

**CITY AND SUBURBAN ELECTRIC RAILWAYS
(AMENDMENT) ACT.**

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1967.

An Act to sanction and provide for the construction of a further electric railway in the City of Sydney and certain suburbs thereof; to amend the City and Suburban Electric Railways Act, 1915, and the Public Works Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 23rd March, 1967.]

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
and
citation.

1. (1) This Act may be cited as the "City and Suburban Electric Railways (Amendment) Act, 1967".

(2)

City and Suburban Electric Railways (Amendment).

(2) The City and Suburban Electric Railways Act, No. 10, 1967 1915, as amended by subsequent Acts and by this Act, may be cited as the City and Suburban Electric Railways Act, 1915-1967.

2. The City and Suburban Electric Railways Act, 1915-1965, is amended—

- (a) by omitting sections 5A, 5B and 5C and by inserting in lieu thereof the following sections :—

5A. (1) (a) The carrying out of the work described in the Second Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts, but the provisions of sections thirty-four, thirty-five, thirty-six and thirty-seven of that Act, as so amended, shall not apply to the said work.

(c) The Commissioner for Railways is empowered to carry out the said work and shall be the Constructing Authority for the same within the meaning of the Public Works Act, 1912, as amended by subsequent Acts, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such Authority may think proper.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

5B. The plan of the work described in the Second Schedule to this Act is the plan marked "DEPARTMENT OF RAILWAYS, N.S.W. EASTERN SUBURBS RAILWAY" deposited in the

Amendment
of Act No.
29, 1915.

Subst. secs.
5A, 5B, 5C
and new
sec. 5D.

Second
Schedule
work
sanctioned.

Plan of
Second
Schedule
work.

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the office of The Commissioner for Railways at Sydney and marked with the Common Seal of the said Commissioner.

Estimated
cost.

5C. The cost of carrying out the work described in the Second Schedule to this Act (exclusive of the cost of land resumptions) and the provision of rolling stock is estimated at seventy-eight million nine hundred thousand dollars and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

Provisions of
Local Govern-
ment Act,
1919, and
other Acts
not to apply
to use of
land.

5D. Notwithstanding the provisions of the Local Government Act, 1919, as amended by subsequent Acts, or of any other Act, or of any Ordinance under the Local Government Act, 1919, as so amended, it shall be lawful for any of the land purchased or taken for the work described in the Second Schedule to this Act to be used for the construction of the said work in such manner as the Constructing Authority shall determine.

Sec. 8.
(Amend-
ments
of Public
Works Act,
1912.)

- (b) (i) by omitting paragraph three of section eight;
- (ii) by inserting at the end of subparagraph (a) of paragraph eleven of the same section the words "and for the purposes of the work described in the Second Schedule to the City and Suburban Electric Railways Act, 1915-1967, they shall assess the same according to what they find to have been the value of such lands, estate or interest as at the twenty-seventh day of February, one thousand nine hundred and sixty-seven,";
- (iii) by inserting next after subparagraph (b) of the same paragraph the following new subparagraph :—
 - (c) by inserting at the end thereof the following proviso :—

Provided further that no compensation shall be allowed or awarded in respect of any improvement erected

between

between the first day of January, one thousand nine hundred and forty-seven, and the twenty-seventh day of February, one thousand nine hundred and sixty-seven, for which any necessary consent pursuant to the provisions of the Local Government Act, 1919, as amended by subsequent Acts, or Ordinances thereunder, has not been obtained, and where any necessary consent as aforesaid has been obtained and such consent is subject to conditions stipulated by the Responsible Authority or the Constructing Authority then the compensation allowed or awarded in respect of such improvement shall be ascertained with due regard to such conditions and to the terms of any agreement entered into with the Responsible Authority or the Constructing Authority in that connection.

- (iv) by omitting paragraph twelve of the same section and by inserting in lieu thereof the following paragraph :—

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

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 default of the person to whom such compensation is payable.

(2A) In the event of possession of any land which has been acquired or taken for the purposes of the work

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work described in the Second Schedule to the City and Suburban Electric Railways Act, 1915-1967, not being immediately required by the Constructing Authority the person to whom such compensation is payable in respect of such acquisition or taking may by agreement with the Constructing Authority be allowed to remain in possession of such land until possession thereof is required by the Constructing Authority subject to such person undertaking to waive any claim which he may have for the payment of interest on such compensation as hereinbefore provided for the period during which he is allowed to remain in possession of such land.

(v) by omitting paragraph fourteen of the same section;

(vi) by omitting paragraph fifteen of the same section and by inserting in lieu thereof the following paragraph :—

Repeals.

(15) Sections forty-seven, forty-eight and forty-nine, paragraphs (b) and (c) firstly occurring in subsection one of section eighty-two and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one

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one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, subsection three of section one hundred and twenty-six, and sections one hundred and fifty-one and one hundred and fifty-two are repealed.

- (c) by inserting next after section ten the following new section :—

New sec.
10A.

10A. Notwithstanding anything in the Public Works Act, 1912, as amended by subsequent Acts, or any other Act, to the contrary, the Constructing Authority shall not be liable for the payment of any compensation in respect of any road, street, lane or place acquired or taken for the purposes of the work described in the Second Schedule to this Act if on the completion of such work the Constructing Authority restores such road, street, lane or place or provides another sufficient road, street, lane or place in lieu thereof.

Compensation not payable in respect of roads restored.

- (d) by omitting from subsection one of section twelve the words "when the amount claimed in such action exceeds two thousand dollars, by a Judge of the Supreme Court without a jury, and when such amount does not exceed two thousand dollars by a Judge of the said Court or a District Court Judge without a jury" and by inserting in lieu thereof the words "when the amount claimed in such action exceeds six thousand dollars, by a Judge of the Supreme Court without a jury and when such amount does not exceed six thousand dollars by a District Court Judge without a jury";

Sec. 12.
(Certain actions may be determined by Judge without jury.)

- (e) by omitting section fourteen;

Sec. 14.
(Validation of certain purchases.)

(f)

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No. 10, 1967	(f) by omitting section seventeen and by inserting in lieu thereof the following section :—
Subst. sec. 17. Employ- ment of temporary officers.	<p>17. In the construction of the work sanctioned by section 5A of this Act the Constructing Authority may employ temporary officers who shall not be liable to contribute to the Railways Retirement Fund and to whom the provisions of sections seventy-two, seventy-five, seventy-six and eighty-six of the Government Railways Act, 1912, as amended by subsequent Acts, shall not apply.</p>
New secs. 18, 19, 20.	(g) by inserting next after section seventeen the following new sections :—
Protection of work.	<p>18. Until such time as the work sanctioned by section 5A of this Act has been constructed any person who proposes to develop any land or property along or in the immediate proximity of the route of the railway as shown on the Plan of the Work referred to in section 5B of this Act shall, before commencing such development and without in any way limiting his obligations under any other Act to obtain any other necessary approvals or consents, submit to the Constructing Authority full details of his proposed development for approval and shall comply with any conditions imposed by the Constructing Authority which it may deem necessary for the protection of the work. For the purposes of this section "develop" shall include but shall not be limited to the erection or demolition of any building, the substantial alteration of any building or the excavation of any land.</p>
Nature of easement.	<p>19. Any easement for railway transit acquired pursuant to the provisions of section 4A of the Public Works Act, 1912, as amended by subsequent Acts, shall be an easement conferring on the Constructing Authority all such powers, functions and rights as are necessary or convenient for the construction, operation and maintenance of an electric railway and for all purposes connected with or incidental to such construction, operation and maintenance.</p> <p style="text-align: right;">20.</p>

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20. All lands, easements or rights purchased, taken or acquired for the purposes of the work sanctioned by section 5A and the Second Schedule to this Act as enacted immediately before the City and Suburban Electric Railways (Amendment) Act, 1967, may be utilised for the purposes of the work sanctioned by section 5A and the Second Schedule to this Act.

No. 10, 1967
Savings.

(h) by omitting the Second Schedule and by inserting in lieu thereof the following Schedule :—

Second
Schedule.

SECOND SCHEDULE.

Eastern Suburbs Railway.

The double line of railway commences at the partly constructed station under the site of Chalmers Street and proceeds in tunnels under Eddy Avenue, the existing City Railway and Belmore Park to join the existing low level tunnels at Town Hall station. The railway then continues in tunnels to a station to be constructed under Martin Place between Castlereagh Street and Macquarie Street and proceeds in an easterly direction under Macquarie Street and the Domain. From the Domain the railway will be constructed above ground across Woolloomooloo, in tunnels under Kings Cross and again above ground across Rushcutters Bay to enter tunnels again near Edgecliff. The railway then proceeds in a south-easterly direction through Woollahra and Bondi Junction, thence southerly and south-westerly through Waverley and Randwick to terminate at an underground station at Kingsford, the whole section from Edgecliff to Kingsford being in tunnels except for a small section where Woollahra station is to be provided in an open cutting. Railway stations will be provided at Chalmers Street, Town Hall, Martin Place, Kings Cross, Rushcutters Bay, Edgecliff, Woollahra, Bondi Junction, Charing Cross, Frenchman's Road, Randwick, University of New South Wales and Kingsford with special bus-to-rail interchange facilities being provided at Edgecliff, Bondi Junction, Randwick and Kingsford. Train storage sidings will also be provided in tunnels beyond Kingsford Station.

A single line railway track mostly in tunnel formation, will be constructed from Erskineville, through Redfern to Chalmers Street station to provide railway access to and from the new railway, provision being made for the future duplication of this railway access and for the future integration of the railway as part of the general Metropolitan Railway system.

Throughout the entire route provision will be made for junctions, cross-overs, loops and terminating roads to facilitate operations and to enable the railway to be opened for traffic in sections.

The

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No. 10, 1967 The total length, inclusive of cross-overs, loops, terminating roads, storage sidings and the access railway will be 18 miles 72 chains of single line track, of which 2 miles 31 chains will be above ground and 16 miles 41 chains will be below ground, and is subject to such diversions, modifications and additions as may be considered desirable by the Constructing Authority.

Power.

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

COMMON