

TASMANIA

**STRATEGIC INFRASTRUCTURE CORRIDORS
(STRATEGIC AND RECREATIONAL USE) BILL
2016**

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**STRATEGIC INFRASTRUCTURE CORRIDORS
(STRATEGIC AND RECREATIONAL USE) BILL
2016**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
24 August 2016

*(Brought in by the Minister for Infrastructure, the Honourable
Marinus Theodoor Hidding)*

A BILL FOR

An Act to enable areas of land that have been used, but are no longer required to be used, for the purposes of rail transport to be reserved for future strategic use and, in certain cases, to be used for designated recreational uses, and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*.

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Use) Act 2016*
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2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

adjoining land, in relation to a corridor, means land that adjoins the corridor;

adjoining landholder means an owner, or occupier, of adjoining land;

business licence means a business licence granted in accordance with section 22;

business permission means a business permission granted under section 44;

corridor means a strategic infrastructure corridor;

corridor authorisation means –

- (a) a use permission; and
- (b) a service infrastructure permission; and
- (c) a business permission; and
- (d) a private road construction permission; and

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(e) a private road use permission;
and

(f) a permit granted under the
regulations;

corridor crossing means a place where a public road or a private road intersects with a corridor;

corridor development plan, in relation to a corridor, means a corridor development plan, declared under section 60(6)(b) in relation to the corridor, that is in force;

corridor management plan, in relation to a corridor, means a corridor management plan, declared under section 60(6)(b) in relation to the corridor, that is in force;

corridor (other matters) plan, in relation to a corridor, means a corridor (other matters) plan, declared under section 60(6)(b) in relation to the corridor, that is in force;

corridor manager, in relation to a corridor, means the person who is appointed under section 28 to be the corridor manager in relation to the corridor;

corridor notice means a notice that is in force under section 6(1), as the notice is amended if at all, under section 7;

corridor plan, in relation to a corridor, means –

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- (a) a corridor development plan in relation to the corridor; and
- (b) a corridor management plan in relation to the corridor; and
- (c) a vegetation management plan in relation to the corridor; and
- (d) a corridor (other matters) plan in relation to the corridor;

corridor safety and use objectives, in relation to a corridor, means –

- (a) the safety of persons on the corridor; and
- (b) the use of the corridor for a designated recreational use, if any; and
- (c) the potential use in future of the corridor for any reserved purpose;

CPR plan means a plan within the Central Plan Register;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

designated recreational use, in relation to a corridor – see section 29;

emergency includes, but is not limited to including, an imminent threat to the

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corridor safety and use objectives, whether the threat arises from natural or man-made causes;

emergency works means works to deal with an emergency;

licence means a licence granted in accordance with section 20;

limitation, in relation to land –

(a) means any trust, reservation, restriction, exception, encumbrance, limitation, estate, or interest, in or in relation to the land, however created or imposed, including by virtue of a sealed plan within the meaning of section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and

(b) includes any highway, right of way and footpath and any road reserve, or other reserve, under an Act;

managing authority, in relation to a corridor, means the managing authority, in relation to the corridor, under section 24;

owner, in relation to land, means any one or more of the following:

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- (a) in the case of a fee simple estate in the land – the person in whom the estate is vested;
- (b) in the case of land that is not registered under the *Land Titles Act 1980* and is subject to a mortgage – the person for the time being holding the equity of redemption in that mortgage;
- (c) in the case of land held under a tenancy for life – the person who is the life tenant;
- (d) in the case of land held under a lease for a term of not less than 99 years or for a term of not less than another prescribed period – the person who is the lessee of the land;
- (e) in the case of land in respect of which a person has a prescribed interest – the person with the prescribed interest;
- (f) in the case of land that has not been alienated from the Crown – the Minister, authority, or other person, responsible for managing the land;

planning scheme has the same meaning as it has in the *Land Use Planning and Approvals Act 1993*;

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preserved limitation means a limitation that is declared a preserved limitation under section 12;

preserved right means a right that is declared a preserved right under section 12;

private road means a road (other than a public road), a lane, a path, or a stock crossing, that crosses a corridor;

private road construction permission means a private road construction permission, granted under section 85, that is in force;

private road use permission means a private road use permission, granted under section 80, that is in force;

protective protocol means a protocol, standard or restriction, in relation to the use of land, that is issued by a statutory authority and includes, but is not limited to including, such a protocol, standard or restriction in relation to any of the following:

- (a) an agricultural or industrial research or development project;
- (b) air, soil or water quality;
- (c) biological control;
- (d) crop security;
- (e) food standards or hygiene;

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- (f) occupational health and safety;
- (g) plant or animal quarantine;
- (h) product processing;
- (i) waste treatment;

public road means any road –

- (a) open to or used by the public; or
- (b) to which the public have, or are authorised to have, access –

whether on payment of fee or otherwise;

rail infrastructure has the same meaning as it has in the *Rail Infrastructure Act 2007*;

railway track means any combination of trails, rail connectors, sleepers, ballast, points and crossings, or, if installed, substitute devices, that are situated on a corridor;

recreational purposes means for the purpose of –

- (a) use by walkers or runners; or
- (b) use by horse riders; or
- (c) use by persons riding bicycles, including power-assisted bicycles; or

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- (d) use for a prescribed recreational activity;

Register means the register of title kept under section 33 of the *Land Titles Act 1980*;

reserve management plan, in relation to a corridor, means a reserve management plan, declared under section 59(4)(b) in relation to the corridor, that is in force;

reserved purpose has the meaning it has in section 4;

responsible manager, in relation to a corridor, means –

- (a) the corridor manager in relation to the corridor; or
- (b) if there is no corridor manager in relation to the corridor – the managing authority in relation to the corridor;

right includes –

- (a) a right, interest, power, remedy, discretion and authority; and
- (b) any right of access, including railway access; and
- (c) a right related to any highway, right of way or footpath or to a road reserve, or other reserve, under an Act;

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routine works means works, or improvements, in relation to a corridor, that consist of –

- (a) repairs or maintenance of structures and facilities; or
- (b) minor works, or improvements, that are necessary to keep the corridor in good order; or
- (c) the erection of signs, or other structures, to provide information to the public relating to the corridor safety and use objectives; or
- (d) the erection, repair or maintenance of any fencing –

but does not include emergency works;

Secretary means the Secretary of the Department;

service infrastructure permission means a service infrastructure permission, granted under section 71(1), that is in force;

statutory authority means –

- (a) an incorporated body, or an unincorporated body, that –
 - (i) is established, constituted or continued by or under

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an Act or under the royal prerogative; and

(ii) is a body which, or of which the governing body, wholly or partly comprises a person or persons appointed by the Governor, a Minister of the Crown or another statutory authority; and

(b) a Minister or a person who is appointed to an office under an Act;

strategic infrastructure corridor –

(a) means an area of land that is declared by a corridor notice to be a strategic infrastructure corridor; and

(b) includes any area of land that is included in the corridor by an alteration under section 7 of the area of land that is within a corridor –

but does not include any area of land that is excluded from the corridor by an alteration under section 7 of the area of land that is within the corridor;

substantial fixed infrastructure means –

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- (a) a tunnel; and
- (b) a bridge; and
- (c) a structure, or a member of a class of structures, which structure or class is declared under subsection (2) to be substantial fixed infrastructure –

but does not include a tunnel, a bridge, a structure, or a member of a class of structures that is a tunnel, bridge, structure, or a member of a class of structures, that is declared under subsection (2) to not be substantial fixed infrastructure;

use permission means a use permission, granted under section 52, that is in force;

vegetation management plan, in relation to a corridor, means a vegetation management plan, declared under section 60(6)(b) in relation to the corridor, that is in force.

- (2) The Minister, by notice, may –
 - (a) declare to be substantial fixed infrastructure a structure, or members of a class of structures, that is or are situated on an area of land that is, or is intended to become, part of a corridor; or

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- (b) declare a bridge, a tunnel, a structure, or a class of structures, that is or are situated on an area of land that is, or is intended to become, part of a corridor, to not be substantial fixed infrastructure.
- (3) A notice under subsection (2) –
 - (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.
- (4) A reference in this Act –
 - (a) to a corridor includes a reference to a part of a corridor; and
 - (b) to a corridor, in relation to a corridor manager, the managing authority, or a responsible manager, is to be taken to be a reference to any part of a corridor and to the corridor manager, the managing authority, or the responsible manager, in relation to the part of the corridor.
- (5) A reference in this Act to a function or power, by or under this Act, of a managing authority or a corridor manager includes a function or power conferred or imposed on the authority or manager by virtue of being a responsible manager.

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4. Reserved purposes

In this Act, a reference to a reserved purpose is a reference to one or more of the following purposes:

- (a) the provision of transport infrastructure;
- (b) the provision of telecommunications or energy;
- (c) a prescribed purpose.

5. Act binds Crown, &c.

- (1) This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.
- (2) A corridor manager is not an agent or instrumentality of the Crown.

PART 2 – STRATEGIC INFRASTRUCTURE CORRIDORS

Division 1 – Declaration of strategic infrastructure corridors

6. Declaration of strategic infrastructure corridor

- (1) The Minister, by notice (a *corridor notice*), may declare to be a strategic infrastructure corridor an area of land that is designated on a CPR plan to be land within a corridor.
- (2) An area of land may only be declared in a corridor notice to be a strategic infrastructure corridor if the land –
 - (a) formed part of the rail network; or
 - (b) was land associated with the land that formed part of the rail network.
- (3) For the purposes of this section, land formed part of the rail network if, at any time during the period –
 - (a) beginning on the day on which Part 1 of Schedule 1 to the *Rail Infrastructure Act 2007* came into force; and
 - (b) ending on the day on which this section commences –

the land was land on which any of the railways specified in Part 1 of Schedule 1 to the *Rail*

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Infrastructure Act 2007, as in force during that period, were situated.

- (4) The Minister, by notice, may designate an area of land, specified in the notice, to be land associated with the land that formed part of the rail network.
- (5) The Minister may only designate under subsection (4) land to be land associated with the land that formed part of the rail network if –
 - (a) the land adjoins an area of land that formed part of the rail network; and
 - (b) the land is not –
 - (i) reserved land within the meaning of the *Nature Conservation Act 2002*; or
 - (ii) permanent timber production zone land within the meaning of the *Forest Management Act 2013*.
- (6) A corridor notice in relation to a corridor is to –
 - (a) specify the name assigned to the corridor; and
 - (b) include a reference to the CPR plan designating an area of land to be within the corridor; and
 - (c) specify the day, after the date of the notice, on which the notice comes into effect.

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- (7) A corridor –
- (a) does not include any area of land on which a public road is situated; but
 - (b) includes any bridge or other elevated structure that extends over an area of land on which a public road is situated.

7. Amendment of corridor notice or CPR plan

- (1) The Minister, by notice, may –
- (a) amend a corridor notice by changing the name of the corridor; or
 - (b) amend a corridor notice so as to alter the area of land within a corridor.
- (2) A notice under subsection (1) is to specify a day, after the date of the notice, on which the notice is to come into effect.
- (3) The Minister may, in a notice under subsection (1)(b), amend a corridor notice so as to alter the area of land within a corridor by substituting, for the reference, in accordance with section 6(6)(b), to the CPR plan (the *original plan*) in the corridor notice, a reference to another CPR plan (the *substituted plan*).
- (4) For the purposes of subsection (3), a reference to a substituted plan may consist of a reference to –

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- (a) another CPR plan with a different CPR number from the CPR number of the original plan; or
 - (b) a CPR plan with the same CPR number as the CPR number of the original plan but with a revision number, or with a different revision number from the revision number of the original plan.
- (5) If the area of land within a corridor is altered, by a notice under subsection (1), by –
 - (a) excluding land from the area of land within the corridor – the land so excluded ceases to be land within a corridor on and from the day on which the notice takes effect; or
 - (b) including land in the area of land within a corridor – the land so included becomes land within the corridor on and from the day on which the notice takes effect.
- (6) If the area of land within a corridor declared by a corridor notice is altered by virtue of a notice under subsection (1) –
 - (a) the alteration does not alter the effect of the operation of any provision in Division 2 or Part 6 that has taken effect, before the alteration, on the land that, before the alteration, was part of a corridor; but

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- (b) Part 6 ceases to apply in relation to any application, referred to in Part 6, that is on foot at the time the corridor notice is altered in relation to land that has, by virtue of the notice under subsection (1), ceased to be land within a corridor.

8. Revocation of corridor notice

- (1) The Minister, by notice, may revoke a corridor notice.
- (2) A notice under subsection (1) is to specify a day, after the date of the notice, on which the notice is to come into effect.
- (3) If a corridor notice is revoked by a notice under subsection (1) –
 - (a) the land to which the corridor notice related ceases to be land within a corridor; and
 - (b) this Act (apart from this section) and the regulations cease to apply in relation to the land; and
 - (c) a corridor authorisation in relation to land within the corridor ceases to be in force; and
 - (d) any lease or licence granted or renewed under the *Crown Lands Act 1976* in accordance with this Act and in force in relation to land within the corridor before

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the revocation of the corridor notice continues in force under that Act until it is cancelled or expires under that Act but may be cancelled because land to which it relates has ceased to be corridor land; and

- (e) subject to paragraph (f), the revocation does not alter the effect of the operation of any provision in Division 2 or Part 6 that has taken effect, before the revocation, on the land that, before the revocation, was part of a corridor; and
- (f) Part 6 ceases to apply in relation to any application, referred to in Part 6, that is on foot at the time the notice is revoked in relation to land that has, by virtue of the notice under subsection (1), ceased to be land within a corridor.

***Division 2 – Effect of declaration of strategic infrastructure
corridor***

9. Corridor ceases to be part of rail planning corridor or rail network

- (1) On the day on which land becomes land within a corridor, the land ceases to be a rail planning corridor, or part of the rail network, for the purposes of the *Rail Infrastructure Act 2007*.
- (2) On the day on which land becomes land within a corridor, any land that was, immediately before that day, an area of land –

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- (a) on which a public road is situated; and
- (b) that extended between parts of the land within the corridor; and
- (c) within a rail planning corridor, or part of the rail network, for the purposes of the *Rail Infrastructure Act 2007* –

ceases to be part of a rail planning corridor, or part of the rail network, for the purposes of the *Rail Infrastructure Act 2007*.

10. Land in corridor vests in Crown

On the day on which land becomes land within a corridor, so much of the land as was not, immediately before that day, vested in the Crown, vests in the Crown.

11. Extinguishment of rights and liabilities in corridor

- (1) On the day on which land becomes land within a corridor, the land is freed and discharged from all limitations (other than a preserved limitation) that existed, immediately before that day, in relation to the land.
- (2) On the day on which land becomes land within a corridor, all public and private rights (other than a preserved right) that existed, immediately before that day, in relation to the land, are extinguished.

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(3) If, immediately before the day on which a corridor notice in relation to a corridor comes into force, there is a lease, sublease or licence in relation to land –

(a) part of which, on that day, becomes land within the corridor; and

(b) part of which, on that day, does not become land within the corridor –

subsections (1) and (2) and section 14 only apply in relation to the lease, sublease or licence in respect of the part of the land that becomes, on that day, land within the corridor and, in the case of a lease or licence, subsection (4) applies.

(4) If this subsection applies in relation to a lease or licence, the Minister must –

(a) vary the lease or licence so as to exclude from the lease or licence land to which subsection (3)(a) applies; and

(b) take the steps necessary to adjust any amount payable by the holder of the lease or licence to reflect the exclusion of the land to which subsection (3)(a) applies from the lease or licence by virtue of the variation.

(5) Despite any other law or doctrine to the contrary, a lease or sublease to which a variation in accordance with subsection (4) applies is not to be taken to have been surrendered by virtue of the operation of the variation.

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12. Preserved limitations and preserved rights

- (1) The Minister, by notice, may declare that any limitation that relates to all or part of land within a corridor is a preserved limitation for the purposes of this Act.
- (2) The Minister, by notice, may declare that a right that relates to all or part of a corridor is a preserved right for the purposes of this Act.
- (3) A notice under subsection (1) or (2) must specify the date on which the notice comes into effect in relation to a right or limitation specified in the notice.
- (4) A date specified, for the purposes of subsection (3), in a notice under subsection (1) or (2) may be a date before or after the date on which the notice is issued.
- (5) A notice may be issued under subsection (1) or (2) even though the effect, under this Division, of the notice is to –
 - (a) cause to exist a right that has been extinguished under this Division; or
 - (b) re-impose a limitation from which land has been freed under this Division –

and where such a notice has such an effect, the right and limitation resume existence, or are re-imposed, by virtue of this section, on and from a date specified under subsection (3) in relation to the right or limitation.

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- (6) Nothing in this section is to be taken to prevent a right or limitation to which this section applies from being transferred, disposed of, extinguished or cancelled, otherwise than by virtue of this section.
- (7) The Minister must provide to the corridor manager in relation to the corridor any information available to the Minister in relation to any limitation or right as soon as practicable after it becomes a preserved limitation or a preserved right.

13. Effect of preservation on certain leases, subleases and licences

- (1) A lease or licence that is a preserved limitation or a preserved right is to be taken to be a lease or a licence, respectively, granted under the *Crown Lands Act 1976* in accordance with section 20(1)(c).
- (2) A sublease that is a preserved limitation or a preserved right is to be taken to be a lease granted under the *Crown Lands Act 1976* in accordance with section 20(1)(c).
- (3) On and from the day on which a licence becomes a preserved limitation or a preserved right, in relation to land within a corridor –
 - (a) the responsible manager in relation to the corridor –

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- (i) is to monitor operations under the licence; and
 - (ii) may direct the licence holder in relation to operations under the licence; and
 - (iii) is to inform the Minister of a significant failure to comply with the terms and conditions of the licence or a failure by the holder of the licence to comply with a direction under subparagraph (ii); and
- (b) any money payable by the licence holder under the licence is to be paid to the responsible manager; and
 - (c) any money paid in accordance with paragraph (b) is to be taken for the purposes of this Act to be a fee paid to the responsible manager.

14. Compensation for vesting or extinguishment

- (1) On the day (the *relevant day*) on which an area of land vests in the Crown under section 10, a person who was, immediately before that day, an owner of the area of land is entitled to compensation for the vesting in the Crown of that area of land.
- (2) On the day (the *relevant day*) on which a licence, lease or sublease is extinguished under

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section 11, a person who, immediately before that day, held the licence, lease or sublease is entitled to compensation for the extinguishment.

- (3) Subsection (2) does not apply in relation to a lease in respect of land that was, immediately before the relevant day, land to which a lease from the Crown to Tasmanian Railway Pty Ltd (ACN 139 383 761) related but applies in relation to a sublease under such a lease.
- (4) The entitlement of a person to compensation under subsection (1) or (2) in relation to a vesting or extinguishment is extinguished at the end of the period of 12 months commencing on the relevant day, if the person does not, within that period, lodge a claim under subsection (5) in relation to the vesting or extinguishment.
- (5) A person who is entitled under subsection (1) or (2) to compensation in relation to a vesting or extinguishment may lodge, in writing, with the Secretary a claim for compensation in relation to the vesting or extinguishment.
- (6) Compensation is the amount agreed, in writing, between the person and the Minister.
- (7) Before agreeing an amount of compensation, the Minister must obtain the approval of the Valuer-General to that amount.
- (8) In determining whether to approve an amount of compensation, the Valuer-General is to apply the same principles, with any necessary modification, as he or she would apply in

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approving an amount of compensation for the purposes of section 40(8) of the *Land Acquisition Act 1993*.

- (9) If the person and the Minister cannot agree on the amount of compensation, the claim for compensation is to be determined as if it were a disputed claim for compensation under the *Land Acquisition Act 1993* and for that purpose –
- (a) this section is taken to be a notice of acquisition, within the meaning of that Act, gazetted under section 18 of that Act on the day after the relevant day; and
 - (b) the Crown is the acquiring authority.

15. Titles may be created in relation to corridors and adjoining land

- (1) The Minister and the Director-General of Lands may do all things necessary or convenient for the purposes of creating, re-arranging or extinguishing folios of the Register under the *Land Titles Act 1980* in relation to all or part of land within a corridor, or adjoining land, in so far as is necessary for the purposes of this Act.
- (2) The Minister, in writing, may direct the Recorder of Titles to create, re-arrange or extinguish any folio of the Register in relation to land within a corridor, or adjoining land, in so far as is necessary for the purposes of this Act.

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- (3) Without limiting the generality of subsection (2), a direction under that subsection may require the Recorder of Titles to create a folio of the Register in relation to land within a corridor, or adjoining land, so as to bring the land under the *Land Titles Act 1980*.
- (4) The Minister, in writing, may direct the Recorder of Titles to add to, amend or extinguish any particulars or notations noted on a folio of the Register, so as to take into account the effect of any provision of this Division.
- (5) On receiving a direction under subsection (2) or (4), the Recorder of Titles is to –
 - (a) create, re-arrange or extinguish a folio of the Register; or
 - (b) make the additions, amendments or extinguishments of particulars or notations on a folio of the Register –as he or she considers appropriate to give effect to the direction.

16. Notice in relation to corridor may be placed on Register

- (1) The Minister may direct the Recorder of Titles to place on the Register a notice advising that this Act applies in relation to all or part of land within a corridor.

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- (2) On receiving a direction under subsection (1), the Recorder of Titles is to place on the Register a notice in accordance with the direction.
- (3) The Minister may direct the Recorder of Titles to amend or remove a notice placed on the Register in accordance with subsection (2).
- (4) On receiving a direction under subsection (3), the Recorder of Titles is to amend or remove, in accordance with the direction, the notice placed on the Register in accordance with subsection (2).

17. Compliance with Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*

If the Minister has given a direction under section 15 or 16 –

- (a) the Minister is not required to make an application under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* in respect of the matters to which the direction relates; and
- (b) the Recorder of Titles is to comply with the direction despite such an application not having been made.

18. State tax not payable in relation to actions under this Division

- (1) In this section –

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State tax means any tax, duty, charge or application, registration, or other fee, imposed by an Act or other law of Tasmania.

- (2) State tax is not payable in relation to –
- (a) any vesting in the Crown under this Division; and
 - (b) the creation, re-arrangement or extinguishment of any folio of the Register under this Division; and
 - (c) any action taken, or document issued, for the purposes of this Division or in accordance with a direction to the Recorder under this Division.

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**PART 3 – POWERS OF MINISTER IN RELATION TO
LAND WITHIN CORRIDOR**

19. Restriction on application of *Crown Lands Act 1976*

- (1) Subject to this Act, the *Crown Lands Act 1976* applies in relation to Crown land, within the meaning of that Act, that is within a corridor.
- (2) Despite any provision of the *Crown Lands Act 1976*, land that is within a corridor, and an estate or interest in such land, may not be transferred, reserved, set aside, managed, leased, licensed, or otherwise disposed of, under that Act, except as authorised under this Act.
- (3) Subsection (2) does not apply in relation to the disposal under the *Crown Lands Act 1976* of an interest in Crown land that is an easement.
- (4) Section 45A of the *Crown Lands Act 1976* does not apply in relation to a person in respect of an activity carried out by the person under and in accordance with a business permission.
- (5) If a provision of this Act is inconsistent with a provision of the *Crown Lands Act 1976*, the provision of this Act prevails to the extent of the inconsistency.

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Part 3 – Powers of Minister in Relation to Land Within Corridor

20. Minister may grant leases and licences under *Crown Lands Act 1976*

- (1) On and from the day on which land becomes land within a corridor, until the day on which the land ceases to be land within a corridor –
 - (a) the land is to be taken, for the purposes of the *Crown Lands Act 1976*, to be portfolio land; and
 - (b) the Minister is to be taken, for the purposes of the *Crown Lands Act 1976*, to be the Portfolio Minister in relation to the land; and
 - (c) the Minister may, under the *Crown Lands Act 1976*, grant in relation to the land a lease or a licence under that Act that the Minister may, as the Portfolio Minister, grant under that Act; and
 - (d) section 48B of the *Crown Lands Act 1976* does not apply in relation to a licence granted or renewed under that Act in accordance with this section.
- (2) Despite subsection (1)(c), a lease may only be granted in relation to land in accordance with that subsection if there is no corridor manager in relation to the land.
- (3) Sections 39C and 39D of the *Crown Lands Act 1976* do not apply in relation to a lease granted by a Portfolio Minister under that Act in accordance with this section.

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- (4) A lease, or a licence, in relation to land within a corridor may only be granted under the *Crown Lands Act 1976* in accordance with this section, if the Minister is of the opinion that –
- (a) where there is a reserve management plan in relation to the corridor, the management, protection, use or development of the land in accordance with the lease or licence will be consistent with that plan; and
 - (b) the grant of the lease or licence will not prevent the attainment of the corridor safety and use objectives.
- (5) The Minister must consult with the corridor manager in relation to a corridor, before granting a licence under the *Crown Lands Act 1976* in accordance with this section in relation to land within the corridor.
- (6) Any money paid in respect of a lease or licence granted under the *Crown Lands Act 1976* in accordance with this section in relation to land within a corridor is to be used by the Minister for –
- (a) the maintenance of the corridor; and
 - (b) the costs of the administration of the lease or licence; and
 - (c) any taxes, rates or other outgoings associated with the corridor.

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Part 3 – Powers of Minister in Relation to Land Within Corridor

21. Cancellation of certain leases and licences

- (1) In addition to the grounds on which the Minister may, under the *Crown Lands Act 1976* or in accordance with the terms and conditions of the lease or licence, cancel a lease or licence granted under the *Crown Lands Act 1976* in accordance with section 20, the Minister may cancel the lease or licence if –
- (a) the Minister is of the opinion that –
 - (i) the corridor to which the lease or licence relates is required for the use of the land for a reserved purpose; or
 - (ii) the continuance of the lease or licence may prevent the attainment of the corridor safety and use objectives; or
 - (b) the holder of the lease or licence has contravened a term or condition of the lease or licence; or
 - (c) the holder of the lease or licence is using the land for any purpose other than the purpose for which the lease or licence was granted.
- (2) The Minister must cancel a lease that is granted under the *Crown Lands Act 1976* in accordance with section 20 if –

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- (a) the lease relates to land, all of which is land within a corridor; and
 - (b) the Minister intends to appoint, or has appointed, a corridor manager in relation to the corridor in which the land is situated.
- (3) If the Minister intends to appoint, or has appointed, a corridor manager in relation to a corridor, or a part of a corridor, to which relates a lease that relates to land that is not within the corridor and to land (the *excluded land*) that is within the corridor, the Minister must –
- (a) vary the lease so as to exclude from the lease the excluded land; and
 - (b) take the steps necessary to adjust any amount payable by the lessee in relation to the lease to reflect the exclusion of the excluded land from the operation of the lease by virtue of the variation.
- (4) Despite any other law or doctrine to the contrary, a lease to which a variation in accordance with subsection (3) applies is not to be taken to have been surrendered by virtue of the operation of the variation.
- (5) If, by virtue of the operation of a variation in accordance with subsection (3)(a), land is excluded from a lease, section 14 applies in relation to the lease as if the lease only related to the excluded land and had been extinguished by section 11.

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Part 3 – Powers of Minister in Relation to Land Within Corridor

22. Minister may grant business licences under *Crown Lands Act 1976* in relation to corridor

- (1) The Minister may grant a business licence under Part VA of the *Crown Lands Act 1976* in relation to any land within a corridor as if he or she were the Minister responsible for that Act and, if he or she grants such a licence, that Act applies in relation to the licence as if the Minister were the Minister responsible for that Act.
- (2) A business licence in relation to any land within a corridor may only be granted or renewed under the *Crown Lands Act 1976* in accordance with this section if the Minister is of the opinion that –
 - (a) where there is a reserve management plan in relation to the corridor, the management, protection, use or development of the land in accordance with the business licence will be consistent with that plan; and
 - (b) the grant or renewal of the business licence will not prevent the attainment of the corridor safety and use objectives.
- (3) The Minister must consult with the corridor manager before, in accordance with this section, granting or renewing, under the *Crown Lands Act 1976*, a business licence in relation to a corridor.
- (4) In addition to the grounds on which the Minister may cancel under the *Crown Lands Act 1976* a

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business licence granted under the *Crown Lands Act 1976* in accordance with this section, the Minister may, under section 45I of that Act, cancel the licence if –

- (a) the Minister is of the opinion that –
 - (i) the corridor to which the licence relates is required for the use of the land for a reserved purpose; or
 - (ii) the continuance of the licence may prevent or hinder the attainment of the corridor safety and use objectives; or
 - (b) the Minister intends to appoint, or has appointed, a corridor manager in relation to the corridor in which is situated the land to which the licence relates; or
 - (c) the holder of the licence has prevented or hindered the attainment of the corridor safety and use objectives; or
 - (d) the holder of the licence is using the land for any purpose other than the purpose for which the licence was granted.
- (5) Section 48B of the *Crown Lands Act 1976* does not apply in relation to a business licence that is granted under that Act in accordance with this section.

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- (6) Any money paid in respect of a business licence granted or renewed under the *Crown Lands Act 1976* in accordance with this section in relation to a corridor is to be used by the Minister for –
- (a) the maintenance of the corridor; and
 - (b) the costs of the administration of the business licence; and
 - (c) any taxes, rates or other outgoings associated with the corridor.
- (7) The Minister may grant or renew a business licence in relation to a corridor in accordance with this section whether or not –
- (a) there is a corridor manager in relation to the corridor; or
 - (b) a business permission has been issued in relation to the corridor.

23. Minister may cancel permission issued by corridor manager

The Minister may cancel a corridor authorisation granted under this Act by a corridor manager in relation to a corridor if –

- (a) the Minister is of the opinion that –
 - (i) the area of land, within the corridor, to which the authorisation relates is required for a reserved purpose; or

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- (ii) the continuance of the authorisation may prevent the attainment of the corridor safety and use objectives; or
 - (iii) the holder of the authorisation has contravened a term or condition of the authorisation or has prevented the attainment of the corridor safety and use objectives; or
- (b) the holder of the authorisation is using the land for any purpose other than the purpose for which the authorisation was granted.

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Part 4 – Managing Authority

PART 4 – MANAGING AUTHORITY

24. Minister to be managing authority where no corridor manager appointed

The Minister is the managing authority in relation to a corridor in relation to which there is no corridor manager.

25. Powers and functions of managing authority generally

The managing authority in relation to a corridor has, in relation to the corridor –

- (a) the functions and powers that are imposed or conferred on the managing authority by or under this or any other Act; and
- (b) any incidental and ancillary powers that are necessary or convenient to exercise or perform the functions or powers conferred or imposed on the managing authority by or under any other Act.

26. Functions of managing authority

- (1) It is a function of the managing authority in relation to a corridor to manage, subject to this Act and any reserve management plan in relation to the corridor, the corridor.

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- (2) Subject to this Act, the managing authority in relation to a corridor –
- (a) is, if there is a reserve management plan in relation to the corridor, to manage the corridor in accordance with that plan; or
 - (b) is, if there is no reserve management plan in relation to the corridor, to manage the corridor so as to ensure, as far as is practicable, the attainment of the corridor safety and use objectives.

27. Contracting out by managing authority

The managing authority in relation to a corridor may enter into a contract or other arrangement with a person to enable –

- (a) works, including routine works, to be undertaken by another person for the care, management, repair or improvement of the corridor; or
- (b) the performance or exercise, in relation to the corridor, of the functions or powers of the managing authority under this or any other Act.

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Part 5 – Corridor Managers

PART 5 – CORRIDOR MANAGERS

*Division 1 – Appointment of corridor managers and
committees of management*

28. Appointment of corridor managers

- (1) The Minister, by notice, may appoint a person to be the corridor manager in relation to all or part of a corridor, on and from a date specified in the notice.
- (2) A person may only be appointed under subsection (1) to be a corridor manager if the person is –
 - (a) a natural person; or
 - (b) a body corporate that operates, or is to operate, for a public purpose; or
 - (c) a member of a class of persons that is prescribed; or
 - (d) a council; or
 - (e) a committee of a board, constituted under an Act or otherwise, that operates, or is to operate, for a public purpose; or
 - (f) a commission that operates, or is to operate, for a public purpose; or
 - (g) a trust that operates, or is to operate, for a public purpose; or

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-
- (h) an incorporated association that operates, or is to operate, for a public purpose.
 - (3) There may not be more than one corridor manager in relation to the same part of a corridor.

29. Designated recreational purposes

- (1) The Minister must specify, in a notice under section 28(1) appointing a person to be the corridor manager in relation to all or part of a corridor, the recreational purposes for which the corridor manager is to manage, and may develop, the corridor or the part of the corridor.
- (2) For the purposes of this Act, the designated recreational purposes in relation to a corridor, or a part of a corridor, are the recreational purposes specified in accordance with subsection (1) in a notice under section 28(1) appointing a corridor manager in relation to the corridor or the part of the corridor, as that notice is amended, if at all, under subsection (4).
- (3) If there ceases to be a corridor manager in relation to a corridor or a part of a corridor, there cease to be any designated recreational purposes in relation to the corridor, or the part of the corridor, respectively.
- (4) The Minister, by notice, may amend a notice under section 28(1), by amending, revoking or substituting the designated recreational purposes specified in the notice.

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- (5) A notice under this section takes effect on the day specified in the notice as the day on which the notice takes effect.

30. Revocation of appointment of corridor manager

- (1) The Minister, by notice, may revoke the appointment of a person to be the corridor manager in relation to all or part of a corridor.
- (2) A notice under this section takes effect on the day specified in the notice as the day on which the notice takes effect.

31. Committee of management

- (1) A corridor manager may, in accordance with the regulations, establish a committee of management in relation to the corridor.
- (2) The function of a committee of management is to assist the corridor manager to perform and exercise the functions and powers of the corridor manager.
- (3) A member of a committee of management is subject to the directions of the corridor manager.
- (4) Subject to subsection (2) and the regulations, if any, a committee of management may conduct its business in the manner it thinks fit.

***Division 2 – Functions and powers generally of corridor
managers***

32. Minister may direct corridor manager

- (1) The Minister, by notice in writing to a corridor manager, may direct the corridor manager in relation to the performance and exercise of the corridor manager's functions and powers.
- (2) A corridor manager must comply with a notice issued to the corridor manager under subsection (1).

33. Powers and functions of corridor manager

A person who is a corridor manager in relation to a corridor has, in relation to the corridor –

- (a) the functions and powers that are imposed or conferred on the corridor manager by or under this or any other Act; and
- (b) any incidental and ancillary powers that are necessary or convenient to exercise or perform the functions or powers conferred or imposed on the manager by or under this or any other Act.

34. Duty to manage corridor, &c.

The corridor manager in relation to a corridor –

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- (a) must care for, protect, repair and manage the corridor and, subject to section 37, any fixtures on the corridor; and
- (b) must take all reasonable steps to ensure the attainment in relation to the corridor of the corridor safety and use objectives; and
- (c) must ensure that the corridor is managed –
 - (i) so as to ensure the attainment of the corridor safety and use objectives; and
 - (ii) in accordance with a reserve management plan, if any, in relation to the corridor; and
 - (iii) in accordance with each corridor plan, if any, in relation to the corridor.

35. Contracting out by corridor manager

The corridor manager in relation to a corridor may enter into a contract or other arrangement with a person in relation to the performance or exercise, in relation to the corridor, of the functions or powers of the corridor manager under this or any other Act.

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36. Corridor manager taken to be occupier of corridor and is required to carry out duties, &c.

- (1) A person is taken to be or to have been, in relation to any period in which he or she is or was the corridor manager in relation to a corridor, the occupier of the land within the corridor.
- (2) Without limiting the generality of subsection (1), the corridor manager in relation to a corridor is, in relation to any period in which he or she is or was taken in accordance with that subsection to be the occupier of land, to be taken to have all the obligations, duties, liabilities, responsibilities and defences that the corridor manager would have, or would have had, if the corridor manager were or had been during that period a tenant in exclusive occupation of the land pursuant to a lease granted for a term by the Minister administering the *Crown Lands Act 1976*.
- (3) Without limiting the generality of subsection (1) or (2), a corridor manager in relation to a corridor must, in relation to the performance and exercise of his or her functions and powers under this or any other Act –
 - (a) comply, with each Act of this State or the Commonwealth, that relates to or affect the use or occupation of the land within the corridor; and
 - (b) comply with the obligations and duties, and discharge the responsibilities and

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liabilities, that apply to an occupier of the
land –

except to the extent of any inconsistency with
another provision of this Act.

- (4) Nothing in subsection (1), (2) or (3) excludes or limits any other obligations, duties, liabilities and responsibilities of a corridor manager under this or any other Act.
- (5) If the Minister is satisfied that a corridor manager has failed to comply with a duty of the corridor manager or to take an action that the corridor manager is required under this Act or any other Act to take, the Minister may take the action necessary to ensure the duty is complied with or the requirement is satisfied.
- (6) Any costs reasonably incurred by the Minister in taking an action under subsection (5) are recoverable as a debt due to the Minister from the corridor manager.

Division 3 – Infrastructure, works and improvements

37. Use of substantial fixed infrastructure

- (1) Subject to this Division, the corridor manager in relation to a corridor may use, and permit the use of, for a designated recreational use, substantial fixed infrastructure situated on the corridor.
- (2) The corridor manager in relation to a corridor must notify the Minister before using, or

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permitting the use of, for a designated recreational use, substantial fixed infrastructure situated on the corridor.

- (3) The Minister, by notice to the corridor manager in relation to a corridor, may refuse to permit the use of, for a designated recreational use, substantial fixed infrastructure situated on the corridor.
- (4) The Minister, by notice to the corridor manager in relation to a corridor, may permit the use of, for a designated recreational use, substantial fixed infrastructure situated on the corridor, only in accordance with the conditions specified in the notice.
- (5) A notice under subsection (3) or (4) takes effect on the day specified in the notice as the day on which the notice comes into effect.
- (6) If a notice under subsection (3) in relation to substantial fixed infrastructure has come into effect, the corridor manager in relation to a corridor –
 - (a) must not use, or permit the use of, for a designated recreational use, the infrastructure; and
 - (b) must take reasonable steps to ensure that the infrastructure is not used by any person; and
 - (c) must ensure that the infrastructure is not dismantled or damaged, other than by

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- deterioration that has occurred in the ordinary course of the effluxion of time; and
- (d) is not required to repair any deterioration of the infrastructure that has occurred in the ordinary course of the effluxion of time; and
 - (e) if any deterioration of the infrastructure has occurred in the ordinary course of the effluxion of time or the infrastructure is not safe for use, must notify the Minister of the deterioration or that the infrastructure is not safe for use.
- (7) If a notice under subsection (4) in relation to substantial fixed infrastructure has come into effect, the corridor manager in relation to a corridor, must not use, or permit the use of, for a designated recreational use, the infrastructure except in accordance with the conditions specified in the notice.
- (8) The Minister may, by notice to the corridor manager in relation to a corridor, revoke a notice under subsection (3) or (4) issued to the corridor manager.
- (9) A notice under subsection (8) takes effect on the day specified in the notice as the day on which the notice comes into effect.

38. Corridor manager’s responsibilities in relation to substantial fixed infrastructure

- (1) The corridor manager in relation to a corridor must take all reasonable steps to ensure that substantial fixed infrastructure that is used for a designated recreational use on the corridor is safe to be so used.
- (2) If substantial fixed infrastructure, situated on a corridor, that is intended by the corridor manager to be used for a designated recreational use is not safe to be so used and is not infrastructure to which a notice under section 37(3) relates, the corridor manager in relation to the corridor must –
 - (a) take reasonable steps to ensure that the infrastructure is not used by any person until it is safe to be used; and
 - (b) notify the Minister that the infrastructure is not safe to be so used; and
 - (c) seek the approval of the Minister under section 40(3) to the carrying out of the works necessary to ensure the infrastructure is safe to be used, unless the infrastructure is a bridge or elevated road to which section 83(2)(b) applies; and
 - (d) if the approval of the Minister under section 40(3) to the carrying out of the works necessary to ensure the

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infrastructure is safe to be used is
obtained, carry out those works.

- (3) If the corridor manager determines that substantial fixed infrastructure situated on a corridor is not to be used for a designated recreational use, the corridor manager –
- (a) must take reasonable steps to ensure that the infrastructure is not used by any person; and
 - (b) must ensure that the infrastructure is not dismantled or damaged, other than by deterioration that has occurred in the ordinary course of the effluxion of time; and
 - (c) is not required to repair any deterioration of the infrastructure that has occurred in the ordinary course of the effluxion of time; and
 - (d) if any deterioration of the infrastructure has occurred in the ordinary course of the effluxion of time or the infrastructure is not safe for use, must notify the Minister of the deterioration or that the infrastructure is not safe for use.
- (4) If the Minister receives a notice under subsection (2)(b) or subsection (3)(d) in relation to substantial fixed infrastructure situated on a corridor, a person acting on behalf of the Crown may enter the corridor and take the action on the

corridor that is necessary to repair the infrastructure.

39. Works and improvement

- (1) Subject to this Division and the requirements of a reserve management plan, and any corridor plan, that applies in relation to the corridor, the corridor manager in relation to a corridor may carry out, or arrange for the carrying out of, works, or improvements, on the corridor for the purpose of –
 - (a) enabling all or part of the corridor to be used for its designated recreational use, but only in so far as the works or improvements are consistent with enabling the potential use in future of the corridor for a reserved purpose; or
 - (b) enabling the corridor manager to perform and exercise the corridor manager's functions and powers and to carry out any obligation, duty, liability or responsibility imposed on the corridor manager under section 36.
- (2) The Minister may, on the application of a corridor manager, determine that works or improvements are consistent with the requirements of subsection (1).

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40. Duties in relation to carrying out of works

- (1) The corridor manager in relation to a corridor must ensure that works are not carried out on the corridor except –
 - (a) if there is in force each approval, permission, licence, or other authority, required by or under any other Act of this State, or of the Commonwealth, for the carrying out of the works; and
 - (b) with the approval of the Minister under subsection (3).
- (2) The corridor manager in relation to a corridor may apply to the Minister for the approval of the Minister to the carrying out of works on the corridor.
- (3) The Minister may approve, on the conditions, if any, that he or she thinks fit, the carrying out of works on a corridor.
- (4) Despite subsection (1), the approval of the Minister is not required in relation to –
 - (a) emergency works; and
 - (b) routine works that are not works to which section 38(2)(c) relates; and
 - (c) works authorised by or under a reserve management plan or a corridor plan.

41. Improvements on corridor

(1) In this section –

improvement means work done and material used on or for the benefit of land in a corridor which visibly and effectively improves or increases the value of the land.

(2) Except in relation to an improvement to which an agreement under subsection (3) relates –

(a) if a person ceases to be a corridor manager in relation to a corridor; or

(b) a lease in relation to land within a corridor expires or is cancelled –

all improvements on the land within the corridor that have been made by or on behalf of the corridor manager or the lessee in relation to the lease or under a sublease under the lease, vest in the Crown absolutely.

(3) The Minister and a person who is the corridor manager in relation to a corridor, or the Minister and a lessee in relation to land within a corridor, may, in writing, agree that, if the person ceases to be the corridor manager, or the lessee, in relation to the land –

(a) an improvement on the land, made by or on behalf of the person or a sublessee, does not vest in the Crown; and

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- (b) the person, as soon as practicable after ceasing to be the corridor manager or the lessee in relation to the corridor, or the sublease expires or is cancelled, as the case may be, is to remove the improvement; and
 - (c) the person is, or is not, required to make good any damage caused by the removal of the improvement.
 - (4) A person must not, without the consent of the Minister or in accordance with a notice of the Minister under subsection (5), remove any improvement made within a corridor.
 - (5) The Minister may, by notice to a person who is or was –
 - (a) a corridor manager in relation to a corridor; or
 - (b) the holder of a lease, in relation to land within a corridor, that has expired or been cancelled; or
 - (c) the holder of a lease, in relation to land within a corridor, under which a sublease was granted –issue a direction to the person.
 - (6) A direction in a notice under subsection (5) to a person may direct the person –

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- (a) to remove from a corridor, within the period specified in the notice, an improvement made by or on behalf of the person or under the sublease; and
 - (b) to make good any damage caused by the removal of the improvement.
- (7) If the Minister issues under subsection (5) a notice to a person in relation to an improvement –
- (a) despite subsection (2), the improvement does not vest in the Crown; and
 - (b) the person must comply with the notice; and
 - (c) if the person fails, within a reasonable time after the notice is issued, to comply with the notice, the Minister may do any or all of the following:
 - (i) cause the improvement to be removed;
 - (ii) cause to be made good any damage caused by the removal of the improvement;
 - (iii) dispose of the improvement, including by sale.
- (8) Any costs reasonably incurred by the Minister in taking any action in accordance with subsection (7)(c) (other than costs related to the

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disposal of an improvement by way of sale) because a person has failed to comply with a notice are recoverable as a debt due to the Crown from the person.

Division 4 – Business permissions

42. Prohibition on undertaking business on corridor

- (1) A person, other than a corridor manager, must not –
- (a) sell or hire out on a corridor, any article, material or other thing; or
 - (b) offer, or expose for sale or hiring out, on a corridor, any article, material or thing; or
 - (c) have in his or her possession, on a corridor, for selling or hiring out, any article, material or other thing; or
 - (d) provide, offer to provide, or hold himself or herself out as willing to provide, on a corridor, any service or facility for any monetary or other consideration; or
 - (e) erect a sign on a corridor, other than a sign to provide information to the public relating to the corridor safety and use objectives.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subsection (1) does not apply in relation to the carrying out, under a business permission or a business licence, of an activity to which that subsection relates.

43. Application for business permission

- (1) A person may apply to the corridor manager in relation to the corridor for a business permission.
- (2) An application is to be –
- (a) in writing; and
 - (b) accompanied by the fee, if any, determined by the corridor manager; and
 - (c) accompanied by any information and documents that the corridor manager requires; and
 - (d) lodged with the corridor manager.
- (3) The corridor manager may remit any or all of the fee for the application.

44. Grant of business permission

- (1) The corridor manager may, after receiving an application for a business permission –
- (a) grant a business permission, with or without conditions; or
 - (b) refuse to grant a business permission.

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- (2) A corridor manager may only grant a business permission for the purposes of enabling –
- (a) the corridor to be used for a designated recreational use; or
 - (b) a person to conduct tours of persons engaged in the designated recreational use on the corridor; or
 - (c) facilities situated on the corridor to be provided to persons for the purposes of enabling the corridor to be used for any designated recreational use; or
 - (d) the use of the corridor by the holder of the permission for a purpose approved by the Minister.
- (3) The corridor manager in relation to a corridor may only grant a business permission if the corridor manager is of the opinion that –
- (a) the operation of the business under a business permission would not be contrary to the requirements of a reserve management plan, or a corridor plan, in relation to the corridor; and
 - (b) the carrying out of activities under or in relation to the business permission would not be likely to prevent the attainment of the corridor safety and use objectives.
- (4) The corridor manager in relation to a corridor may only grant a business permission in relation

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to an activity in a part of the corridor if the activity is not an activity designated, in regulations, a reserve management plan or a corridor management plan, to be an activity that is not permitted or not permitted in the part of the corridor in which it is proposed the activity be carried out.

- (5) The corridor manager must notify the applicant of the grant of a business permission or the refusal to grant a business permission.
- (6) A business permission is to be in the form determined by the Minister.
- (7) The corridor manager in relation to a corridor may, by notice in writing to the holder of a business permission in relation to the corridor, vary the conditions of the permission.
- (8) A business permission is in force for the period specified in the permission.

45. Application for renewal of business permission

- (1) The holder of a business permission in relation to a corridor may, before the permission ceases to be in force, apply to the corridor manager for a renewal of the permission.
- (2) An application for renewal is to be –
 - (a) in writing; and
 - (b) accompanied by the fee, if any, determined by the corridor manager; and

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- (c) accompanied by any information and documents that the corridor manager requires; and
 - (d) lodged with the corridor manager.
- (3) The corridor manager may remit any or all of the fee for the application.

46. Renewal of business permission

- (1) The corridor manager may, after receiving an application for the renewal of a business permission –
 - (a) renew the business permission, with or without conditions; or
 - (b) refuse to renew the business permission.
- (2) The corridor manager must notify the applicant of the renewal of a business permission or refusal to renew a business permission.
- (3) A renewal of a business permission is to be in the form determined by the Minister.
- (4) A business permission that is renewed –
 - (a) is in force for the period specified in the renewal of the permission; and
 - (b) is on the terms and conditions specified in the renewal of the permission.

47. Transfer of business permission

- (1) The holder of a business permission in relation to a corridor may apply to the corridor manager in relation to the corridor for approval to transfer the permission.
- (2) An application for the transfer of a business permission in relation to a corridor is to be –
 - (a) in writing; and
 - (b) accompanied by the fee, if any, determined by the corridor manager; and
 - (c) accompanied by any information and documents that the corridor manager requires; and
 - (d) lodged with the corridor manager before the transfer to which the application relates takes effect.
- (3) The corridor manager may, after receiving an application for the transfer of a business permission –
 - (a) authorise the transfer, with or without conditions; or
 - (b) refuse to authorise the transfer.
- (4) The corridor manager must notify the applicant of the authorisation of a transfer of a business permission or the refusal to authorise the transfer of a business permission.

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- (5) An authorisation of the transfer of a business permission is to be in the form determined by the Minister.
- (6) A transfer –
 - (a) is of no effect unless it is authorised by the corridor manager; and
 - (b) if authorised by a corridor manager, takes effect on the date of issue of the authorisation.

48. Cancellation of business permission

- (1) A corridor manager may, by notice to the holder of a business permission in relation to a corridor, cancel the business permission if –
 - (a) requested to do so by the holder of the permission; or
 - (b) the holder of the permission contravenes a condition of the permission; or
 - (c) the holder of the permission is carrying out an activity on the corridor that is not authorised under the permission; or
 - (d) the designated recreational use of the corridor changes; or
 - (e) the corridor manager is of the opinion that the holder of the permission, or a person acting on behalf of the holder of the permission, has prevented or

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hindered the attainment of the corridor safety and use objectives in relation to the corridor.

- (2) A business permission is cancelled on the day on which the person who granted the permission ceases to be a corridor manager in relation to the corridor.

49. Money may be charged in relation to business permission

- (1) A corridor manager may charge for the grant, renewal or transfer of a business permission an amount of money agreed, before the grant, renewal or transfer, between the corridor manager and the person whose business permission is granted, renewed or transferred.
- (2) The grant, renewal or transfer of a business permission is of no effect until an amount of money agreed under subsection (1) in relation to the grant, renewal or transfer is paid to the corridor manager.
- (3) An amount of money collected under an agreement under subsection (1) by a corridor manager in relation to a corridor is to be applied to the management and maintenance of the land within the corridor and any object or structure situated on the land.

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Division 5 – Miscellaneous

50. Insurance

- (1) Without limiting the generality of section 32, the Minister may issue to a corridor manager directions requiring the corridor manager in relation to a corridor to take out and maintain relevant insurance in relation to the corridor.
- (2) For the purposes of subsection (1), relevant insurance includes, but is not limited to including, insurance in relation to –
 - (a) claims by a person or the Crown in relation to the condition, use or occupation of the corridor, including claims in relation to personal injury, death or property damage; and
 - (b) damage to land within the corridor and any infrastructure, fixtures, chattels or improvements on the corridor.

51. Register of corridor authorisations to be kept

- (1) The corridor manager must keep a register of –
 - (a) any corridor authorisations granted or cancelled by the corridor manager; and
 - (b) any authorisation issued by the corridor manager under section 47 of the transfer of a business permission.

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- (2) The register is to be kept in the form, which may be an electronic form, that the corridor manager thinks fit.
 - (3) A corridor manager must, at the request of the Minister –
 - (a) permit the Minister to inspect a register kept under this section; or
 - (b) provide to the Minister a copy of an extract from a register kept under this section.

52. Corridor manager may determine restricted or prohibited access areas

- (1) A corridor manager in relation to a corridor may, if authorised to do so by the Minister, by notice, designate an area of land within the corridor to be, on and from a date specified in the notice –
 - (a) a prohibited access area; or
 - (b) a restricted access area.
- (2) A corridor manager may, in a notice under subsection (1) in relation to an area of land, specify any or all of the following:
 - (a) the classes of persons who may enter and remain on the area of land;
 - (b) the purposes for which persons may enter and remain on the area of land;

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- (c) activities that may not be carried out on the area of land;
 - (d) the conditions on which a person may enter and remain on the area of land;
 - (e) that a person may only enter and remain on the area of land, or carry out an activity on the land, or both, if the person holds a permission granted under this section (a *use permission*) so authorising the person;
 - (f) the conditions to which a use permission issued in accordance with the notice is to be subject.
- (3) A corridor manager may, in accordance with a notice under subsection (1) and the regulations, if any, in relation to use permissions –
- (a) grant or refuse to grant a use permission; and
 - (b) require the payment of a prescribed fee for the grant of a use permission; and
 - (c) specify the period for which a use permission remains in force; and
 - (d) cancel a use permission.
- (4) A use permission is cancelled if the person who granted the permission ceases to be a corridor manager in relation to the corridor.
- (5) A person must not –

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- (a) enter or remain in an area of land to which a notice under subsection (1) relates; or
 - (b) carry out an activity on an area of land to which a notice under subsection (1) relates –

in contravention of the requirements of the notice or the conditions of a use permission, if any, granted to the person.

Penalty: Fine not exceeding 20 penalty units.

- (6) The regulations may prescribe –
 - (a) the purposes for which an area of land may be specified in a notice under subsection (1); and
 - (b) the functions and powers of the corridor manager in relation to an area of land specified in a notice under subsection (1); and
 - (c) provisions in respect of use permissions.

53. State taxes, &c., payable by corridor manager

- (1) In this section –

State tax means any tax, duty, charge or application, registration, or other fee, imposed by an Act or other law of Tasmania, other than the *Local Government Act 1993*.

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- (2) Any State tax that, but for this section, would be payable, in relation to a corridor, by the Crown, is, if there is a corridor manager in relation to the corridor, payable by the corridor manager.

PART 6 – PLANNING

54. Interpretation of Part 6

In this Part –

application means an application under the *Land Use Planning and Approvals Act 1993*;

discretionary development means a development to which section 57 of the *Land Use Planning and Approvals Act 1993* applies;

permit means a permit under the *Land Use Planning and Approvals Act 1993*;

permitted development means a development or use to which section 58 of the *Land Use Planning and Approvals Act 1993* applies;

planning authority has the same meaning as in the *Land Use Planning and Approvals Act 1993*.

55. Applications for permitted development in relation to land within, or adjoining, corridor

- (1) If an application is made, other than by a responsible manager, for a permitted development wholly or partly within a corridor or within adjoining land –

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- (a) the relevant planning authority must give the Minister notice of the application and, subject to the time constraints of section 58(2) of the *Land Use Planning and Approvals Act 1993*, at least 14 days in which to advise the planning authority on the proposed development; and
 - (b) the Minister may, within that period, give the planning authority the advice on the application that the Minister thinks fit and in so doing may recommend that the permit be granted subject to conditions relating to the corridor safety and use objectives.
- (2) If the Minister gives to a planning authority advice under subsection (1), in relation to an application, the planning authority –
- (a) may have regard to the advice in determining the application; and
 - (b) without limiting its discretion, may grant the permit subject to the conditions, relating to the corridor safety and use objectives, that are recommended by the Minister (with or without modification).
- (3) If the planning authority decides to grant the permit subject to conditions of the kind referred to in subsection (2)(b) and the applicant lodges an appeal against that decision –
- (a) the planning authority must give the Minister notice of the appeal; and

- (b) the Minister is, for the purposes of section 14 of the *Resource Management and Planning Appeal Tribunal Act 1993*, taken to be a person whose interests are affected by the decision and who has a proper interest in the subject matter of the appeal.

56. Applications for discretionary permits that relate to land within corridor or adjoining land

- (1) If an application is made, other than by a responsible manager, for a permit for a discretionary development wholly or partly within a corridor or within adjoining land –
 - (a) the relevant planning authority must, when notice of the application is given under section 57 of the *Land Use Planning and Approvals Act 1993*, refer the application to the Minister; and
 - (b) the Minister may, within the 14-day or further representation period allowed under section 57(5) of the *Land Use Planning and Approvals Act 1993*, give the planning authority the advice on the application that the Minister thinks fit and in so doing may recommend that, if granted, the permit should be made subject to the conditions, of the kind referred to in section 55(2)(b), recommended by the Minister in the advice.

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- (2) If the Minister fails to give to the planning authority advice under subsection (1) in relation to an application, the planning authority may determine the application without further reference to the Minister.
- (3) If the Minister gives to the planning authority advice under subsection (1) in relation to an application –
 - (a) the planning authority is to have regard to the advice in determining the application; and
 - (b) the advice is to be taken to be a representation made under section 57(5) of the *Land Use Planning and Approvals Act 1993* in relation to the application; and
 - (c) without limiting the discretion of the planning authority if it approves the application, the planning authority may grant the permit subject to any conditions, relating to the corridor safety and use objectives, that are recommended by the Minister (with or without modification).
- (4) When a planning authority complies with section 57(7) of the *Land Use Planning and Approvals Act 1993* for an application referred to in subsection (1), it must also give the Minister notice of its decision, whether or not the Minister has given it advice on the application.

- (5) The failure of a planning authority to comply with subsection (1) in relation to an application does not invalidate a permit for the development but, in any such case, the Minister has the same right of appeal against the grant of the permit as a person who made representations in relation to the application.

57. Minor amendments of permits

A planning authority must, in making any determination under section 56(2)(b) of the *Land Use Planning and Approvals Act 1993* in relation to a permit that relates to all or part of a corridor, have regard to the corridor safety and use objectives.

58. Planning status of certain works in corridors

- (1) A responsible manager in relation to a corridor is not, in relation to –
- (a) emergency works within the corridor; or
 - (b) routine works that are carried out wholly within the corridor in order to attain the corridor safety and use objectives –

required to comply with the requirements of the *Land Use Planning and Approvals Act 1993*.

- (2) All works not referred to in subsection (1) are taken to be developments that a planning authority has a discretion either to refuse or

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permit in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

- (3) To avoid doubt over the application of subsection (1)(b), the question of whether works are carried out wholly within a corridor is to be determined irrespective of whether a responsible manager has to access adjoining land to carry out those works.

**PART 7 – RESERVE MANAGEMENT PLANS AND
CORRIDOR PLANS**

59. Reserve management plans

- (1) The Minister, by notice to the Secretary, may require the Secretary to prepare and submit to the Minister a draft of a reserve management plan (a *draft reserve management plan*).
- (2) A reserve management plan, and a draft reserve management plan –
 - (a) may relate to one or more corridors or parts of a corridor; and
 - (b) are to specify the manner in which a responsible manager is, subject to this Act, to manage the corridor; and
 - (c) may specify the uses that may, or may not, be made on a corridor to which the plan relates; and
 - (d) are to contain any matter that is prescribed to be required to be included in such a plan.
- (3) The Secretary may submit to the Minister a draft reserve management plan prepared by the Secretary.
- (4) The Minister, after receiving under subsection (3) a draft reserve management plan in relation to a corridor, may –

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- (a) require the Secretary to alter the plan and submit the draft plan, as so altered, to the Minister; or
 - (b) by notice, declare a plan, in the terms of the draft reserve management plan, to be a reserve management plan in relation to the corridor on and from a day specified in the notice; or
 - (c) by notice, revoke a reserve management plan in relation to the corridor on and from the day specified in the notice.
- (5) The Minister, by notice to the Secretary, may require the Secretary to publish, or make available to the public, in the manner the Minister determines, a reserve management plan.
- (6) The Minister may at any time review a reserve management plan and issue a requirement under subsection (1).
- (7) The Secretary must periodically review a reserve management plan and, if satisfied that the plan requires amendment, submit to the Minister under subsection (3) a draft reserve management plan containing the amendments.
- (8) The managing authority in relation to a corridor must implement a reserve management plan in relation to the corridor.
- (9) The Secretary may –

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- (a) publish in the ways, and at the times, that the Secretary thinks fit, a reserve management plan; and
- (b) charge a person a fee, for the provision to the person of a printed copy of a reserve management plan, that is not more than the reasonable cost of providing the person with the copy.

60. Corridor plans

- (1) The Minister, by notice to a corridor manager, may require the corridor manager to prepare and submit to the Minister, within a period, if any, specified in the notice, drafts of any or all of the following plans:
 - (a) a corridor development plan;
 - (b) a corridor management plan;
 - (c) a vegetation management plan;
 - (d) a corridor (other matters) plan relating to matters determined by the Minister in the notice.
- (2) For the purposes of this Act –
 - (a) a corridor development plan in relation to a corridor is to specify the development that the corridor manager intends to carry out in relation to the corridor; and

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- (b) a corridor management plan in relation to a corridor is to specify the manner in which the corridor manager intends to manage the corridor; and
 - (c) a vegetation management plan in relation to a corridor is to specify the manner in which the corridor manager intends to manage vegetation in the corridor; and
 - (d) a corridor (other matters) plan is to relate to matters determined by the Minister.
- (3) A corridor plan is to include any matters that are prescribed to be required to be included in such a plan.
- (4) A corridor plan in relation to a corridor is to be consistent with the attainment of the corridor safety and use objectives.
- (5) A corridor manager may submit to the Minister a draft of a plan referred to in subsection (1) (a *draft corridor plan*) prepared by the corridor manager.
- (6) The Minister, after receiving under subsection (5) a draft corridor plan in relation to a corridor, may –
- (a) by notice to the corridor manager, require the corridor manager to alter the draft corridor plan and submit the draft corridor plan, as so altered, to the Minister under that subsection; or

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- (b) by notice, declare a plan in the terms of the draft corridor plan to be a corridor management plan, corridor development plan, vegetation management plan or corridor (other matters) plan, as the case may be, in relation to the corridor, on and from the day specified in the notice; or
 - (c) by notice, revoke a corridor plan in relation to the corridor on and from the day specified in the notice.
- (7) The Minister may at any time review a corridor plan and issue a notice under subsection (1).
- (8) A corridor manager must comply with a notice issued to the corridor manager under this section.
- (9) A corridor manager may, at any time, and must, if required to do so by the Minister –
 - (a) prepare a draft corridor plan jointly with another corridor manager; and
 - (b) with the permission of another corridor manager, incorporate, in one of the corridor manager's own draft corridor plans, with or without modification, provisions from a corridor plan, or a draft corridor plan, prepared by that other corridor manager.

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61. Notice of corridor plans

- (1) A corridor manager in relation to a corridor may –
 - (a) publish in the ways, and at the times, that the corridor manager thinks fit, a corridor plan in relation to the corridor; and
 - (b) charge a person a fee, for the provision to the person of a printed copy of a corridor plan in relation to a corridor, that is not more than the reasonable cost of providing the person with the copy.
- (2) The Minister, by notice to a corridor manager in relation to a corridor, may require the corridor manager to publish, or make available to the public, in the manner the Minister determines, a corridor plan in relation to the corridor.
- (3) A corridor manager must comply with a notice issued to the corridor manager under subsection (2).

62. Corridor to be managed and developed in accordance with relevant plans

- (1) A corridor manager in relation to a corridor must implement a reserve management plan, and each corridor plan, in relation to the corridor.
- (2) If there is an inconsistency between a provision of a reserve management plan, and a provision of a corridor plan, in relation to a corridor, the

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provision of the reserve management plan applies, in relation to the corridor, to the extent of the inconsistency.

- (3) If there ceases to be a corridor manager in relation to a corridor, each corridor plan in relation to the corridor is revoked.

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Part 8 – Fencing and Drainage

PART 8 – FENCING AND DRAINAGE

63. Interpretation of Part

In this Part –

dividing fence means a fence dividing a part of a corridor from adjoining land that is not Crown land;

fence includes part of a fence;

repair, in relation to a fence, means repair the fence to the same or a better condition;

suitable, in relation to a fence in respect of a corridor, means suitable in the circumstances having regard to factors such as –

- (a) the corridor safety and use objectives; and
- (b) the safety of persons on adjoining land; and
- (c) adjoining land use; and
- (d) the durability and maintenance of the fence; and
- (e) relevant environmental, heritage and land use factors.

64. *Boundary Fences Act 1908*

- (1) Except as provided in this Act, a corridor manager and the Crown are not liable to make any contribution under the *Boundary Fences Act 1908* towards the erection or repair of any dividing fence between any part of corridor land and any adjoining land.
- (2) If a provision of this Act is inconsistent with a provision of the *Boundary Fences Act 1908*, the provision of this Act prevails to the extent of the inconsistency.

65. Corridor manager may make arrangements for fencing

- (1) The corridor manager in relation to a corridor, and an adjoining landholder of adjoining land, may make, alter or revoke arrangements in relation to the erection, maintenance or repair of a fence between any part of the corridor and the land.
- (2) If there ceases to be a corridor manager in relation to a corridor, an arrangement made under subsection (1) by a corridor manager ceases to be in effect.

66. Obligations in relation to fencing

- (1) Fencing work is required for the purposes of this section if, as a result of the carrying out of works on a corridor –

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- (a) a dividing fence is damaged; or
 - (b) a dividing fence is destroyed; or
 - (c) a dividing fence has to be dismantled; or
 - (d) a dividing fence has to be moved, with or without being dismantled.
- (2) A responsible manager in relation to a corridor must, at the responsible manager's own cost, as soon as practicable and in any event no later than 30 days after fencing work is required for the purposes of this section in relation to the corridor –
- (a) repair the fence if subsection (1)(a) applies; or
 - (b) replace the fence with one of at least the same standard if subsection (1)(b) applies; or
 - (c) reinstate the fence, and carry out any necessary refurbishment of the fence, if subsection (1)(c) applies; or
 - (d) move the fence (if necessary by carrying out any necessary dismantling and reassembly of the fence) if subsection (1)(d) applies.
- (3) If the responsible manager fails to discharge the obligations of the responsible manager under subsection (2), the adjoining landholder may give the responsible manager a notice requiring

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the responsible manager to carry out the necessary fencing work within 30 days or a longer period that the adjoining landholder may allow.

- (4) If the responsible manager fails to comply with the adjoining landholder’s notice –
 - (a) the adjoining landholder may carry out the necessary fencing work; and
 - (b) any costs reasonably incurred by the adjoining landholder in carrying out that fencing work are recoverable as a debt due to the adjoining landholder from the responsible manager.
- (5) For the purposes of subsection (2), the adjoining landholder is entitled to assume that fencing work has been completed if it reasonably appears to the adjoining landholder that the purported object of those works has been substantially attained, regardless of whether any incidental follow-up action such as equipment removal, land remediation or cleaning-up remains to be taken.
- (6) Despite any other provision of this section, the adjoining landowner may, in writing, release the corridor manager from the responsible manager’s obligation under subsection (2).
- (7) Any dispute in relation to the nature or extent of the responsible manager’s obligation under subsection (2) is to be determined by an arbitral tribunal, within the meaning of the *Commercial*

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Arbitration Act 2011, in accordance with that Act.

67. Control of drainage

(1) In this section –

effluent includes irrigation run-off, storm water and waste water (whether generated by humans or animals);

onto the corridor means onto the surface of the corridor or into any part of the subsurface of the corridor.

(2) An adjoining landowner in relation to adjoining land must not, without the written consent of the responsible manager in relation to a corridor –

(a) do anything to concentrate the natural drainage of the adjoining land onto the corridor; or

(b) do anything on the adjoining land to increase, impede or redirect natural drainage in and around the corridor; or

(c) cause or allow effluent from the adjoining land to flow, drain, seep or otherwise discharge onto the corridor.

(3) If a responsible manager in relation to a corridor has to carry out works to ensure the safety of persons on the corridor as the direct or indirect result of an adjoining landholder's failure to comply with the obligation under subsection (2),

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any costs reasonably incurred by the responsible manager in carrying out those works are recoverable as a debt due to the responsible manager from the adjoining landholder.

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PART 9 – SERVICE INFRASTRUCTURE

Division 1 – Interpretation of Part

68. Interpretation of Part 9

In this Part –

install, in relation to a corridor, includes
install under or over the corridor;

installation conditions, in relation to a service
infrastructure permission, includes
conditions providing for any of the
following:

- (a) the supervision, inspection and
testing of the service
infrastructure to which the
permission relates;
- (b) the time and manner of
installation of the service
infrastructure;
- (c) the management of initial and on-
going risks associated with the
service infrastructure or the
installation of the service
infrastructure;
- (d) the on-going monitoring and
maintenance of the service
infrastructure, including
inspection, testing and
replacement schedules;

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-
- (e) the on-going operation of the service infrastructure;
 - (f) the carrying out of remediation works consequent on the installation, maintenance or removal of the service infrastructure;
 - (g) the carrying out of consequential works including the erection, alteration or removal of signs or signals;

installer means an adjoining landholder, or other person, who installs service infrastructure on the relevant corridor pursuant to a service infrastructure permission;

remove, in relation to service infrastructure, includes dismantle before removal;

responsible entity, in relation to service infrastructure, means –

- (a) until the operational commissioning of the service infrastructure – the person who is, under section 70(1), the responsible entity in relation to the infrastructure; or
- (b) after the operational commissioning of the service infrastructure – the person

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nominated in a determination under section 70(3) to be the responsible entity in relation to the infrastructure;

service infrastructure includes –

- (a) agricultural and domestic drains and drainage works; and
- (b) communications equipment; and
- (c) farm irrigation pipes; and
- (d) gas pipelines; and
- (e) power conduits and cables; and
- (f) water supply pipes.

69. Relationship to service infrastructure legislation

Nothing in this Part or section 92 is to be taken to derogate from the provisions of any of the following:

- (a) the *Electricity Industry Safety and Administration Act 1997*;
- (b) the *Electricity Supply Industry Act 1995*;
- (c) the *Gas Act 2000*;
- (d) the *Gas Pipelines Act 2000*;
- (e) the *Water Management Act 1999*;

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- (f) any prescribed Act.

Division 2 – Installation of service infrastructure

70. Responsible entity for service infrastructure

- (1) The responsible entity for the initial installation of service infrastructure on a corridor is, until the service infrastructure begins to be used, the installer.
- (2) The responsible entity for service infrastructure that has been installed on a corridor and that has begun to be used, is –
 - (a) the person who, by law or contractual obligation, has primary responsibility for the maintenance of the service infrastructure; or
 - (b) if it is not legally or contractually certain who has primary responsibility for the maintenance of the service infrastructure – the person specified in a determination under subsection (3) as the person taken to have that primary responsibility.
- (3) The responsible manager in relation to a corridor may determine that any of the following persons is to be taken to have primary responsibility for the maintenance of the service infrastructure on the corridor:

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- (a) the installer or the installer’s legal successor;
 - (b) if the service infrastructure is agricultural or domestic drains or drainage works installed on the corridor by or on behalf of an adjoining landholder – the adjoining landholder or the adjoining landholder’s legal successor;
 - (c) if the service infrastructure is for a communications, gas, electricity or water service – the service provider or, if a person other than the service provider owns or operates the service infrastructure and charges the service provider for its use, that owner or operator.
- (4) A person who disputes a determination under subsection (3) that the person is to be taken to have the primary responsibility for maintaining any particular service infrastructure may apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination.

71. Installation of service infrastructure on strategic infrastructure corridor

- (1) A responsible manager in relation to a corridor may grant a permission (a *service infrastructure permission*) to an adjoining landholder or other person authorising the installation of service infrastructure on a corridor.

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- (2) A service infrastructure permission may be granted subject to –
 - (a) the conditions in relation to installation of the service infrastructure, and other conditions, that the responsible manager considers necessary or expedient having regard to the corridor safety and use objectives; and
 - (b) conditions providing for the payment of administrative or other costs that the responsible manager may incur in connection with the installation of the service infrastructure or the operation or maintenance of the service infrastructure.
- (3) If a condition of the kind referred to in subsection (2)(b) is not complied with by a person, the responsible manager may recover the unpaid costs as a debt due to the responsible manager from the person.
- (4) A service infrastructure permission granted by a responsible manager is to be in a form approved by the Minister.

72. Compliance with installation conditions

- (1) In this section –

installation condition, in relation to a service infrastructure permission, means a condition in relation to installation of service infrastructure imposed under

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section 71(2)(b) on the service
infrastructure permission.

- (2) This section applies if there are installation conditions imposed on a service infrastructure permission.
- (3) The responsible manager in relation to a corridor, by notice to the responsible entity, may, from time to time as circumstances require having regard to the corridor safety and use objectives, vary the installation conditions imposed on the service infrastructure permission granted to the responsible entity.
- (4) If the responsible entity fails to comply with an installation condition imposed on the service infrastructure permission granted to the responsible entity, the relevant responsible manager may –
 - (a) by notice to the responsible entity, require the responsible entity to comply with the condition within a specified time; or
 - (b) with or without notice to the responsible entity, take action itself to ensure that the condition is complied with; or
 - (c) by notice to the responsible entity, revoke the service infrastructure permission (with or without decommissioning, adjusting, moving, removing or disposing of any service infrastructure already installed).

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- (5) The responsible manager is to determine which action, if any, to take under subsection (4), in relation to a failure to comply with an installation condition by considering –
 - (a) the nature of the condition that the responsible entity has failed to comply with; and
 - (b) the status of the responsible entity; and
 - (c) the urgency or seriousness of any threat to the attainment of the corridor safety and use objectives that may or has arisen directly or indirectly because of the failure to comply with the condition.
- (6) If the responsible entity fails to comply with a notice under subsection (4)(a), the relevant responsible manager may proceed to act under subsection (4)(b) or (c) as if the failure were an initial failure to comply with the installation condition.
- (7) Any costs that the relevant responsible manager incurs pursuant to subsection (4)(b) or (c) are recoverable as a debt due to the responsible manager from the responsible entity.
- (8) Neither the Crown nor the relevant responsible manager is liable for any loss or damage that a responsible entity may incur as a result of actions taken under subsection (4)(b) or (c).

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Division 3 – Installed service infrastructure

73. Removal of problematic service infrastructure

- (1) This section applies if it reasonably appears to the responsible manager in relation to a corridor that any service infrastructure installed on the corridor pursuant to a service infrastructure permission –
 - (a) has fallen into disuse or been abandoned;
or
 - (b) has fallen into disrepair or suffered major damage; or
 - (c) is being operated, either constantly or repeatedly, in an improper or dangerous manner; or
 - (d) has become obsolete; or
 - (e) is a threat to the attainment of the corridor safety and use objectives.
- (2) If the responsible entity is unknown and cannot be identified or found after reasonably diligent enquiry has been made, the responsible manager may, without notice to any specific person and with or without giving any public notice –
 - (a) revoke the service infrastructure permission; and
 - (b) remove the service infrastructure; and

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- (c) render the service infrastructure safe and inoperative, dispose of it or take the other action that the responsible manager thinks fit in the circumstances; and
 - (d) retain any proceeds of disposal.
- (3) If the responsible entity's identity is known, the responsible manager is to give that entity a notice –
 - (a) explaining, in terms of subsection (1), the nature of the responsible manager's concern with the service infrastructure; and
 - (b) asking the responsible entity to show cause, within the period specified in the notice, why the relevant service infrastructure permission should not be revoked.
- (4) If the responsible entity fails to respond to the notice under subsection (3) satisfactorily or at all, the responsible manager may give the responsible entity a further notice –
 - (a) revoking the relevant service infrastructure permission; and
 - (b) requiring that, within a specified time and in accordance with any specified conditions, the responsible entity remove the service infrastructure, render it safe and inoperative or carry out specified

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actions in relation to the service
infrastructure.

- (5) If the responsible entity fails to comply with the further notice under subsection (4), the responsible manager may –
- (a) take the actions specified in the notice or any other actions regarding the service infrastructure, including disposal, that the responsible manager considers necessary or expedient for the purposes of attaining the corridor safety and use objectives; and
 - (b) recover the responsible manager's costs of so doing as a debt due to the responsible manager from the responsible entity; and
 - (c) retain, if applicable, any proceeds of disposal.
- (6) No action lies against the Crown or responsible manager for taking any actions pursuant to subsection (2) or (5).

74. Removal of pre-existing infrastructure

- (1) This section applies if it reasonably appears to the responsible manager in relation to a corridor that any service infrastructure installed on land before the land became land within the corridor –

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- (a) has fallen into disuse or been abandoned; or
 - (b) has fallen into disrepair or suffered major damage; or
 - (c) is being operated, either constantly or repeatedly, in an improper or dangerous manner; or
 - (d) has become obsolete; or
 - (e) is a threat to the attainment of the corridor safety and use objectives.
- (2) If the responsible entity is unknown and cannot be identified or found after reasonably diligent enquiry has been made, the responsible manager may, without notice to any specific person and with or without giving any public notice –
- (a) remove the service infrastructure; and
 - (b) render the service infrastructure safe and inoperative, dispose of it or take the other action that the responsible manager thinks fit in the circumstances; and
 - (c) retain any proceeds of disposal.
- (3) If the responsible entity's identity is known, the responsible manager is to give that entity a notice –
- (a) explaining, in terms of subsection (1), the nature of the responsible manager's

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concern with the service infrastructure;
and

- (b) asking the responsible entity to show cause, within the period specified in the notice, why the responsible manager should not take the action, of a kind referred to in subsection (2), specified in the notice.
- (4) If the responsible entity fails to respond to the notice under subsection (3) satisfactorily or at all, the responsible manager may give the responsible entity a further notice requiring that, within a specified time and in accordance with any specified conditions, the responsible entity remove the service infrastructure, render it safe and inoperative or carry out specified actions in relation to the service infrastructure.
- (5) If the responsible entity fails to comply with the further notice under subsection (4), the responsible manager may –
- (a) take the actions specified in the notice or any other actions regarding the service infrastructure, including disposal, that the responsible manager considers necessary or expedient for the purposes of attaining the corridor safety and use objectives; and
 - (b) recover the responsible manager's costs of so doing as a debt due to the

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responsible manager from the
responsible entity; and

- (c) retain, if applicable, any proceeds of disposal.
- (6) No action lies against the Crown or responsible manager for taking any actions pursuant to subsection (2) or (5).

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Part 10 – Clearing of Obstructions to Line of Sight

**PART 10 – CLEARING OF OBSTRUCTIONS TO LINE
OF SIGHT**

75. Interpretation of Part 10

In this Part –

fence includes screen and free-standing wall;

line of sight in respect of a corridor, means –

- (a) a view that, for his or her safety, or the safety of persons on a road or on the corridor, a person on the corridor needs to have of a road ahead or of persons or vehicles approaching or traversing a corridor crossing; and
- (b) a view that, for his or her safety or the safety of persons on the corridor or a road, a person on the road needs to have of the corridor ahead or of vehicles, or persons, approaching or traversing a corridor crossing;

sign includes the pole, hoarding or other structure on which the sign is displayed.

76. Clearing obstructions to line of sight

- (1) This section applies if a responsible manager in relation to a corridor reasonably considers that –

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-
- (a) any fence, sign or vegetation on adjoining land is obstructing a line of sight in respect of the corridor; and
 - (b) the obstruction poses a genuine risk to the safety of persons on the corridor or on a road.
 - (2) The responsible manager may give the adjoining landholder a notice (in this section referred to as a *clearance notice*) requiring the adjoining landholder to clear the obstruction by –
 - (a) modifying the fence or sign or trimming the vegetation; or
 - (b) if necessary, relocating or removing the fence, sign or vegetation.
 - (3) The clearance notice is to allow the adjoining landholder a reasonable period, of at least 21 days, in which to clear the obstruction.
 - (4) The responsible manager may, by the clearance notice or otherwise, offer the adjoining landholder help in clearing the obstruction.
 - (5) If the adjoining landholder fails for any reason to comply with the clearance notice, the responsible manager may apply to a justice for a warrant to access the land to clear the obstruction.
 - (6) The justice may issue the warrant if satisfied on reasonable grounds that –

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- (a) the fence, sign or vegetation in question is obstructing a line of sight in respect of a corridor; and
- (b) the obstruction poses a genuine risk to the safety of persons on the corridor or on a road; and
- (c) a clearance notice given in respect of the obstruction has not been complied with; and
- (d) the responsible manager has received no indication that the adjoining landholder is likely to clear the obstruction within, in terms of the level of risk, a reasonable time; and
- (e) there are no countervailing heritage, environmental or other considerations to which the relevant safety considerations ought to be subordinated.

77. Warrant in relation to line of sight

- (1) A warrant issued under section 76(6) may be issued on the conditions, if any, that the justice considers appropriate.
- (2) Without limiting the generality of subsection (1), the conditions may –
 - (a) require the responsible manager to meet specified notification or other

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-
- requirements before exercising the right of access; and
- (b) provide for the adjoining land to be fenced or otherwise secured so as to maintain the adjoining landholder's level of protection as regards trespass and, if applicable, loss of stock.
- (3) The warrant authorises the responsible manager and persons acting on behalf of the responsible manager to –
- (a) access the adjoining land; and
- (b) causing as little damage and disruption as possible, clear the obstruction specified in the warrant in the way specified in the warrant.
- (4) In effecting the access and clearing the obstruction, the responsible manager, and persons acting on behalf of the responsible manager, must, whether or not they are mentioned in the warrant, comply with all protective protocols of which the responsible manager or person has notice.
- (5) The person in charge of executing the warrant must produce it for inspection if asked to do so by the adjoining landholder.
- (6) The warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.

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- (7) The date specified in the warrant pursuant to subsection (6) is to be a date no later than 3 months after the warrant is issued.
- (8) Any costs reasonably incurred by the responsible manager in clearing the obstruction pursuant to the warrant are recoverable as a debt due to the responsible manager from the adjoining landholder.

PART 11 – CORRIDOR CROSSINGS

78. Interpretation of Part 11

In this Part –

authorised user, in relation to a private road, means a person who is authorised, under a private road use permission, to use the private road;

construction condition, in relation to a private road construction permission in respect of a private road, includes conditions providing for any of the following:

- (a) the supervision and inspection of the construction of the private road;
- (b) the time and manner of the construction of the private road;
- (c) the management of initial and on-going risks associated with the construction of the private road;
- (d) the on-going monitoring and maintenance of the private road, including inspection schedules;
- (e) the on-going operation of the private road;
- (f) the carrying out of remediation works consequent on the

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construction, maintenance or removal of the private road;

- (g) the carrying out of consequential works, including the erection, alteration or removal of signs or signals, on the private road;

maintenance agreement means a written agreement, in relation to a corridor, that –

- (a) a person has entered into with a responsible manager in relation to the corridor or, if the agreement was entered into by the person with another person on behalf of the Crown before the commencement of this Part, with that other person; and
- (b) sets out the maintenance responsibilities, in respect of a private road, of the person and the responsible manager or other person with whom the agreement was entered into on behalf of the Crown;

requisite standard for the surface of any part of a road, means a standard that –

- (a) matches that of the immediately adjoining parts of that road; and

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- (b) does not compromise the attainment of the corridor safety and use objectives;

responsible entity means –

- (a) the adjoining landholder who holds a private road construction permission authorising the construction of a private road, or that landholder’s legal successor; or
- (b) any other person specified by the terms of that private road construction permission;

responsible road authority for a public road, means the person for the time being responsible for maintaining the public road;

road infrastructure includes –

- (a) a road and its surface or pavement; and
- (b) anything under or supporting a road or its surface or pavement; and
- (c) safety barriers; and
- (d) drains and culverts; and
- (e) traffic lights and other traffic control devices; and

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- (f) traffic signs, other than level crossing signs located at or immediately next to a road; and
- (g) road markings; and
- (h) road lighting; and
- (i) pedestrian crossings and associated infrastructure; and
- (j) prescribed objects.

79. Access to corridor

- (1) A responsible road authority in relation to a public road must not unreasonably restrict or obstruct access to the road from a corridor.
- (2) If a corridor is declared in relation to areas of land (the *adjoining land*) between which extends, immediately before the corridor comes into existence –
 - (a) a public road; or
 - (b) an area of land (the *right of access land*) to which there was a public right of access, however expressed –

there is taken to be, while the adjoining land remains within the corridor, a right to enter, from the adjoining land, the public road or the right of access land and to exit, onto the adjoining land, the public road or the right of access land.

80. Private road use permission

- (1) A responsible manager in relation to a corridor may, on the conditions the responsible manager thinks fit, issue a permission (a *private road use permission*) to a person authorising the person to use a private road.
- (2) A private road use permission is to be in a form approved by the Minister.
- (3) A responsible manager may, by notice to a person who holds a private road use permission, revoke the permission, if the responsible manager is of the opinion that –
 - (a) the use of the private road under the permission will prevent the attainment of the corridor safety and use objectives; or
 - (b) the person has contravened a condition of the permission.

81. Responsible manager to enter into corridor crossing agreements

- (1) A responsible manager in relation to a corridor must –
 - (a) identify and assess, so far as is reasonably practicable, risks to the safety of persons that may arise from the use of a private road or of a public road that crosses a corridor; and

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- (b) determine measures to manage, as far as is reasonable practicable, those risks; and
- (c) consider whether it is necessary to manage those risks in conjunction with –
 - (i) if the road is a public road – the responsible road authority in relation to the road; or
 - (ii) if the road is a private road – the authorised user of the private road; and
- (d) if the responsible manager considers –
 - (i) that it is necessary to manage those risks in conjunction with the responsible road authority or, if the road is a private road, the authorised user of the private road – give written notice of that opinion to the responsible road authority or authorised user, respectively; or
 - (ii) that it is not necessary to manage those risks in conjunction with the responsible road authority or, if the road is a private road, the authorised user of the private road – keep a written record of that opinion; and
- (e) unless paragraph (d)(ii) applies, for the purpose of managing those risks, seek to

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enter into corridor crossing agreements with –

- (i) if the road is a public road – the responsible road authority in relation to the road; or
 - (ii) if the road is a private road – the authorised user of the private road.
- (2) A corridor crossing agreement in relation to a corridor crossing must include provisions for –
- (a) implementing and maintaining measures to manage risks identified under subsection (1) in relation to the corridor crossing; and
 - (b) the evaluation, testing and, if appropriate, revision of measures in relation to identified risks; and
 - (c) the roles and responsibilities, in relation to those measures, of each party to the agreement; and
 - (d) procedures by which the parties to the agreement will exchange information about, and monitor compliance with, their obligations under the agreement; and
 - (e) a process for keeping the agreement under review and for the revision of the agreement.

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- (3) A corridor crossing agreement may –
- (a) be entered into by one or more responsible managers or by one or more relevant road authorities or authorised users of the private road; and
 - (b) include measures to manage any number of risks that may arise because of, or partly because of, the use of the corridor; and
 - (c) make provision for or in relation to any matter by applying, adopting or incorporating any matter contained in any document; and
 - (d) consist of 2 or more documents.

82. Removal of railway track on public roads that extend between parts of corridor

- (1) If a part of a public road extends between parts of a corridor, the corridor manager must ensure that any railway track on the part of the public road is, as soon as practicable, removed and the part of the public road reinstated.
- (2) The corridor manager may ensure the removal of any railway track on a public road and the reinstatement of the part of the public road by –
 - (a) entering into an arrangement with the responsible road authority for the road authority to remove the railway track and

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to reinstate the public road to the requisite standard; or

- (b) removing the railway track and reinstating the public road to the requisite standard, at the corridor manager's own cost.
- (3) An arrangement with a responsible road authority under subsection (2)(a) may require the corridor manager to pay to the authority the cost of removing the railway track and of reinstating the public road to the requisite standard.
 - (4) The corridor manager must give the responsible road authority as much notice of the corridor manager's intention to have any railway track on a part of a public road removed as is practicable in the circumstances, so that the responsible road authority can, as necessary, adjust traffic signage or take other safety measures near the part of the road.
 - (5) If it appears to the responsible road authority that the corridor manager has failed to discharge the corridor manager's obligation under subsection (1) to ensure the reinstatement of a part of a public road, the responsible road authority may give the corridor manager a notice requiring the corridor manager to ensure the reinstatement of the part of the public road within 30 days or a longer period that the responsible road authority may allow.

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- (6) If the corridor manager fails to comply with the responsible road authority's notice –
 - (a) the responsible road authority may reinstate the part of the public road to the requisite standard; and
 - (b) any costs reasonably incurred by the responsible road authority in so reinstating the part of the public road are recoverable as a debt due to the responsible road authority from the corridor manager.

83. Maintenance responsibilities where public road extends between parts of corridor

- (1) If a corridor crosses over a public road by way of a bridge, or other elevated structure, the responsible road authority must, at its cost, maintain the road infrastructure that is located underneath the bridge or other elevated structure.
- (2) If a corridor crosses over a public road by way of a bridge or other elevated structure –
 - (a) the responsible manager must, if –
 - (i) the responsible manager is the corridor manager; and
 - (ii) the corridor manager has installed the bridge or structure on the corridor, or the bridge or structure is intended by the

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corridor manager to be used for a designated recreational use –

maintain, at the cost of the responsible manager, the bridge or other elevated structure; or

(b) if paragraph (a) does not apply, the Minister must, at the cost of the Crown, maintain the bridge or other elevated structure.

(3) If a public road crosses over a corridor by way of a bridge or other elevated structure –

(a) the responsible road authority must, at its cost, maintain the road infrastructure and the bridge or other elevated structure; and

(b) the responsible manager must maintain so much of the corridor as is located beneath the road.

84. Maintenance responsibilities at corridor crossings – private roads

(1) Unless a maintenance agreement provides to the contrary, the authorised user of a private road –

(a) must maintain, to the requisite standard, the road surface (and, if applicable, the footpath surface); and

(b) must at his or her own cost and in accordance with the requirements, if any,

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of the responsible manager and any relevant standards, maintain the road infrastructure.

- (2) Except in an emergency, the authorised user of a private road must give the responsible manager at least 21 days' notice before discharging, on any occasion, the obligation under subsection (1)(b).
- (3) If the authorised user of a private road fails to discharge his or her obligation under subsection (1)(b), the responsible manager may give the authorised user a notice requiring that the relevant road maintenance works be carried out within 30 days or a longer period that the responsible manager may allow.
- (4) If the authorised user of a private road fails to comply with the notice under subsection (3), the responsible manager may, at the discretion of the responsible manager –
 - (a) carry out the relevant road maintenance works; or
 - (b) if the relevant road maintenance works have been partially carried out, complete or undo them.
- (5) The authorised user of a private road must pay the responsible manager's reasonable costs of carrying out (or completing or undoing) road maintenance works pursuant to subsection (4).

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- (6) The costs incurred under subsection (5) are recoverable as a debt due to the responsible manager from the authorised user of a private road.
- (7) If more than one person is the authorised user of a private road, both users are jointly and severally responsible for maintaining, to the requisite standard, the road surface (and, if applicable, the footpath surface) of the private road and are jointly and severally responsible for any costs incurred under subsection (5) in relation to the private road.

85. Private road construction permission

- (1) A responsible manager in relation to a corridor may grant to an adjoining landholder a permission (a ***private road construction permission***) authorising the construction of a private road on the corridor.
- (2) A private road construction permission may be granted subject to –
 - (a) the construction conditions, and other conditions, that the responsible manager considers necessary or expedient having regard to –
 - (i) the corridor safety and use objectives; and

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- (ii) the reasonable commercial and domestic needs of any adjoining landholders; and
- (b) conditions providing for the payment of administrative or other costs that the responsible manager may incur in connection with the construction or maintenance of the private road.
- (3) If a condition of the kind referred to in subsection (2)(b) is not complied with, the responsible manager may recover the unpaid costs as a debt due to the responsible manager from the responsible entity.
- (4) A private road construction permission is to be in a form approved by the Minister.

86. Compliance with construction conditions

- (1) This section applies if a private road construction permission is granted subject to construction conditions.
- (2) The responsible manager, by notice to the responsible entity, may vary the construction conditions from time to time if necessary for the attainment of the corridor safety and use objectives.
- (3) If the responsible entity fails to comply with a construction condition, the responsible manager, depending on the nature of the condition, the status of the responsible entity and the urgency

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or seriousness of the threat to the attainment of the corridor safety and use objectives, may –

- (a) by notice to the responsible entity, require the responsible entity to comply with the condition within a specified time; or
 - (b) with or without notice to the responsible entity, take action to ensure that the condition is complied with; or
 - (c) by notice to the responsible entity, revoke the permission (with or without undoing any work or removing or disposing of any materials).
- (4) If the responsible entity fails to comply with a notice under subsection (3)(a), the responsible manager may proceed to act under subsection (3)(b) or (c) as if it were an initial failure to comply with the construction condition.
- (5) Any costs that the responsible manager incurs pursuant to subsection (3)(b) or (c) are recoverable as a debt due to the responsible manager from the responsible entity.
- (6) Neither the Crown nor the responsible manager is liable for any loss or damage that a responsible entity may incur as a result of actions taken under subsection (3)(b) or (c).

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**PART 12 – ACCESS TO CORRIDOR AND ADJOINING
LAND**

87. Interpretation of Part 12

In this Part –

access, in relation to –

- (a) a corridor, means to enter and cross over the corridor or to enter and remain on the corridor; and
- (b) adjoining land, means to enter and cross over the adjoining land or to enter and remain on the adjoining land.

88. Emergency works access to adjoining land

- (1) This section applies if a responsible manager in relation to a corridor needs to access adjoining land to carry out emergency works in relation to the corridor.
- (2) The responsible manager, or a person acting on behalf of the responsible manager, may access the adjoining land, if necessary without warning to, or the permission of, the adjoining landowner, to the extent, and for the period, that is reasonably necessary to carry out the emergency works.
- (3) If the access occurs without warning to the adjoining landowner, the responsible manager is,

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as soon as practicable, to alert the adjoining landholder of the access and the nature of the emergency and emergency works.

- (4) In effecting the access, the responsible manager or the person acting on behalf of the responsible manager, as the case may be, may –
- (a) adjust or shut off any machinery, energy supply, water supply or other thing on the adjoining land that, if not adjusted or shut off, is likely to worsen the emergency or create a fresh emergency; and
 - (b) if there is no alternative, make use of anything on the land, other than machinery, that may serve to prevent a worsening of the emergency or prevent a fresh emergency; and
 - (c) open any door, gate, fence or other barrier, if necessary by forcing a lock, latch or chain or by dismantling or removing the barrier.
- (5) However, in effecting the access, the responsible manager, or the person acting on behalf of the responsible manager, as the case may be, is to –
- (a) cause as little damage and disruption as possible; and
 - (b) do whatever can practicably be done in the circumstances for the welfare of stock; and

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- (c) make reasonable enquiry as to whether the adjoining land is subject to any protective protocols and, if so, comply with those protocols; and
- (d) do whatever can practicably be done in the circumstances to accommodate reasonable concerns of the adjoining landholder.

89. Routine works access to adjoining land – without permission

(1) This section applies if –

- (a) a responsible manager needs access to adjoining land to carry out routine works but the adjoining landholder –
 - (i) cannot, despite the responsible manager’s best endeavours, be contacted; or
 - (ii) is, for any reason, incapable of permitting the access; or
 - (iii) has, despite the responsible manager’s reasonable request, unreasonably refused to permit the access; or
 - (iv) has imposed such stringent conditions on the access that the routine works would be unreasonably expensive, time-

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consuming or difficult to carry out or could not be carried out safely, properly or at all; or

- (b) a responsible manager is unable to complete routine works because an adjoining landholder has unreasonably withdrawn permission for the responsible manager to access adjoining land.

(2) The responsible manager –

- (a) may apply to a justice for a warrant to access the land for the purposes of carrying out or, as the case may be, completing the routine works; but
- (b) must give the adjoining landholder at least 5 clear days' notice of the responsible manager's intention to make the application or, if subsection (1)(a)(i) applies, make a reasonable attempt to give such notice.

(3) The justice may issue the warrant if satisfied on reasonable grounds that –

- (a) the routine works are necessary for the attainment of the corridor safety and use objectives; and
- (b) there is no feasible, safe or cost-effective way of carrying out or, as the case may be, completing the routine works except by accessing the adjoining land; and

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- (c) the responsible manager will exercise the right of access responsibly; and
- (d) the responsible manager has complied with subsection (2)(b).

90. Warrant of entry

- (1) A warrant issued under section 89(3) may –
 - (a) authorise the access by reference to specified times or specified periods; and
 - (b) be issued on the conditions, if any, that the justice considers appropriate.
- (2) Without limiting the generality of subsection (1), the conditions may –
 - (a) require the responsible manager to meet specified notification or other requirements before exercising the right of access; and
 - (b) provide for the adjoining land to be fenced or otherwise secured so as to maintain the adjoining landholder's level of protection as regards trespass and, if applicable, loss of stock.
- (3) The warrant is to specify whether the right of access being conferred is a right to cross over the adjoining land or a right to enter and remain on the adjoining land.

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- (4) The warrant authorises the responsible manager, and any person acting on behalf of the responsible manager, to access the adjoining land to carry out the routine works specified in the warrant –
 - (a) at the times, or during the periods, specified in the warrant; and
 - (b) on the conditions specified in the warrant.
- (5) In effecting the access and carrying out the routine works, the responsible manager, and any person acting on behalf of the responsible manager must, whether or not they are mentioned in the warrant, comply with all protective protocols of which the responsible manager or person has notice.
- (6) The person in charge of executing the warrant must produce it for inspection if asked to do so by the adjoining landholder.
- (7) The warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.
- (8) The date specified in the warrant pursuant to subsection (7) is to be a date no later than 3 months after the warrant is issued.

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91. Right of occupier of adjoining land to access corridor in emergency

(1) In this section –

emergency action includes, but is not limited to including, the following:

- (a) the rounding-up of runaway stock;
 - (b) combating or averting a fire, flood or chemical hazard;
 - (c) the urgent repair of fencing, structures or embankments that have sustained sudden, unforeseen damage;
 - (d) the retrieval of structures or materials that have been dislodged by storm action, illegal interference or other causes;
 - (e) the retrieval of broken down vehicles or agricultural machinery.
- (2) An adjoining landholder in relation to adjoining land that is used for manufacturing, processing, or primary production, an employee of such an adjoining landholder, and any person acting on behalf of such an adjoining landholder, may access the corridor and carry out emergency action on the corridor.

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- (3) A person who accesses a corridor under subsection (1) must –
- (a) make a reasonable attempt to ensure that the responsible manager is notified, in person, by telephone or by electronic means, of –
 - (i) the actual or estimated time of access and how long the person will remain on the corridor for the purpose of carrying out the emergency action; and
 - (ii) where the person will access the corridor; and
 - (iii) emergency contact details of the person; and
 - (iv) the particulars of the emergency action that is required; and
 - (v) any hazards or risks associated with the emergency action and the emergency to which the emergency action relates; and
 - (b) take account of any safety warnings, or restrictions on the carrying out of the emergency action, given by the responsible manager or a person acting on behalf of the responsible manager, after receiving notice under paragraph (a); and

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- (c) take reasonable steps not to impede the use of the corridor for its designated recreational use, if any, except in so far as may be necessary to enable the emergency action to be taken; and
 - (d) cease to carry out the emergency action on the corridor if instructed to do so by the responsible manager or by a person acting on behalf of the responsible manager; and
 - (e) not knowingly aggravate any existing danger, risk or hazard; and
 - (f) make a reasonable attempt to notify, in person, by telephone or by electronic means, the responsible manager when the emergency action is completed.
- (4) If more than one person accesses a corridor in accordance with this section to carry out emergency action, a person is taken to have complied with the requirements of paragraph (a) or (f) in relation to the emergency action if any of the other persons accessing the corridor to carry out the emergency action has complied with paragraph (a) or (f) respectively.
- (5) Neither the Crown nor a responsible manager is liable for any loss or damage that a person incurs as a result of accessing, or carrying out emergency action on, a corridor under this section.

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- (6) If an adjoining landholder, an employee of an adjoining landholder, or a person acting on behalf of an adjoining landholder, who accesses a corridor, or who carries out emergency action on a corridor, causes damage to a corridor or an object or structure on the corridor, the adjoining landholder must –
- (a) make good the damage; or
 - (b) pay the responsible manager fair compensation for that damage.
- (7) Any dispute in relation to the nature or extent of the adjoining landholder’s obligation under subsection (6) is to be determined by an arbitral tribunal, within the meaning of the *Commercial Arbitration Act 2011*, in accordance with that Act.

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**PART 13 – REMOVAL OF OBJECTS IN CORRIDOR
AND MAKING GOOD OF DAMAGE**

92. Removal, &c., of unauthorised works and service infrastructure

(1) In this section –

service infrastructure has the same meaning as it has in section 68.

(2) If a person carries out works on a corridor without lawful authority, or installs or leaves service infrastructure on a corridor without lawful authority, the responsible manager may –

(a) remove and dispose of the unlawful works or the service infrastructure and carry out the remediation works, and take the other actions, that the responsible manager thinks fit; and

(b) recover, as a debt due to the responsible manager from that person, the responsible manager's costs of taking any action under paragraph (a); and

(c) retain any proceeds of disposing of the unlawful works or service infrastructure.

(3) No action lies against the Crown or the relevant responsible manager in relation to an action taken, or a failure to take action, by a responsible manager under this section.

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93. Removal from corridor of abandoned articles

- (1) The responsible manager in relation to a corridor may remove an object from the corridor if it appears to the responsible manager that the object has been abandoned.
- (2) The responsible manager may, in the manner the responsible manager thinks fit, dispose of an object removed from a corridor under subsection (1) if –
 - (a) the responsible manager is satisfied that the object is of no value or that the amount that might be received from the sale of the object would not defray the costs of the removal of the object from the corridor and its storage for a month after it is removed; or
 - (b) no person has taken possession of the object within one month after the date on which the object is removed from the corridor.
- (3) The responsible manager must allow a person to take possession of an object removed from a corridor under subsection (1) if –
 - (a) the person satisfies the manager that the person is the owner of the object; and
 - (b) the person pays to the manager the expenses reasonably incurred in the removal of the object from the corridor

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and its storage until the person takes possession of it; and

- (c) not more than one month has expired since the object was removed from the corridor or the object is still in the possession of the corridor manager.
- (4) The responsible manager in relation to a corridor may recover from a person who is an owner of an object removed from the corridor, or from the person who abandoned the object on the corridor, the cost incurred by the responsible manager in removing, storing and disposing of the object, less any amount the responsible manager may have received from the sale of the object.
- (5) Any amount received from the sale of an object under this section that is in excess of the expenses incurred by the responsible manager in relation to the object is –
 - (a) if the responsible manager is the managing authority – to be paid into consolidated revenue; or
 - (b) if the responsible manager is the corridor manager – to be applied by the corridor manager in the performance and exercise of the functions and powers of the corridor manager.

94. Making good of damage

(1) In this section –

consequential damage means –

- (a) for section 76, damage resulting from the actual modification or removal of the relevant obstruction; and
- (b) for section 88, damage directly resulting from an action taken in good faith to ensure the immediate safety of persons, or of stock or other animals, on adjoining land; and

relevant works means works, including any installation, maintenance or repair of fencing, carried out for the purposes for which a responsible manager, or a person acting on behalf of the responsible manager, accessed adjoining land under Part 12;

unsanctioned damage means damage, other than consequential damage, that –

- (a) is caused to or in respect of adjoining land as a result of relevant works or accessing land under Part 12 in order to carry out relevant works; or

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- (b) is caused to or in respect of adjoining land as a result of accessing land and clearing an obstruction in accordance with a warrant issued under section 77.

- (2) As soon as practicable after unsanctioned damage has occurred, and the relevant works are completed or obstruction cleared, as the case may be, the responsible manager must –
 - (a) ensure that any unsanctioned damage is made good; or
 - (b) pay the adjoining landholder fair compensation for that unsanctioned damage.

- (3) Any dispute regarding the nature or extent of the responsible manager’s obligation under subsection (2) is to be determined by an arbitral tribunal, within the meaning of the *Commercial Arbitration Act 2011*, in accordance with that Act.

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95. Delegation by Minister

The Minister may delegate any of the Minister's, or the managing authority's, powers or functions under this Act, other than this power of delegation.

96. Transfer and disposal of rail infrastructure

- (1) The Minister, by notice, may transfer to the Crown any rail infrastructure that is situated on a corridor.
- (2) The Minister may dispose of any rail infrastructure that is owned by the Crown, including rail infrastructure transferred to the Crown under subsection (1).

97. Compensation not payable

- (1) Subject to section 14 and section 94, no compensation is payable by the Crown in respect of –
 - (a) the vesting in the Crown of land under this Act; or
 - (b) the freeing and discharging from limitations of land, and the extinguishing of rights in land, by the operation of this Act; or

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- (c) the transfer under section 96 of rail infrastructure; or
 - (d) the revocation of the appointment of a corridor manager in relation to land; or
 - (e) a person ceasing to be able to use a strategic infrastructure corridor for a designated recreational use by virtue of the revocation of a corridor notice or the appointment of a corridor manager; or
 - (f) the cancellation or revocation of a lease, licence or corridor authorisation; or
 - (g) the variation of a lease or licence under this Act; or
 - (h) any improvements vested in the Crown under section 41; or
 - (i) anything done, or omitted to be done, in good faith under the authority, or for the purposes, of this Act.
- (2) Nothing in subsection (1) is to be taken to create a right to compensation in relation to a matter not referred to in that subsection.

98. Non-feasance protection for failure to carry out works

- (1) The Crown is not liable in proceedings in respect of a claim for any loss or damage arising from a failure of the Crown or a responsible manager to carry out, or consider carrying out, works on or

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in relation to a corridor, unless, at the time of the alleged failure, the Crown had actual knowledge of the facts creating the particular risk, the materialisation of which resulted in the harm.

- (2) This section does not operate –
- (a) to create a duty of care in respect of a risk merely because the Crown or a responsible manager has actual knowledge of the risk; or
 - (b) to make the Crown liable in respect of any act or omission of a corridor manager; or
 - (c) to create, in relation to a corridor, a duty of care on the part of the Crown if there is or was, at the relevant time, a corridor manager in respect of the corridor; or
 - (d) to affect any standard of care that would otherwise be applicable in respect of a risk.

99. Responsible manager may issue directions in relation to use of corridor

- (1) The responsible manager may issue to any person a direction prohibiting or restricting the use of the corridor by the person.
- (2) A responsible manager may not issue a direction to a person under subsection (1) prohibiting, or unreasonably restricting, the use of the corridor

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by the person in respect of an activity that the person is authorised to carry out by –

- (a) a permit, business permission, service infrastructure permission, private road use permission, private road construction permission or use permission under this Act; or
 - (b) a lease, licence or business licence under the *Crown Lands Act 1976*.
- (3) A person must not, without reasonable excuse, fail to comply with a direction issued to the person under subsection (1) by a responsible manager in relation to the use of the corridor.

Penalty: Fine not exceeding 100 penalty units.

100. Charging of fees for use

- (1) A fee may not be charged to a person for the use, for recreational purposes, of a corridor, except –
 - (a) under a business permission; or
 - (b) under a business licence issued under the *Crown Lands Act 1976* in accordance with this Act; or
 - (c) if the charging of the fee is permitted by the regulations.
- (2) The responsible manager may, subject to the regulations, charge a person a fee for the use of a structure that is situated on a corridor.

101. Use of fees

A fee collected under this Act by a responsible manager in relation to a corridor is to be applied to the management and maintenance of the land within the corridor and any object or structure situated on the land.

102. No rating of corridor

A rate may not be imposed under the *Local Government Act 1993* in relation to land within a corridor.

103. Status of certain instructions

A notice under this Act to a person, including a corridor manager or the managing authority –

- (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
- (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

104. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), regulations may be made relating to the following:

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- (a) the functions of responsible managers;
- (b) the proceedings of any committee of management;
- (c) the care, protection and management of a corridor;
- (d) the preservation of good order on a corridor;
- (e) the prohibition or restriction of the use by a person of a corridor, or an area of land within a corridor, and, if the use of a corridor, or an area of land, is restricted, the grant of permits allowing such use, subject to any conditions authorised by the regulations to be imposed on such permits and the payment of a fee, if any, authorised by or under the regulations to be charged;
- (f) the provision of services and facilities on corridors and the conditions under which any services or facilities so provided are to be available to or be used by any person;
- (g) the carrying out of works and improvements on a corridor;
- (h) the safety of persons on corridors or occupying or using any structure or building, or any part of any structure or building, on a corridor;

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- (i) the inspection and approval by responsible managers of plans and specifications for buildings, structures or other works, or extensions of buildings structures or other works, required or authorised to be erected on a corridor;
 - (j) matters in relation to leases, licences and corridor authorisation;
 - (k) the removal of any buildings, structures or other works which do not comply with the requirements of a responsible manager or in respect of which a licence, lease or corridor authorisation has expired or has been cancelled or revoked;
 - (l) the appointment and functions of persons to assist in the enforcement of this Act or the regulations;
 - (m) the imposition, collection and receipt of tolls, fees, rents or other charges for or in respect of –
 - (i) entry upon a corridor, or any specified parts of a corridor, by any persons, animals, vehicles or aircraft; and
 - (ii) any improvement services or facilities (including carparks) on corridors;
 - (n) the management of a corridor by a responsible manager.

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- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (5) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister or the responsible manager.
- (6) The regulations may –
 - (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
 - (b) provide for any of those savings or transitional matters to take effect when a provision of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

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105. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.