

SYDNEY HARBOUR BRIDGE ACT.

Act No. 28, 1922.

An Act to sanction the construction of a high-level cantilever or arch 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; to amend the Public Works Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 24th November, 1922.]

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BE it enacted by the King'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 "Sydney Harbour Bridge Act, 1922," and is divided into Parts as follows:—

PART I.—WORKS AUTHORISED—*ss.* 2–6.

PART II.—FINANCIAL—*ss.* 7–14.

PART III.—MISCELLANEOUS—*ss.* 15–22.

PART I.

WORKS AUTHORISED.

Works
sanctioned.

2. The carrying out of the works described in the First Schedule (in this Act referred to as "the said works") is hereby sanctioned; and the Secretary for Public Works is empowered to carry out the said works.

The plan.

3. The plan of the said works is the plan marked "Sydney Harbour Bridge," signed by the said Secretary and countersigned by the chief engineer, Sydney Harbour Bridge, and deposited in the public office of the said Secretary.

Estimated
cost of works.

4. The estimated cost of the said works, inclusive of land resumptions, is the sum of five million seven hundred and fifty thousand pounds, which shall not be exceeded by more than ten per centum.

Lines may be
constructed
on road.

5. The lines of railway and cables for the transmission of power referred to in the First Schedule may be constructed under, over, along, or by the side of any public road, street, or highway, or any public place.

6.

6. The constructing authority, and any persons authorised by him, may use the said lines of railway, or any part thereof, before they are transferred to the Railway Commissioners for New South Wales, 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.

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Constructing
authority
may use lines.

PART II.

FINANCIAL.

7. (1) In this Part the capital cost of the works shall be deemed to be the total amount expended on the construction of the said works 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 works, such interest to be calculated for each financial year at the rate of interest certified by the Colonial Treasurer to be the average rate of interest paid by the Government on loan moneys.

Capital cost.

(2) The date of the completion of the said works shall be determined by the Governor, and the date so determined shall be notified in the Gazette.

8. (1) Two-thirds of the capital cost of the works shall be debited to the Railway Commissioners for New South Wales.

Capital cost—
how borne.

(2) One-third of the capital cost of the works shall be paid out of the proceeds of the rate hereinafter provided for.

9. (1) There is hereby imposed for the year one thousand nine hundred and twenty-three, and for each year thereafter, as from the first day of January in each of the said years, a rate of one-half of a penny in the pound

The rate—its
imposition
and amount.

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(2) Such unimproved value shall be ascertained in accordance with the provisions of the law relating to the determination of the unimproved value of land for the purposes of the Sydney Corporation Act, 1902, or the Local Government Act, 1919, or any Acts amending the same as the case may require.

(3) The provisions of the Local Government Act, 1919, and any Act amending the same shall, where not inconsistent with this Act or any regulation made thereunder, apply to the rate imposed on land situate outside the city of Sydney; and the provisions of the Sydney Corporation Act, 1902, and any Act amending the same shall, where not inconsistent with this Act or any regulation made thereunder, apply to the rate imposed on land situate within the said city: Provided that the amount of the rate shall not be included in calculating the maximum amount that may be levied as rates under the Local Government Act, 1919, or the Sydney Corporation Act, 1902, or any Acts amending the same.

The rate—
collection and
disposal.

10. (1) The Municipal Council of Sydney and the councils of the municipalities and shires referred to in the Second Schedule (hereinafter called "the said councils") shall and they are hereby authorised, empowered, and required to collect each year the rate imposed by this Act.

(2) The proceeds of such rate after deducting such proportion thereof for the expense of collection as the said Secretary 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 said councils to a special account in the Treasury.

11.

11. The proceeds of such rate when paid to such special account shall be credited with interest to be calculated for each financial year at the rate of interest certified by the Colonial Treasurer to be the average rate of interest paid by the Government on loan moneys.

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Application
of proceeds
of rate.

12. (1) The moneys standing to the credit of such special account shall be applied by the Colonial Treasurer as follows:—

Application
of money in
special
account.

- (i) During the construction of the said works in payment of the cost of and incidental to the carrying out of the said works.
- (ii) After the completion of the said works in payment of—
 - (a) interest at a rate to be determined by the Governor from time to time and notified in the Gazette on so much of the one-third part of the capital cost of the works payable out of the proceeds of the said rate as shall not have already been defrayed from such moneys;
 - (b) the cost of the maintenance and lighting of the roadways and footway on the cantilever or arch bridge, including the piers (hereinafter referred to as “the main bridge”);
 - (c) the cost of the maintenance and lighting of the roadway and footway approaches to the main bridge; and
 - (d) one-third of the cost of the maintenance of the main bridge, exclusive of the railway tracks.

Any balance of such moneys, after making such payments, shall be applied in payment of the said one-third of the capital cost of the works, which is payable out of the proceeds of the said rate.

(2) The cost of the maintenance of the railway approaches to the main bridge and of the maintenance of the railway tracks on such approaches and bridge, together with two-thirds of the cost of maintenance of the main bridge other than the cost of the maintenance and

George V, and lighting of the roadways and footway on such bridge,
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When rate shall cease to be imposed.

13. (1) When one-third of the capital cost of the works, when completed, has been paid out of the proceeds of the said rate, and there is standing to the credit of the said special account an additional sum of money which if invested at a rate to be fixed by the Governor will provide an annual income sufficient to pay for the costs referred to in paragraphs (b), (c), and (d) of subsection one of the last preceding section, the Governor shall declare by notification in the Gazette that upon a date to be stated in such notification the said rate shall cease to be imposed, but the publication of such notification shall not release any person from any liability in respect of any rate, or relieve any of the said councils from the obligation to account for the proceeds of such rate or affect the remedies hereinafter provided against defaulting councils :

Provided that the date stated in such notification may be retrospective, and a rate shall not be imposed, or if imposed shall not be payable, in respect of any period after the date stated in such notification.

The costs referred to in the said paragraphs (b), (c), and (d) shall be the average annual amount of such costs during the three completed years immediately preceding the date on which one-third of the capital cost of the works has been paid out of the proceeds of the said rate.

(2) Any surplus moneys standing to the credit of the said special account after the investment of the additional sum of money referred to in subsection one of this section shall be refunded to the said councils in the proportion in which they contributed to the same respectively, and shall be dealt with by them as general rates.

Default by council.

14. (1) If the council of any municipality or shire makes default in collecting the said rate or in paying the proceeds less such deductions as aforesaid into the special account in the Treasury such municipality or shire shall be deemed to be a defaulting area within the meaning and for the purposes of the Local Government Act, 1919, or any Act amending the same.

(2)

(2) If any such default is made by the Municipal Council of Sydney, the city of Sydney shall be deemed to be a defaulting area within the meaning and for the purposes of Part VIII of the Local Government Act, 1919, and the provisions of the said Part shall apply to the said council and the said city.

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PART III.

MISCELLANEOUS.

15. 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:—

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 from or together with any land.

Acquisition
of an
easement.

(2) Section eighty-two is amended by omitting in subsection one the words “and (b) not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted; and (c) not being nearer to the dwelling-house of the owner of any such lands than a distance of five hundred yards.”

Sec. 82.

(3) Section ninety-eight is amended as follows:—

Sec. 98.

(a) At the end of subsection one insert the following:—

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.

It:

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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.

- (b) In subsection three, before "public works" insert "authorised works or" and omit the words "not exceeding fifty years."

Sec. 124.

- (4) Section one hundred and twenty-four is amended by omitting the words "at the time notice was given, or notification published, as the case may be" and substituting therefor the words "at the date of the passing of the Sydney Harbour Bridge Act, 1922."

Sec. 123.

- (5) Section one hundred and twenty-six is amended by inserting at the end of subsection two the following proviso:—

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 without reasonable excuse by the act or default of the person to whom such compensation is payable.

Secs. 86, 87,
88, 89, 90, 91,
92, 95, 97,
126, and
Part IX.

- (6) Sections eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and Part IX are repealed.

Right of way.
s. 18, London
Electric
Railway Act.

16. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily 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 be settled in manner provided for the assessment of compensation by reason of the compulsory acquisition of land.

Accommoda-
tion works
not required.

17. The constructing authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, or for the convenience of persons using any road, street, or lane under or over which the said railway may
be

be carried, or which may be closed or partly closed for the 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 accommodation works as he may think reasonable or desirable under the circumstances, and shall in constructing the said works cause as little inconvenience as may reasonably be, having regard to the circumstances.

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18. Notwithstanding any provision in any Act to the contrary, it shall be necessary for the constructing authority to give notice of his intention to blast any rock. No injunction shall be 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.

Notices
required.
No liability
for nuisances
in carrying
out work.

19. (1) 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 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 does not exceed one thousand pounds by a judge of the said court or the judge of a district court without a jury.

Certain
actions to be
determined
by judge
without 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 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, or within such further time as a judge of the Supreme Court or of a district court shall allow.

(3) If the constructing authority does not admit such 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 notice.

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Constructing
authority
may enter
land, build-
ing, &c.

20. The constructing authority or any person 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 works and inspect the same 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 occupation of such land or building at least twenty-four hours before such entry.

Materials to
be used.

21. The works authorised shall as far as practicable be constructed of materials produced and manufactured in Australia at the date of closing of tenders. The constructing authority shall afford full opportunity to local industries to manufacture or arrange for the manufacture and supply from Australian industries or production in fair competition with imported materials.

Regulations.

22. (1) The Governor may make regulations for carrying this Act into effect, and may in such regulations impose any penalty not exceeding twenty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices in petty sessions.

(2) Such regulations shall be published in the Gazette and shall come into force upon publication and shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in session, and if Parliament is not then in session within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULES.

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FIRST SCHEDULE.

THE works provided for are as follow :—

A bridge of the cantilever or arch type across Sydney Harbour from Dawes Point to Milson's Point designed, in common with the 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 Wynyard-square on the southern side and with the existing Milson's Point railway near Bay-road Station on the northern side.

Cables for the transmission of electric power and all other necessary works incidental to the before mentioned works.

Subject to such deviations and modifications as may be considered desirable by the constructing authority.

SECOND SCHEDULE.

City of Sydney. (Boundaries to be the same as constituted at the date of the passing of this Act.)

Municipality of Manly.

Municipality of Mosman.

Municipality of Lane Cove.

Municipality of North Sydney.

Municipality of Willoughby.

Shire of Warringah.

Shire of Ku-ring-gai.

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 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 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 ; 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 ;

George V, southerly; by Carter's Gully downwards; the western and southern 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-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 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 commencement.