

South Australia

Highways (Port River Expressway Project) Regulations 2004

under the *Highways Act 1926*

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Legislative history

1—Short title

These regulations may be cited as the *Highways (Port River Expressway Project) Regulations 2004*.

2—Commencement

These regulations will come into operation on the day on which the *Highways (Authorised Transport Infrastructure Projects) Amendment Act 2003* comes into operation.

3—Interpretation

In these regulations—

Act means the *Highways Act 1926*;

Expressway means the transport infrastructure to be known as the *Port River Expressway*, the design and construction of which forms part of the Port River Expressway Project.

4—Outline of Port River Expressway Project

- (1) Particulars of the principal features of the Port River Expressway Project are contained in Schedule 1 as follows:
 - (a) the principal features of Stage 2 of the Project are contained in Part 1 of Schedule 1;
 - (b) the principal features of Stage 3 of the Project are contained in Part 2 of Schedule 1;
 - (c) the plan (Figure 1) showing the concept design for Stages 2 and 3 of the Project is set out in Part 3 of Schedule 1.
- (2) The land to which the Port River Expressway Project applies is the area of land bounded by the bold black line shown in the plans (Figures 2 to 5) set out in Schedule 2.

5—Responsibility for carrying out Port River Expressway Project

The responsibility for carrying out the Port River Expressway Project is assigned to the South Australian Infrastructure Corporation through the Minister for Infrastructure.

6—Power to close roads or railway lines

The temporary or permanent closure of a road or government railway line, if necessary for or reasonably incidental to the construction and maintenance of the Port River Expressway Project, is authorised.

7—Power to permanently obstruct navigation

To the extent that the road bridge or rail bridge to be constructed and maintained as part of the Port River Expressway Project temporarily or permanently obstructs navigation in the Port River, that obstruction is authorised.

8—Offences relating to trains and tolls

- (1) A train operator must not, unless exempted by the Minister under section 39J of the Act, operate a train on rail infrastructure constructed as part of the Port River Expressway Project without paying the appropriate toll (if any) fixed by the Minister under that section.

Maximum penalty:

- (a) for a natural person—\$5 000;
- (b) for a body corporate—\$10 000.

Expiation fee:

- (a) for a natural person—\$750;
- (b) for a body corporate—\$1 250.

- (2) A train operator must not contravene or fail to comply with a condition imposed by the Minister in respect of an exemption granted by the Minister under section 39J of the Act.

Maximum penalty:

- (a) for a natural person—\$1 250;
- (b) for a body corporate—\$5 000.

Expiation fee:

- (a) for a natural person—\$160;
- (b) for a body corporate—\$315.

- (3) In this regulation—

train operator means a person who operates a service of carrying freight or persons on rail infrastructure constructed as part of the Port River Expressway Project.

9—Offences relating to other vehicles and toll facilities

- (1) A person must not, unless exempted by the Minister under section 39J of the Act drive a vehicle through a toll facility constructed as part of the Port River Expressway Project without paying the appropriate toll (if any) fixed by the Minister under that section.

- (2) The maximum penalties and expiation fees for an offence against subregulation (1) are set out in the following table:

Class of vehicle	Maximum penalty	Expiation fee
In the case of a restricted access vehicle—	(a) for a natural person—\$2 500;	(a) for a natural person—\$210;
	(b) for a body corporate—\$5 000.	(b) for a body corporate—\$315.
In the case of a heavy commercial vehicle—	(a) for a natural person—\$1 250;	(a) for a natural person—\$160;
	(b) for a body corporate—\$2 500.	(b) for a body corporate—\$210.

Class of vehicle	Maximum penalty	Expiation fee
In the case of a light commercial vehicle—	(a) for a natural person—\$750;	(a) for a natural person—\$105;
	(b) for a body corporate—\$1 250.	(b) for a body corporate—\$160.
In the case of any other vehicle (other than a motorcycle)—	(a) for a natural person—\$250;	(a) for a natural person—\$80;
	(b) for a body corporate—\$750.	(b) for a body corporate—\$105.
In the case of a motorcycle—	(a) for a natural person—\$125;	(a) for a natural person—\$55;
	(b) for a body corporate—\$250.	(b) for a body corporate—\$80.

- (3) A person must not contravene or fail to comply with a condition imposed by the Minister in respect of an exemption granted by the Minister under section 39J of the Act.

Maximum penalty:

- (a) for a natural person—\$1 250;
- (b) for a body corporate—\$5 000.

Expiation fee:

- (a) for a natural person—\$160;
- (b) for a body corporate—\$315.

- (4) A person must not operate a device erected or installed for the purposes of collecting tolls on the Port River Expressway Project contrary to any operating instructions displayed on or in the vicinity of the device.

Maximum penalty:

- (a) for a natural person—\$1 250;
- (b) for a body corporate—\$5 000.

Expiation fee:

- (a) for a natural person—\$160;
- (b) for a body corporate—\$315.

- (5) A person must not intentionally deface, damage or interfere with a device erected or installed for the purposes of collecting tolls on the Port River Expressway.

Maximum penalty:

- (a) for a natural person—\$5 000;
- (b) for a body corporate—\$25 000.

- (6) In this regulation—

commercial vehicle means—

- (a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods or materials (including money) by road, including a semi-trailer, truck, panel van and utility, but not including a motor cycle, station wagon or station sedan; or

- (b) a bus;

GVM (gross vehicle mass) has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 1999*;

heavy commercial vehicle means a commercial vehicle that has a GVM of more than 4.5 tonnes;

light commercial vehicle means a commercial vehicle that has a GVM of 4.5 tonnes or less;

restricted access vehicle means a vehicle of a class that has been declared under the *Road Traffic (Miscellaneous) Regulations 1999* to be a vehicle of a class to which section 161A of the *Road Traffic Act 1961* applies;

vehicle does not include a train or bicycle.

10—Liability of vehicle owners and expiation of certain offences

- (1) Without derogating from the liability of any other person, but subject to this regulation, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this regulation.
- (2) The owner and driver of a vehicle are not both liable through the operation of this regulation to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- (3) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this regulation involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the person specified in the notice, within the period specified in the notice, with a statutory declaration—
 - (a) setting out the name and address of the driver; or
 - (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- (4) Before proceedings are commenced against the owner of a vehicle for an offence against this regulation involving the vehicle, the complainant must send the owner a notice—
 - (a) setting out particulars of the alleged prescribed offence; and
 - (b) inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subregulation (3).
- (5) Subregulation (4) does not apply to—
 - (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

- (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this regulation as the driver of the vehicle.
- (6) Subject to subregulation (7), in proceedings against the owner of a vehicle for an offence against this regulation, it is a defence to prove—
 - (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this regulation.
- (7) The defence in subregulation (6)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (8) If—
 - (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this regulation; or
 - (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,the notice or summons (as the case may be) must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- (9) In proceedings against a person named in a statutory declaration under this regulation for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.
- (10) In proceedings against the owner or driver of a vehicle for an offence against these regulations, an allegation in the complaint that a notice was given under this regulation on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.
- (11) In this regulation—
 - prescribed offence* means an offence against regulation 9(1), (3) or (4);
 - vehicle* does not include a train or bicycle.

Schedule 1—Principal features of Port River Expressway Project

Part 1—Stage 2 of the Project

Division 1—Connector

1—Francis Street

- (1) Francis Street will be reconstructed and widened to 4 lanes between Evans Street and Ocean Steamers Road.

- (2) A 4-way controlled intersection will be constructed at the junction of Francis Street with the Eastern Bypass to the south and Grand Trunkway Extension to the north, connecting Francis Street to St Vincent Street East, Bedford Street and Eastern Parade.

2—Eastern Bypass

- (1) The Eastern Bypass will be constructed along a disused rail reserve between Francis Street and Bedford Street to enable traffic travelling in a westerly direction along the Expressway to exit the Expressway via the Eastern Bypass and St Vincent Street East.
- (2) St Vincent Street East will be reconstructed and the intersection of St Vincent Street, Ocean Steamers Road and St Vincent Street East will be modified to allow continuous movement between St Vincent Street and St Vincent Street East.
- (3) Ocean Steamers Road will be severed by a new toll facility and approaches to both new road and rail bridges. Access to Francis Street from Ocean Steamers Road from the north or south will be closed. Local access will be provided to the sheds on Francis Street and businesses on Santo Parade via Ocean Steamers Road (south). A stub on Ocean Steamers Road (south) will provide access to the southern parcel of land adjacent to Dock 1.

3—Grand Trunkway Extension

- (1) Grand Trunkway Extension will be constructed to replace the Ocean Steamers Road link that is to be closed.
- (2) A new controlled, staggered T-junction will be constructed at the northern junction with Grand Trunkway, Eastern Parade and Grand Trunkway Extension.

Division 2—Road bridge

4—Road bridge

- (1) A road bridge across the Port River (downriver from the Birkenhead Bridge) will be constructed with minimum clearance above the shipping channel to AHD 10.0 (10 metres above Mean Sea Level) with a nominal 30 metre opening span and fendering for river traffic.
- (2) The road bridge works will commence from the former junction of Francis Street and Ocean Steamers Road, with the toll facility to be located west of this point.
- (3) The road bridge western approach will form a T-junction with the extension of Nelson Street (Birkenhead Bridge). West of Nelson Street, the Expressway Road Bridge will connect to the existing Victoria Road.
- (4) The junction of Nelson Street and Semaphore Road will be realigned to the east to allow for the connection of Nelson Street to the Expressway. The existing freight rail crossing at Nelson Street will become redundant and be removed.

Division 3—Associated works

5—Associated works

- (1) A bridge/traffic control centre and car park will be built between the road and rail bridges on the east side of the river crossing to provide service for the operation of the 2 bridges and the toll facility.
- (2) A tunnel will be constructed linking the bridge/traffic control centre to the toll facility to provide for safe access for staff operating manual tollbooths, maintenance of the equipment and a secure route for the transport of tolls collected.
- (3) The following improvements will be required:
 - (a) improvements to the following junctions:
 - (i) Ocean Steamers Road and St Vincent Street;
 - (ii) Bedford Street and Wilkins Road;
 - (iii) Elder Road and Wills Street;
 - (iv) Santo Parade and Ocean Steamers Road;
 - (b) alignment improvements for Wilkins Road adjacent to Heini Becker Park.

Part 2—Stage 3

Division 1—Rail bridge

6—Main rail line to Outer Harbor

- (1) A new switch will transfer the main rail line to Outer Harbor along the northern boundary of Symons and Clark Transport Pty Ltd.
- (2) The track will cross the proposed Grand Trunkway Extension (where a rail crossing will be installed), travel through Incitec Pivot site and cross Ocean Steamers Road.
- (3) The structure of the rail bridge across the Port River will begin approximately 100 metres east of Ocean Steamers Road and be constructed with minimum clearance above the shipping channel of AHD 10.0 (10 metres above Mean Sea Level) with a nominal 30 metre opening span and fendering for river traffic.
- (4) On the western side of the river, the rail bridge structure will extend to a point approximately where the rail runs parallel to Elder Road.
- (5) As a result of the rail track being above the existing surface level of Stirling Street, minor modifications will be required to raise and upgrade the intersection of Stirling Street and Elder Street to provide priority access for road trains to Stirling Street.
- (6) An emergency de-railer will be installed in the vicinity of Stirling Street consisting of a length of at grade track parallel to the main rail line. In an emergency situation, a train will run along the length of the de-railer line until stopping in the ground beyond the track. The de-railer will provide the means to avoid an incident occurring on the rail bridge structure, particularly where the bridge crosses the river.

7—Port Flat Yard

- (1) Track modifications to the Port Flat Yard adjacent to the Grand Trunkway will be undertaken consisting of the relocation of turnouts at the entrance of the yard to the north. This will allow trains to shunt in the yard without initiating the level crossing signals on Eastern Parade and interfering with road traffic.
- (2) An extension of Kerry Logistics' yard will be required to the north to allow for the modifications at the entrance to Port Flat Yard.
- (3) Additional track will be built in Port Flat Yard parallel to the existing track as a replacement for wagon storage currently on the site of the proposed Grand Trunkway Extension.
- (4) The eastern leg of the rail triangle will provide access to Port Flat Yard from the main rail line, with the current track to be realigned to obtain maximum operational benefit.
- (5) The western leg of the rail triangle linking Outer Harbor to Port Flat Yard will be constructed.

Division 2—Bridge/traffic control centre

8—Bridge/traffic control centre

A bridge/traffic control centre will be built between the Road and Rail Bridges on the east side of the river crossing to provide service for the operation of the 2 bridges and the toll facility.

Part 3—Plan showing concept design

This plan (Figure 1) shows the concept design for Stages 2 and 3 of the Port River Expressway Project.



FIGURE 1

Schedule 2—Land to which Port River Expressway Project applies

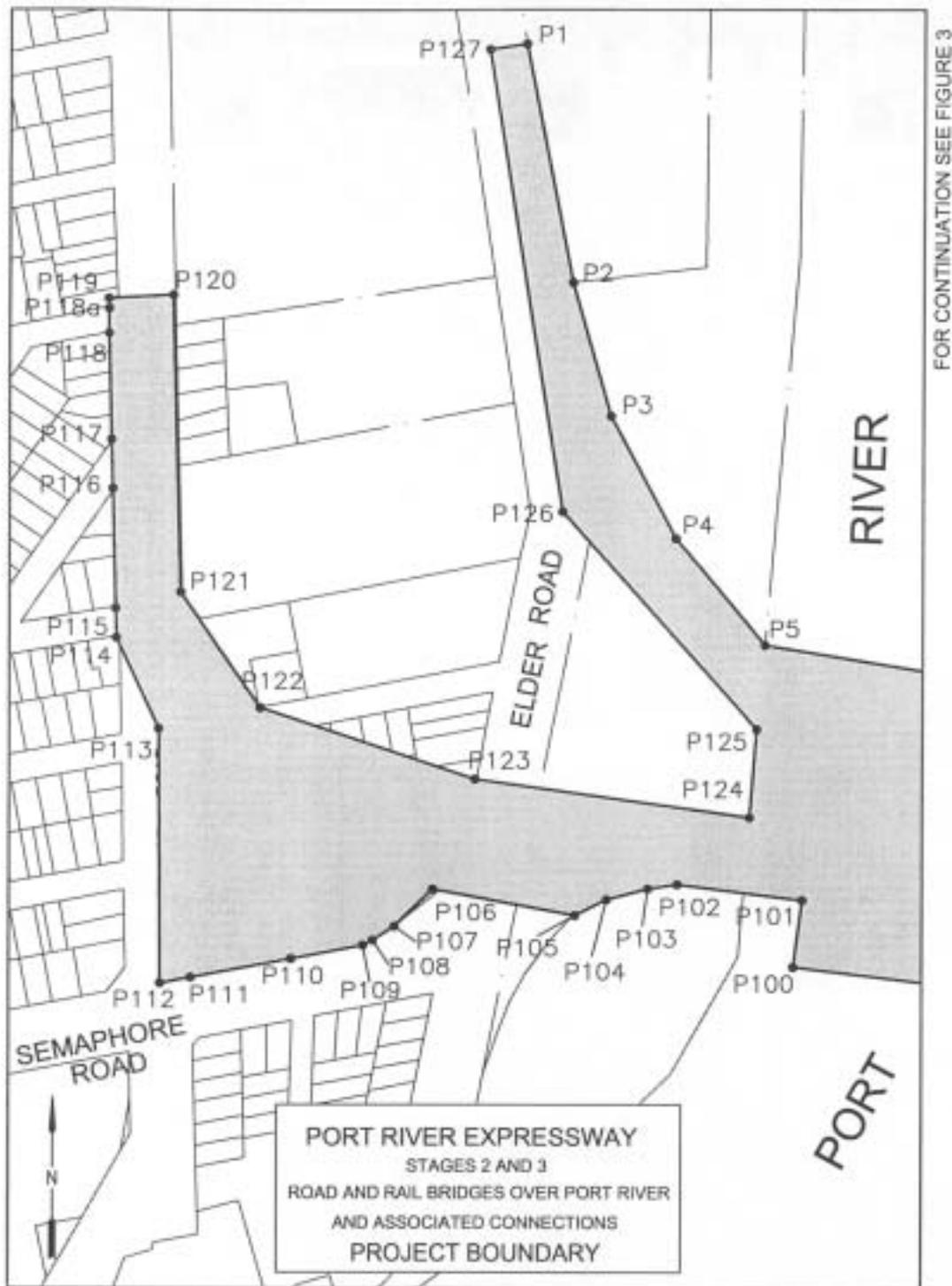


Figure 2

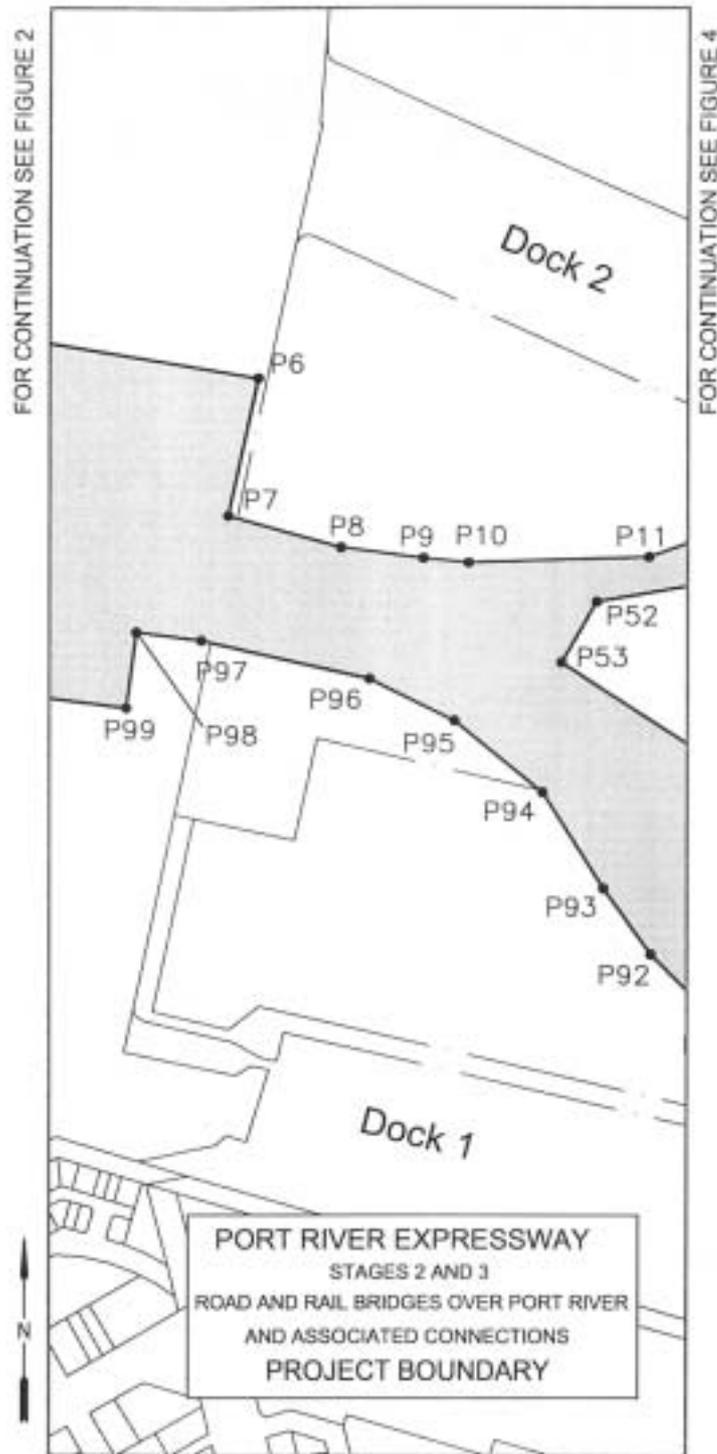


Figure 3

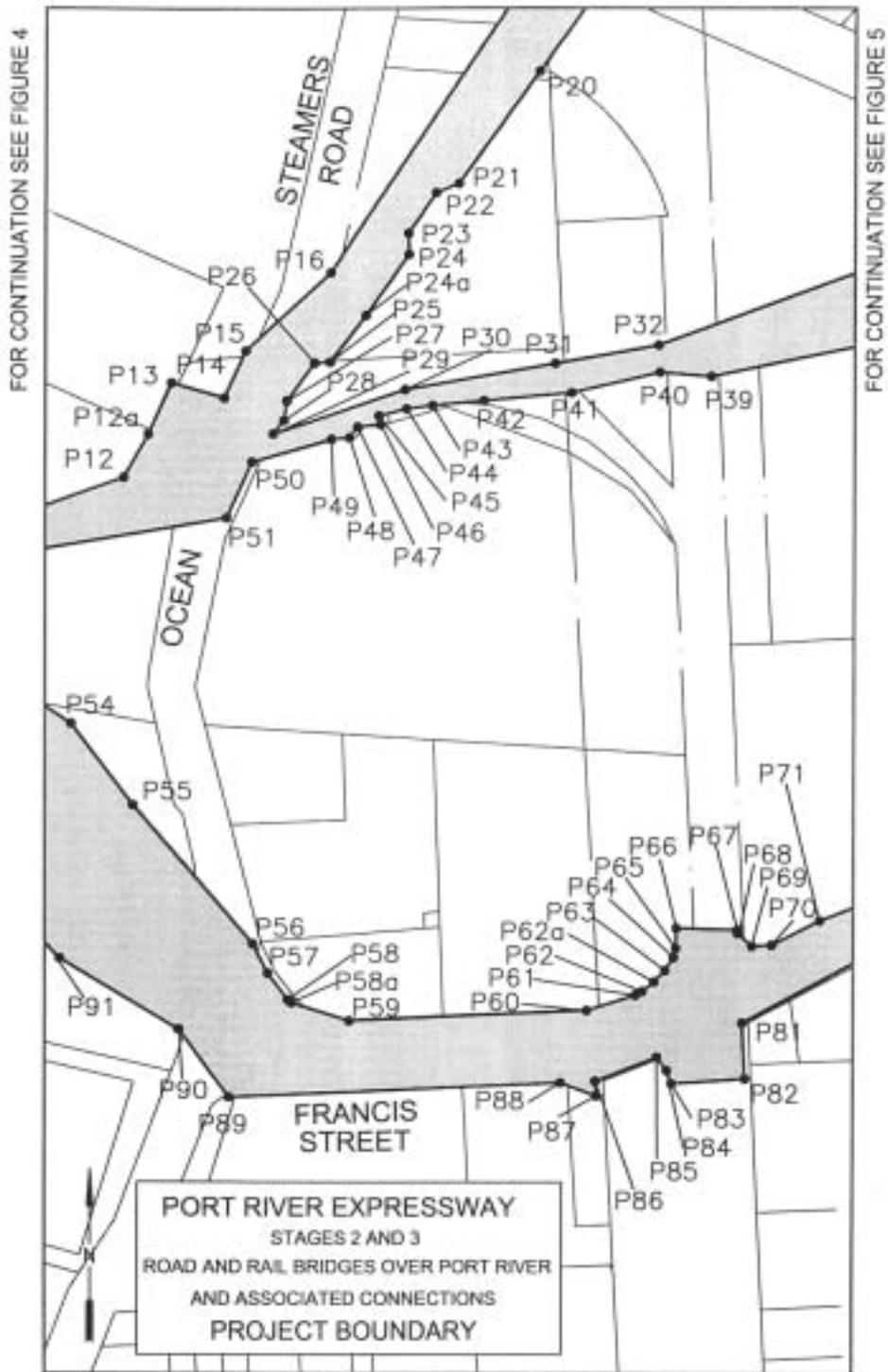


Figure 4

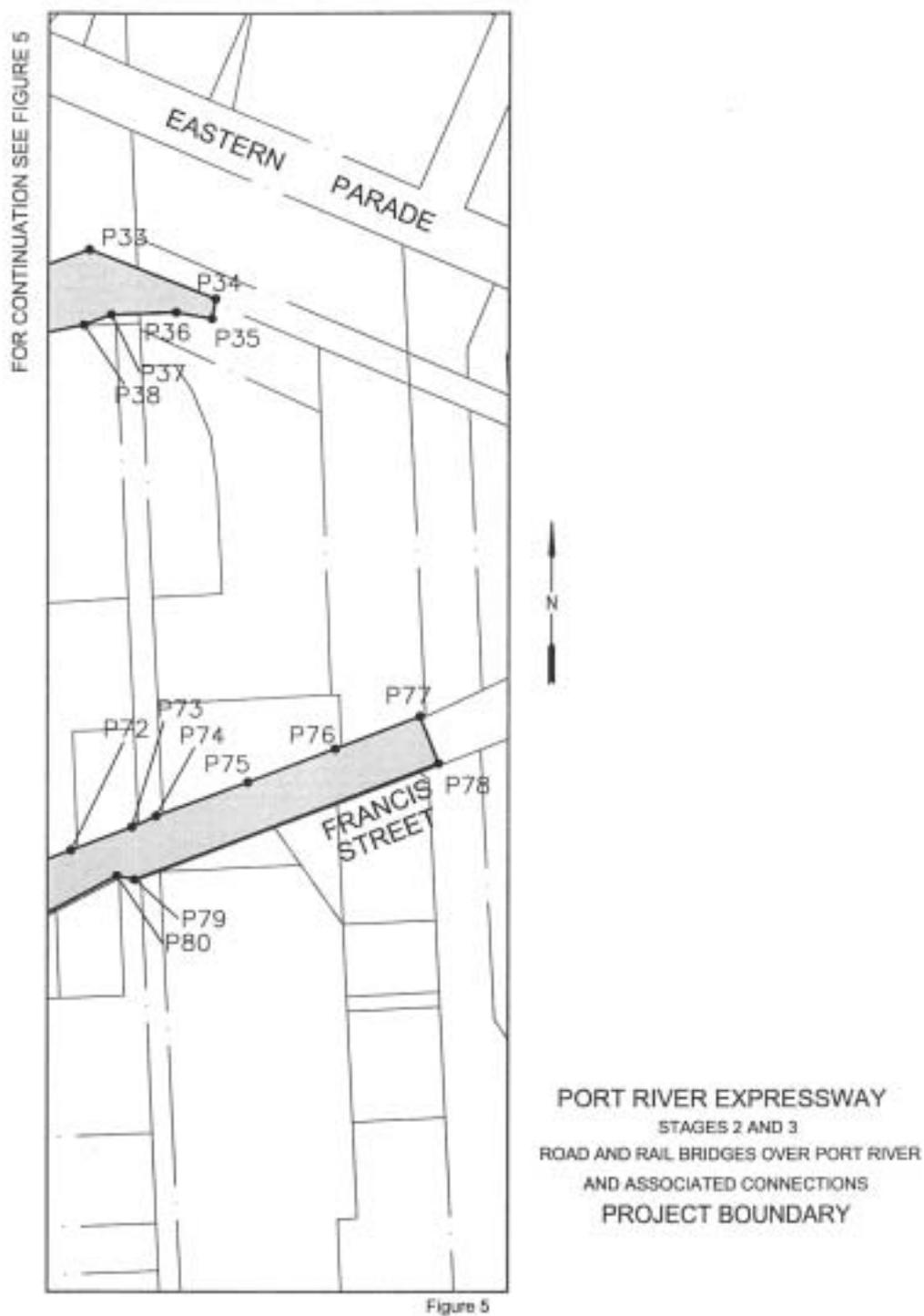


Figure 5

Explanation of Co-ordinates shown in Figures 2 to 5—

- 1 The Co-ordinate Origin is Permanent Survey Mark S317 (N=50000 E=100000, local in metres) that is located on the southern corner of Victoria Road and Health Street, Cadastral No 6628/18085.
- 2 The Point Nos and Co-ordinates shown in Figures 2 to 5 are defined in the table below.

5.8.2004 to 22.6.2005—Highways (Port River Expressway Project) Regulations 2004
 Land to which Port River Expressway Project applies—Schedule 2

POINT NO	COORDINATES	
1	N=50255.093742	E=100280.466961
2	N=50284.469641	E=100130.194413
3	N=50308.355774	E=100046.041002
4	N=50349.065143	E=99968.665976
5	N=50405.081495	E=99901.536880
6	N=50591.558382	E=99870.563362
7	N=50575.031897	E=99793.754809
8	N=50636.806950	E=99776.249925
9	N=50682.112751	E=99770.354818
10	N=50706.695341	E=99767.847600
11	N=50805.950983	E=99770.947036
12	N=50879.305329	E=99797.742481
12A	N=50893.476599	E=99823.324470
13	N=50906.761873	E=99853.588072
14	N=50937.245930	E=99844.646885
15	N=50949.674738	E=99872.425437
16	N=50999.032592	E=99918.567716
17	N=51117.341000	E=100098.102000
18	N=51144.684453	E=100127.767420
19	N=51174.756242	E=100114.961019
20	N=51120.715208	E=100037.653696
21	N=51074.096859	E=99971.201679
22	N=51060.777584	E=99965.688945
23	N=51044.668530	E=99941.887035
24	N=51044.960323	E=99929.441355
24a	N=51019.918389	E=99893.460816
25	N=50998.634035	E=99865.924412
26	N=50989.622495	E=99865.421832
27	N=50973.645105	E=99843.014211
28	N=50971.921662	E=99831.365568
29	N=50965.790717	E=99823.433724
30	N=51042.790068	E=99849.718465
31	N=51130.373864	E=99865.326608
32	N=51189.770482	E=99876.202530
33	N=51324.902946	E=99925.663716

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POINT NO	COORDINATES	
34	N=51403.634946	E=99894.762502
35	N=51401.366088	E=99882.333263
36	N=51378.768997	E=99886.294186
37	N=51338.680906	E=99884.796965
38	N=51321.614368	E=99878.424100
39	N=51220.902188	E=99857.658860
40	N=51190.566714	E=99860.111266
41	N=51139.704534	E=99847.938893
42	N=51088.890361	E=99840.401765
43	N=51058.833914	E=99843.203021
44	N=51043.736611	E=99838.315728
45	N=51027.666288	E=99834.209650
46	N=51028.671306	E=99828.996545
47	N=51015.067034	E=99827.691523
48	N=51010.193934	E=99821.313397
49	N=50999.519720	E=99820.336380
50	N=50953.400793	E=99806.734121
51	N=50938.615572	E=99773.609429
52	N=50777.518725	E=99746.030359
53	N=50757.998103	E=99712.226760
54	N=50849.142305	E=99652.374575
55	N=50884.919267	E=99604.164579
56	N=50954.120727	E=99522.472431
57	N=50963.028900	E=99505.147082
58	N=50974.694129	E=99489.500765
58a	N=50976.687312	E=99487.584362
59	N=51010.397158	E=99476.945829
60	N=51149.168951	E=99483.022273
61	N=51177.007041	E=99492.135074
62	N=51180.970307	E=99494.338663
62a	N=51187.781321	E=99500.046779
63	N=51194.315627	E=99506.736892
64	N=51199.396039	E=99514.588272
65	N=51200.721378	E=99519.896103
66	N=51201.065492	E=99531.719106
67	N=51237.078321	E=99530.670934

5.8.2004 to 22.6.2005—Highways (Port River Expressway Project) Regulations 2004
Land to which Port River Expressway Project applies—Schedule 2

POINT NO	COORDINATES	
68	N=51237.176600	E=99528.693743
69	N=51245.562117	E=99521.098855
70	N=51257.291903	E=99521.679221
71	N=51285.481363	E=99536.020608
72	N=51313.845934	E=99546.952818
73	N=51351.844699	E=99561.601101
74	N=51366.774000	E=99568.574236
75	N=51424.153155	E=99589.901647
76	N=51478.239243	E=99610.814050
77	N=51531.119308	E=99631.260444
78	N=51542.565292	E=99601.668100
79	N=51353.396721	E=99528.501438
80	N=51342.424502	E=99530.894489
81	N=51239.827430	E=99475.658410
82	N=51241.451221	E=99442.692053
83	N=51198.367998	E=99439.807980
84	N=51195.461736	E=99447.604692
85	N=51189.660398	E=99455.450445
86	N=51154.231000	E=99441.179000
87	N=51154.722716	E=99432.503573
88	N=51134.131307	E=99440.295735
89	N=50940.235423	E=99431.763619
90	N=50911.240890	E=99471.848756
91	N=50842.640167	E=99513.855106
92	N=50807.269772	E=99549.723035
93	N=50781.385794	E=99586.323419
94	N=50747.546625	E=99639.809839
95	N=50699.115982	E=99679.766673
96	N=50652.420970	E=99703.058309
97	N=50560.379470	E=99724.043421
98	N=50524.461385	E=99728.605017
99	N=50518.981926	E=99686.550157
100	N=50423.232321	E=99698.569624
101	N=50428.729818	E=99740.762927
102	N=50350.482672	E=99750.700314
103	N=50331.953638	E=99747.979616

Highways (Port River Expressway Project) Regulations 2004—5.8.2004 to 22.6.2005
 Schedule 2—Land to which Port River Expressway Project applies

POINT NO	COORDINATES	
104	N=50306.313417	E=99741.089647
105	N=50286.463231	E=99731.159635
106	N=50198.259602	E=99747.704053
107	N=50174.442340	E=99724.244950
108	N=50159.107204	E=99715.475928
109	N=50154.599147	E=99712.302923
110	N=50108.239083	E=99703.682556
111	N=50046.075900	E=99691.714142
112	N=50028.602764	E=99688.100827
113	N=50027.638188	E=99848.500883
114	N=50001.664598	E=99905.791924
115	N=49999.674656	E=99924.335069
116	N=49997.679888	E=99999.913661
117	N=49998.357984	E=100030.972905
118	N=49996.586191	E=100098.089430
118A	N=49995.142243	E=100113.646551
119	N=49996.386261	E=100119.996601
120	N=50036.074576	E=100122.082486
121	N=50041.160134	E=99934.466838
122	N=50090.587366	E=99861.733627
123	N=50224.384159	E=99816.926959
124	N=50395.457641	E=99792.882391
125	N=50399.928215	E=99848.448341
126	N=50278.294332	E=99985.504017
127	N=50232.149457	E=100276.925848

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations

Year	No	Reference	Commencement
2004	165	<i>Gazette 5.8.2004 p2858</i>	5.8.2004: r 2