

1995—No. 529

**VERY FAST TRAIN (ROUTE INVESTIGATION) ACT 1989—
REGULATION**

(Very Fast Train (Route Investigation) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Very Fast Train (Route Investigation) Act 1989, has been pleased to make the Regulation set forth hereunder.

MICHAEL EGAN, M.L.C.,
Minister for State Development.

Citation

1. This Regulation may be cited as the Very Fast Train (Route Investigation) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“**the Act**” means the Very Fast Train (Route Investigation) Act 1989.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

Preliminary notice of intention to enter land

4. (1) For the purposes of section 13 (2) (b) of the Act, written notice of a person’s intention to enter land is to be in Form 1.

(2) The notice must be served personally or by post on the owner and each occupier of the land at least 7 days before the land is first entered under the authority of the permit concerned.

(3) Service on the owner of the land may be effected by serving the notice on any person who, according to the records of the local council or any other statutory authority, is liable for a rate or other charge that is or may become a charge on the land.

(4) If, after reasonable inquiry, the land appears to be unoccupied, service on occupiers of the land may be effected by causing a copy of the notice to be displayed:

- (a) on each gate providing access to the land; or
- (b) if there is no such gate, in a prominent position on the boundary of the land nearest to a public road,

for at least 7 days before the land is first entered under the authority of the permit concerned.

Notice confirming authority to enter land

5. For the purposes of section 16 (2) of the Act, a notice issued by the holder of a permit and confirming the authority of a person to enter land is to be in Form 2.

Repeal

6. The Very Fast Train (Route Investigation) Regulation 1989 is repealed.

SCHEDULE 1—FORMS

Form 1

(Cl. 4)

PRELIMINARY NOTICE OF INTENTION TO ENTER LAND

(Very Fast Train (Route Investigation) Act 1989)

TO: The owner and each occupier of the land described in Schedule 1.

TAKE NOTICE THAT

1.

(here insert name of permit holder)

has been granted Permit No. under the Very Fast Train (Route Investigation) Act 1989 authorising entry to that land and

(here insert a description of the activities authorised by paragraph (a) or (b) of section 13 (1) of the Act as appropriate)

- ## SCHEDULE 1

(here insert a full description)

(here insert each relevant condition in full)

(C1.5)

(Very Fast Train (Route Investigation) Act 1989)

whose photograph is shown on this Notice is authorised by Permit No. (which expires on / /) granted under the Very Fast Train (Route Investigation) Act 1989 to enter the land described in Schedule 1, but only in accordance with the conditions of that Permit set out in Schedule 2.

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Issued by on day of 19 ..
for
(*insert name of permit holder*)

ATTENTION IS ALSO DRAWN TO THE FOLLOWING:

1. The person producing this Notice is NOT authorised to enter any dwelling or adjacent outhouses or gardens.
2. The Act gives a RIGHT OF COMPENSATION to each owner or occupier of land for any loss or damage suffered in the circumstances set out in section 18 of the Act.

SCHEDULE 1
LAND THAT MAY BE ENTERED
(*here insert a full description*)

SCHEDULE 2
CONDITIONS OF PERMIT RELATING TO ENTRY
(*here insert each relevant condition in full*)

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SCHEDULE I—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the Very Fast Train (Route Investigation) Regulation 1989. The new Regulation prescribes matters relating to the giving of notice of intention to enter land, and the confirming of a person's authority to enter land, for the purposes of the Act.

This Regulation is made under the Very Fast Train (Route Investigation) Act 1989, including section 22 (the general regulation making power) and sections 13 and 16.

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
