

**PORT KEMBLA INNER HARBOUR (FURTHER
CONSTRUCTION) ACT.**

Act No. 45, 1961.

Elizabeth II, No. 45, 1961 An Act to sanction and to provide for the carrying out of certain works at and in connection with Port Kembla Inner Harbour, including the construction and equipment of a new wharf, dredging and excavation work and a railway line to and from the wharf; to amend the Public Works Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 29th November, 1961.]

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. 1. This Act may be cited as the "Port Kembla Inner Harbour (Further Construction) Act, 1961".

Definition. 2. In this Act, unless the context or subject matter otherwise indicates or requires, "Commissioner" means The Commissioner for Railways incorporated by the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, or other the corporation controlling the Government Railways of New South Wales.

Works sanctioned. 3. (1) (a) The carrying out of the works described in the Schedule to this Act is hereby sanctioned.

(b) The said works shall be deemed to be authorised works within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c) The Minister for Public Works is empowered to carry out the work described in Part One of the Schedule to this Act and shall be the constructing authority for

for the same within the meaning of the said Act, as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper. No. 45, 1961

(d) The Commissioner is empowered to carry out the work described in Part Two of the Schedule to this Act and shall be the constructing authority for the same within the meaning of the said Act, as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(e) Subject to paragraph (f) of this subsection the provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the works described in the Schedule to this Act.

(f) The provisions of subsection three of section one hundred and twenty-six of the Public Works Act, 1912, as amended by subsequent Acts, shall not apply to and in respect of the work described in Part Two of the Schedule to this Act.

(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 paragraphs (c) and (d) of subsection one of this section.

4. The plan of the work described in Part One of the Schedule to this Act is the plan marked "Port Kembla Inner Harbour (Further Construction)" signed by the Minister for Public Works and countersigned by the Director of Public Works, and deposited in the public office of the said Minister. The plan.

5. The cost of carrying out the works described in the Schedule to this Act (exclusive of land resumptions) is estimated at two million five hundred thousand pounds and such estimated cost shall not under any circumstances be exceeded by more than ten per centum. Estimated cost.

6.

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No. 45, 1961 **6.** (1) The Minister for Public Works may, with the approval of the Governor, by notice in the Gazette close any part or parts of any road used or dedicated as a public road as he shall from time to time deem necessary for the purposes of the work described in Part Two of the Schedule to this Act and upon publication in the Gazette of any such notice any and every dedication of the lands described in the notice for public road shall absolutely cease and determine and the rights of any person to use the lands so described or any part thereof for the purposes of a road shall be extinguished and the lands so described shall vest in the Commissioner as constructing authority for the purposes of the said work.

Closing
of roads.

(2) No claim against the said Minister or Commissioner, whether as constructing authorities or otherwise, for compensation shall arise from or in respect of anything done by them or either of them pursuant to subsection one of this section or from or in respect of the vesting pursuant to that subsection of any land in the Commissioner as constructing authority for the purposes of the said work.

7. The work described in Part Two of the Schedule to this Act 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 : 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.

8. (1) If the work described in Part Two of the Schedule to this Act 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 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

Maintenance
of roads,
etc.

expense to the Commissioner, 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. No. 45, 1961

(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, road-making, 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, 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.

(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, road-making, 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, 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.

(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

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No. 45, 1961 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.

Certain provisions to cease to have effect.

9. The provisions of the Port Kembla Inner Harbour Construction and Agreement Ratification Act, 1955, relating to the railway described in Part Two of the First Schedule of that Act shall cease to have effect.

SCHEDULE.

DESCRIPTION OF WORKS.

PART ONE.

Sec. 3.

1. The construction and equipment of a new wharf approximately seven hundred feet in length at Port Kembla Inner Harbour for the improvement and expansion of wharfage, berthage and loading facilities for coal, coke and other cargoes, together with loading points.

2. The construction and installation of loading and handling machinery for those purposes.

3. The construction and installation of all ancillary services and, without limiting the generality thereof, lighting, water and electrical services, storage areas, re-handling plant and road and rail access together with the necessary bridges.

4. The dredging and excavation of Port Kembla Inner Harbour to provide a berth at the wharf with a depth of thirty-eight feet of water below Indian Spring Low Water over a width of one hundred and five feet and to provide a depth of thirty-six feet of water below Indian Spring Low Water in the approaches to the berth.

5.

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5. Other associated works as may be deemed necessary or desirable No. 45, 1961 by the constructing authority.

The whole of the works hereinbefore described to be subject to such modifications and deviations as may be deemed necessary or desirable by the constructing authority.

PART TWO.

The construction of a railway from the Wharf described in Part One of this Schedule to connect with the Main Illawarra Railway Line at or in the vicinity of Coniston Railway Station and also with the Port Kembla Branch Railway Line together with sidings and other associated works as may be deemed necessary or desirable by the constructing authority.

The whole of the works hereinbefore described to be subject to such modifications and deviations as may be deemed necessary or desirable by the constructing authority.
