

**CUDAL DAM ACT.**

**New South Wales**



ANNO VICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 60, 1973.**

An Act to sanction and provide for the construction of a dam on Boree Creek about one mile upstream of Cudal and works incidental thereto; to amend the Public Works Act, 1912; and for purposes connected therewith. [Assented to, 15th October, 1973.]

**BE**

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**B**E 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 "Cudal Dam Act, 1973".

Inter-  
pretation.

2. (1) In this Act—

"Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912 ;

"scheduled works" means the works described in the Schedule, subject to such modifications and deviations as may be deemed necessary or desirable by the Commission.

(2) The sites of the various works comprising the scheduled works are shown on the plan marked "Boree Creek, Proposed Cudal Dam", sealed with the seal of the Commission, deposited in the head office of the Commission and catalogued No. 26/285.

Scheduled  
works  
sanctioned.

3. (1) The carrying out of the scheduled works is hereby sanctioned.

(2) The Commission is empowered to carry out the scheduled works and for the purpose of so doing may do all such things, including entering into contracts, as it may consider necessary.

Estimated  
cost not to  
be exceeded  
by more  
than 10 per  
centum.

4. The cost of carrying out the scheduled works, estimated at \$1,700,000 shall not be exceeded by more than 10 per centum.

5.

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5. (1) The scheduled works shall be deemed to be authorised works within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act").

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of Public  
Works Act,  
1912.

(2) For the purpose of the scheduled works the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36 and 37, shall apply to and in respect of the scheduled works.

(4) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract made or to be made under section 3 (2).

6. For the purposes of this Act, the Public Works Act, 1912, is amended by inserting at the end of section 126 (2) the following proviso :—

Amendment  
of Act No.  
45, 1912.  
Sec. 126.

Provided further that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in making out title has, without reasonable excuse, been caused by the act or default of the person to whom that compensation is payable.

(Compensation to be paid within one month.)

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SCHEDULE.

Sec. 2.

*Description of Works.*

1. Works for or associated with the improvement of the supply of water in Boree and Mandagery Creeks, comprising the construction of—

- (a) a dam across Boree Creek about one mile upstream of the town of Cudal, partly within portions 27 and 31, Parish of Boree Cabonne, County of Ashburnham, and partly within portions 7, 10, 11 and 12, Parish of Cudal, County of Ashburnham, of a height sufficient to store about 10,400 acre feet of water;

(b)

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- (b) spillways and outlet works for regulating the discharge of water from the storage; and
- (c) works incidental to the works specified in paragraphs (a) and (b).

2. The construction of roads of access to the works referred to in item 1 and the borrow areas and quarries referred to in item 6.

3. The relocation and reconstruction of existing roads and the relocation and re-establishment of other existing services rendered necessary by the carrying out of any works referred to in items 1 and 2.

4. The construction or reconstruction of structures incidental to the works referred to in items 2 and 3.

5. Works necessary for the protection of the foreshores of the storage.

6. The establishment of borrow areas for soil, sand and gravel and quarries for rock and aggregates required for carrying out the works referred to in items 1 to 5 inclusive and item 7.

7. Such works for the protection of the environment as may be deemed necessary or desirable by the Commission as a consequence of carrying out any of the works referred to in items 1 to 6 inclusive.