

Our ref  
Your ref  
Enquiries

Department of  
**Transport and Main Roads**

21 February 2019

Juanita Rodwell  
Strategic Projects Specialist  
Gladstone Regional Council  
PO Box 29  
Gladstone QLD 4680

Dear Juanita,

Thank you for your email dated 14 February 2019 requesting further clarification on matters regarding a potential rail trail on the closed Gayndah to Taragoala rail corridor

The railway infrastructure that has been left *in-situ* is owned by the Department of Transport and Main Roads (TMR) unless there is an existing arrangement in place with Gladstone Regional Council (council) or community groups regarding ownership of an existing asset/s. This includes but is not limited to, the tunnels, signage, bridges, station buildings and culverts.

Regarding fencing, the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* stipulates that adjoining owners split the cost 50/50 for any new structures. TMR will retain responsibility for the obligation to pay 50% of costs irrespective of any sublease arrangements.

Regarding the assets, generally under the terms of the sublease anything brought onto the corridor by council, including any bridges that have been refurbished and decked as part of the trail, will be deemed to be the responsibility of council. Should the sublease terminate or be surrendered, then the terms of the sublease stipulate that if requested by TMR, council would remove anything that was constructed as part of the rail trail. At the time of any surrender or termination of the sublease however, TMR would consider whether to continue operating a rail trail without council involvement and therefore, the requirement that council installed infrastructure be removed may be waived.

To confirm, anything left *in-situ* by the state, if it is not being utilised for a rail trail, such as an old railway bridge, then responsibility and ownership of the bridge will be retained by TMR.

The above advice would also relate to instances where the corridor was subleased to another entity such as the Gladstone Area Water Board (GAWB) or the Burnett Boyne Inland Rail Trail (BBIRT) group.

A requirement under any sublease is that council or any other sublessee, will have, and will maintain for the duration of the sublease, a \$20M public liability insurance policy which indemnifies the state. Other insurances would be at the discretion of council. This position is widely accepted by all councils across the state where a sublease is negotiated. As a sublessee, council will have exclusive possession of the corridor with the state having a limited role in the ongoing, daily management and maintenance of any rail trail.

A condition of any sublease will be for TMR to provide an annual monetary contribution for basic maintenance which is generally based on a per kilometre basis. This contribution is for general vegetation management such as weed spraying and slashing.

It is important to note that TMR's Rail Trail Local Government Grants (RTLGG) program is only available to councils. Should council decide to not proceed with any further involvement in the project, the co-contribution of 50% funding from TMR will not be available to either the BBIRT or the GAWB.

Should council wish to proceed with developing a rail trail, council may also apply for other sources of funding, including federal government grants, to match any future RTLGG funds for the capital cost of constructing the trail. I can confirm that any funding provided by GAWB would be considered as a co-contribution, however council would be required to make the application to TMR for RTLGG funding. TMR and GAWB could then negotiate a sublease over the relevant section of the corridor with no involvement or obligation on council.

In sections of the rail corridor outside the GAWB area, council may wish to consider applying for federal government grants or other sources of funding as council's portion of the construction costs. Council could then engage the BBIRT group and other community groups to undertake the required maintenance tasks on their behalf.

TMR would consider an arrangement directly with BBIRT however given that it would be extremely unlikely that they could secure the funding required for the development of a rail trail, it is more than likely that we would be provided an Access Licence only with the maintenance contribution from TMR.

I trust this answers your questions.

Yours sincerely



Craig England  
**Manager (Rail Corridor Management)**