



New South Wales

# Transport Administration Amendment (Rail Trails) Act 2022 No 40

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New South Wales

# Transport Administration Amendment (Rail Trails) Act 2022 No 40

Act No 40, 2022

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An Act to amend the *Transport Administration Act 1988* to enable the regulations to authorise the use of disused railway lines for certain purposes. [Assented to 19 August 2022]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

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

**2 Commencement**

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

## Schedule 1      **Amendment of Transport Administration Act 1988 No 109**

### [1]      **Section 99A Closure and disposal of railway lines**

Insert after section 99A(3)—

- (3A) For the purposes of this section, a railway line is not closed if, in accordance with regulations made under section 99E—
- (a) railway tracks or other works are removed from the railway line, or
  - (b) a railway infrastructure owner leases the land on which the railway line is located to a council or joint organisation.

### [2]      **Section 99A(4), definition of “Greater Metropolitan Region”**

Omit “Great Lakes”. Insert instead “Mid-Coast”.

### [3]      **Section 99E**

Insert after section 99D—

#### **99E      Use of disused railway lines**

- (1) This section applies to a disused railway line on land outside the Greater Metropolitan Region (the *subject land*).
- (2) The regulations may authorise the following—
  - (a) the use of the subject land for—
    - (i) recreation, tourism or related purposes, or
    - (ii) roads or road infrastructure,
  - (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).
- (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 *authorised lease*).
- (4) A regulation made under subsection (2)(a) must apply to a specified area of subject land for a specified project.
- (5) A regulation may not be made under subsection (2)(a)(i) or (3) unless the Minister has consulted the following—
  - (a) the council of the area in which the subject land is located,
  - (b) the Minister for Regional NSW,
  - (c) the National Parks and Wildlife Service,
  - (d) the Local Aboriginal Land Council for the area in which the subject land is located,
  - (e) the councils and joint organisations of areas that are adjacent to the council area in which the subject land is located,
  - (f) Local Land Services, in relation to the mitigation of biosecurity risks.
- (6) The total maximum term of an authorised lease is 30 years.
- (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.
- (8) Compensation is not payable by or on behalf of the State or a rail infrastructure owner because the Minister terminates an authorised lease under regulations made under subsection (7).
- (9) The regulations may make provision in relation to the following—
- (a) limitations on the structures that may be erected on the subject land,
  - (b) the circumstances in which a sublease of an authorised lease may be entered into.
  - (c) the matters that must or may be included in an authorised lease or sublease,
  - (d) the termination of an authorised lease by the Minister under subsection (7).
- (10) Subject land in relation to which regulations have been made under this section cannot be sold.
- (11) Within 5 years after the date of assent to the *Transport Administration Amendment (Rail Trails) Act 2022*, the Minister must—
- (a) review the amendments made by that Act, and
  - (b) table a report of the review in each House of Parliament.
- (12) In this section—
- compensation** includes damages or other forms of monetary compensation.
- Greater Metropolitan Region** has the same meaning as in section 99A.
- joint organisation** has the same meaning as in the *Local Government Act 1993*.

[Second reading speech made in—  
Legislative Council on 21 June 2022  
Legislative Assembly on 10 August 2022]