

Tasmania's North-East Rail Corridor

Assessment of the Launceston and North-East Railway and the Rail Trail Proposals

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Background

The non-operational North-East rail line runs for approximately 64 kilometres from Coldwater Creek, where it diverts from the operational line that continues on to Bell Bay, to Scottsdale. Pacific National closed the line to rail traffic in 2004, with TasRail taking over responsibility for the line in 2007. Since this point, the rail line has been retained on a care and maintenance basis.

There are currently two competing projects for the rail corridor. The first, proposed by Dorset Council, is the North-East Rail Trail. This would involve converting the railway line to a multi-recreational trail for bike riding and walking. The rail trail would link to an existing rail trail between Scottsdale and Billycock Hill.

The second project is the Launceston and North-East Railway (L&NER), which proposes to run a tourism railway that would, on completion of the project, operate from Turners Marsh to Scottsdale.

Under both proposals the rail corridor would no longer be managed by TasRail. The *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016* allows the Minister for Infrastructure to declare an area of land to be a strategic infrastructure corridor. Following a declaration, all land that is not already Crown Land is vested in the Crown, and:

- the Minister may grant a lease or a licence to an entity, or a person, to provide services on that corridor; or
- the Minister may appoint an entity or a person as corridor manager, who would then manage that corridor and provide the services and may also issue permission for specified activities.

Under both proposals the operator could provide the services under a lease or licence arrangement, or as a corridor manager.

TasRail supports the declaration of the NE rail line as a strategic infrastructure corridor as it incurs costs in maintaining the line and financial risks without deriving any income from the line.

The Department of Treasury and Finance has been tasked to undertake an assessment of the two projects, to evaluate the costs, benefits and risks of the two proposals that would allow the Government to make a decision on the future of the rail corridor. Treasury has not been asked to make a recommendation on the future use of the rail corridor. This paper will focus on the costs, benefits and risks of the two proposals and outline the next steps to be taken for either project to proceed.

This report does not examine the option of a co-location of a rail trail and the L&NER proposal along the corridor. This would require widening the cuttings and embankments, a deviation around the tunnel for the rail trail and the need for separate bridges or cantilevers by the existing bridges. The cost of this option has been estimated by Raylink Consulting at approximately \$50 million¹ and therefore the co-location option is assessed as unviable.

In undertaking this assessment, Treasury has reviewed reports and documents commissioned by Infrastructure Tasmania and the then Northern Tasmania Development, along with documents provided by both Dorset Council and L&NER. Some of these documents have been made public. A full list of documents can be found at the end of this report. Discussions have also been held with both proponents, Infrastructure Tasmania, TasRail, the Office of the Valuer-General, the Office of the National Rail Safety Regulator and TasRail's insurer, JLT. In

¹ Tasmanian North East Rail Line Co-located Cycle Path Assessment Report, Raylink Consulting, September 2017

addition, Treasury officers undertook a hi-rail tour with TasRail of the non-operational line from Coldwater Creek to Lebrina.

Condition of railway line and associated infrastructure on the rail corridor

There are a range of opinions about the current state of the railway line and relevant infrastructure including bridges, crossings and the tunnel. The condition of the line is a more significant matter for the L&NER proposal than the Dorset Council proposal as the L&NER proposal would require the railway line and infrastructure to be suitable for passenger rail travel, including meeting the required safety standards. Under the Dorset Council proposal the rail track would be removed and the access and safety standards would be for bike riding and walking.

Treasury officers viewed the line from Coldwater Creek to Lebrina, a distance of approximately 30 kilometres or just under half the length of the rail corridor, using a hi-rail. The Treasury officers did not have engineering expertise to assess the overall condition of the track. However, it was apparent that, for this section of the railway line, the track is currently not suitable for rail transport. In some stretches, private access roads and council owned roads had covered sections of rail (Figure 1).

Figure 1: section of track covered by bitumen on council road crossing



The bridge at Karoola was not inspected, as TasRail staff determined that it was not safe for the hi-rail to travel across it. One section of the track, before Lilydale, was impassable due to vegetation growth that had encroached on the track (Fig 2 below). The 500 metre railway tunnel, at Tunnel, had water sitting on the track up the level of sleepers. This was also reported in other studies of the condition of the tunnel, discussed in further detail below.

There are competing estimates of the costs of bringing the railway line and infrastructure to the required standards. These are discussed below, as the standards depend on the proposed use of the corridor. Railway crossings, for example, are required for the L&NER proposal, but not

for Dorset Council rail trail. Also the structural work required for the Karoola Bridge is likely to be different under the two proposals.

Figure 2: Section of impassable track due to vegetation encroachment.



North-East Rail Trail Proposal

The North-East Rail Trail has been proposed by Dorset Council for non-motorised recreational users, primarily cyclists but also walkers. The objective is for the trail to run from Scottsdale westwards towards Coldwater Creek and then by way of other trails and minor roads, to reach Launceston.

There is currently an existing rail trail that runs from Scottsdale eastwards to Billycock Hill. The first 14 kilometre section of this rail trail, from Tonganah to Billycock Hill, was completed by the Rotary Club of Scottsdale and other volunteers and was opened in 2012. The second section, from Scottsdale to Tonganah, was opened in November 2015 and was completed by the Rotary Club, with funding from the Tasmanian Community Fund and with assistance from Dorset Council.

The Council has advised that a rail trail will only be successful if it has attractions, and preferably a town, with road access at each end. For this reason, the Council proposes that the rail trail initially run from Scottsdale to Lilydale, or potentially further on to Lalla to access facilities, shops and attractions at those localities.

Dorset Council applied to the Australian Government's National Stronger Regions Fund (NSRF) and received \$1.47 million in matching funding for the total project cost of \$2.94 million in early 2015. The Regional Programs Branch within the Australian Government Department of Infrastructure, Regional Development and Cities, which administers regional development

funding, confirmed that the NSRF funded component of the project must be completed by 31 December 2019.

Construction was initially planned over a two year period. To receive all the Australian Government funding, the project would have to be completed in around 18 months.

Dorset Council has advised that it now estimates that the cost of the project is considerably less than anticipated. The main reason for this is due to a different method for crushing the ballast on the line that will form the trail base. Previously, it was anticipated that the ballast would need to be removed to another location, crushed to the appropriate level and reinstalled. Dorset Council has advised that it now has access to equipment that will crush the ballast in situ, significantly reducing costs.

Dorset Council has provided updated project cost estimates that have been provided to the Treasurer on a confidential basis.

Project Governance and Management

A Steering Committee comprising members of Dorset Council, the local business community, the Rotary Clubs of Central Launceston and Scottsdale, and the Lilydale community and Progress Association has formed an Incorporated Association to manage the project. The Dorset Council would be responsible for the project, including securing necessary planning approvals and contract management.

The Association would be responsible for the maintenance of the trail. It is estimated that ongoing maintenance costs, including two weed-control sprays per year, will total around \$25 000 per year. It is intended that volunteers to complete much of the work, but fundraising options have been identified. They include establishing a Business or Individual Friend of the rail trail for a set fee per year, donation boxes along the trail, sponsorship of key track features, staged events and merchandise. The Association has advised that it is confident of its ability to generate sufficient funds each year to cover maintenance costs.

Dorset Council has advised that it would seek to be appointed as corridor manager for the relevant areas of the North-East rail corridor. This would require the Council to manage and protect the corridor and ensure safety and use objectives are met as well as complying with the reserve management plan in relation to the corridor.

Sale of rail infrastructure to contribute to project cost

Dorset Council's cost estimates assume that the Council would be given the rail infrastructure removed from the line, namely the rail and the sleepers, which it would sell to contribute towards the cost of the project.

Under the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*, the Minister for Infrastructure is required to publicise his or her intention to dispose of any rail infrastructure and invite any person or body interested in using the infrastructure for the purposes of the operation of a railway in Tasmania to apply to have the Minister dispose of the infrastructure to that person or body. The Minister must be satisfied that the infrastructure will be used to operate a railway in Tasmania and be removed within six months. If no party expresses an interest, or if the Minister is not satisfied that the infrastructure will be used for the operation of a railway or be removed within six months, or if an approved party does not remove the infrastructure within six months, the Minister can dispose of the rail infrastructure as he or she sees fit.

Dorset Council has advised that not having the rail infrastructure to sell would not be an impediment to it being able to fund the project, and if another party bears the cost of removing some of the infrastructure, that would be in the Council's financial interests.

Planning issues

In discussions with L&NER, its representatives raised the issue of planning permits for the rail trail, given that some portion of the line lies within the Dorset municipal area and Dorset Council is the planning authority for that area. Section 60 of the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act outlines the process for the Minister to refer an application in relation to an area of land within a corridor to another council if the applicant is the council that is also the planning authority in relation to the land.

Under the Act, if the Government decides in favour of the rail trail and Dorset Council applies for a planning permit for the section of the line that is in its municipal boundary, the Minister can declare another council to be the planning authority for that application. Dorset Council would also need to apply for a permit from the Launceston City Council for the section of corridor within that council's municipality. The issue of planning permission, therefore, does not present an impediment for the rail trail proposal.

Demand and Economic and Social Benefits

The *North-East Rail Trail Preliminary Demand and Economic Benefit Assessment*, prepared for the then Northern Tasmania Development in 2014, estimates the annual demand for the rail trail at 22 800 users after 5 years, with around 58 per cent local users, 24 per cent from interstate and 18 per cent international visitors. The demand is projected to increase to 35 300 users after 15 years.

The identified target market is couples aged 40 years and over seeking a tourism experience and younger couples, aged between 25 and 40 years wanting a short break. According to one study quoted in the report, in 2009 average daily expenditure by visitor on Victorian rail trails was \$244.

The report estimates that by the fifth year this will generate direct and indirect expenditure of around \$6.8 million and boost the State's gross state product by \$3.3 million, with an additional 40 FTEs employed in the region. After 15 years, the contribution to GSP is expected to increase to \$5.4 million, with employment of a further 27 FTEs. Key sectors expected to benefit are hospitality, accommodation and the food and services industry. The report also stated that the project would attract new investment in the North-East, including new tourism accommodation.

The report also states that the rail trail would provide a range of health and lifestyle benefits by increasing the participation rate in cycling in the region, as well as providing an enhanced lifestyle for the local community. It is also claimed that the trail would provide community benefits, through enhanced social interaction and an increased sense of pride and community identity. Some of the benefits outlined in the report are assessed below.

Assessment of the Costs, Benefits and Risks of the Rail Trail

The costs of the rail trail project are relatively modest and half the costs, up to a total of \$2.94 million, will be borne by the Australian Government. The Council is well placed to estimate the costs of converting a rail track to a rail trail suitable for cyclists and walkers, having recently prepared the 26 kilometre trail from Scottsdale to Billycock Hill. For much of the trail, the scope of the work is clearly defined and the technology is relatively simple. The largest cost risks are likely to be in relation to the works required for the tunnel and, beyond Lilydale, the repair of the Karoola Bridge.

There is no reason to dispute the estimate from Dorset Council that the cost would be under \$2.94 million, which includes a significant contingency built into the construction costings. Even if there were a cost overrun, Dorset Council, with a recurrent income of \$14.4 million in 2016-17, is well placed to meet any unexpected costs. Furthermore, up to a cost of \$2.94 million, the cost overruns would be shared with the Australian Government.

The maintenance costs of the rail trail are likely to be modest, except in cases where major works are required for some infrastructure such as bridges and the tunnel. Dorset has advised that it has assessed the tunnel and deemed that the drainage issues are easily rectified with some basic maintenance to the internal drains. Here again, the Council is well resourced to meet those costs.

It is noted, however, that part of the rail trail is in the Launceston City Council municipality. It is unclear whether it is intended that the Launceston City Council be responsible for some costs associated with the proposed rail trail.

There is less certainty over the level of benefits. There has been no market research to assess the likely level of demand for the North East Rail Trail. There are also no other rail trails in Tasmania which would provide a guide to the level of likely future demand.

The demand estimates in the *North-East Rail Trail Preliminary Demand and Economic Benefit Assessment* report are based on ABS estimates of the share of the population that participate in cycling. However, “cycling” comprises a range of quite different activities. Trail riding, especially on a rail trail, is quite different from road or mountain bike riding, with a quite different demographic segment attracted to this activity.

Rail trails have been established in Australia, particularly Victoria, and New Zealand and some have high levels of patronage. In New Zealand for 2015, for example, the Hauraki Rail Trail had an estimated 82 000 users and the Otago Central Rail Trail had an estimated 17 000 users in that year². In Victoria, the Murray to the Mountains rail trail has around 45 000 users per year according to the councils that administer the trail. In South Australia, the Riesling Trail in the Clare Valley attracts around 51 000 users per year according to the trail committee.

Several studies have found that successful rail trails can provide very significant economic benefits to local communities. For example, a recent New Zealand study by the Ministry of Business, Innovation and Employment³ estimated that, for the 22 Great Rides in New Zealand, the annual economic benefits were \$NZ 37.4 million. Key businesses to benefit were tourism accommodation, shops and cafés, guided tours, cycle shops and bike hire companies, and shuttle providers. The report also found that the trails helped revitalise smaller communities. The annual value of social benefits was estimated at a further \$NZ 12.0 million.

Each rail trail has its own set of attributes, which may include accessibility, the scenery it offers, local climate, and the facilities and tourism attractions along the trail. The size of the local population, and the number of interstate and overseas visitors to the regions are also likely to impact on the overall level of demand, especially at the outset before any reputation is established. For the North East Rail Trail, located in a relatively low population density area with moderate levels of tourism visitation, a key factor is likely to be the level of investment in tourism facilities along the trail, including the appetite of investors to proactively invest to grow the market, rather than delay investment until the usage reached a high enough level to provide immediate returns. The usage levels for other rail trails may therefore not provide a reliable guide for the North East Rail Trail.

Currently the region is experiencing economic benefits associated with the Blue Tiers Mountain Bike trails at Derby. This provides an example of how a project in the North East of the State can attract private investment and stimulate economic activity, especially in hospitality and mountain bike-related services. However, the mountain biking facilities at Derby attract a very different type of biking enthusiast than rail trails.

It is equally uncertain what direct and indirect economic benefits would result from the Trail, and how much would represent additional activity for the region or the State as a whole, rather

² Nga Haerenga NZ Cycle Trail Evaluation Report 2016, New Zealand Ministry of Business, Innovation and Employment.

³ Ibid.

than a transfer of spending (including on accommodation in Tasmania) away from some other area to trail-related expenditure.

There is therefore no firm basis for the estimates of demand and the direct and indirect economic benefits from the proposed rail trail in the above report. However, there are several encouraging trends that support the project. Firstly, the number of visitors to the State, and expenditure by visitors, has been increasing strongly in recent years. Secondly, there is strong evidence that the demand for cycling, in general, has been increasing. These two factors explain an upward trend in the number of interstate and international visitors to Tasmanian participating in cycling activities.

There appears to be strong local support, especially from Dorset Council, to encourage usage of the rail trail. Furthermore, the project aligns closely with the Tasmanian Government's Tasmanian Cycle Tourism Strategy released in September 2017.

If the demand for the rail trail does steadily increase, as the above report suggests, it is most likely that this will be accompanied by the growth of cafés, accommodation businesses, retail outlets, such as bike hire or equipment shops and other facilities, as in other rail trails in Australia and New Zealand. This would bring additional economic activity to a region that has faced some challenges in past years, including the loss of some forestry and food processing-related employment opportunities.

The rail trail would also provide an opportunity for the local population to participate in activities that provide substantial health benefits.

Dorset Council appears very suited to take on the responsibilities of corridor manager. The additional functions the council would assume for the corridor, which relate primarily to safety and environmental management, are very similar to the functions that councils exercise in undertaking their normal activities.

It is reported that some landowners adjacent to the corridor do not support the rail trail proposal. For much of the rail corridor, there is no fencing separating the corridor from adjacent farm land. The concerns of landowners appear to be riders and walkers entering their land and potential damage to crops or disturbance to livestock, threats to biosecurity, fire and the loss of privacy. There are also concerns that the trail would be used by motorised transport, particularly motorbikes.

These concerns, principally from farmers, have been raised with other proposed rail trails, such as the trail planned for northern New South Wales between Tamworth and Manilla, and the proposed Tumbarumba-Rosewood rail trail in southern New South Wales.

Treasury has been unable to find evidence that significant adverse outcomes have occurred on existing rail trails. Dorset Council officers have stated that, for some other rail trail proposals, local landowners who may have initially opposed a rail trail have benefitted by establishing stalls or other commercial ventures adjacent to the trails and become supporters. The New Zealand study reported above did not identify any economic or social costs to local landowners, including any losses to farmers, from the rail trails.

The initial proposal is to extend the rail trail to Lilydale Falls. If the rail trail were to extend just to Lilydale Falls, one proposed option is for a track of around two kilometres to be established, mostly along Golconda Road (B81), to Lilydale. Dorset Council has not included the cost of this track in its project. This would need to secure additional funding. There is no firm estimate of the construction cost of this track.

If the rail trail continues to Lalla and potentially further westwards, it could either include this proposed track to Lilydale, or the rail trail would continue from Lilydale Falls through to Lilydale and be extended towards Coldwater Creek.

It is not certain that, having established the rail trail to Lilydale Falls, Dorset Council has sufficient incentive to extend the trail further south-westwards to Launceston. This additional

section of the rail trail would be entirely in the Launceston City Council municipality. By the time the trail from Scottsdale to Lilydale would have been established, it is likely that there would be no more Commonwealth funding available for the project. Launceston City Council could establish the rail trail on this section of the corridor. However, it does not appear that Launceston City Council has an interest in pursuing this option.

Furthermore, from Turners Marsh to Coldwater Creek, after Pipers River Road, there appears to be no access to public roads. It is unclear how the rail trail could be developed for this section of the corridor (approximately 9 kilometres), given that the rail line is operational after the Coldwater Creek junction.

The rail trail proposal presents the risk that a section of the North East rail corridor, from Coldwater Creek to potentially Lilydale, would remain unused. This would require either TasRail or the State Government to be responsible for the disused corridor, with the attendant costs and risks.

Overall, the risks associated with the initial stage of the rail trail proposal from Scottsdale to Lilydale/Lalla are assessed as low. The costs to the ratepayers of Dorset Council are modest and there is unlikely to be a need for State Government or other assistance, except potentially for a track from Lilydale Falls to Lilydale. There may be ongoing costs associated with the maintenance of the corridor from Coldwater Creek to potentially Lilydale, but are substantially lower than the current costs to TasRail of managing the entire North East rail corridor.

Market trends, particularly increased tourism in Tasmania and the growing demand for cycling, support this proposal. The project has the potential to deliver significant local economic benefits, depending on the level of demand and investment by businesses, particularly local businesses.

Launceston and North-East Railway

Diesel Traction Tasmania, trading as the Launceston and North-East Railway, is a volunteer organisation that has proposed a tourist railway to run on the North-East rail line. L&NER is operating in conjunction with the North East Residents and Farmers. A diesel railcar is being restored by a private sponsor on private ground at Karoola adjacent to the rail line. L&NER holds the rail car under a signed loan agreement with the owner. L&NER advises that it has access to other locomotives and passenger carriages.

L&NER proposes to develop the line in several stages. The business model is predicated on L&NER relying heavily on volunteer labour to restore the railway line and associated infrastructure, section by section, and also to contribute to the operation of the service and undertake regular maintenance. It is also proposed that labour under the Work for the Dole employment program is utilised on this project.

It appears the intention is to build up cash reserves over time for the necessary future capital expenditure where grant funding or sponsorship cannot be secured, especially for crossings and bridges, for the latter stages. Discussions with L&NER have revealed that the project plan sets a six year period to restore the entire railway line.

It is understood that a diesel railcar would be used for the shorter stages and, as the product develops and patronage grows, a locomotive with passenger carriages would augment the vehicles. It is intended that the service would initially be offered at weekends and public and school holidays, comprising around 150 days per year, increasing to almost 290 days per year once the line is complete. L&NER has stated that the product offering could grow to include wine and food trains, or event-based services.

Under the original proposal, the first stage would be from Turners Marsh to Lilydale Falls, followed by an extension to Wyena/Lebrina Vineyards and then completing the track to

Scottsdale. This is the model in the report prepared by Sarah Lebski and David Reed⁴ in December 2016 prepared for L&NER that sets out the initial project proposal. This same model was assessed by Linqage International in its August 2017 report, and by Raylink, also in August 2017, both for Infrastructure Tasmania.

However, L&NER's Business and Strategic Plan, produced by OnTrack Consulting in October 2017, sets out a different approach, with four stages comprising:

- Stage 1: Lilydale to Wyena;
- Stage 2: Lilydale to Turners Marsh;
- Stage 3: Wyena to Scottsdale; and
- Stage 4: Turners Marsh to Coldwater Creek.

Under this revised proposal, there would be three departures daily under Stages 1 and 2, and one additional departure daily under Stages 3 and 4. L&NER has stated that Stage 4 may be implemented out of sequence dependant on gaining access to run passenger trains on the operational network into Launceston.

It is noted, however, that a report prepared for L&NER by BobV Rail finalised in June 2018⁵, and so later than the OnTrack Consulting report, refers to the three stages as assessed by Linqage International and Raylink, with no mention of the four stage approach set out above. L&NER has advised that it can provide information on the stages from the report and associated spreadsheets.

According to OnTrack Consulting, Stage 1 was chosen as this section of the route includes the scenic Denison Gorge. It is also stated that this section of track is in relatively good condition and has the least number of bridges and level crossings for restoration, while maintaining Lilydale as a departure station.

Discussions with L&NER indicated that this approach was intended to delay the repair of a bridge near Karoola, in the section between Lilydale and Turners Marsh, until the railway is operational and bringing in revenue which would go towards bridge repairs. Recently, a supporter of L&NER has offered \$50 000 to repair the Karoola Bridge. This is close to the \$60 000 estimate to restore the bridge prepared by Raylink Consulting. L&NER has advised that it has not assessed whether this financial offer would change its planned stages, such as reverting to the Turners Marsh to Lilydale section as its first stage. L&NER has advised that access to the operational line could also shift this priority.

OnTrack Consulting sets the target number of passengers at 22 500 after four years of operation, increasing to just under 60 000 after 20 years. Total consolidated annual revenue of L&NER is projected to increase from just over \$200 000 in the first year of operation to \$1.8 million after 20 years (in 2016-17 dollars).

L&NER states that a rail link from Launceston would boost bed nights in Launceston as tourists take in a full day's experience of the scenic vistas of the North East. It also states that Scottsdale would again become a major destination for the railway. It suggests that there is the potential for a trade training centre to be established relating to the 23 skill sets associated with the railway as well as other tourist attractions such as craft and fresh food markets for the train visitors.

L&NER estimates that passenger rail and event rail tours from Launceston could cater for 200 to 300 people and that other rail-based activities would be able to take place when the line is not being used for the tourist train. It also suggests that the trains could accommodate bike riders wishing to ride the existing rail trail from Scottsdale to Tonganah and extend the experience for mountain bike riders heading for Derby.

⁴ An initial proposal to re-establish a passenger rail experience between Launceston and Scottsdale, Sarah Lebski and Associates and David Reed Consulting Group, December 2016.

⁵ Report by BobVRail, provided by Launceston & North East Railway, June 2018.

The OnTrack Consulting report contains estimates of the economic impact of the L&NER project. This includes an estimated total economic benefit of \$9.8 million after the first five years, including indirect effects and the value of volunteer labour.

Assessment of the Costs, Benefits and Risks of the L&NER proposal

The L&NER proposal is ambitious and is consistent with the Government's objective of encouraging tourism opportunities in the State. The very strong growth in visitor numbers to the State provides a potentially much larger market for tourism railway experiences than a decade ago.

An assessment of the benefits, costs and risks is not straightforward due to the inevitable degree of uncertainty with projects of this nature. L&NER has not prepared a full business case for the proposal and, in particular, has not estimated the capital costs of refurbishment of the entire line. Due to the greater scale and complexity of the L&NER proposal, a more detailed assessment is required than for the rail trail proposal.

Estimates of the cost of line rehabilitation

In its report to Infrastructure Tasmania, Raylink Consulting estimated the following rehabilitation costs, assuming zero cost for rails and sleepers. These estimates do not include the section from Coldwater Creek to Turners Marsh.

Raylink Consulting 2017 estimates of rehabilitation works

Stage of line	Cost (\$)
Turners Marsh to Lilydale Falls	5 560 314
Lilydale Falls to Wyena	3 974 968
Wyena to Scottsdale	6 334 427
Total	15 869 709

L&NER has also engaged BobV Rail to examine the condition of the line and estimate the rehabilitation costs. The only cost estimate available is for the line from Lilydale to Wyena, which is \$110 388 and includes a contingency of 20 per cent. This includes a cost estimate of \$17 990 for track infrastructure⁶.

The very significant difference between Raylink and BobV Rail for the Lilydale to Wyena section is partly due to Raylink using commercial rates for labour, as Raylink was not able to assess how much labour would be available from volunteers or under the Work for the Dole employment program.

A major issue is the cost of re-establishing crossings. Raylink has costed the active protection requirements of each of the 15 crossings at \$350 000 apiece, while L&NER considers that it could complete the works for \$13 000 apiece using technology deployed elsewhere in the tourist railway industry.

As another example, Raylink has estimated that \$192 000 is needed to rectify the tunnel drainage system. The L&NER considers that the tunnel is fit for purpose and that work is only required in the medium to long term, and that it could be included in a future Work for the Dole employment program.

⁶ Launceston and North East Railway Business and Strategic Plan, OnTrack Consulting, October 2017

These cost estimates may not fully include some additional infrastructure needed to accommodate a railway tourism business, such as the refurbishment of platforms and buildings such as shelters and toilets at Turners Marsh, Lilydale and Wyena, and the restoration of Scottsdale station. They also do not include car parking facilities. In addition, L&NER would have a range of other establishment costs, including an information management system and ensuring its rolling stock meets all safety and other operational requirements.

L&NER would also require a location for storage facilities. At Turners Marsh, the rail corridor includes a section of land near the fire station that would enable L&NER to build facilities to cater for the railway, subject to relevant council approvals.

Figure 3: Section of corridor at Turners Marsh



Treasury is not in a position to comment on the robustness of the different cost estimates. As discussed below the National Rail Safety Regulator will assess whether the L&NER’s proposed approach to a range of issues is consistent with the relevant safety standards, such as for crossings, and this may have a significant bearing on the initial capital costs.

Treasury has been advised that, to date, there has been very limited communication between L&NER and the National Rail Safety Regulator. This exposes the risk that, notwithstanding the technical advice and support L&NER has received to date, there may be a gap between the safety standards that L&NER has been assuming, and the requirements that the National Rail Safety Regulator may impose. This is assessed as a significant financial risk to the project.

It is also not possible to assess the extent to which volunteer labour, or labour under the Work for the Dole program would be available for the range of tasks required.

L&NER has stated that it has the capacity to fund and run the railway without financial assistance from government. L&NER has provided a list of pledges, totalling \$424 300. It is unclear how much of the pledges are for financial assistance and how much are for in-kind support, such as for consulting services, loaning equipment and for providing skilled work. L&NER has not declared what level of cash reserves it holds.

National Rail Safety Regulator accreditation

In order to be able to work on the line to rehabilitate it and to then operate tourism railway services, L&NER is required to gain accreditation from the National Rail Safety Regulator. This may involve a staged accreditation process whereby L&NER can initially apply for accreditation to work on the line and at a later date apply for accreditation to operate the tourism railway services.

According to the Rail Safety Regulator's accreditation policy, rail transport operators are accredited to operate a railway when they have demonstrated competence and capacity in identifying and managing the safety risks associated with a railway operation.

The policy further outlines the factors that an applicant must demonstrate:

- the competence and capacity to manage risks to safety associated with the railway operations for which accreditation is sought;
- the competence and capacity to implement its safety management system;
- it has undertaken consultation in relation to its safety management system;
- the financial capacity or public risk insurance arrangements to meet reasonable potential accident liabilities; and
- compliance with any other legislative requirements.

L&NER has stated that its safety management system will be prepared by Mr Andrew Bridger, who has significant experience in this area. It has indicated it expects to achieve accreditation to work on the line within one month of submitting its safety management system and other accreditation documentation.

Whether this is a reasonable expectation will depend, in part, on the quality of L&NER's proposed safety management system. However, discussions with the Office of the National Rail Safety Regulator have indicated that the accreditation process can often be lengthy, with applicants often being required to provide additional information. An application is required to be determined by the Regulator within six months of being received, under the *Rail Safety National Law 2012*, but when any additional information is received this six month timeline restarts.

There are a number of tourist and heritage railways operating both in Tasmania and nationally that existed prior to the commencement of rail safety regulatory regimes in Australia. Rail safety regulation commenced in Tasmania in 1999 with the current national legislation coming in to force in 2012 and 2013 across Australia. These operations were automatically recognised under the transition provisions at the commencement of various regulatory regimes around the country for the scope of their existing operations. During the time they established safety management systems they continued to be managed through the Regulator's on-going audit and inspection activities. New operators or those wishing to expand the scope of their current operations are now subject to the accreditation process required by the *Rail Safety National Law 2012*. Comparing the existing operators to those who now seek accreditation may not provide an accurate indication of the requirements for any new operator currently seeking accreditation for new or expanded scopes of operations.

To grant accreditation the Regulator must be satisfied that an applicant is capable of recognising and robustly assessing the safety risks associated with the proposal and identifying the appropriate ways to control those risks.

In making its assessment the Regulator will consider if the applicant has demonstrated this "so far as is reasonably practicable", which is the standard imposed by the Rail Safety National Law. The Regulator must be satisfied the applicant has:

- identified all safety hazards the applicant ought reasonably know of and has robustly assessed the associated degree of risk; and

- has considered all that can be done to control those risks – that is, firstly identifying what is possible in the circumstances for ensuring safety and then considering what is reasonable in the circumstances to implement.

The Regulator will consider standards and practices employed across the rail industry when assessing the applicant's competence and capacity to manage the risks associated with the proposal.

In addition to the applicant preparing a compliant safety management system, the Regulator must also be satisfied that the applicant has the competence and capacity to implement it. The applicant must demonstrate that it possesses or has access to the necessary resources (financial, equipment, materials), skills, competence and expertise.

The office of the National Rail Safety Regulator has advised that the key challenge for proposals such as the L&NER project is for the proponents to:

- demonstrate a genuine ability to thoroughly and comprehensively assesses the risks associated with its proposal;
- realistically identify the controls available to manage those risks, identify what is possible to implement for its proposed operation; and
- demonstrate it has the competence, capacity and necessary resources to do so.

Once accredited by the National Rail Safety Regulator, the safety risks of the tourist railway would likely be no different to those of other comparable accredited operators.

Public liability insurance

L&NER has obtained a quotation for public liability insurance coverage that it has been advised is sufficient, with premiums that L&NER has assessed as affordable.

Infrastructure Tasmania has recently been involved in assisting a separate tourist railway proponent with acquiring a quotation for public liability insurance for a different non-operational section of rail line in Tasmania. Insurance broker Jardine Lloyd Thompson (JLT) has assessed the proposed operation and has recommended a coverage level that is ten times the level to which the L&NER quotation applies. This proponent currently holds public liability insurance for the same coverage level as L&NER has been seeking, a level that JLT advised was not adequate to cover the proposed risks involved in rail operations involving passenger transportation.

The Office of the National Rail Safety Regulator has advised that section 65 of the *Rail Safety National Law* requires an applicant seeking accreditation to demonstrate that they have public liability insurance to meet reasonable potential accident liabilities. The applicant must present evidence to show that the estimate of the level of cover required has been prepared by someone qualified and experienced to do so and that the level of cover required has been arrived at as a result of a thorough and realistic assessment of the reasonable potential accident liabilities in the applicant's circumstances. This matter has not been discussed between L&NER and the National Rail Safety Regulator.

While L&NER has formed its view as to the necessary level of cover, for its proposed operations, the National Rail Safety Regulator may consider that this is an insufficient level of coverage. This represents a further significant financial risk to the project costs.

Demand and Economic Impact of the L&NER proposal

Tourist railways have the capacity to generate economic and employment benefits, both directly and indirectly, including in the accommodation industry and the hospitality sector more generally, consistent with the experience of other tourist railways.

In its submission to the Victorian Government's inquiry into heritage tourism and ecotourism, the Association of Tourist Railways Inc (the peak body for tourist railways and tramways in Victoria) reported that Puffing Billy accounted for 50 employees, \$2 million in revenue annually with 240 000 passenger journeys and had 1 000 volunteers. It was also reported that a further 17 groups operating in Victoria carried a total of 600 000 passengers, employed 42 FTE employees, generated \$16.2 million in direct revenue annually and was supported by 3 000 volunteers⁷.

In the United Kingdom, the All Party Parliamentary Group on Heritage Rail released the *Report on the Value of Heritage Railways* in July 2013⁸, that estimated an economic benefit of heritage railways nationally of just under £250 million. The report noted that there were 108 heritage railways operating in the United Kingdom and Ireland.

L&NER's Business and Strategic Plan, developed by OnTrack Consulting, sets a forecast of 22 500 passengers by year four of operation, with growth from that point of around 9 per cent per annum, reaching almost 60 000 passengers after 20 years.

L&NER has not undertaken market research to support this level of projected demand. These estimates are significantly above the initial estimates in the report by Sarah Lebski & Associates of just under 5 500 in the first year rising to just under 11 000 by the third year. The demand estimate in the Business and Strategic Plan of almost 60 000 is therefore almost six times greater than any estimate in the Sarah Lebski & Associates report.

The Linqage International report states patronage of 10 920 for the combined Stages 1 and 2, and an additional annual patronage of 10 400 for Stage 3, is conservative and achievable. This is consistent with the Sarah Lebski & Associates report but well below the projection in the Business and Strategic Plan.

The estimates in the later years also appear very high relative to the level of patronage of the West Coast Wilderness Railway, which reported 32 373 passengers in 2016-17.

While the project is expected to benefit from the increased number of visitors to the State, and expenditure by visitors, the demand projections in L&NER's Business and Strategic Plan are optimistic in Treasury's assessment.

As with the rail trail proposal, it is not clear how much would represent additional activity for the region or the State as a whole, rather than a transfer of spending (including on accommodation in Tasmania) away from some other areas. This will depend, in part, on the number of visitors who choose to come to the region, or Tasmania, specifically to experience the railway journey.

The Linqage International report states that for other tourist and heritage railways close to areas with significant international and interstate visitation, similar to Devonport and Launceston, up to 35 per cent of their patronage will be from overseas or interstate. This suggests a significant share of demand may be from Tasmanians, some of whom would be transferring expenditure from other activities in Tasmania.

It is expected that the level of economic benefits in the Business and Strategic Plan, including the estimated total economic benefit of \$9.8 million after the first five years, are unlikely to be achieved if they rely on the levels of patronage, and therefore tourism expenditure, in the Business and Strategic Plan.

The financial benefit of retaining the current rail line.

L&NER has stated that a very significant benefit of its proposal is the retention of the railway line. It has stated that after consulting with its engineers, the written down value of the line is

⁷ Submission to the Inquiry into Heritage Tourism and Ecotourism, Association of Tourist Railways Inc. 2013.

⁸ Report on the Value of Heritage Railways, All Party Parliamentary Group on Heritage Rail, July 2013.

\$40 million (excluding land value), from a residual value of \$60 million. It has also estimated that, based on similar estimates to those used by the Federal Government for the Melbourne to Brisbane Inland Rail project in 2017, it would cost over \$296.5 million to rebuild the 60 kilometres of railway line to Scottsdale.

It is suggested by L&NER that if a new development around the Scottsdale area, such as the discovery of a lithium deposit, required rail access, the cost of rebuilding the line would be excessive if the railway infrastructure were removed. An alternative presentation of the issue, according to L&NER, is that establishing a rail trail along the corridor has an additional \$40 million cost as it involves the removal of the railway line.

However, L&NER has not been able to justify its valuation of \$40 million. In many cases, it is appropriate to value an asset at its written down replacement cost. However, this approach would not generally be used for an unused asset, and where there are no immediate plans for use. The current value of the railway (setting aside the land value) is likely to be zero as it is not in use, or even negative allowing for maintenance and other costs.

TasRail does not carry a book value for any non-operational line, including the North-East line, as the lines are not owned by TasRail, but leased from the Crown with the infrastructure in-situ.

It is inconceivable that Government would receive a market offer of \$40 million if it were offered for sale. This would only occur if use of the railway in its current condition, whether for a tourism railway or for freight or passenger transport, can generate a net income that has a capitalised value of at least \$40 million. At an interest/discount rate of 7 per cent, this would require an annual net income of almost \$3 million.

Furthermore, TasRail has advised that very significant expenditure is required to restore the line for freight transport. As an example, in 2007, Raylink assessed the cost of rehabilitating the line for log haulage for the then proposed pulp mill at Longreach and for low speed steam tourist trains. The estimated cost was approximately \$23 million (around \$29 million in 2017-18 dollars). This was despite the railway being in use until 2004. Since that estimate was made there has been further deterioration. For example, the Karoola bridge was assessed as safe for hi-rail and light traffic in 2007, unlike now. If the same assessment were undertaken today, the estimate would be very much higher.

Leasing arrangements

L&NER is seeking a leasing arrangement with the State Government, and has assumed an annual cost of \$1 000. It is noted that this lease cost is inconsistent with L&NER's \$40 million valuation of the line. Under the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*, the Government can lease sections of corridor for the purpose of running a tourist railway.

The Department of State Growth is already working with another tourist railway proponent seeking to operate on another stretch of non-operational rail line. The Department has been developing a draft lease agreement for this section of corridor, which includes a range of conditions that the proponent must meet, including undertaking weed and vegetation control and addressing a range of safety matters.

The Department has indicated that this draft lease agreement is likely to be used as a template for future lease arrangements with other tourist railway proponents.

If the corridor from Turners Marsh to Scottsdale is leased to L&NER, the lease conditions are likely to apply to the entire corridor, even if L&NER does not plan to develop certain sections until much later. This could represent a significant cost to L&NER and require very substantial volunteer assistance.

Assessment of the financial risks of the L&NER proposal

As the Linage International report points out, the tourist and heritage rail sector is a capital and labour intensive industry with high establishment costs and high fixed maintenance costs. The report assesses that L&NER would be able to operate sustainably in surplus without the need for any recurrent support from external sources, including the State Government, assuming it can secure sufficient membership subscriptions.

L&NER does not appear to have a high level of reserves, or balance sheet strength, for a project of this magnitude. It would therefore need to build surpluses to fund the different stages and allow for sufficient reserves to fund capital costs. It is also noted that the business model relies entirely on volunteer labour to operate the railway, except for a General Manager whose salary would be donated by a local businessman.

Recent experience in Tasmania is that tourist and heritage railways can struggle to continue without public funding. For example, in 2002 when public liability insurance costs increased substantially following the collapse of HIH Insurance, some tourism railways in Tasmania advised the then Government that they would not be able to continue without financial support, which was provided under the Public Liability Insurance Facilitation Scheme.

Other State Government support has included \$9 000 in 2000-01 to the Don River Railway from the Tasmanian Community Fund to develop an interactive website and a further \$30 000 in 2009-10 to restore and preserve a heritage railway carriage. The West Coast Wilderness Railway received annual support from the State Government of \$4.5 million for the past three years and it is projected that it will require further assistance in 2020-21.

There is a significant risk that L&NER will face a funding shortfall and may seek public funding to assist in its establishment costs, or its operations and maintenance costs. As discussed above, this may depend, in large part, on the requirements imposed by the National Rail Safety Regulator.

The establishment and maintenance costs increase the more of the rail corridor that is utilised for the tourist railway project. Many of the financial risks also increase the greater the track length. As the project is developed through the different stages, there are more bridges that may require repair, including potentially very large unplanned expenditure. There is also a greater risk at crossings, both road crossing and where private tracks cross the line. There are also more stretches of the railway where emergency work may be needed to clear the line, such as where there are steep cuttings where trees and rocks may fall on to the line.

Access to TasRail's operational lines

The Tasmanian Government is committed to facilitating access for heritage and tourist railways to TasRail's operational rail network. L&NER has indicated its interest in accessing the operational line in the future as part of its operations.

The Government is developing a new rail Access Framework Policy which will incorporate the principles of the National Access Regime and the *Competition Principles Agreement*, which forms part of National Competition Policy. This Policy will be designed to establish a pathway for access that is clear and easily understood by third party operators.

For L&NER to operate on TasRail's operational lines, it will require:

- accreditation from the Office of the National Rail Safety Regulator (ONRSR) for its above rail operations; and
- a formal access arrangement with TasRail in the form of a Network Access Agreement (NAA) for access to TasRail's below rail infrastructure.

L&NER will be required to hold public liability insurance and TasRail has stated that coverage of around \$250 million would be likely, in line with other jurisdictions.

It would be expected that TasRail would reach a commercial agreement with L&NER that includes mutual obligations with respect to service level expectations. TasRail anticipates that the NAA would set out all of the technical and operational parameters that L&NER would be required to comply with. It expects that L&NER would be wholly responsible for the accreditation with the National Rail Safety Regulator of its above rail operations, while TasRail is wholly responsible for the accreditation and risk of the below rail infrastructure.

TasRail expects the parameters to include, for example: specifications for axle loadings, braking systems, level crossing protocols, track speed limits, and train control, amongst others. This is required to ensure L&NER's rolling stock is compatible with TasRail's below rail network and TasRail's accredited operating standards and regulations.

The NAA would also set out incident recovery procedures, any costs associated with any network rail delays that may be caused by L&NER (or TasRail), as well as all of the mandated rail safety competencies and procedures required by the applicant to ensure compliance with TasRail's ONRSR accredited safety management system for the below rail infrastructure and rail safety law obligations.

The rail access fees payable under an NAA are set by the Government. TasRail advises that the *Rail Company Act 2009* requires that any costs associated with TasRail facilitating access to the rail network for an above rail operator, in terms of the below rail infrastructure, are to be borne by L&NER.

Given that TasRail only has accreditation for the operation of freight rail on the network, TasRail would need to attain accreditation for passenger services from ONRSR if an application were received for an NAA. It is understood that TasRail would be legally entitled to pass on any associated costs to L&NER via the NAA.

TasRail considers that its standards, policies and operating procedures for the below rail network, which have been designed for freight services, will, by necessity, apply to an NAA. It is likely that these standards may be higher than would otherwise apply to an above rail passenger service seeking to operate on a non-operational line, where the above rail operator would be responsible to develop its own below rail standards, policies and operating procedures to suit the proposed activity, but noting these would also be subject to ONRSR approval.

The Department of State Growth has undertaken a review the access arrangements for the Tasmanian Rail Network, following the expiration of the previous access framework in October 2017. It is expected that the new access policy will be in place in the second half of 2018.

Next steps

For either proposal to proceed, management of the rail corridor must be transferred from TasRail. The legislative instrument is the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*.

Under Section 9 of the Act, the Minister for Infrastructure can only approve a strategic infrastructure corridor under Section 6 of the Act if a draft declaration has first been approved by both Houses of Parliament. Following that, the Minister for Infrastructure can then exercise his or her power under Section 6 to declare the corridor, after which time it ceases to be part of the rail network and vests in the Crown.

Previously, a draft Corridor Notice from Coldwater Creek to Tonganah was tabled in Parliament for the purpose of the North-East Rail Trail, but as it was not declared by the Minister for Infrastructure within the time period specified within the declaration, it has since expired.

In the case of the L&NER proposal, following the approval of the draft declaration, the next step would be to prepare a lease for the operation of a tourist railway. The lease terms and

conditions would most likely include timeframes for L&NER to secure the necessary accreditation from the National Rail Safety Regulator. Before the declaration is made, the Minister will need to be satisfied that L&NER can meet the lease conditions and has the capability to undertake the line restoration and operate the tourist railway.

If it was decided to allow the L&NER access to TasRail's operational line, the pathway to access the operational network would be via the Access Framework, with the arrangements formalised in an Access Arrangement with TasRail.

In the case of the rail trail proposal, Dorset Council has indicated its willingness to be corridor manager. Before the declaration is made, the Minister will need to be satisfied that the Dorset Council can meet its obligations as corridor manager and that the rail trail project will proceed.

The Council can be appointed as corridor manager by notice under Section 29 of the Act. Section 30 requires that, in the corridor manager declaration notice, the Minister must specify the recreational purposes for which the corridor manager is to manage, and may develop, the corridor or the part of the corridor. Upon appointment as corridor manager, Dorset Council would then be required to manage the corridor and undertake the roles and duties as corridor manager, as set out in the Act.

Under the Act, the Council requires the approval of the Minister if the railway track is to be removed. This involves the Minister publicly advising that rail infrastructure is available to be used for a railway. Applicants have four weeks to apply to receive the rail infrastructure and must be able to remove the rail infrastructure from the corridor within six months.

If these conditions are satisfied, the Minister must dispose of the rail infrastructure to the applicant, and can choose who has access to the rail infrastructure if there is more than one applicant. If the rail infrastructure has not been removed after six months, the Minister can dispose of the rail infrastructure as he or she think fit.

Treasury has sought advice from the Environment Protection Authority on any restrictions that apply to the sale or use of treated railway sleepers. There is an Australian Standard for the use of preservative-treated timber: *AS5605-2007 Guide to the safe use of preservative-treated timber*. The EPA does not, however, impose any restrictions on the sale or use of treated railway sleepers, but advises that the Australian Standard should be referenced before they are used.

Transfer to Crown Land

Under the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*, once a corridor is declared, the land becomes Crown Land and all public and private rights are extinguished, except in particular circumstances (preserved rights). Four titles near Lilydale and Lebrina have been identified as being affected in the event that the line is declared as a corridor.

Section 15 of the Act outlines the compensation arrangements. Before agreeing to an amount of compensation, the Minister must obtain the approval of the Valuer-General for the amount, who is to apply the same principles that he or she would under the *Land Acquisition Act 1993*.

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