

**MISCELLANEOUS ACTS (CROWN AND OTHER ROADS)
AMENDMENT ACT 1990 No. 55**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**MISCELLANEOUS ACTS (CROWN AND OTHER ROADS)
AMENDMENT ACT 1990 No. 55**

NEW SOUTH WALES



Act No. 55,1990

An Act to amend certain Acts as a consequence of the enactment of the Crown and Other Roads Act 1990 and for other purposes.
[Assented to 26 September 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendments

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Albury-Wodonga Development Act 1974 No. 47

Section 13 (Dedication of land):

From section 13 (2), omit "Public Roads Act 1902", insert instead "Crown and Other Roads Act 1990".

Darling Harbour Authority Act 1984 No. 103

Section 3 (Definitions):

(a) From section 3 (1), omit the definition of "main road", insert instead:

"main road" means a main road within the meaning of the State Roads Act 1986;

(b) From the definition of "public road" in section 3 (1), omit "Public Roads Act 1902", insert instead "Crown and Other Roads Act 1990".

SCHEDULE 1—AMENDMENTS—*continued*

Growth Centres (Development Corporations) Act 1974 No. 49

Section 12 (**Dedication of land**):

Omit section 12 (2), insert instead:

(2) When land described or referred to in a notification published in accordance with subsection (1) is surrendered, the land:

- (a) becomes Crown land reserved from sale, lease or licence under the Crown Lands Act 1989; and
- (b) on revocation of the reservation, may be dedicated under that Act for the public purpose specified in the notification or under the Crown and Other Roads Act 1990 as a public road, as the case requires.

Hunter Valley Flood Mitigation Act 1956 No. 10

Section 52 (**Roads rendered incapable of use by Constructing Authority to be replaced; maintenance of roads on levee banks**):

Omit section 52 (3), insert instead:

(3) The Minister administering the Crown and Other Roads Act 1990 may, at the request of the Constructing Authority, declare any new or substitute road provided in accordance with subsection (1) to be a public road and to be dedicated accordingly.

Land and Environment Court Act 1979 No. 204

(1) Section 19 (**Class 3—land tenure, valuation, rating and compensation matters**):

Omit section 19 (a), insert instead:

- (a) appeals, references or other matters that may be heard and disposed of by the Court under the Crown Lands Act 1989, the Western Lands Act 1901 or the Crown and Other Roads Act 1990;

SCHEDULE 1—AMENDMENTS— *continued*

(2) Section 24 (**Claim for compensation in resumption cases**):

Omit section 24 (1) (a) (ii), insert instead:

- (ii) any other Act which makes provision for the resumption or compulsory acquisition of land (other than the Western Lands Act 1901 or the Crown and Other Roads Act 1990); and

Local Government Act 1919 No. 41

(1) Section 10 (**Certain Acts not affected**):

Omit "the Public Roads Act, 1902", insert instead "the Crown and Other Roads Act 1990".

(2) Section 221:

Omit the section, insert instead:

National works—roads vested in statutory bodies

221. This Part does not apply to:

- (a) a national work; or
(b) a public road that is by law vested in any public body other than the council; or
(c) a Crown road within the meaning of the Crown and Other Roads Act 1990,

unless otherwise expressly provided.

(3) Section 224 (**Settling status of roads**):

Omit subsections (1) and (2).

(4) Section 232 (**Fee—simple**):

After "expressly provided" in section 232 (1), insert "by this Act, the Crown and Other Roads Act 1990 or any other Act".

(5) Section 238 (**Land for roads**):

- (a) From section 238 (1), omit "Public Roads Act, 1902.", insert instead "Crown and Other Roads Act 1990".
(b) Omit section 238 (3) and (4), insert instead:
(3) Nothing in this section affects the power of the Minister administering the Crown and Other Roads Act

SCHEDULE 1—AMENDMENTS—*continued*

1990 to make compensation or part compensation in the form of land in accordance with that Act.

(6) Section 252 (**Closing and alteration of roads**):

Omit the section.

(7) Section 258 (**Alignment under Crown and Other Roads Act 1990**):

Omit "Public Roads Act, 1902, and any such alignment shall be an alignment under this Act", insert instead "Crown and Other Roads Act 1990, and any such alignment is to be treated as if it were an alignment under this Act".

(8) Section 260 (**Existing alignments**):

From section 260 (2), omit "Public Roads Act, 1902, or the Main Roads Act, 1924, or any Acts amending such Acts," insert instead "State Roads Act 1986 or the Crown and Other Roads Act 1990,".

(9) Section 262 (**Realignment**):

(a) Omit section 262 (1), insert instead:

(1) For the purpose of enabling a public road to be widened, the council:

- (a) may cause the road to be re-aligned under section 40 of the Crown and Other Roads Act 1990; and
- (b) may apply under section 41 of that Act for the rescission or variation of any such re-alignment.

(b) From section 262 (3A), omit "section 27 (6) of the Public Roads Act, 1902, subsequently to service", insert instead "section 41 of the Crown and Other Roads Act 1990, subsequent to service".

(c) After section 262 (3A), insert:

(3B) The council is not required to comply with subsection (3) in relation to the re-alignment of a public road if the Minister administering the Crown and Other Roads Act 1990 has complied with section 40 (5) of that Act with respect to that re-alignment.

SCHEDULE 1—AMENDMENTS—*continued*

- (d) From section 262 (4B), omit “section 27 of the Public Roads Act, 1902”, insert instead “section 41 of the Crown and Other Roads Act 1990”.
- (e) From section 262 (7), omit “Public Roads Act, 1902”, insert instead “Crown and Other Roads Act 1990”.
- (10) Section 274 (**Adaptation of Public Roads Act, 1902**):
Omit the section.
- (11) Section 276:
Omit the section, insert instead:

Closing public roads

276. (1) A public road (other than a temporary road) may be closed permanently only in accordance with Part 4 of the Crown and Other Roads Act 1990.

(2) If:

- (a) a public road is closed in accordance with Part 4 of the Crown and Other Roads Act 1990; and
- (b) before the closure, the fee simple in the land or a stratum of the land that comprised the road was vested in a council; and
- (c) the fee simple in any part of the land or stratum is subsequently disposed of under that Act or the Crown Lands Acts by way of sale,

the council is entitled to any of the proceeds that remain after deducting the costs of carrying out the sale.

(3) In this section, "**Crown Lands Acts**" has the same meaning as in the Crown and Other Roads Act 1990.

Railway Construction (East Hills to Campbelltown) Act 1983 No. 111

- (1) Section 9 (**Closing of roads**):
From section 9 (1), omit "Public Roads Act, 1902", insert instead “Crown and Other Roads Act 1990”.
- (2) Section 10 (**Maintenance of roads and bridges**):
From section 10 (2), omit “Public Roads Act, 1902,”, insert instead “Crown and Other Roads Act 1990”.

SCHEDULE 1—AMENDMENTS—*continued*

Railway Construction (Maldon to Port Kembla) Act 1983 No. 112

(1) Section 9 (**Closing of roads**):

From section 9 (1), omit "Public Roads Act, 1902", insert instead "Crown and Other Roads Act 1990".

(2) Section 10 (**Maintenance of roads and bridges**):

From section 10 (2), omit "Public Roads Act, 1902," insert instead "Crown and Other Roads Act 1990".

Real Property Act 1900 No. 25

(a) From Schedule 2, omit "Public Roads Act, 1902.".

(b) At the end of Schedule 2, insert "Crown and Other Roads Act 1990.".

Sydney Cove Redevelopment Authority Act 1968 No. 56

Section 20 (**Dedication of land for public purposes or as a road**):

Omit section 20 (2), insert instead:

(2) When land described or referred to in a notification published in accordance with subsection (1) is surrendered, the land:

(a) becomes Crown land reserved from sale, lease or licence under the Crown Lands Act 1989; and

(b) on revocation of the reservation, may be dedicated under that Act for the public purpose specified in the notification or under the Crown and Other Roads Act 1990 as a public road, as the case requires.

Valuation of Land Act 1916 No. 2

Section 68 (**Valuation for resumption purposes**):

Section 68 (1):

Omit "Public Roads Act, 1902", insert instead "Crown and Other Roads Act 1990".

*[Minister's second reading speech made in—
Legislative Assembly on 9 May 1990
Legislative Council on 13 September 1990]*