

**GLENREAGH TO DORRIGO RAILWAY (CLOSURE)
ACT 1993 No. 65**

NEW SOUTH WALES



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SCHEDULE 1—RAILWAY LAND

**GLENREAGH TO DORRIGO RAILWAY (CLOSURE) ACT
1993 No. 65**

NEW SOUTH WALES



Act No. 65, 1993

An Act to authorise the closure by the State Rail Authority of the Glenreagh to Dorrigo railway line; to provide for the sale, lease or disposal of the land concerned; and for other purposes. [Assented to 9 November 1993]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Glenreagh to Dorrigo Railway (Closure) Act 1993.

Commencement

2. This Act commences on the date of assent.

Definitions

3. In this Act:

“**Authority**” means the State Rail Authority constituted under the Transport Administration Act 1988;

“**railway land**” means the land described in Schedule 1;

“**railway stock**” means:

- (a) any railway locomotive, engine, tender, railmotor, wagon, carriage, track vehicle, maintenance machine, appliance, trolley, crane, equipment, or any part of any such item; or
- (b) any other chattel (whether of the same or a different kind or nature),

that is on the railway land.

Compulsory acquisition of railway land to confirm title

4. (1) The Authority may compulsorily acquire all or any of the railway land by notice under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991, whether or not the land is already vested in the Authority.

(2) Division 1 (Pre-acquisition procedures) of Part 2 of that Act does not apply to any such acquisition.

Closure of railway line

5. The Authority is authorised to close all or any part of the railway line between Glenreagh and Dorrigo, with the approval of the Minister.

Sale, lease etc. of railway land

6. (1) All or any part of the railway land that is owned by the Authority may, with the approval of the Minister, be sold, leased or otherwise disposed of by the Authority.

(2) The Authority must not sell, lease or otherwise dispose of the railway land under this section for any purpose other than the establishment or operation of a tourist railway. This subsection does not prevent the Authority from continuing to lease any part of the land for a purpose for which it was used before the closure of the railway line.

(3) The Department of Transport must, within two months of the commencement of this Act, invite expressions of interest for the lease or sale of part or all of the railway land for the establishment of a tourist railway.

(4) The Department of Transport must, within 8 months of the commencement of this Act, announce which expression of interest, if any, has been selected by the Department.

Declaration of railway land as Crown land

7. (1) All or any part of the railway land owned by the Authority may, with the approval of the Minister and the Authority, be declared to be Crown land under section 138 of the Crown Lands Act 1989.

(2) The notice of declaration under section 138 must specify that the public purpose for which the land is to be reserved is to be the establishment or operation of a tourist railway.

(3) On the publication of the notice of declaration the land is taken to have been reserved, for the purpose specified in the notice, under Part 5 of the Crown Lands Act 1989.

Removal of railway stock etc.

8. (1) This section applies to railway stock that is not the property of a lawful occupier of the railway land on which the stock is situated.

(2) The Authority may, as soon as practicable after the compulsory acquisition under section 4, give a notice in accordance with this section requiring the removal from the railway land of such railway stock as is described in the notice.

(3) The notice must state that the owner of the railway stock is required to notify the Authority, within 6 months after the date the notice was published in the Gazette, if the owner wishes to claim the railway stock and remove it from the railway land.

(4) The notice must:

- (a) be published in the Gazette; and
- (b) be published in a newspaper circulating in the area; and
- (c) be posted or otherwise delivered to any person who the Authority believes may be the owner of the railway stock.

(5) If a person who makes a claim satisfies the Authority that the person owns any of the railway stock, the Authority is, subject to this section, required to remove that railway stock from the railway land and deliver it to the person.

(6) Before the railway stock is so removed, the owner must pay to the Authority such reasonable costs as are determined by the Authority for removing the stock and delivering the stock to the owner.

(7) Nothing in this section prevents any person removing railway stock by rail or any other means from the railway land at their own expense in accordance with such conditions relating to safety as are determined by the Director-General of the Department of Transport. The person removing the railway stock must, before the removal, pay to the Director-General such reasonable costs as are determined by the Director-General for the supervision of the safe removal of the stock. It is not necessary for the person who removes the stock to satisfy the Director-General that he or she owns the stock.

(8) If railway stock is removed or delivered in accordance with this section, neither the Authority nor the Director-General of the Department of Transport is liable to any person who claims to be the owner of the stock for its removal or delivery.

(9) Any railway stock described in a notice under this section which is still on any of the railway land 2 years after the date of publication of the notice in the Gazette becomes the property of the owner of that railway land on that date. The owner of the land is not required to meet any claim or demand in respect of the railway stock because of the operation of this subsection.

SCHEDULE 1—RAILWAY LAND

(Sec. 3)

1. All that piece or parcel of land situate in the Parishes of Waihou, Tallawudjah, Bagawa, Towallum, Comlaroi, Gundar, Ucombe, Allan, Leigh and Bligh, County of Fitzroy and State of New South Wales, being:

- (a) the whole of the land comprised within Lots 1 to 5 inclusive in Deposited Plan 198501, Lots 9, 11, 13, 19, 20 and 24 in Deposited Plan 198502, Lots 12, 14 to 18 inclusive, 21 to 23 inclusive and 25 in Deposited Plan 197729, Lots 26, 27 and 28 in Deposited Plan 198054, Lots 29 to 31 inclusive in Deposited Plan 198066, Lot 32 in Deposited Plan 198503, Lot 33 in Deposited Plan 198069, Lot 34 in Deposited Plan 198504, Lot 35 in Deposited Plan 198505, Lot 361 in Deposited Plan 198529, Lot 37 in Deposited Plan 198530, Lot 371 in Deposited Plan 198531, Lot 381 in Deposited Plan 198532, Lot 391 in Deposited Plan 198533, Lots 401, 411, 421, 422, 423 and 431 in Deposited Plan 198506, Lots 441, 451 and 461 in Deposited Plan 198507, Lot 462 in Deposited Plan 197726, Lots 471, 491, 511, 521 and 531 in Deposited Plan 198508, Lot 481 in Deposited Plan 197727, Lot 551 in Deposited Plan 198528, Lot 561 in Deposited Plan 198527, Lot 661 in Deposited Plan 198526, Lot 671 in Deposited Plan 198525, Lot 68 in Deposited Plan 198524, Lots 71 and 72 in Deposited Plan 197724, Lots 76, 78 and 79 in Deposited Plan 197725, Lots 80 to 82 inclusive, 84 to 86 inclusive, 861 and 862 in Deposited Plan 198509, Lots 87 and 89 in Deposited Plan 197760, Lots 90 to 93 inclusive in Deposited Plan 197759, Lot 94 in Deposited Plan 197761, Lots 95 to 99 inclusive in Deposited Plan 198510, Lot 991 in Deposited Plan 198523, Lots 100 to 104 inclusive in Deposited Plan 198511, Lots 108 to 112 inclusive in Deposited Plan 198512, Lots 113 to 115 inclusive in Deposited Plan 198050, Lots 116 to 119 inclusive and Lot 1191 in Deposited Plan 198048, Lots 120 and 122 in Deposited Plan 198513, Lots 123 to 127 inclusive in Deposited Plan 197762, Lots 129 to 133 inclusive in Deposited Plan 198514; and

SCHEDULE 1—RAILWAY LAND—*continued*

- (b) Lots 134 to 138 inclusive and Lot 140 in Deposited Plan 198515, Lots 145 and 146 in Deposited Plan 198517, Lot 1461 in Deposited Plan 198516, Lots 150 and 152 in Deposited Plan 198518, Lots 154 to 161 inclusive in Deposited Plan 198519, Lots 162 to 169 inclusive in Deposited Plan 197766, Lots 170 to 177 inclusive in Deposited Plan 197765, Lot 178 in Deposited Plan 197764, Lot 179 in Deposited Plan 197763, Lot 183 in Deposited Plan 197767, Lot 188 in Deposited Plan 198520 and Lot 190 in Deposited Plan 198521; and
 - (c) the whole of the land comprised within Certificates of Title Volume 2657 Folio 61, Volume 5524 Folio 74, Volume 3959 Folio 105, Volume 4112 Folio 23 and Volume 4369 Folio 70; and
 - (d) the residues of the land comprised within Certificates of Title Volume 2804 Folio 165, Volume 3953 Folio 120, Volume 3937 Folio 89 and Old System Conveyance Book 1461 No. 224; and
 - (e) the whole of the land comprised within Taking Numbers 67, 88, 121 and 148 delineated on the plan catalogued as Ms1562Gfn in the Crown Lands Office; and
 - (f) the whole of the land comprised within Taking Numbers 48B, 120C and 190C, and the easements comprised within Taking Numbers 120A, 120B, 190A and 190B, resumed by notification in Government Gazette No. 112 of 27 August 1926; and
 - (g) the easements comprised in Old. System Conveyance Book 1456 No. 80; and
 - (h) the easements comprised in Taking Numbers 14A, 15A, 18A, 148A and 148B resumed by notification in Government Gazette No. 56 of 7 May 1926.
2. All that piece or parcel of land situate at Glenreagh in the Parish of Waihou, County of Fitzroy and State of New South Wales, being:
- (a) the whole of the land comprised within Lots 227,228,229 and 230 in Deposited Plan 198522, Lot 2 in Deposited Plan 785174, and the whole of the land in Taking Numbers 3 to 6 inclusive delineated on the plan catalogued Ms1362Gfn in the Crown Lands Office; and

SCHEDULE 1—RAILWAY LAND—*continued*

- (b) the whole of the land in Taking Numbers 2A and 2B, being parts of the land comprised within Certificate of Title Volume 1841 Folio 153 resumed by notification in Government Gazette No. 245 of 24 October 1919 and the easements for Railway purposes resumed by notifications in Government Gazettes Nos. 52 of 20 March 1953 and 89 of 10 June 1938.
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*[Member's second reading speech made in—
Legislative Assembly on 1 April 1993*

*Minister's second reading speech made in—
Legislative Council on 27 October 1993]*