

*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.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 11 August, 1916.*

## New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

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Act No. , 1916.

**An Act** to sanction the construction of a high-level cantilever bridge across Sydney Harbour by connecting Dawes Point with Milson's Point, together with the necessary approaches, railway connections, and other works connected therewith ; to provide for the use of such works by the Constructing Authority and other persons ; to provide for the cost of the said works and other expenses connected therewith ; to impose a rate on certain lands in relation to such works ; for purposes consequent thereon or incidental thereto ; and for such purposes to amend the Public Works Act, 1912, and certain other Acts.



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**W**HEREAS in accordance with the provisions of <sup>Preamble.</sup> the Public Works Act, 1912, the Legislative Assembly did, by resolution, declare that it was expedient to carry out certain works, namely, the construction of  
 5 a high-level cantilever bridge across Sydney Harbour by connecting Dawes' Point with Milson's Point, together with the necessary approaches, railway connections, and other works connected therewith: And  
 10 whereas, on the passing of the said resolution, a statutory duty was by the said Act imposed on the Minister to introduce a Bill into the said Assembly to sanction the carrying out of the said work: Be it therefore enacted  
 by the King's Most Excellent Majesty, by and with the  
 15 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 "Sydney Harbour <sup>Short title.</sup> Bridge Act, 1916", and is divided into Parts as follows:—

PART I.—WORKS AUTHORISED—ss. 2-6.

PART II.—FINANCIAL—ss. 7-13.

PART III.—MISCELLANEOUS—ss. 14-20.

## PART I.

25

## WORKS AUTHORISED.

**2.** The carrying out of the said works (more par- <sup>Works</sup> ticularly described in the First Schedule to this Act) is <sup>sanctioned.</sup> hereby sanctioned; and the Minister for Public Works, or the member of the Executive Council for the time being  
 30 performing the duties of the said Minister, is hereby authorised to undertake and carry out the said works, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers of, a Constructing Authority within the meaning of the Public Works Act,  
 35 1912. **3.**



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- 3.** The plan of the said works is the plan marked <sup>The plan.</sup> "Sydney Harbour Bridge," signed by the Minister for Public Works, and countersigned by the Director-General of Public Works and the Chief Engineer for Metropolitan Railway Construction, and deposited in the public office of the said Minister.
- 4.** The cost of carrying out the said works, estimated <sup>Cost, and how to be defrayed.</sup> at two millions seven hundred and fifty thousand pounds, may be defrayed from such Loan Votes as are now or may hereafter be applicable to the purpose, or from appropriations of the Public Works Fund, or partly from such votes and partly from the said appropriations, and shall not under any circumstances exceed the estimated cost by more than ten per centum.
- 5.** The said lines of railway and cables for the transmission of power may be constructed <sup>Lines may be constructed on road.</sup> under, over, along, or by the side of any public road, street, or highway, or any public place.
- 6.** The Constructing Authority, and any persons <sup>Constructing Authority may use lines.</sup> authorised by him, may use the said railway lines, or any part thereof, before they are transferred to the Chief Commissioner for Railways and Tramways, and for that purpose may run thereon any carriages or waggons propelled or drawn by any motive power, and the net receipts therefrom shall be paid into the Treasury.

## PART II.

## FINANCIAL.

- 7.** In this Part the capital cost of the works shall be <sup>Capital cost.</sup> deemed to be the total amount expended on the construction of the works mentioned in the First Schedule, together with the cost of land resumptions, costs, compensations, and all other incidental outgoings whatsoever, and together also with interest on the moneys expended for such purposes from time to time until the completion of the said work and opening of the said bridge and railways to traffic, such interest to be calculated at the rate of five pounds per centum per annum.



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**8.** (1) Six-elevenths of the capital cost of the works shall be borne by the Chief Commissioner for Railways and Tramways. Capital cost—how borne.

(2) Five-elevenths of the capital cost shall be borne by the councils of the city and of the municipalities and shires mentioned in the Second Schedule.

**9.** (1) There is hereby imposed in each year after the completion of the said works, and the notification thereof in the Gazette, a rate of three-eighths of a penny in the pound upon the unimproved capital value of all lands within the areas of the said councils (except the council of the shire of Hornsby) ratable under the Local Government Act, 1906, or the Sydney Corporation Act, 1902, or any Act amending the same, and of all lands within the shire of Hornsby situate within the boundaries described in the said schedule and ratable as aforesaid. The rate—its imposition and amount.

(2) Such unimproved capital value shall be ascertained in accordance with the provisions of the law relating to the determining of the unimproved capital value of land for the purposes of the Local Government Act, 1906, or the Sydney Corporation Act, 1902, or any Acts amending the same as the case may require.

(3) The provisions of the Local Government Act, 1906, and any Act amending the same relating to rates thereunder shall, where not inconsistent with this Act, apply to the rate imposed under this section on land situate outside the city of Sydney; and the provisions of the Sydney Corporation Act, 1902, and Acts amending the same relating to rates thereunder shall apply to the rate imposed under this section on land situate within the said city.

**10.** (1) The said councils shall and they are hereby authorised, empowered, and required to collect the rate hereby imposed each year after the notification of the completion of the said works as aforesaid. The rate—collection and disposal.

(2) The proceeds of such rate after deducting such proportion thereof for the expense of collection as the Minister may from time to time in each case approve shall within such period as may be prescribed by regulations made under this Act be paid by the respective councils to a special account in the Treasury. **11.**



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- 11.** (1) The proceeds of such rate paid to the said account shall be applied by the Colonial Treasurer in the first place in paying interest at a rate to be determined by the Governor from time to time on so much of five-elevenths of the capital cost as has not been extinguished under the provisions of this Act, and in the next place in paying—
- Application of proceeds of rate.
- 10 (a) the cost of the maintenance and lighting of the roadways and footway on the cantilever bridge, including main and anchor piers (hereinafter referred to as "the main bridge");
- (b) the cost of the maintenance and lighting of the roadway and footway approaches to the main bridge; and
- 15 (c) five-elevenths of the cost of the maintenance of the main bridge, exclusive of the railway and tramway tracks, and exclusive of the works referred to in paragraph (a) of this subsection.
- Any balance of such proceeds, after making such payments, shall be applied for the purpose of extinguishing the said five-elevenths of the capital cost of the works.
- (2) The cost of the maintenance of the railway and tramway approaches to the main bridge and of the maintenance of the railway and tramway tracks on such approaches and bridge, together with six-elevenths of the cost of maintenance set out in paragraph (c) of the last preceding subsection, shall be borne by the Chief Commissioner for Railways and Tramways.
- 25 **12.** (1) When the five-elevenths of such capital cost has been extinguished as aforesaid, and when the said Treasurer has in his hands out of such proceeds an additional sum of money which if invested at a rate to be fixed by the Governor would provide an annual income sufficient to pay for the costs referred to in paragraphs (a), (b), and (c) of subsection one of the last preceding section, the Governor may declare by proclamation in the Gazette that at the end of the then current year the rate hereinbefore in this Act referred to shall cease to be imposed.
- 30 When rate shall cease to be imposed
- 35

For



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For the purposes of this subsection the said costs shall be the average of such costs for the three completed years immediately preceding the date on which the capital cost was extinguished as aforesaid.

- 5 (2) Any surplus moneys in the hands of the Treasurer over and above such sum as is mentioned in subsection one of this section shall be refunded to the respective councils in the proportion in which they contributed to the same, and shall be dealt with by  
10 them as general rates.

- 13.** Should any of the councils make default in collecting the said rate or in paying the proceeds less such deductions as aforesaid into the special account in the Treasury such council shall be deemed to be a  
15 defaulting area within the meaning and for the purposes of the Local Government Act, 1906, or any Act amending the same.

## PART III.

## MISCELLANEOUS.

- 20 **14.** For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:—  
Amendments of Public Works Act, 1912.

- (1) The following section is inserted next after section four:—

- 25 4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or the under-surface of land, whether such easement or right is acquired separately  
30 from or together with any land.

- (2) Section ninety-eight is amended as follows:—  
(a) at the end of subsection one insert the following:—  
Sec. 98.

- 35 Land may be superfluous within the meaning of this section although the subsoil or under-surface of the land is used or required for the purposes of the work.

In



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In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

- 5 (b) In subsection three, before "public works" insert "authorised works or"; and omit the words "not exceeding fifty years".
- (3) Subsection two of section one hundred and four Sec. 104. is repealed and the following inserted in its place:—
- 10 (2) Any such action shall be tried by a judge of the said court in Sydney, without a jury.
- (4) Subsection one of section one hundred and five Sec. 105. is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds."
- 15 (5) The following proviso is added to subsection Sec. 105. two of section one hundred and five:—
- 20 Provided that no action under this section shall be tried before a jury.
- (6) Subsection one of section one hundred and Sec. 123. twenty-three is repealed, and the following inserted in its place:—
- 25 (1) If the compensation awarded by the arbitrators exceeds three hundred pounds, and either party is dissatisfied with the award, and desires to have the compensation settled by the Supreme Court or a district court, and within fourteen days after the making of the
- 30 award and notice thereof signifies such desire by notice in writing to the other party, then no steps shall be taken to enforce performance of the award, but the claimant shall proceed by action in the Supreme Court or in a district
- 35 court in the manner directed by sections one hundred and four and one hundred and five of this Act as amended by the Sydney Harbour Bridge Act, 1916.
- 40 (7) Section one hundred and twenty-four is Sec. 124. amended by substituting the word "judges" for the word "jury" and by omitting "at the time



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time notice was given or notification published, as the case may be" and substituting the words "immediately before the passing of the Sydney Harbour Bridge Act, 1916".

5 The third paragraph (second proviso) of the same section, is amended by striking out the words "by notification in the Gazette".

(8) Section one hundred and twenty-six is amended Sec. 126. by inserting at the end of subsection two the following:—

10 "Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or  
15 default of the person to whom such compensation is payable."

(9) Section one hundred and fifty-one is repealed Sec. 151. and the following is substituted for it:—

20 151. The Constructing Authority shall, by advertisement in the Gazette and in one or more of the Sydney newspapers published at least thirty days before commencing the said  
25 railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the  
30 offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority  
35 relative to the proposed deviation.

(10) Paragraphs (b) and (c), and subsection three Secs. 82, 86, of section eighty-two, sections eighty-six, 87, 88, 89, 90, eighty-seven, eighty-eight, subsection two of 91, 92, 95, 97, section eighty-nine, sections ninety, ninety-one, 126, 138, and ninety-two, 152.



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ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and sections one hundred and thirty-eight and one hundred and fifty-two are repealed.

- 5 (11) In subsection one of section eighty-nine omit Sec. 89.  
 “the road so interfered with” insert “any  
 road interfered with by the Constructing  
 Authority.”

**15.** All private rights of way over any lands which Right of way,  
s. 18, London  
Electric  
Railway Act.  
 10 may under the powers of this Act be acquired com-  
 pulsorily shall from the date of such acquisition be  
 extinguished: Provided that the Constructing Authority  
 shall make full compensation to all parties interested in  
 respect of any such rights, and such compensation shall  
 15 be settled in manner provided by the Public Works Act,  
 1912 (as amended by the Public Works (Costs) Act,  
 1916, and this Act, with reference to the taking of lands  
 otherwise than by agreement.

**16.** The Constructing Authority shall not be required Accommoda-  
tion works  
not required.  
 20 to make any accommodation works for the convenience  
 of persons of whose lands he may have taken possession,  
 nor for the convenience of persons using any road,  
 street, or lane under or over which the said railway may  
 be carried, or which may be closed or partly closed for the  
 25 purpose of constructing the works hereby authorised, or  
 any works to be carried out in connection therewith. But  
 the Constructing Authority may carry out such accom-  
 modation works as he may think reasonable or desirable  
 under the circumstances, and shall in constructing the  
 30 said works cause as little inconvenience as may  
 reasonably be, having regard to the circumstances.

**17.** Notwithstanding any provision in any Act Notices not  
required.  
No liability  
for nuisances  
in carrying  
out work.  
 to the contrary, it shall not be necessary for the  
 Constructing Authority to give any notice of his  
 35 intention to blast any rock, nor shall he be liable to  
 have an injunction issued to restrain him from causing  
 or continuing to cause any nuisance by such blasting or  
 by any other operation necessary or proper in connection  
 with the construction of the works authorised by this Act.



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**18.** (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary any action for damage or injury caused by the carrying out of any work or the doing of anything under the authority of this Act (not <sup>Certain actions to be determined by judge without jury.</sup> being an action for compensation in respect of any land taken under the said authority) shall be heard and determined, when the amount claimed in such action exceeds one thousand pounds, by a Judge of the Supreme Court without a jury, and when such amount <sup>10</sup> does not exceed one thousand pounds by a Judge of the said court or a District Court Judge without a jury.

(2) No such action may be brought unless a claim in writing setting out the nature of the damage or injury complained of has been served upon the <sup>15</sup> Constructing Authority within twelve months after the carrying out of the work or the doing of the thing by reason of which the damage or injury complained of is alleged to have arisen.

If the Constructing Authority does not admit such <sup>20</sup> claim or is unable to agree with the claimant as to the amount of compensation to be paid, he may by notice in writing require the claimant to bring an action for the prosecution of such claim, and such action shall be commenced within twelve months from the date of such <sup>25</sup> notice.

**19.** The Constructing Authority or any person <sup>Constructing Authority may enter land, building, &c.</sup> authorised by him in writing may at any reasonable hour in the daytime enter any land or building along or near to the line of the said work and inspect the same <sup>30</sup> and make measurements and drawings and take photographs thereof and take such other measures as he may think necessary to ascertain the construction and condition of any such building :

Provided that notice shall be given to the person in <sup>35</sup> occupation of such land or building at least twenty-four hours before such entry.

**20.** The Governor may make regulations for carrying <sup>Regulations.</sup> this Act into effect, and may in such regulations impose any penalty not exceeding twenty pounds for any breach <sup>40</sup> hereof.



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## SCHEDULES.

## FIRST SCHEDULE.

THE works provided for are as follow :—

A bridge of the cantilever type designed, in common with the 5 approaches thereto, to carry four lines of railway, one main roadway, one motor roadway, and one footway.

The necessary approaches to the bridge.

The construction of electric railway lines connecting the respective ends of the approaches with the proposed city railway station at 10 Wynyard-square on the southern side and with the existing Milson's Point railway near Bay-road station on the northern side.

Connections for utilising two of the lines temporarily for tramway purposes.

Subject to such deviations and modifications as may be considered 15 desirable by the Constructing Authority.

## SECOND SCHEDULE.

- City of Sydney.  
Municipality of Manly.  
Municipality of Mosman.  
20 Municipality of Lane Cove.  
Municipality of North Sydney.  
Municipality of Willoughby.  
Shire of Warringah.  
Shire of Ku-ring-gai.  
25 The shire of Hornsby as to so much thereof as is bounded as follows :  
Commencing at Flint and Steel Point ; by a line towards Juno Head to the channel of the Hawkesbury River (being the line of greatest depth as per soundings shown on chart catalogued Misc. 144) ; thence upwards along the channel to meet the northerly prolongation of a line  
30 along the centre of Berowra Creek ; by that prolongation and line generally southerly to its intersection with the southerly prolongation of the eastern boundary of portion 164, parish of North Colah ; by that prolongation and boundary northerly ; by the northern boundaries of that portion and portion 139 westerly, part of the eastern boundary of  
35 portion 55 and a line northerly ; part of the southern boundary of portion 107 and the southern boundaries of portions 7, 6, and 5, westerly ; by the western boundaries of portions 108 and 44 southerly ; by the southern boundary of the latter portion easterly ; by eastern and northern boundaries of portion 133 southerly, easterly, and again southerly ;



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southerly; the southern boundary of that portion westerly; the eastern boundary of portion 141 southerly; by Cabbage Tree Hollow upwards; the western boundaries of portions 134 and 128 southerly; by Carter's Gully downwards; the western and southern  
5 boundaries of portion 174 southerly and easterly; the eastern boundary of portion 172 southerly; the southern boundary of that portion and part of the southern boundary of portion 192 westerly; the eastern boundaries of portion 171, parish of North Colah, 62, 63, and 67, parish of South Colah, southerly; the north-  
10 eastern boundaries of portions 25 and 114; the north-eastern and south-eastern boundaries of portions 26, 32, and 80 generally southerly; part of the northern boundary of portion 110 easterly; the eastern boundary of that portion and of portion 111 and the western side of Hull-road southerly; the northern and north-western boundaries  
15 of section 1, as shown on deposit plan 1,879 in Registrar-General's office, and the northern boundary of public school land at Pennant Hills, south-westerly and westerly; by a line west to the boundary of Hornsby Shire; thence by part of the western boundary, the southern boundary, and the eastern boundary of Hornsby Shire, to the point of  
20 commencement.