

House of Assembly—No 117

As laid on the table and read a first time, 17 February 2021

South Australia

**Statutes Amendment (Barossa Rail Corridor)
Bill 2021**

A BILL FOR

An Act to amend the *Highways Act 1926* and the *Planning, Development and Infrastructure Act 2016*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Barossa Rail Corridor) Act 2021*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Highways Act 1926*

3—Insertion of section 20A

10 After section 20 insert:

20A—Restriction of power to acquire land etc in Barossa rail corridor

- 15 (1) The Commissioner must not (whether under section 20 or otherwise) acquire by agreement or compulsory process any land forming part of the Barossa rail corridor, nor any interest in such land, for the purposes of present or future roadwork or any other purposes connected with this Act unless the acquisition is approved by resolution of both Houses of Parliament.
- 20 (2) The Commissioner must not exercise any other power under section 20(1) in relation to land forming part of the Barossa rail corridor if the exercise of the power adversely affects, or may adversely affect, the ability to operate a train on the railway line within the Barossa rail corridor unless the exercise of the power is approved by resolution of both Houses of Parliament.

- (3) A requirement under subsection (1) or (2) is in addition to, and does not limit, any other requirement under this Act or any other Act or law.
- (4) For the purposes of this section—
- 5 (a) a reference to a railway line will be taken to include a reference to a railway line, or part of a railway line, that is not currently operational or has been decommissioned (however described); and
- 10 (b) the question of whether a train was, or was not, able to operate on a particular part of the railway line within the Barossa rail corridor immediately before the exercise of a power under section 20 is to be disregarded in determining whether the exercise of that power adversely affects, or may adversely affect, the ability to operate trains on the railway line; and
- 15 (c) a reference to adversely affecting the ability to operate trains on the railway line will be taken to include a reference to further adversely affecting a railway line that has previously been so affected.
- 20 (5) This section does not apply in relation to—
- (a) an acquisition of land or an interest in land, or the exercise of a power under section 20(1), that relates to roadwork or another purpose connected with this Act and that was commenced or approved before the commencement of this section; or
- 25 (b) a private siding (within the meaning of the *Rail Safety National Law (South Australia) Act 2012*) forming part of the Barossa rail corridor.
- (6) In this section—
- 30 **Barossa rail corridor** means the rail corridor in respect of the railway line running between Gawler Central railway station and Angaston railway station;
- fixed railway infrastructure** means—
- 35 (a) railway track; and
- (b) buildings, installations and equipment for—
- (i) the operation and use of railway track; or
- (ii) the embarkation and disembarkation of passengers; or
- (iii) the loading and unloading of goods;
- 40 **rail corridor** means—
- (a) land over which railway track passes or previously passed; and

- (b) land used or previously used for providing a passenger service or a freight service by rail; and
- (c) land on which fixed railway infrastructure is or was previously situated; and
- (d) any other land declared by the regulations to form part of the Barossa rail corridor.

Part 3—Amendment of *Planning, Development and Infrastructure Act 2016*

4—Insertion of Part 6

After section 100 insert:

Part 6A—Special provisions relating to Barossa rail corridor

100A—Development affecting Barossa rail corridor to require resolution of Parliament

- (1) For the purposes of this Act, but without limiting any other provision of this Act or any other Act or law, a development that—
 - (a) is to occur wholly or partly within the Barossa rail corridor; or
 - (b) is likely to adversely affect the ability to operate a train on the railway line within the Barossa rail corridor,will be taken not to be an approved development unless the development is approved by resolution of both Houses of Parliament.
- (2) A requirement under this section is in addition to, and does not limit, a requirement under Part 7 or any other provision of this Act in respect of a particular development.
- (3) For the purposes of this section—
 - (a) a reference to a railway line will be taken to include a reference to a railway line, or part of a railway line, that is not currently operational or has been decommissioned (however described); and
 - (b) the question of whether a train is, or is not, able to operate on a particular part of the railway line within the Barossa rail corridor at a particular time is to be disregarded in determining whether a development is likely to adversely affect the ability to operate a train on the railway line; and
 - (c) a reference to adversely affecting the ability to operate trains on the railway line will be taken to include a reference to further adversely affecting a railway line that has previously been so affected.

- (4) This section does not apply in relation to—
- (a) a development in relation to which a relevant authority has granted any or all of the necessary consents for the development to be an approved development before the commencement of this section; or
 - (b) a private siding (within the meaning of the *Rail Safety National Law (South Australia) Act 2012*) forming part of the Barossa rail corridor.

- (5) In this section—

Barossa rail corridor means the rail corridor in respect of the railway line running between Gawler Central railway station and Angaston railway station;

fixed railway infrastructure means—

- (a) railway track; and
- (b) buildings, installations and equipment for—
 - (i) the operation and use of railway track; or
 - (ii) the embarkation and disembarkation of passengers; or
 - (iii) the loading and unloading of goods;

rail corridor means—

- (a) land over which railway track passes or previously passed; and
- (b) land used or previously used for providing a passenger service or a freight service; and
- (c) land on which a railway workshop or a passenger or freight terminal building is or was previously situated; and
- (d) any other land declared by the regulations to form part of the Barossa rail corridor.