

PUBLIC ROADS (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

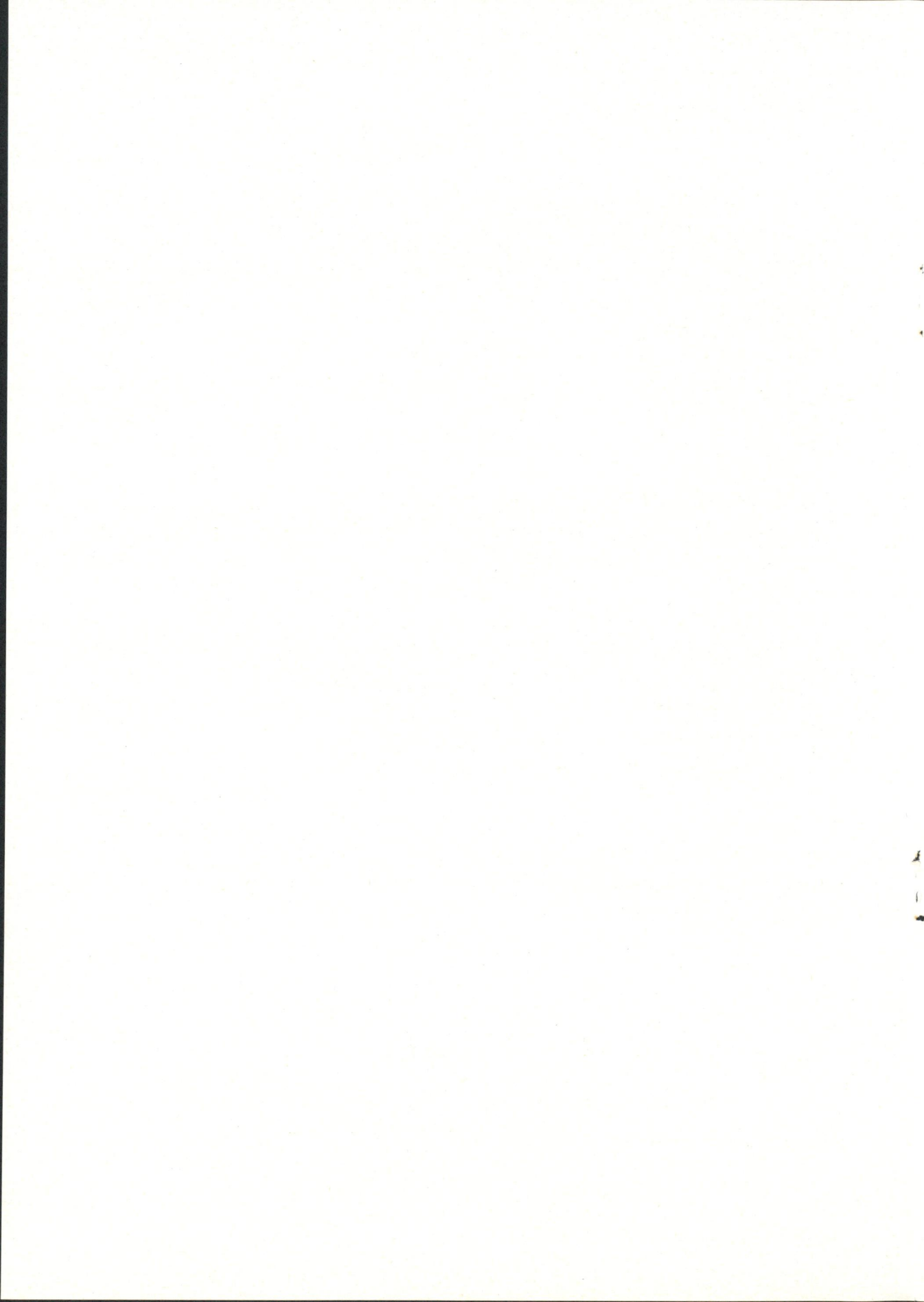
(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Local Government (Amendment) Bill, 1984.

The objects of this Bill are—

- (a) to amend section 27 of the Public Roads Act, 1902, so as to enable a realignment for the widening of a public road vested in, or under the control and management of, a council to be rescinded or, in certain circumstances, varied by reducing the area of land subject to the realignment (Schedule 1 (3)—proposed section 27 (6)); and
- (b) to vary a scheme for the realignment of the north-eastern side of Devonshire Street in the City of Sydney by excluding certain land from that scheme (clause 4),

and to make other provisions of a minor, consequential or ancillary nature.



PUBLIC ROADS (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend section 27 of the Public Roads Act, 1902, so as to enable the rescission or variation of realignments of certain public roads; to vary the realignment of a public road; and for other purposes.

Public Roads (Amendment) 1984

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 "Public Roads (Amendment) Act, 1984".

Principal Act.

2. The Public Roads Act, 1902, is referred to in this Act as the Principal
10 Act.

Amendment of Act No. 95, 1902.

3. The Principal Act is amended in the manner set forth in Schedule 1.

Variation of realignment.

4. (1) The realignment effected by the notification published under the
15 Principal Act in Gazette No. 31 of 10th March, 1961, at page 732 is varied by excluding from the realignment so much of the land—

(a) as is shown edged red on the plan deposited in the Department of
Lands and numbered S382-907; and

(b) as is situated in the City of Sydney to the northeast of Devonshire
20 Street between Holt Street and Crown Street.

(2) The realignment referred to in subsection (1) shall, for the purposes of—

(a) section 27 (3) of the Principal Act, as amended by this Act; and

Public Roads (Amendment) 1984

(b) section 27 (3) of the Principal Act, as in force before the date of assent to this Act,

be deemed to be and to have always been that realignment as varied by subsection (1).

5 **(3)** Any notice served under section 262 (3) of the Local Government Act, 1919, with respect to the realignment referred to in subsection (1) shall be deemed to have been served with respect to that realignment as varied by subsection (1).

SCHEDULE 1.

10

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 27 (2) (c), (3)—

Omit “as amended by subsequent Acts” wherever occurring.

(2) Section 27 (3) (d), (e)—

15

From section 27 (3), omit “section be conclusive evidence of the limits and boundaries of the public road or in the case of a plan showing a realignment conclusive evidence of that realignment.”, insert instead:—

section—

20

(d) be conclusive evidence of the limits and boundaries of the public road or

(e) in the case of a plan showing a realignment which has not been rescinded be conclusive evidence of that realignment.

*Public Roads (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

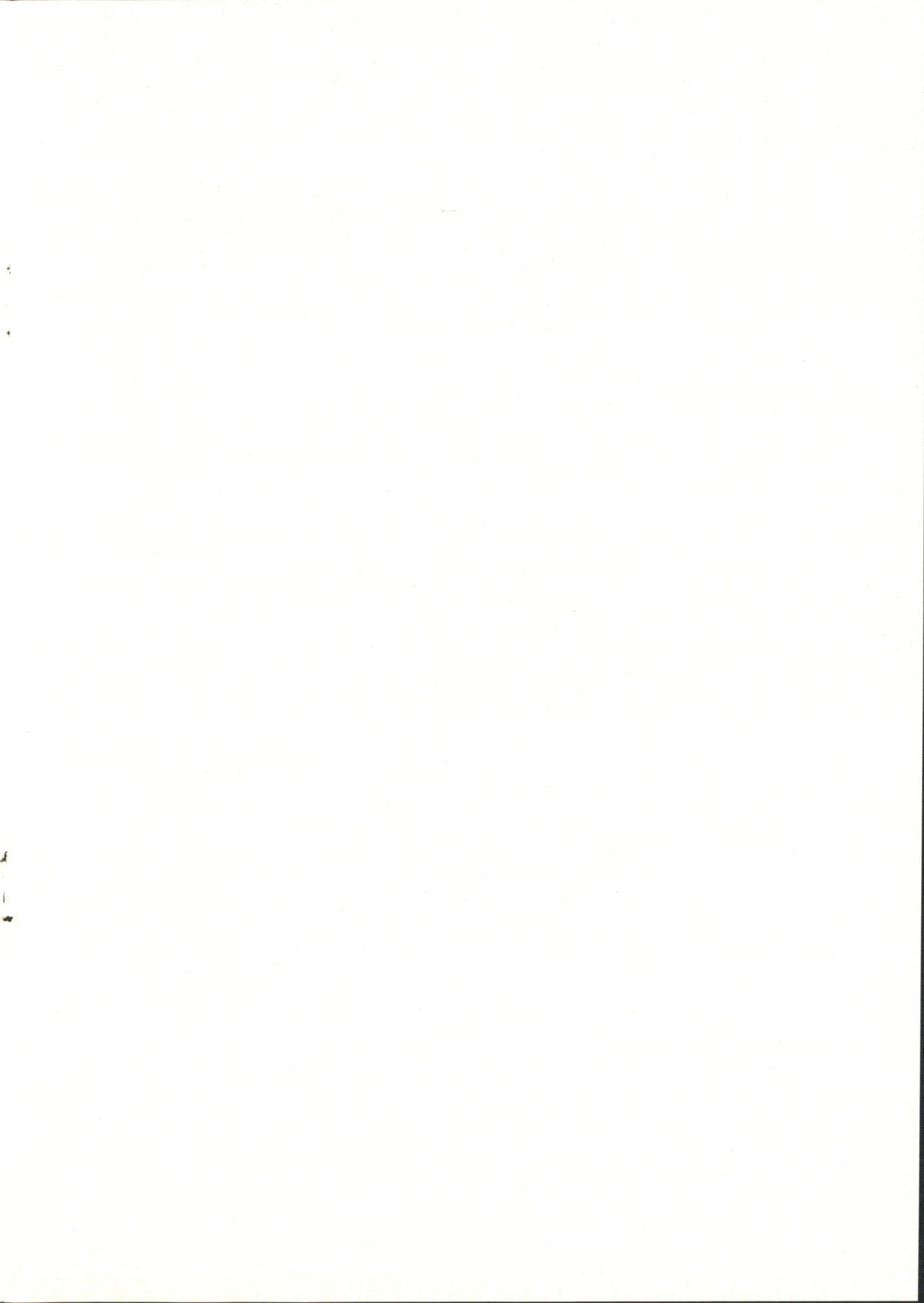
(3) Section 27 (6), (7)—

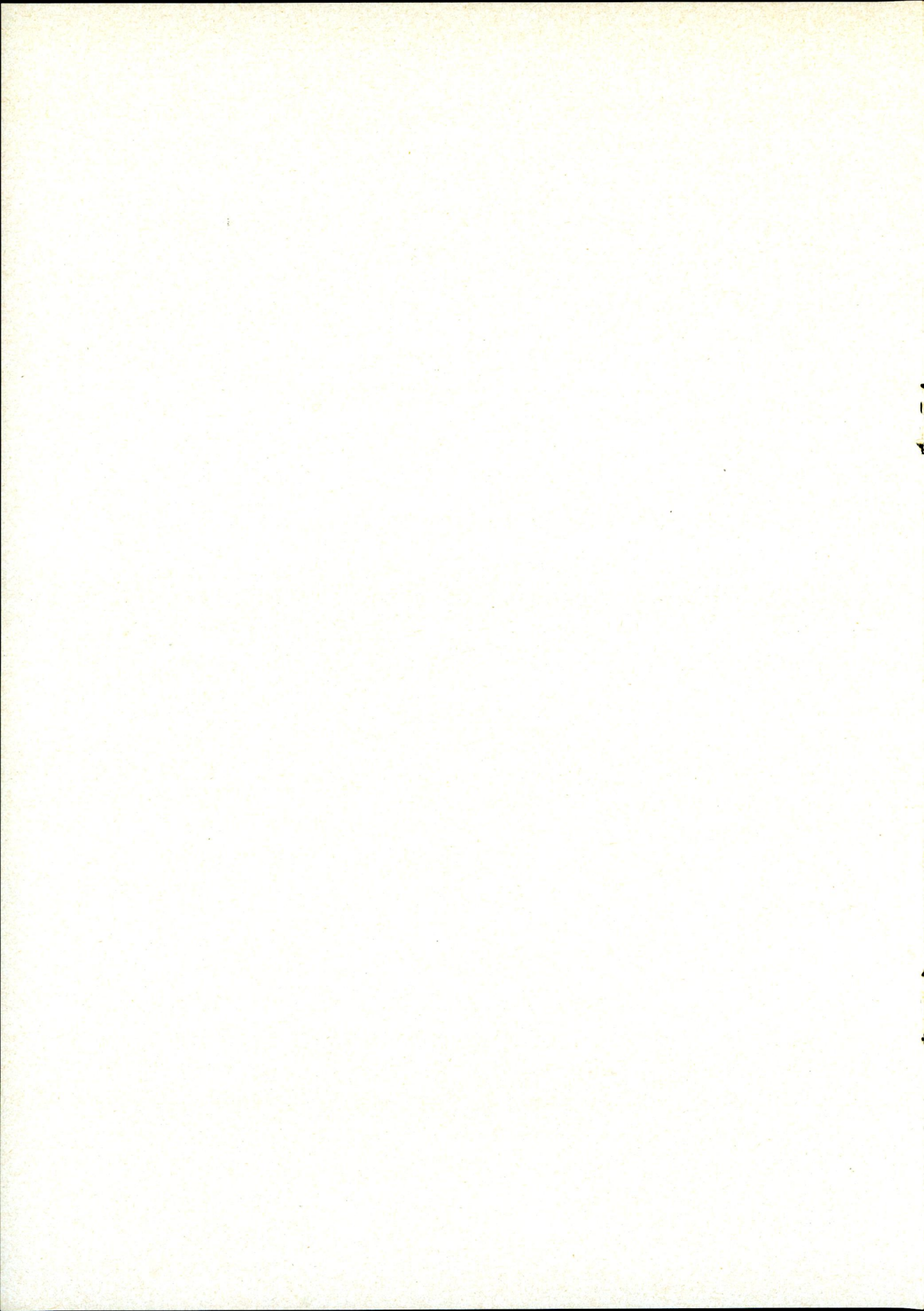
After section 27 (5), insert:—

- 5 (6) Whether or not upon the written application of the council concerned the Minister may by a further notification in the Gazette—
- (a) rescind a realignment effected by the publication of a notification under subsection (3) before or after the commencement of this subsection or
- 10 (b) vary a realignment referred to in paragraph (a) by excluding land specified or described in the further notification from the realignment being land—
- (i) which is part of the land subject to the realignment and
- 15 (ii) which has not vested in the council for a public road pursuant to section 262 (4) of the Local Government Act, 1919.
- 20 (7) Where a realignment shown on a plan prepared for the purposes of this section has been varied under subsection (6) the realignment shown on the plan shall for the purposes of subsection (3) be deemed to be and to have always been the realignment as so varied.

BY AUTHORITY

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





PUBLIC ROADS (AMENDMENT) ACT, 1984, No. 127

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 127, 1984.

An Act to amend section 27 of the Public Roads Act, 1902, so as to enable the rescission or variation of realignments of certain public roads; to vary the realignment of a public road; and for other purposes. [Assented to, 4th December, 1984.]

Public Roads (Amendment) 1984

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 "Public Roads (Amendment) Act, 1984".

Principal Act.

2. The Public Roads Act, 1902, is referred to in this Act as the Principal Act.

Amendment of Act No. 95, 1902.

3. The Principal Act is amended in the manner set forth in Schedule 1.

Variation of realignment.

4. (1) The realignment effected by the notification published under the Principal Act in Gazette No. 31 of 10th March, 1961, at page 732 is varied by excluding from the realignment so much of the land—

- (a) as is shown edged red on the plan deposited in the Department of Lands and numbered S382-907; and
- (b) as is situated in the City of Sydney to the northeast of Devonshire Street between Holt Street and Crown Street.

(2) The realignment referred to in subsection (1) shall, for the purposes of—

- (a) section 27 (3) of the Principal Act, as amended by this Act; and

Public Roads (Amendment) 1984

(b) section 27 (3) of the Principal Act, as in force before the date of assent to this Act,

be deemed to be and to have always been that realignment as varied by subsection (1).

(3) Any notice served under section 262 (3) of the Local Government Act, 1919, with respect to the realignment referred to in subsection (1) shall be deemed to have been served with respect to that realignment as varied by subsection (1).

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 27 (2) (c), (3)—

Omit "as amended by subsequent Acts" wherever occurring.

(2) Section 27 (3) (d), (e)—

From section 27 (3), omit "section be conclusive evidence of the limits and boundaries of the public road or in the case of a plan showing a realignment conclusive evidence of that realignment.", insert instead:—

section—

- (d) be conclusive evidence of the limits and boundaries of the public road or
- (e) in the case of a plan showing a realignment which has not been rescinded be conclusive evidence of that realignment.

Public Roads (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 27 (6), (7)—

After section 27 (5), insert:—

(6) Whether or not upon the written application of the council concerned the Minister may by a further notification in the Gazette—

- (a) rescind a realignment effected by the publication of a notification under subsection (3) before or after the commencement of this subsection or
- (b) vary a realignment referred to in paragraph (a) by excluding land specified or described in the further notification from the realignment being land—
 - (i) which is part of the land subject to the realignment and
 - (ii) which has not vested in the council for a public road pursuant to section 262 (4) of the Local Government Act, 1919.

(7) Where a realignment shown on a plan prepared for the purposes of this section has been varied under subsection (6) the realignment shown on the plan shall for the purposes of subsection (3) be deemed to be and to have always been the realignment as so varied.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 4th December, 1984.*