

## **DRAFT SECOND READING SPEECH**

**HON. M.T. (RENE) HIDDING MP**

### ***Strategic Infrastructure Corridors (Strategic and Recreational Use) Bill 2016***

*\*check Hansard for delivery\**

Madam Speaker, I move that the Bill now be read a second time.

The Tasmanian Government supports the use of the State's natural and built environment, where appropriate, to increase tourism and economic activity, especially in regional areas.

Dorset Council has developed a proposal for a multi-use North East Rail Trail between Coldwater Creek and Scottsdale, using the non-operational North East Line of the Tasmanian Rail Network.

Dorset Council has secured a funding commitment of \$1.47 million from the Australian Government through its National Stronger Regions Fund to develop the North East Rail Trail.

The Tasmanian Government supports this project and this Bill will facilitate its progression while establishing a framework for protecting strategic infrastructure corridors, and for considering future proposals.

Madam Speaker, rail trails on disused railway corridors have been successfully created in other Australian states, and around the world, and have proven to be popular recreational facilities.

Rail trails often link rural towns and can be a stimulus for visitors and economic activity for townships along the trail, with opportunities to develop cafes and accommodation to support trail visitors.

Within Tasmania, rail trails and cycling tourism have been identified as a positive opportunity to rejuvenate regional areas. The North East Rail Trail is expected to help position Northern Tasmania in the year-round, nature based tourism market, as well as having clear benefits for local communities in terms of health and recreation. It will build on the success of existing cycle-based experiences in the region, such as the Blue Derby Mountain Bike Trails.

Madam Speaker, this Bill is necessary to enable this project to proceed, and also to establish a framework for other similar opportunities in the future.

The Government is aware that there is significant interest in accessing non-operational rail lines throughout the State for similar recreational projects.

As was the case for the North East Rail Trail project, where there is no strategic need for freight rail services in the foreseeable future, and where the alternative use has a demonstrated community benefit, the Government will consider these projects.

The Government is committed to retaining all strategic rail corridors within the State. The development of recreational projects such as the North East Rail Trail will always be on the basis that the corridor is 'banked' and can be reclaimed if required in the future.

This Bill delivers the Government's primary objective of protecting the rail corridor for strategic infrastructure use, ensuring that it can be reactivated if required at a future point in time. This Bill also provides the legal basis necessary to support the alternative use of the corridor.

This Bill establishes that, when a corridor is not required for its reserved purposes, the corridor can be used for recreational purposes, creating business and tourism opportunities and supporting community health and wellbeing.

Madam Speaker, this will effectively open up our disused infrastructure to deliver positive community and economic benefits.

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Madam Speaker, the passage by the Tasmanian Parliament of the *Strategic Infrastructure Corridor (Strategic and Recreational Use) Bill 2016* is necessary for the North East Rail Trail or any similar project to proceed.

Investigation of the North East Line corridor has identified a number of historical matters that require legislation to provide certainty that the corridor can be transitioned from its status as a railway and be used for recreational purposes.

It is anticipated that these matters will also exist in other parts of the rail network where similar projects may be considered.

Therefore, while the North East Rail Trail is currently the most important economic imperative for the passage of this Bill, the Bill is not specific to that project.

It establishes a transparent and consistent framework that may be applied to similar projects State-wide.

Enabling non-operational rail lines to be used for recreational purposes has required the development of a new policy framework, and the Government acknowledges this framework may require further refinement over time.

Madam Speaker, the Bill has three broad objectives:

- Firstly, the Bill enables a corridor to be transitioned from its status as a railway, and to be used for recreational purposes, while retaining the land as a strategic infrastructure corridor for future use.
- Secondly, the Bill provides a framework for how the corridor will be managed following its change in status once it is no longer a railway.
- Thirdly, the Bill continues the existing policy settings applying to the relationship between the corridor and adjoining landowners established under the *Rail Infrastructure Act 2007*.

Madam Speaker, in order to fulfil these objectives, the Bill performs a number of key functions:

- It protects the former rail corridor as a strategic infrastructure corridor, including vesting any corridor land that is not currently owned by the Crown, in the Crown;
- It provides appropriate compensation arrangements for any landowners affected by vesting or the extinguishment of other rights and interests in the land;
- It provides a framework for management of the strategic infrastructure corridor;
- It enables the alternative use of the corridor for recreational purposes and the appointment of a corridor manager for this purpose;
- It provides a framework for the management and use of the corridor by a corridor manager; and
- It establishes the rights and responsibilities in relation to the corridor land for land use planning, service infrastructure, fencing, safety and corridor crossings.

In drafting the Bill the following approach has been taken in determining the appropriate scope of the Bill and resolving policy issues:

- Wherever possible, existing policy settings applying to the corridor established under the *Rail Infrastructure Act 2007* have been retained. This will preserve existing rights and minimise the impacts on stakeholders such as adjoining landowners as a result of the Bill; and
- Departure from established policy in other portfolio areas, such as in relation to Crown Land, has been minimised. Where possible, existing frameworks have been applied and varied only to the extent necessary to give effect to the intent of the Bill or for ease of administration.

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Madam Speaker.

There are a number of non-operational rail lines throughout Tasmania which are part of the Tasmanian Rail Network and administered under the *Rail Infrastructure Act 2007*. Although they are not being actively used for rail purposes they are subject to the same governance arrangements as the rail lines on which freight services operate.

Using non-operational rail lines for purposes other than rail, such as the North East Rail Trail project, requires changing the status of the corridor from being a railway. The legal and management framework that currently governs the corridor as a railway will need to change accordingly.

To give effect to this change, under the provisions of the Bill, land that is declared to be a strategic infrastructure corridor will no longer form part of the Tasmanian Rail Network and will lose its status as a rail corridor.

The Bill establishes a new category of reserve Crown Land for the purpose of transport infrastructure, telecommunications or energy. Once land is declared a strategic infrastructure corridor it is preserved for these purposes, should they be required in the future.

The Bill provides the necessary consolidation of titles to ensure preservation of the corridor, following its change in use.

The Bill provides for land on the corridor that is not currently owned by the Crown to be vested in the Crown. This will occur on the day on which the former rail network land is declared a strategic infrastructure corridor, ensuring permanent preservation of the corridor. Consistent with existing Government policy, affected landowners will be eligible to access appropriate compensation.

Where the rail line crosses private land, to minimise the impacts on private landowners, vesting will apply to a corridor 20 metres wide where practical to do so. This is consistent with the general width of the Tasmanian Rail Network.

The Bill also removes any legal doubts as to the status of corridor land, to provide certainty for future use, by extinguishing existing rights and liabilities in relation to the land.

Investigations into Crown Land on the North East Line corridor indicated that some of the land is described as a 'railway reserve', and it is not certain where this status derives from. While this status exists, it may restrict the land being reserved or used for other purposes. The Bill will have the effect of removing any reserved statuses within the strategic corridor where they may still be in effect and allow the land to be used for a new purpose.

There are also a number of historical licence agreements in place allowing third parties to access or use the corridor land for certain purposes, including service infrastructure, irrigation pipes, and corridor crossings.

It is the Government's policy intention to enable these arrangements to remain on foot, where it is practical to do so. The Bill provides for this by enabling any extinguished rights and liabilities to be preserved by notice by the Minister, or reinstated at a later point in time if required.

The Bill also provides for the Crown to retain ownership of substantial fixed rail infrastructure that forms an integral component of the corridor.

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Madam Speaker.

Once land is declared a strategic infrastructure corridor, the *Rail Infrastructure Act 2007* and associated railway governance requirements will no longer apply to it. Rather, the land will be managed according to this Bill.

This Bill sets out a robust framework to manage the corridor, and facilitate its alternative use for recreational purposes. This framework is designed to be consistent with other relevant legislation and reduce duplication as far as possible.

Land declared a strategic infrastructure corridor will be 'portfolio land' for the purposes of the *Crown Lands Act 1976*. Where possible and practical the *Crown Lands Act 1976* has been applied to the management of the land by the Minister.

The Bill establishes three separate entities that may be accountable for the management of a strategic infrastructure corridor, depending on its use. These are:

- Corridor Manager, appointed by the Minister, who may use and develop the corridor for recreational purposes;
- Managing Authority, being the Minister, who is responsible for the corridor where a corridor manager is not appointed; and
- Responsible Manager, being the corridor manager if one is appointed or the managing authority, who is accountable for managing interactions between the corridor and third parties.

When a corridor manager is in place, it is envisaged that the Crown will, for the most part, have a minimal role in relation to the corridor. However, the Minister will retain authority to issue a direction to the corridor manager, if required.

All major works within the corridor, other than routine or emergency works, must be approved by the Minister and comply with the *Land Use Planning and Approvals Act 1993*. It is also intended that a vegetation management plan will be required, consistent with the current *Rail Infrastructure Act 2007* and other management plans may be required to be prepared by the corridor manager.

It is anticipated that supporting regulations will set out a framework to enable the corridor manager to manage and control the use of the corridor as a bike trail. This will include the ability to set aside land within the corridor for specific purposes, restrict certain kinds of activities, and manage the behaviour and activities of corridor users.

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Madam Speaker.

While the status and use of a corridor will change once land is declared a strategic infrastructure corridor, interactions with adjoining landowners will continue in a manner consistent with existing legislation and policies as far as possible.

For example, the Bill includes provisions for the responsible manager to enter into arrangements for service infrastructure and corridor crossings with adjoining landowners and third parties.

To ensure safety where the corridor and roads intersect, the responsible manager is required to enter into a road crossing agreement to manage risks identified, and has the capacity to ensure a clear line of sight at crossings is maintained.

The responsible manager will be able to access adjoining land to undertake emergency and routine works, and similarly an adjoining landowner may also access the corridor in the case of an emergency.

Consistent with existing policy set out in the *Boundary Fences Act 1906*, neither the Crown nor the corridor manager is required to contribute towards the cost of fencing the corridor. However, the Bill provides that the corridor manager and an adjoining landowner can make an arrangement in relation to fencing should they wish to do so, and the corridor manager is required to make good any damage to fences caused by the undertaking of works within the corridor.

Madam Speaker

Community consultation in relation to the North East Rail Trail project is being managed and undertaken by the project proponent, Dorset Council, as is appropriate.

As we move forward into the implementation phase of the project, the Government will engage directly with any landowners affected by the provisions of this Bill.

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Madam Speaker.

For the first time, the Tasmanian Government is providing access to non-operational rail lines that may otherwise sit unused, while ensuring that the corridors are banked for future needs.

The framework established in this Bill will provide new opportunities for communities to consider projects that will deliver social and economic benefits.

The North East Rail Trail is a significant project for North East Tasmania, and is one which the Government is pleased to support.

The Government has also provided in-principle support to the Burnie City Council and the Waratah-Wynyard Council for a cycle way on the Wiltshire Line.

These projects cannot proceed without this Bill.

I commend this Bill to the House.