Acts.

6. (1) Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act, of the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within 25 the meaning of that Act, or 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 Authority determines; and

Railway Construction (East Hills to Campbelltown).

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

5 (2) Part V of the Environmental Planning and Assessment Act, 1979, applies to and in respect of any act, matter or thing done or intended to be done pursuant to this Act (being an act, matter or thing which is an activity as defined in paragraph (a), (b) or (c) of the definition of "activity" in section 110 of that Act) and, for the purposes of that application, the Authority is the determining authority within the meaning of that Part.

10 **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 the road.

Protective and safety devices at level crossings.

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

Closing of roads.

20 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 Authority may, with the approval of the Governor, by notice published in the Gazette close such part or parts of the road as is or are specified in the notice.

25 (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, a road providing reasonable access to that land is permanently available or has been provided by the Authority.
- 30

Railway Construction (East Hills to Campbelltown).

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

(5) No claim against the Authority, 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).

Maintenance of roads and bridges.

10. (1) Where the scheduled work—

- (a) crosses a road on the level;
- 15 (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—

- 20 (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
- 25 (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 Authority by the council (within the meaning of the Local Government Act, 1919), the Commissioner for Main Roads or any other
30 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 Authority.

Railway Construction (East Hills to Campbelltown).

(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 or of an approach to the bridge or structure shall have the same effect as if the whole or the portion, as the case may be, had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Exclusion of certain laws and claims.

11. Notwithstanding any provision in any Act, or any other law to the contrary—

- (a) it shall not be necessary for the Authority, its servants or its agents or any contractor to give notice of an intention to blast any rock in connection with the construction of the scheduled work; and
- (b) the Authority, its servants or its agents or any contractor shall not be liable to have an injunction issued to restrain any of them from causing or continuing to cause any nuisance by any such blasting or by any other operation necessary or proper in connection with the construction of the scheduled work.

Validation.

12. Any act, matter or thing done at any time before the commencement of this Act by the Authority, being an act, matter or thing which could lawfully have been done by the Authority had this Act been in force at that time is hereby validated.

Railway Construction (East Hills to Campbelltown).

SCHEDULE 1.

(Sec. 2.)

DESCRIPTION OF WORKS.

1. A railway in the Parishes of Bankstown, Holsworthy and Minto in the County
5 of Cumberland, commencing at East Hills, being the terminus of the Tempe to East
Hills Railway, at a point about 24 kilometres from Sydney, proceeding generally
south-westerly for about 500 metres crossing Maclaurin Avenue, Park Road, Cook
Crescent, Henry Lawson Drive and the Georges River respectively, then turning
to take a generally westerly direction for about 2 kilometres crossing Heathcote Road
10 and Illawarra Road, then continuing in a generally westerly direction for about 3.5
kilometres crossing Harris Creek and passing to the south of Holsworthy Village
and to the north of Holsworthy Military Barracks, then traversing bushland acquired
by the Commonwealth for defence purposes, then crossing Moorebank Avenue south
of Chatham Village, continuing in a generally westerly direction for about 2 kilometres
15 to cross again the Georges River and then joining with the Main Southern Railway
by means of a Northern and Southern Fork at a point about 1.5 kilometres north-east
of Glenfield railway station, being also about 14 kilometres north-east of Campbelltown
and 40 kilometres from Sydney, being in all about 8 kilometres in length.
2. Sidings, loops, stations, facilities and means of access thereto, as the Constructing
20 Authority deems necessary.
3. Electric power for operating the railway, and cables for the transmission of
power.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT

On the Theory of the
Molecular Theory of
Heat Conduction in
Gases

By
L. B. FOLEY

PHYSICS DEPARTMENT
UNIVERSITY OF CHICAGO

**RAILWAY CONSTRUCTION (EAST HILLS TO
CAMPBELLTOWN) ACT, 1983, No. 111**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 111, 1983.

An Act to sanction and provide for the construction of a railway from East Hills to Campbelltown; and for other purposes. [Assented to, 5th December, 1983.]

See also Railway Construction (Maldon to Port Kembla) Act, 1983.

Railway Construction (East Hills to Campbelltown).

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 "Railway Construction (East Hills to Campbelltown) Act, 1983".

Interpretation.

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

“scheduled work” means the work described in Schedule 1, subject to such modifications and deviations as may be deemed necessary or desirable by the Authority;

“the Authority” means the State Rail Authority.

(2) The site of the work described in Schedule 1 is as shown on the plan marked “State Rail Authority of New South Wales East Hills to Campbelltown Scheduled Plan No. 2014/50,627” sealed with the seal of the Authority, countersigned by the Chief Civil Engineer of the Authority, and deposited in the office of the Authority.

Scheduled work sanctioned.

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

(2) The Authority 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.

Railway Construction (East Hills to Campbelltown).

Cost of scheduled work.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$35,000,000 shall not exceed that amount by more than 10 per cent.

Application of Public Works Act, 1912.

5. (1) The scheduled work shall be deemed to be an authorised work 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 Authority 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 Authority 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).

Application of other Acts.

6. (1) Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act, of the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act, or 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 Authority determines; and

Railway Construction (East Hills to Campbelltown).

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

(2) Part V of the Environmental Planning and Assessment Act, 1979, applies to and in respect of any act, matter or thing done or intended to be done pursuant to this Act (being an act, matter or thing which is an activity as defined in paragraph (a), (b) or (c) of the definition of "activity" in section 110 of that Act) and, for the purposes of that application, the Authority is the determining authority within the meaning of that Part.

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 the road.

Protective and safety devices at level crossings.

8. If the scheduled work crosses a road on the level, the Authority as the Constructing Authority shall install such protective and safety devices at the 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 Authority may, with the approval of the Governor, by notice published in the Gazette close such part or parts of the 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, a road providing reasonable access to that land is permanently available or has been provided by the Authority.

Railway Construction (East Hills to Campbelltown).

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

(5) No claim against the Authority, 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).

Maintenance of roads and bridges.

10. (1) Where the scheduled work—

- (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 Authority by the council (within the meaning of the Local Government Act, 1919), 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 Authority.

Railway Construction (East Hills to Campbelltown).

(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 or of an approach to the bridge or structure shall have the same effect as if the whole or the portion, as the case may be, had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Exclusion of certain laws and claims.

11. Notwithstanding any provision in any Act, or any other law to the contrary—

- (a) it shall not be necessary for the Authority, its servants or its agents or any contractor to give notice of an intention to blast any rock in connection with the construction of the scheduled work; and
- (b) the Authority, its servants or its agents or any contractor shall not be liable to have an injunction issued to restrain any of them from causing or continuing to cause any nuisance by any such blasting or by any other operation necessary or proper in connection with the construction of the scheduled work.

Validation.

12. Any act, matter or thing done at any time before the commencement of this Act by the Authority, being an act, matter or thing which could lawfully have been done by the Authority had this Act been in force at that time is hereby validated.

Railway Construction (East Hills to Campbelltown).

SCHEDULE 1.

(Sec. 2.)

DESCRIPTION OF WORKS.

1. A railway in the Parishes of Bankstown, Holsworthy and Minto in the County of Cumberland, commencing at East Hills, being the terminus of the Tempe to East Hills Railway, at a point about 24 kilometres from Sydney, proceeding generally south-westerly for about 500 metres crossing Maclaurin Avenue, Park Road, Cook Crescent, Henry Lawson Drive and the Georges River respectively, then turning to take a generally westerly direction for about 2 kilometres crossing Heathcote Road and Illawarra Road, then continuing in a generally westerly direction for about 3.5 kilometres crossing Harris Creek and passing to the south of Holsworthy Village and to the north of Holsworthy Military Barracks, then traversing bushland acquired by the Commonwealth for defence purposes, then crossing Moorebank Avenue south of Chatham Village, continuing in a generally westerly direction for about 2 kilometres to cross again the Georges River and then joining with the Main Southern Railway by means of a Northern and Southern Fork at a point about 1.5 kilometres north-east of Glenfield railway station, being also about 14 kilometres north-east of Campbelltown and 40 kilometres from Sydney, being in all about 8 kilometres in length.

2. Sidings, loops, stations, facilities and means of access thereto, as the Constructing Authority deems necessary.

3. Electric power for operating the railway, and cables for the transmission of power.

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 5th December, 1983.*

CONCURRENCE COPY

RAILWAY CONSTRUCTION (MALDON TO PORT KEMBLA) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Railway Construction (East Hills to Campbelltown) Bill, 1983.

The object of this Bill is to sanction and provide for the expenditure of approximately \$160 million for the construction of a railway from Maldon to Port Kembla principally for the transport of coal to the Port Kembla Coal Loader.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 empowers the State Rail Authority ("the Authority") to carry out the scheduled work, being principally the construction of the abovementioned railway, and to do all things necessary in connection therewith.

Clause 4 provides that the cost of carrying out the scheduled work shall not exceed by more than 10 per cent the estimated cost of \$160,000,000.

Clause 5 applies the provisions of the Public Works Act, 1912, with certain exceptions, to the construction of the scheduled work.

Clause 6—

- (a) enables the Authority to use the land acquired in connection with the scheduled work for such purposes as it determines and to erect buildings on the land to such specifications as it approves notwithstanding the provisions of any Act; and
- (b) provides for the application of Part V (environmental assessment) of the Environmental Planning and Assessment Act, 1979, to and in respect of the construction of the scheduled work and for the Authority to be the determining authority within the meaning of that Part.

Clause 7 allows the scheduled work to be constructed on, over, under, along or by the side of a road.

Clause 8 stipulates that where the scheduled work crosses a road on the level the Authority is to install appropriate protective and safety devices at the crossing.

Clause 9 provides for the closure of roads in connection with the construction of the scheduled work and the procedure to be carried out in relation to any such closures.

Clause 10 limits the Authority's responsibility in relation to roads which the scheduled work crosses and provides for the dedication as a public road of certain bridges, etc., over the scheduled work.

Clause 11 removes any necessity for the Authority to give notice of an intention to blast rock in connection with the construction of the scheduled work and prevents any injunction from being issued against the Authority, its servants or its agents or any contractor in relation to any nuisance caused by any necessary or proper operation carried out in connection with the construction of the scheduled work.

Clause 12 validates any act done by the Authority at any time before the commencement of the proposed Act that could lawfully have been done had the proposed Act been in force at that time.

Schedule 1 sets out a description of the scheduled work.

**RAILWAY CONSTRUCTION (MALDON TO PORT KEMBLA)
BILL, 1983**

No. , 1983.

A BILL FOR

An Act to sanction and provide for the construction of a branch railway from the main southern railway near Maldon to the vicinity of the Port Kembla Coal Loading Berth; and for other purposes.

[MR PACIULLO—23 *November*, 1983.]

Railway Construction (Maldon to Port Kembla).

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:—

5 **Short title.**

1. This Act may be cited as the "Railway Construction (Maldon to Port Kembla) Act, 1983".

Interpretation.

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

"scheduled work" means the work described in Schedule 1, subject to such modifications and deviations as may be deemed necessary or desirable by the Authority;

"the Authority" means the State Rail Authority.

15 (2) The site of the work described in Schedule 1 is as shown on the plan marked "State Rail Authority of New South Wales Maldon to Dombarton to Port Kembla Scheduled Plan No. 2014/50,604" sealed with the seal of the Authority, countersigned by the Chief Civil Engineer of the Authority, and deposited in the office of the Authority.

20 **Scheduled work sanctioned.**

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

(2) The Authority 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.

Railway Construction (Maldon to Port Kembla).

Cost of scheduled work.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$160,000,000 shall not exceed that amount by more than 10 per cent.

5 Application of Public Works Act, 1912.

5. (1) The scheduled work shall be deemed to be an authorised work 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 Authority shall be the
10 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
15 of section 91 (b) of the Act to and in respect of the scheduled work, the Authority 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
20 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).

Application of other Acts.

6. (1) Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act, of the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within
25 the meaning of that Act, or 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 Authority determines; and

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

Railway Construction (Maldon to Port Kembla).

(2) Part V of the Environmental Planning and Assessment Act, 1979, applies to and in respect of any act, matter or thing done or intended to be done pursuant to this Act (being an act, matter or thing which is an activity as defined in paragraph (a), (b) or (c) of the definition of "activity" in section 110 of that Act) and, for the purposes of that application, the Authority is the determining authority within the meaning of that Part.

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 the road.

Protective and safety devices at level crossings.

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

15 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 Authority may, with the approval of the Governor, by notice published in the Gazette close such part or parts of the 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, a road providing reasonable access to that land is permanently available or has been provided by the Authority.

Railway Construction (Maldon to Port Kembla).

(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 5 shall be extinguished.

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

(5) No claim against the Authority, whether as Constructing Authority 10 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).

Maintenance of roads and bridges.

10. (1) Where the scheduled work—

- (a) crosses a road on the level;
- 15 (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—

- 20 (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
- 25 (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 Authority by the council (within the meaning of the Local Government Act, 1919), the Commissioner for Main Roads or any other 30 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 Authority.

Railway Construction (Maldon to Port Kembla).

(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
5 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 or of an approach to the bridge or structure shall have the same effect
10 as if the whole or the portion, as the case may be, had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Exclusion of certain laws and claims.

11. Notwithstanding any provision in any Act, or any other law to the
15 contrary—

- (a) it shall not be necessary for the Authority, its servants or its agents or any contractor to give notice of an intention to blast any rock in connection with the construction of the scheduled work; and
- 20 (b) the Authority, its servants or its agents or any contractor shall not be liable to have an injunction issued to restrain any of them from causing or continuing to cause any nuisance by any such blasting or by any other operation necessary or proper in connection with the construction of the scheduled work.

Validation.

25 12. Any act, matter or thing done at any time before the commencement of this Act by the Authority, being an act, matter or thing which could lawfully have been done by the Authority had this Act been in force at that time is hereby validated.

Railway Construction (Maldon to Port Kembla).

SCHEDULE 1.

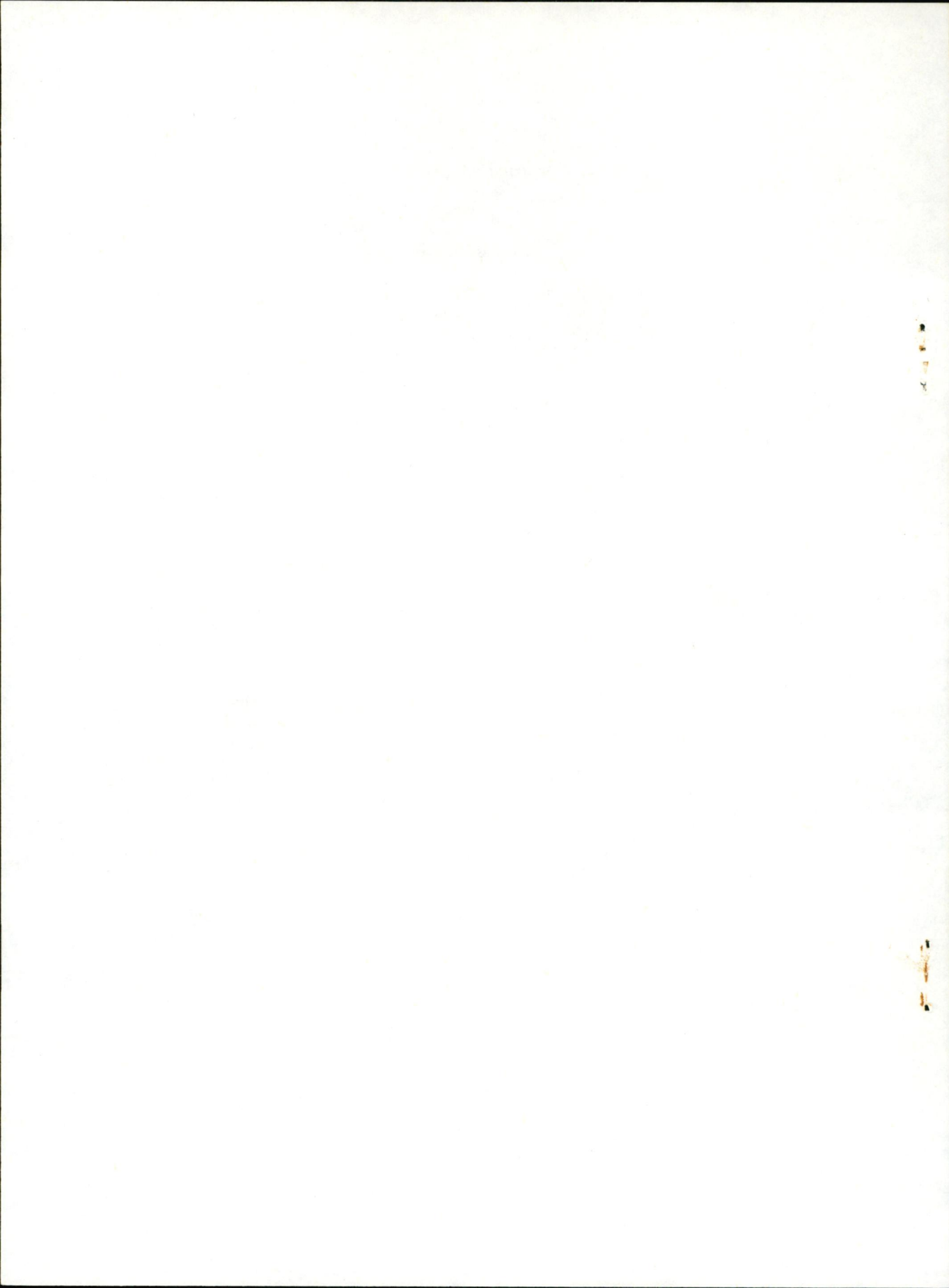
(Sec. 2.)

DESCRIPTION OF WORKS.

1. A railway in the Parishes of Picton, Wilton, Banksia, Dendrobium, Wongawilli
5 and Kembla in the County of Camden, commencing at Maldon on the Main Southern
Railway at a point about 79 kilometres from Sydney, proceeding generally south-
easterly across the Nepean River and continuing south-easterly for about 3 kilometres
across the F5 Freeway west of the town of Wilton, then turning and proceeding in
a south-westerly direction for about 2 kilometres passing to the west of the town of
10 Wilton and then again turning and proceeding in a south-easterly direction for about
4 kilometres to the vicinity of Portions 55 and 61 in the Parish of Wilton where it
turns to take a south-westerly direction for about 2 kilometres to cross the Cordeaux
River at a point about 2 kilometres south of the junction of that river with the Avon
River, then turning and proceeding in a southerly direction through the Parish of
15 Banksia for about 4 kilometres following approximately the route of Fire Road No.
6B, then proceeding in a south-easterly direction for about 3 kilometres and then
southerly for about 3 kilometres, then continuing south-easterly for about 6 kilometres
through the Parish of Dendrobium following approximately the route of Fire Road
No. 6A and passing to the east of Lake Avon, then proceeding in a southerly direction
20 for about 3 kilometres and then turning to the east and passing through the Illawarra
Range in the Parish of Wongawilli, then continuing east to a junction with the
Unanderra to Moss Vale Railway near the Dombarton Loop at a point about 98
kilometres from Sydney, being in all about 36 kilometres in length.
2. All work deemed necessary by the Constructing Authority to provide a con-
25 tinuous duplicated railway commencing at the junction of the railway described in
item 1 with the Unanderra to Moss Vale Railway, then following the route of the
Unanderra to Moss Vale Railway generally in an easterly direction to the junction of
that railway with the Illawarra Railway, then continuing in a north-easterly direction
along the route of the Illawarra Railway to the Coniston Triangle and then following
30 the route of the southern fork of that triangle to join with the Inner Harbour line to
Port Kembla, being in all about 15 kilometres in length.
3. Sidings, loops and loading facilities, and means of access thereto, as the
Constructing Authority deems necessary.
4. Electric power for operating the railway, and cables for the transmission of power.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983



**RAILWAY CONSTRUCTION (MALDON TO PORT KEMBLA)
ACT, 1983, No. 112**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 112, 1983.

An Act to sanction and provide for the construction of a branch railway from the main southern railway near Maldon to the vicinity of the Port Kembla Coal Loading Berth; and for other purposes. [Assented to, 5th December, 1983.]

Railway Construction (Maldon to Port Kembla).

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 "Railway Construction (Maldon to Port Kembla) Act, 1983".

Interpretation.

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

“scheduled work” means the work described in Schedule 1, subject to such modifications and deviations as may be deemed necessary or desirable by the Authority;

“the Authority” means the State Rail Authority.

(2) The site of the work described in Schedule 1 is as shown on the plan marked “State Rail Authority of New South Wales Maldon to Dombarton to Port Kembla Scheduled Plan No. 2014/50,604” sealed with the seal of the Authority, countersigned by the Chief Civil Engineer of the Authority, and deposited in the office of the Authority.

Scheduled work sanctioned.

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

(2) The Authority 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.

Railway Construction (Maldon to Port Kembla).

Cost of scheduled work.

4. The cost of carrying out the scheduled work which, exclusive of amounts paid in connection with the acquisition of land, is estimated at \$160,000,000 shall not exceed that amount by more than 10 per cent.

Application of Public Works Act, 1912.

5. (1) The scheduled work shall be deemed to be an authorised work 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 Authority 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 Authority 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).

Application of other Acts.

6. (1) Notwithstanding the provisions of the Local Government Act, 1919, of any ordinance made under that Act, of the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act, or 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 Authority determines; and
- (b) structures, complying with such specifications as the Authority approves, may be erected on the land referred to in paragraph (a).

Railway Construction (Maldon to Port Kembla).

(2) Part V of the Environmental Planning and Assessment Act, 1979, applies to and in respect of any act, matter or thing done or intended to be done pursuant to this Act (being an act, matter or thing which is an activity as defined in paragraph (a), (b) or (c) of the definition of "activity" in section 110 of that Act) and, for the purposes of that application, the Authority is the determining authority within the meaning of that Part.

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 the road.

Protective and safety devices at level crossings.

8. If the scheduled work crosses a road on the level, the Authority as the Constructing Authority shall install such protective and safety devices at the 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 Authority may, with the approval of the Governor, by notice published in the Gazette close such part or parts of the 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, a road providing reasonable access to that land is permanently available or has been provided by the Authority.

Railway Construction (Maldon to Port Kembla).

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

(5) No claim against the Authority, 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).

Maintenance of roads and bridges.

10. (1) Where the scheduled work—

- (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 Authority by the council (within the meaning of the Local Government Act, 1919), 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 Authority.

Railway Construction (Maldon to Port Kembla).

(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 or of an approach to the bridge or structure shall have the same effect as if the whole or the portion, as the case may be, had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924.

Exclusion of certain laws and claims.

11. Notwithstanding any provision in any Act, or any other law to the contrary—

- (a) it shall not be necessary for the Authority, its servants or its agents or any contractor to give notice of an intention to blast any rock in connection with the construction of the scheduled work; and
- (b) the Authority, its servants or its agents or any contractor shall not be liable to have an injunction issued to restrain any of them from causing or continuing to cause any nuisance by any such blasting or by any other operation necessary or proper in connection with the construction of the scheduled work.

Validation.

12. Any act, matter or thing done at any time before the commencement of this Act by the Authority, being an act, matter or thing which could lawfully have been done by the Authority had this Act been in force at that time is hereby validated.

Railway Construction (Maldon to Port Kembla).

SCHEDULE 1.

(Sec. 2.)

DESCRIPTION OF WORKS.

1. A railway in the Parishes of Picton, Wilton, Banksia, Dendrobium, Wongawilli and Kembla in the County of Camden, commencing at Maldon on the Main Southern Railway at a point about 79 kilometres from Sydney, proceeding generally south-easterly across the Nepean River and continuing south-easterly for about 3 kilometres across the F5 Freeway west of the town of Wilton, then turning and proceeding in a south-westerly direction for about 2 kilometres passing to the west of the town of Wilton and then again turning and proceeding in a south-easterly direction for about 4 kilometres to the vicinity of Portions 55 and 61 in the Parish of Wilton where it turns to take a south-westerly direction for about 2 kilometres to cross the Cordeaux River at a point about 2 kilometres south of the junction of that river with the Avon River, then turning and proceeding in a southerly direction through the Parish of Banksia for about 4 kilometres following approximately the route of Fire Road No. 6B, then proceeding in a south-easterly direction for about 3 kilometres and then southerly for about 3 kilometres, then continuing south-easterly for about 6 kilometres through the Parish of Dendrobium following approximately the route of Fire Road No. 6A and passing to the east of Lake Avon, then proceeding in a southerly direction for about 3 kilometres and then turning to the east and passing through the Illawarra Range in the Parish of Wongawilli, then continuing east to a junction with the Unanderra to Moss Vale Railway near the Dombarton Loop at a point about 98 kilometres from Sydney, being in all about 36 kilometres in length.

2. All work deemed necessary by the Constructing Authority to provide a continuous duplicated railway commencing at the junction of the railway described in item 1 with the Unanderra to Moss Vale Railway, then following the route of the Unanderra to Moss Vale Railway generally in an easterly direction to the junction of that railway with the Illawarra Railway, then continuing in a north-easterly direction along the route of the Illawarra Railway to the Coniston Triangle and then following the route of the southern fork of that triangle to join with the Inner Harbour line to Port Kembla, being in all about 15 kilometres in length.

3. Sidings, loops and loading facilities, and means of access thereto, as the Constructing Authority deems necessary.

4. Electric power for operating the railway, and cables for the transmission of power.

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 5th December, 1983.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

