



New South Wales

# Transport Administration (General) Amendment (Northern Rivers Rail Trail— Bentley to Lismore) Regulation 2023

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Transport Administration Act 1988*.

JENNY AITCHISON, MP  
Minister for Regional Transport and Roads

## Explanatory note

The object of this regulation is to provide for the following matters consequent on the enactment of the *Transport Administration Amendment (Rail Trails) Act 2022*—

- (a) the authorisation of the use and lease of land along the rail corridor for the disused Casino to Murwillumbah railway line between the Back Creek Bridge at Bentley and the Union Street railway bridge at Lismore for recreation, tourism or related purposes,
- (b) the circumstances in which a sublease of an authorised lease may be entered into,
- (c) the matters that must be included in an authorised lease or sublease,
- (d) the termination of an authorised lease by the Minister administering the *Transport Administration Act 1988*.

## **Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023**

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### **1 Name of regulation**

This regulation is the *Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023*.

### **2 Commencement**

This regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Transport Administration (General) Regulation 2018

### [1] Part 3B

Insert after Part 3A—

#### Part 3B Rail trails

##### 15B Use and lease of land for recreation and tourism—the Act, s 99E(2)(a)(i) and (b) and (3)

- (1) This clause applies to the land along the rail corridor for the disused Casino to Murwillumbah railway line between the Back Creek Bridge at Bentley and the Union Street railway bridge at Lismore, not including either bridge, that is vested in TAHE as at 1 September 2023 (the *specified land*).
- (2) The specified land may be used for recreation, tourism or related purposes.
- (3) Railway tracks and other works may be removed from the specified land for the purposes of the use of the land under subclause (2).
- (4) The rail infrastructure owner of the specified land may enter into a lease of the land with a local council or joint organisation for the use of the land for recreation, tourism or related purposes.

##### 15C Subleases of authorised leases—the Act, s 99E(9)(b)

A sublease of an authorised lease of land under clause 15B(4) may be entered into only for the use of the land for recreation, tourism or related purposes.

##### 15D Matters that must be included in authorised leases and subleases—the Act, s 99E(9)(c)

An authorised lease or sublease must include the matters set out in Schedule 2.

##### 15E Termination of authorised leases—the Act, s 99E(7) and (9)(d)

The Minister must not terminate an authorised lease unless the Minister—

- (a) consults with the lessee regarding the proposed termination, and
- (b) consults with the Minister administering the *Regional Development Act 2004*, and
- (c) gives at least 3 months notice of termination to the lessee.

### [2] Schedule 2

Insert after Schedule 1—

## Schedule 2 Matters that must be included in authorised leases and subleases

clause 15D

### Part 1 Authorised leases

#### 1 Biosecurity management plan

A requirement for the lessee to—

- (a) adopt a biosecurity management plan under the *Biosecurity Act 2015* that addresses vegetation and weed control on the leased land and adjoining land, and

**Note—** See the *Biosecurity Regulation 2017*, Part 2, Division 12.

- (b) comply with the plan.

## **2 Protection of environmental, cultural and heritage assets**

A requirement for the lessee to—

- (a) ensure the protection of environmental, cultural and heritage assets on the leased land, and
- (b) take reasonable steps to protect environmental, cultural and heritage assets on adjoining land.

## **3 No subleasing of whole leased land**

A prohibition on the subleasing of the whole of the leased land.

## **4 Termination by lessor**

A permission for the lessor to terminate the lease if 1 or more of the following happen—

- (a) the lessee does not comply with a requirement or prohibition imposed by this part,
- (b) the lessee uses the leased land, or permits the leased land to be used, for purposes other than recreation, tourism or related purposes,
- (c) the leased land is not used for recreation, tourism or related purposes for a continuous period of 12 months,
- (d) the leased land is used in a way that creates a risk to the safety of the public or an adjoining landowner,
- (e) the lessee fails to maintain the leased land and the lessor is concerned about the continued safe use of the land.

## **5 Erection of structures**

A requirement that the lessee obtain the permission of the rail infrastructure owner for the erection of structures on the leased land.

# **Part 2 Subleases**

## **6 Termination of sublease if authorised lease terminated by Minister**

The automatic termination of the sublease when the authorised lease is terminated by the Minister under the Act, section 99E(7), including that no compensation is payable by the lessee to the sublessee because of the termination.