



TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS) BILL 2022

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The *Transport Administration Act 1988* (TAA) in its current form is a significant obstacle to opening up disused railway lines to other uses that benefit the local community and the economy, including recreational uses such as rail trails, and access roads for Special Activation Precincts.

The proposed amendment introduces a regulation making power to Part 9, Division 1B of the TAA which will allow the Minister for Regional Transport and Roads, following consultation with relevant stakeholders, to:

- authorise the temporary re-purposing of all or part of a non-operational railway corridor in non-metropolitan areas, and
- allow for the removal of tracks and other works from non-operational corridors required for transport infrastructure proposals.

The benefit of regulation making powers will support a quicker approval process, while allowing Parliament to retain oversight of all temporary uses of rail lines.

Without the amendment to the TAA, separate authorisation from an Act of Parliament is required for each individual rail trail brought forward, or each piece of road infrastructure proposed that will cross the non-operational rail corridor.

The process to achieve this authorisation takes considerable time, and can place undue financial pressure on Councils who have received funding for rail trails, or cause costly delays to the development of road projects which aim to benefit regional communities.

The powers already exist in Metropolitan NSW. As such, amending the TAA act will seek to create consistency in approaches between Metropolitan and Regional NSW.

Objectives: What is the policy's objective couched in terms of the public interest?

When it comes to opening up disused lines to other uses that benefit the local community, the proposed amendment will:

- reduce red tape by streamlining the process; and
- reduce financial pressures on councils

This in turn helps communities in regional NSW realise the benefits of rail trails sooner – including the economic and social benefits that come with rail trails or improved community access along government-owned corridors.

This is also supported by the *NSW Rail Trails Evaluation and Strategic Framework*, which ensures before any request for the Minister to authorise re-purposing or removal of tracks on non-operational corridors is considered, the following will have been assessed:

- Evidence of a viable and sustainable business model for rail trails will be required and assessed by Department of Regional NSW.
- Local buy in and consultation between council, communities, adjacent landowners and stakeholders will be finalised and agreed to.

- The NSW Government's current and future transport strategies will be considered.
- Evidence of an ability to comply with existing biosecurity requirements will be ascertained. The amendment does not change biosecurity requirements.

The Bill also makes clear that any proposed rail trail will remain in State Government ownership, only leased out to Councils (with a lease term up to 30 years), and also includes break clause to allow the Minister to terminate an authorised lease should the corridor be required for transport and road related purposes.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Government has prepared a *NSW Rail Trails Evaluation and Strategic Framework* which establishes a strong policy framework that protects community interests around the establishment of rail trails.

This proposed amendment is consistent with the powers the equivalent metropolitan Minister has for disused railway lines in Metropolitan NSW.

Analysis: What were the pros/cons and benefits/costs of each option considered?

See 'Objectives' and 'Options' section above.

The proposed amendment will have a positive financial impact by removing the lengthy and often costly process of needing authorisation of an Act of Parliament every time recreational use (for example, a rail trail) is proposed along the non-operational corridor, or a road project is required to cross a rail corridor.

Once implemented, the proposed amendment will not result in any ongoing costs.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If the amendment is passed by both Houses of Parliament, it will come into effect once assented and be administered by the Minister for Regional Transport and Roads.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Members of Parliament who have a rail trail within their constituency were invited to a briefing session outlining the amendment to the TAA.

Members of Parliament for areas where interest has been shown in potential future rail trails were also invited, in addition to the Minister for Local Government and Minister for Planning and Homes.

Additionally, Members of Parliament have been briefed on the Government's *NSW Rail Trails Evaluation and Strategic Framework*, to further understand the policy framework that protects community interests around the establishment of rail trails.

Local Government is aware of the constraints of the TAA in its current form.

Stakeholder groups, including the Rail Trails for NSW, were consulted and are supportive of the approach.