

THIRLMERE TO BURRAGORANG RAILWAY ACT.

Act No. 28, 1951.

**George VI.
No. 28, 1951.**

An Act to authorise the construction of a railway from Thirlmere to Burragorang; to amend the Public Works Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 31st October, 1951.]

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 "Thirlmere to Burragorang Railway Act, 1951."
- Work authorised.** **2.** The carrying out of the work described in the Schedule to this Act is hereby authorised and 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, thirty-seven and subsection three of section one hundred and twenty-six shall not apply to the said work and the provisions of section thirty-eight shall apply to any contracts for carrying out such work.
- The plan.** **3.** The plan of the said work is the plan marked "Department of Railways Thirlmere to Burragorang Schedule Plan" signed by The Commissioner for Railways and countersigned by the Chief Civil Engineer of the Department of Railways, and deposited in the office of The Commissioner for Railways.
- Estimated cost.** **4.** The cost of carrying out the said work (exclusive of land resumption) is estimated at nine hundred and thirty-four thousand pounds and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

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5. The said work may be constructed on, over, under, along or by the side of any road or highway, including a State highway or main road within the meaning of the Main Roads Act, 1924, as amended by subsequent Acts: **No. 28, 1951.**
 Provided that the construction of the said work on, over, under or along any such State highway or main road shall be for the sole purpose of allowing the said work to cross such State highway or main road. **Railway constructed over roads, etc.**

6. (1) If the said work crosses any road or any State highway or main road within the meaning of the Main Roads Act, 1924, as amended by subsequent Acts, on the level, The Commissioner for Railways as the Constructing Authority shall make such provision by way of approaches, protection or otherwise howsoever as he may deem to be requisite or expedient and upon the completion of the said work the maintenance of and any future paving, kerbing, guttering, roadmaking, draining and other construction work of a like or different nature in relation to such road, State highway or main road up to the sleeper ends on each side of the said work shall be undertaken, without any expense to The Commissioner for Railways, by the council or The Commissioner for Main Roads or other authority, as the case may be, which would have been responsible therefor if the said work had not been constructed, notwithstanding that such road, State highway or main road may have become or be wholly or partly vested in The Commissioner for Railways. **Maintenance of roads, etc.**

(2) If the said work is carried over any road or any State highway or main road within the meaning of the Main Roads Act, 1924, as amended by subsequent Acts, the maintenance of and any future paving, kerbing, guttering, roadmaking, draining and other construction work of a like or different nature in relation to such road, State highway or main road, excluding the bridge or structure or any part thereof by means of which the said work is carried over such road, State highway or main road, shall upon completion of the said work be undertaken, without any expense to The Commissioner for Railways, by the council or The Commissioner for Main Roads or other authority, as the case may be, which would have been responsible therefor if the said work had

No. 28, 1951. had not been constructed, notwithstanding that such road, State highway or main road may have become or be wholly or partly vested in The Commissioner for Railways.

(3) If the said work is carried under any road or any State highway or main road within the meaning of the Main Roads Act, 1924, as amended by subsequent Acts, the maintenance of and any future paving, kerbing, guttering, roadmaking, draining and other construction work of a like or different nature in relation to the surface of the roadway on any bridge or structure over which such road, State highway or main road runs and the approaches thereto shall upon the completion of the said work be undertaken, without any expense to The Commissioner for Railways, by the council or The Commissioner for Main Roads or other authority, as the case may be, which would have been responsible therefor if the said work had not been constructed, notwithstanding that such bridge or structure or approaches is or are on land which may have become or is wholly or partly vested in The Commissioner for Railways.

(4) If the said work is carried under any road or any State highway or main road within the meaning of the Main Roads Act, 1924, as amended by subsequent Acts, the whole or any portion of any bridge or structure over which such road, State highway or main road runs or of any approach thereto which is not within the area of the land required for or for the purposes of the said work as a railway may be dedicated as a public road under the Public Roads Act, 1902, as amended by subsequent Acts, or as a public highway under section eighty-one of the Public Works Act, 1912, as amended by subsequent Acts.

Where the said work is carried under any such State highway or main road any such dedication of the whole or any portion of any bridge or structure over which such State highway or main road runs shall have the same effect as if the whole or such portion, as the case may be, of such bridge or structure had been proclaimed by the Governor as a State highway or main road under the Main Roads Act, 1924, as amended by subsequent Acts.

SCHEDULE.

**University and University Colleges (Amendment)
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Sec. 2.
The proposed railway commences at Thirlmere on the Picton to Mittagong Loop about 57 miles from Sydney and swings in a curve from south westerly to northerly about one mile from its commencement proceeds northerly a further mile thence generally north westerly crossing Cedar Creek Stonequarry Creek and the headwaters of Werriberri Creek and skirting the western side of The Green Hills and generally following the watershed between Wollondilly and Nepean Catchments over Pumpkin Hills and past Oakdale to a point about 13 miles 70 chains from its commencement, the whole railway being within the Parishes of Couridjah, Burragorang and Werriberri in the County of Camden, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.
