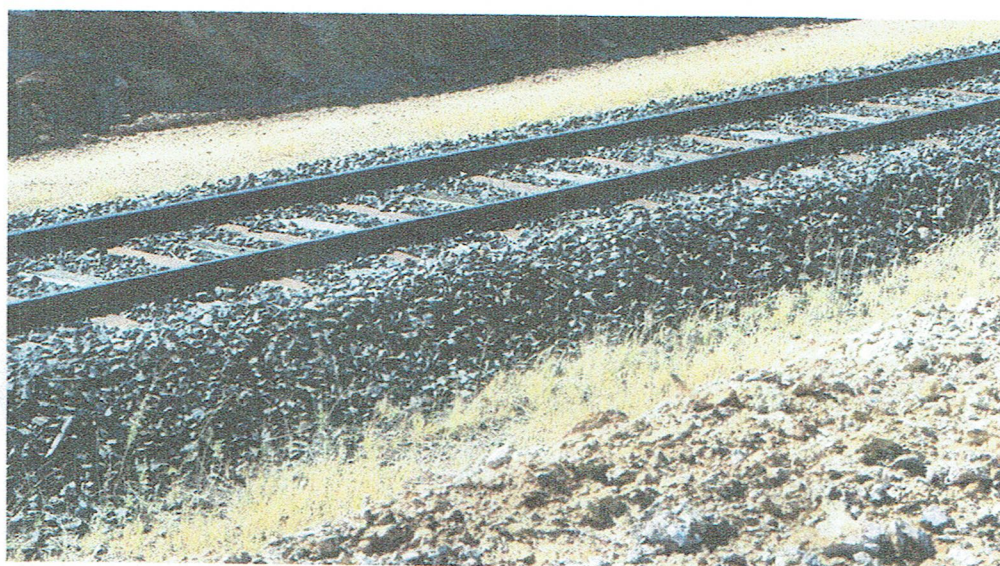





Inland rail land access agreement alert

Daniel Pedersen 23 May 2018, noon

News



 It might seem like a simple installation, but getting a rail line across a property seems to be littered with pitfalls for both landholders and the project's proponents, the Australian Rail Track Corporation. A high-profile lawyer has described a land access agreement being put forward by ARTC as "dangerous".



FARMERS would be doing themselves a disservice should they sign a NSW Farmers "template" agreement with the Australian Rail Track Corporation a high profile lawyer has warned.

Mary Lou Potts, who has extensive experience of land access agreements with mining companies, says if landholders were to sign the agreement, without anything more, they would have effectively opened the doors to the ARTC.

"ARTC could proceed to drill holes all over the landholder's property, dig 10-metre by 15m test pits anywhere on their land, construct access tracks to these sites, not rehabilitate, not revegetate, not compensate for the compaction issues (on the drill pad and access tracks) resulting in loss of productive capacity of that land, or erosion issues with test pits," she said.

"Fundamental elements that should be part of any land access agreement – for instance that the landholder or the environment should be left no worse off – are missing."

– Mary Lou Potts

And the onus of proof that ARTC had damaged the land would lay with the landholder, meaning any costs involved in building a case that damage had indeed been done would be borne by them.

She said NSW Farmers' attempts to negotiate with ARTC seemed to have fallen in a heap.

She said fundamental elements that should be part of any land access agreement – for instance that the

landholder or the environment should be left no worse off – are missing.

Ms Potts said some improvements had been made to the original template proposed by ARTC.

NSW Farmers policy director Robert Hardie said NSW Farmers had divined a “sensible centre” from the first template, which had been too simplistic, but had managed to draft something that was not burdensome or overbearing.



“We think this gives adequate protection to our members and allows this important project to get

up and go,” he said.

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“There’s a bit of muck raking going on by some people,” he said, insisting Inland Rail was not a “Trojan Horse” for any other project, which he felt was being assumed in some quarters.

Mr Hardie said NSW Farmers had worked hard to

prevent the release of information to other parties.

“The work going on will be unique to the Inland Rail project,” he said.

“And landholders can withdraw at a moment’s notice.

“This project must be done properly, these trains will be 1.8-kilometres long, doing 120 kilometres an hour in parts and at times there will eight trains a day, we don’t want it to wash away.”



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