

**NEWCASTLE ISLANDS DEVELOPMENT SCHEME
RAILWAY ACT.**

Act No. 28, 1966.

Elizabeth II, No. 28, 1966 An Act to sanction the construction of a branch railway line from the Main Northern Railway Line near Sandgate in connection with the Newcastle Islands Development Scheme; to amend the Public Works Act, 1912, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 13th April, 1966.]

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 commencement. 1. (1) This Act may be cited as the "Newcastle Islands Development Scheme Railway Act, 1966".

(2) This Act shall be deemed to have commenced upon the first day of March, one thousand nine hundred and sixty-six.

Work sanctioned. 2. (1) (a) The carrying out of the work described in the Schedule to this Act (hereinafter referred to as "the said work") 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.

(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

enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper. No. 28, 1966
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(d) Subject to paragraph (e) 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 said work.

(e) The provisions of sections forty-seven, forty-eight and forty-nine, subsection three of section one hundred and twenty-six, and sections one hundred and fifty-one and one hundred and fifty-three of the Public Works Act, 1912, as amended by subsequent Acts, shall not apply to and in respect of the said work.

(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.

3. The plan of the said work is the plan marked "DEPARTMENT OF RAILWAYS N.S.W. NEWCASTLE ISLANDS DEVELOPMENT SCHEME PROPOSED BRANCH LINE" 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. The plan.

4. The cost of carrying out the said work (exclusive of the cost of land resumptions and of providing the future Goods Yard) is estimated at three million two hundred and seventy thousand dollars and such estimated cost shall not under any circumstances be exceeded by more than ten per centum. Estimated cost.

5. (1) Notwithstanding any provisions of the Public Works Act, 1912, as amended by subsequent Acts, or of any other Act, the Commissioner for Railways may, with the approval Closing of roads.

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No. 28, 1966 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 said work and upon publication in the Gazette of any such notice any and every dedication of the lands described in the notice as a 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 for Railways as constructing authority for the purposes of the said work.

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

**Railway
constructed
over roads,
etc.**

6. 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: 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.

**Mainten-
ance of
roads, etc.**

7. (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 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
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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. No. 28, 1966

(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 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 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

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No. 28, 1966 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.

Fencing. **8.** Notwithstanding the provisions of section ninety-one of the Public Works Act, 1912, as amended by subsequent Acts, the Commissioner for Railways as constructing authority shall not be compelled nor shall it be the duty of the Commissioner for Railways as constructing authority to make or maintain, for the accommodation of any person or for any purpose whatsoever, any fence along that portion of the said work extending from the northern bank of the South Channel of the Hunter River to the point adjacent to wharves to be constructed at Rotten Row; but the Commissioner for Railways may, in his discretion, make and maintain such fences in connection with that portion of the said work as he may think fit.

SCHEDULE.

Sec. 2 (1)
(a).

The railway commences at a point on the Main Northern Railway 104 miles 79 chains 35.85 links from Sydney and proceeds in a northerly direction to junction with a second connecting fork from the Main Northern Railway at mileage 105 miles 47 chains 97.84 links from Sydney. The railway then proceeds in a north-easterly direction through the Newcastle Abattoir lands then under the Pacific Highway and through land owned by the Broken Hill Proprietary Company

Company Limited and the Commissioner for Railways then across an unused public road and a Recreation Reserve to the South Channel of the Hunter River. The railway continues in a north-easterly direction across the South Channel of the Hunter River by means of a bridge and across land acquired by the Minister for Public Works for The Islands Development Project. The railway then proceeds in a south-easterly direction approximately along the centre of The Islands Development Project towards its eastern end and finally proceeds southerly to terminate at a point 111 miles 50 chains from Sydney adjacent to wharves to be constructed at Rotten Row being a distance of 7 miles 50 chains 64.15 links from the commencing point. The work hereinbefore described is subject to such deviations and modifications as may be considered desirable by the constructing authority. The railway provides for a future Goods Yard to be constructed between 110 miles 5 chains from Sydney and 110 miles 47 chains from Sydney.

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