



New South Wales

Transport Administration Amendment (Rail Trails) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Transport Administration Act 1988* to enable disused railway tracks outside the Greater Metropolitan Region to be used for recreation or tourism purposes and for roads or road infrastructure.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Transport Administration Act 1988 No 109

Schedule 1[3] inserts proposed section 99E into the *Transport Administration Act 1988*, which applies to disused railway lines on land outside the Greater Metropolitan Region, referred to as *subject land*.

The *Greater Metropolitan Region* means the region bounded by the coastal waters of the State and by, but not including, the local government areas of City of Shoalhaven, Wingecarribee, Upper Lachlan Shire, Oberon, City of Lithgow, Singleton, Dungog and Mid-Coast.

Under the proposed section, the regulations may authorise the use of the subject land for recreation, tourism or related purposes or for roads or road infrastructure. The regulations may also authorise the removal of railway tracks and other works from the subject land.

If the regulations authorise the use of the subject land for recreation, tourism or related purposes, the regulations may also authorise the rail infrastructure owner to enter into a lease of the subject land with a local council or joint organisation for those purposes (an *authorised lease*). An authorised lease must not be for more than 30 years.

The Minister administering the *Transport Administration Act 1988* (the *Minister*) may, subject to the regulations, terminate an authorised lease if satisfied the subject land is required to be used for transport purposes, including transport infrastructure, transport services, roads and road infrastructure. Compensation is not payable by or on behalf of the State because the Minister terminates an authorised lease.

The proposed section enables the regulations to make provision in relation to the following—

- (a) limitations on the structures that may be erected on the subject land,
- (b) the matters that must or may be included in an authorised lease,
- (c) the termination of an authorised lease by the Minister.

Schedule 1[1] provides that a railway line is not taken to be closed if the regulations under proposed section 99E authorise the removal of railway tracks or the lease of the subject land. The *Transport Administration Act 1988* requires an Act of Parliament to close a railway line.

Schedule 1[2] updates the name of a council of that forms part of the Greater Metropolitan Region for the purposes of the *Transport Administration Act 1988*, proposed section 99E and current section 99A.



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New South Wales

Transport Administration Amendment (Rail Trails) Bill 2022

No. , 2022

A Bill for

An Act to amend the *Transport Administration Act 1988* to enable the regulations to authorise the use of disused railway lines for certain purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Transport Administration Amendment (Rail Trails) Act 2022*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Transport Administration Act 1988 No 109	1
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[1] Section 99A Closure and disposal of railway lines		3
Insert after section 99A(3)—		4
(3A) For the purposes of this section, a railway line is not closed if, in accordance with regulations made under section 99E—		5
(a) railway tracks or other works are removed from the railway line, or		6
(b) a railway infrastructure owner leases the land on which the railway line is located to a council or joint organisation.		7
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[2] Section 99A(4), definition of “Greater Metropolitan Region”		10
Omit “Great Lakes”. Insert instead “Mid-Coast”.		11
[3] Section 99E		12
Insert after section 99D—		13
99E Use of disused railway lines		14
(1) This section applies to a disused railway line on land outside the Greater Metropolitan Region (the <i>subject land</i>).		15
(2) The regulations may authorise the following—		16
(a) the use of the subject land for—		17
(i) recreation, tourism or related purposes, or		18
(ii) roads or road infrastructure,		19
(b) the removal of railway tracks and other works from the subject land for the purposes of the use of the subject land under paragraph (a).		20
(3) If the regulations authorise the use of the subject land for the purposes specified in subsection (2)(a)(i), the regulations may also authorise the rail infrastructure owner to enter into a lease of the subject land with a local council or joint organisation for those purposes (an <i>authorised lease</i>).		21
(4) A regulation may not be made under subsection (2)(a)(i) or (3) unless the Minister has consulted the following—		22
(a) the council of the area in which the subject land is located,		23
(b) the Minister for Regional NSW,		24
(c) the National Parks and Wildlife Service,		25
(d) the Local Aboriginal Land Council for the area in which the subject land is located.		26
(5) The total maximum term of an authorised lease is 30 years.		27
(6) The Minister may, subject to the regulations, terminate an authorised lease if satisfied the subject land is required to be used for transport purposes, including transport infrastructure, transport services, roads and road infrastructure.		28
(7) Compensation is not payable by or on behalf of the State because the Minister terminates an authorised lease under regulations made under subsection (6).		29
(8) The regulations may make provision in relation to the following—		30
(a) limitations on the structures that may be erected on the subject land,		31
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| (b) | the matters that must or may be included in an authorised lease, | 1 |
| (c) | the termination of an authorised lease by the Minister under subsection (6). | 2
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| (9) | In this section— | 4 |
| | <i>compensation</i> includes damages or other forms of monetary compensation. | 5 |
| | <i>Greater Metropolitan Region</i> has the same meaning as in section 99A. | 6 |
| | <i>joint organisation</i> has the same meaning as in the <i>Local Government Act 1993</i> . | 7
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