



New South Wales

Transport Administration Amendment (Rail Trails) Bill 2022

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.



New South Wales

Transport Administration Amendment (Rail Trails) Bill 2022

Act No _____, 2022

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—

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1 Name of Act

2

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

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2 Commencement

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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 |
| | | 2 |
| [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 |
| | | 8 |
| | | 9 |
| [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 made under subsection (2)(a) must apply to a specified area of subject land for a specified project. | | 22 |
| (5) A regulation may not be made under subsection (2)(a)(i) or (3) unless the Minister has consulted the following— | | 23 |
| (a) the council of the area in which the subject land is located, | | 24 |
| (b) the Minister for Regional NSW, | | 25 |
| (c) the National Parks and Wildlife Service, | | 26 |
| (d) the Local Aboriginal Land Council for the area in which the subject land is located. | | 27 |
| (6) The total maximum term of an authorised lease is 30 years. | | 28 |
| (7) 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. | | 29 |
| (8) Compensation is not payable by or on behalf of the State because the Minister terminates an authorised lease under regulations made under subsection (7). | | 30 |
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- (9) The regulations may make provision in relation to the following— 1
- (a) limitations on the structures that may be erected on the subject land, 2
 - (b) the circumstances in which a sublease of an authorised lease may be entered into. 3 4
 - (c) the matters that must or may be included in an authorised lease or sublease, 5 6
 - (d) the termination of an authorised lease by the Minister under subsection (7). 7 8
- (10) In this section— 9
- compensation** includes damages or other forms of monetary compensation. 10
- Greater Metropolitan Region** has the same meaning as in section 99A. 11
- joint organisation** has the same meaning as in the *Local Government Act 1993*. 12 13