

Silverton Tramway Land Vesting Act 1972 No 4

[1972-4]



New South Wales

Status Information

Currency of version

Current version for 6 March 1972 to date (accessed 8 May 2024 at 14:39)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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File last modified 31 July 2008

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Silverton Tramway Land Vesting Act 1972 No 4



New South Wales

An Act to vest in The Silverton Tramway Company Limited certain land at Broken Hill; to repeal the *Silverton Tramway Act of 1886* and the *Silverton Tramway Amending Act*; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *Silverton Tramway Land Vesting Act 1972*.

2 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

the Company means The Silverton Tramway Company Limited.

the scheduled lands means the lands described in the First Schedule to this Act.

3 Closing of roads etc in scheduled lands

- (1) Notwithstanding anything in any other Act, the roads described in the Second Schedule to this Act are hereby closed and the land comprised in the roads so closed shall be freed and discharged from any rights of the public or any person thereto as a highway.
- (2) Reserves 3079 and 3080 for Tramway Purposes and 3081 for Tramway Station and Trucking Yards notified in the Gazette of 12 February 1887 and Reserve 7766 for Tramway Purposes notified in the Gazette of 17 November 1888 are hereby revoked.
- (3) The easement for transmission line twenty feet wide over part of Reserve 3079 for Tramway Purposes appropriated and resumed in the Gazette of 7 September 1934 and vested in The Broken Hill Water Board by Gazette of 9 November 1951 is hereby extinguished.
- (4) Western Lands Lease number 414 of 43 acres 3 roods Parish of Albert County of Yancowinna is hereby terminated and extinguished.

4 Vesting of lands in Silverton Tramway Company Limited

- (1) Subject to subsection two of this section, the scheduled lands are hereby vested in the Company for an estate in fee simple.
- (2) The vesting effected by subsection one of this section:
 - (a) does not extend to any land below a depth of fifty feet from the surface of the scheduled lands or to any minerals in the scheduled lands,
 - (b) is subject to a reservation of:
 - (i) all such parts and so much of the scheduled lands as may, at any time after the commencement of this Act, be required for public ways in, over and through those lands to be set out by the Governor for the time being of the State of New South Wales or some person by him authorised in that respect with full power to any persons authorised in that behalf to make and conduct any such public ways, and
 - (ii) the right of full and free ingress, egress, and regress into, out of and upon the scheduled lands for the purposes of making and conducting any such public ways,
 - (c) is subject to the condition that neither the Company nor its sequels in title shall be entitled to make or prosecute any claim for damages or take any proceedings either by way of injunction or otherwise against Her Majesty, Her Heirs or Successors or the Government of the State of New South Wales or any lessee or lessees under any Act relating to mining or his or their executors, administrators or assigns for or in respect of any damage or loss occasioned by the letting down, subsidence or lateral movement of the scheduled lands or otherwise howsoever by reason of the following acts and matters, that is to say, by reason of Her Majesty, Her Heirs or Successors or the Government of the said State or any persons on Her, Their or its behalf or any lessee or lessees under any Act relating to mining or his or their executors, administrators or assigns having worked, whether before or after the commencement of this Act, any mines or having carried on, whether before or after that commencement, mining operations or having searched for, worked, won or removed, whether before or after that commencement, any metals or minerals under, in or from the land below the scheduled lands or on, in, under or from any other lands situated laterally to the scheduled lands and the land below those other lands and whether on or below the surface of those other lands,
 - (d) is subject to a reservation unto Her Majesty, Her Heirs and Successors of the liberty and authority by reason of the acts and matters referred to in paragraph (c) of this subsection or in the course thereof for Her Majesty, Her Heirs and Successors and the Government of the said State and any person on Her, Their or its behalf and any lessee or lessees under any Act relating to mining and his or

their executors administrators and assigns from time to time to let down without payment of any compensation whatsoever any part of the scheduled lands or of the surface thereof, and

(e) is subject to the easements created by section five of this Act.

- (3) For the purposes of subsection three of section thirteen of the [Public Roads Act 1902](#), the land vested by subsection one of this section shall be deemed to be land comprised within a grant from the Crown which contains the reservation referred to in paragraph (b) of subsection two of this section.

5 Easements created over scheduled lands

- (1) The easements described in the Third Schedule to this Act shall by virtue of this Act be created and without any further assurance vest in The Broken Hill Water Board or be appurtenant to the land indicated in that Schedule as benefited by the easements, as the case may be.
- (2) The easement for electricity transmission line created by subsection one of this section entitles The Broken Hill Water Board to use, in any manner, the surface and the subsoil or under-surface of the land comprised in the easement for the erection and maintenance of wires or cables for the transmission of electricity and of the necessary supports therefor and to enter upon the land for the purpose of inspection and of carrying out any additions, renewals or repairs.
- (3) The easements for pipes for the conveyance of water created by subsection one of this section entitle The Broken Hill Water Board to use, in any manner, the surface and the subsoil or under-surface of the land comprised in the easement for the construction and maintenance of tunnels or pipes for the conveyance of water and to enter upon the land for the purpose of inspection and of carrying out any additions, renewals or repairs.

6 Issue of certificate of title

- (1) Upon application in writing by the Company and upon payment of the fee therefor prescribed under the [Real Property Act 1900](#), the Registrar-General shall issue to the Company certificates of title under the [Real Property Act 1900](#) for the lands vested in the Company by section four of this Act without investigating the title thereto except so far as may be necessary to give effect to this Act and shall record on the certificates of title for such of those lands as are burdened thereby the easements created by section five of this Act, and the easement for pipe-lines fifteen feet wide appropriated and resumed in the Gazette of 16 July 1948 over the parts of lot 5897 in Deposited Plan 241855 as shown within that lot on that plan and the easement for water supply pipeline twenty feet wide appropriated and resumed in the Gazette of 15 March 1963 over the part of lot 5901 in Deposited Plan 241856 as shown within that lot on that plan.

- (2) When issuing to the Company certificates of title pursuant to subsection one of this section the Registrar-General shall record thereon that the land is held subject to the provisions of subsection two of section four of this Act.

7 Stamp duty

No stamp duty under the [Stamp Duties Act 1920](#) shall be chargeable upon the issue of certificates of title in accordance with section six of this Act.

8 Repeal of Silverton Tramway Acts

- (1) The [Silverton Tramway Act of 1886](#) and the [Silverton Tramway Amending Act](#) are hereby repealed.
- (2) The Company shall not be, and shall be deemed never to have been, entitled, by reason of any of the provisions of the [Silverton Tramway Act of 1886](#) or the [Silverton Tramway Amending Act](#), to or to a grant of any land referred to in section eight of the [Silverton Tramway Act of 1886](#).

First Schedule

(Section 2)

- 1** ALL the following pieces of land situate at Broken Hill in the City of Broken Hill Parish of Picton County of Yancowinna:
- Lots 5889 to 5898, both lots inclusive, in Deposited Plan 241855 and Lots 5899 to 5903, both lots inclusive, in Deposited Plan 241856.
- 2** ALL THAT piece of land situate at Thackaringa in the Western Division Parish of Albert County of Yancowinna being lot 1 in Deposited Plan 551954.

Second Schedule

(Section 3)

ALL roads and parts of roads within the scheduled lands. That part of Carbon Street contiguous to the south-eastern boundary of Lot 5898 in Deposited Plan 241855.

Third Schedule

(Section 5)

Lot 5899 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:

Easement for electricity transmission line, 20 feet wide.

Easements (two) to drain sewage, 20 feet wide, and 50 feet wide and variable width, respectively.

Easements (two) for pipes for the conveyance of water, 20 feet wide, and 50 feet wide and variable width, respectively.

Lot 5897 in Deposited Plan 241855 shall be subject to the following easements:

Right of carriage way, 20 feet wide, appurtenant to Portion 5904 Parish of Picton County of Yancowinna and designated "A" within that lot.

Right of carriage way, 20 feet wide, appurtenant to Portion 5614 Parish of Picton County of Yancowinna and designated "B" within that lot.

Lot 5901 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:

Easements (two) to drain sewage, each 20 feet wide.

Easement for pipes for the conveyance of water, 20 feet wide.