

Mr Mick Fallon
Manager
Transport Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Re: **SSI-9487; Narromine to Narrabri (N2N) Inland Rail Project; PIR Submission**

21 September 2022

Dear Mr Mick Fallon

Thankyou for your referral to Transport for NSW (Transport) on 31 August 2022 requesting review of the Preferred Infrastructure/Amendment Report (PIR) received via the Major Projects Portal. Reference is made to Transport's previous submissions in relation to this proposal dated 7 August 2018, 5 December 2018, 28 September 2020, 18 February 2021, 21 October 2021, and 14 March 2022.

New South Wales has shifted focus over the last few years towards ensuring the resilience of the classified road network. As this network provides essential services, especially in times of natural disasters and other major weather and/or climate events (such as bushfires), resilience is now seen to be an imperative. The classified road network provides rapid, versatile responses when required, something that trains cannot do. To carry these responsibilities with an adequate level of duty of care, the network needs to be fit for purpose - that is, safe and functional at all times.

TfNSW acknowledges and appreciates the efforts of the ARTC N2N project team in working collaboratively to address the concerns raised by TfNSW. I am pleased to confirm the majority of concerns raised by Transport have been addressed by the proponent. There are however some matters which have not yet been resolved. These issues are outlined below and in Appendix A. It is particularly concerning that the below issues do not appear to be addressed in either the EIS or the PIR despite being previously raised by Transport.

Unresolved Issues

Grade Separation

Transport has reviewed the submitted documentation and notes the proposal still includes at grade crossings of classified roads. Transport, in its previous submissions, has clearly stated that all new Inland Rail interfaces with classified roads are to be grade separated. As such, Transport objects to the proposal, as submitted. Transport is willing to reconsider its objection, subject to amended information being provided for review that provides for grade separated interfaces of classified roads and Inland Rail.

Flooding

Transport does not accept any new inundation of the State Road Network including the pavement and unsealed or unprotected road edges. Both the EIS and PIR indicate that highways and roads will experience adverse flooding impacts because of the proposed Inland Rail project. ARTC has assumed Quantitative Design Limits (QDLs) based on the adjoining N2NS project. On that project breaches to the QDLs are now requiring extensive mitigation. QDL concessions granted on N2NS where highway upgrades are planned are not applicable to the N2N project. As such, TfNSW objects to the proposal as submitted. TfNSW is willing to reconsider its objection, provided suitable QDLs can be agreed upon that do not introduce new flooding to State assets.

Construction Access Points

The proponent proposes the use of Gibbons St/Newell Hwy intersection in Narrabri as the main construction access point for the construction of the Namoi flood plain bridge. The intersection has inadequate storage and deceleration auxiliary lane lengths (both North and South bound) to cater for the extra HV movements generated by the proposal. As the proposed haul route goes through a residential area and past 2 aged car facilities, the hospital, and a childcare facility a higher risk is introduced. The PIR does not mention the proposed use of Gibbons St/Newell Highway intersection in Narrabri. The proponent is required to provide a risk assessment and justification for use of this route during construction. This issue has not been addressed.

Maritime Requirements

The project includes crossing the Macquarie, Castlereagh, and Namoi/Barwon Rivers, all of which are Navigable Waters under Maritime legislation. In accordance with the *Marine Safety Act 1998*, Transport has responsibilities in relation to construction work, traffic control facilities and other works on navigable waters and therefore Transport concurrence is required for all construction works on a navigable water in accordance with the Act. Further, Transport is the relevant authority for approval of works on structures in, on or over the bed of any waters under the *Ports & Maritime Administration Act 1995*. Transport have previously provided advice to the proponent on the requirements under the Maritime Act. However, there is no mention in the EIS or PIR of maritime requirements. Transport expects an assurance by the proponent that it will conform to all relevant maritime requirements including the requirements for a Navigational Impact Assessment. A minimum of one navigable channel span must be open to navigation at all times unless approved by Transport.

Please confirm with TfNSW that the application will not be determined until such a time as TfNSW has had an opportunity to comprehensively assess the application following provision of information addressing the above-mentioned matters.

Should you have any queries in relation to this matter, please email cindy.pappin@transport.nsw.gov.au or contact Manager Transport Strategy, Cindy Pappin on 0481 054 453.

Yours sincerely

A handwritten signature in black ink, appearing to read "Holly Davies".

Holly Davies
A/ Regional Director West
Transport for NSW

APPENDIX A: Issues identified in the PIR

Chapter	Topic	Issue	Transport Position and Submission Request
<ul style="list-style-type: none"> Appendix A/section1.2.4/page1-5 Appendix A/section2.4.5/page2-5 Appendix C/page C-9 	Maritime Requirements	<ul style="list-style-type: none"> The PIR uses the words 'navigational clearance' but provides no other information relating to maritime requirements. There is no mention in the documents of the proposal meeting maritime requirements. The project includes crossing the Macquarie, Castlereagh, and Namoi/Barwon Rivers, all of which are Navigable Waters under Maritime legislation. The <i>Marine Safety Act 1998</i> states: navigable waters mean all waters (whether or not in the State) that are from time to time capable of navigation and are open to or used by the public for navigation, whether on payment of a fee or otherwise. Any works on or over a navigable waterway where safety, environmental and access outcomes may be adversely affected require the formulation of a Marine Traffic Management Plan (MTMP) to ensure that any adverse outcomes to navigation for commercial and recreational vessels are minimised as much as is practical. 	<ul style="list-style-type: none"> Transport expects the Traffic and Transport section of the PIR to be updated to include consideration of requirements under Maritime legislation. Transport expects an assurance by the proponent that it will conform to all relevant requirements under maritime legislation. Transport is the lead state government agency responsible for delivering safety, environmental and access outcomes related to vessel operations throughout NSW under the <i>Marine Safety Act 1998</i>. The <i>Marine Safety Act 1998</i> must be mentioned in the legislative requirements. Transport is the relevant authority for approval of works on structures in, on or over the bed of any waters under the <i>Ports & Maritime Administration Act 1995</i>. The <i>Ports & Maritime Administration Act 1995</i> must be mentioned in the legislative requirements. Letter dated 5 December 2018 sets out general requirements. Including that all vessels associated with the project must comply with the relevant NSW marine legislation, and that all bridges be set to achieve flood immunity to the 100yr ARI to ensure the impact to navigation is minimised. Letter dated 8 February 2021 sets out specific requirements for the Macquarie River viaduct.

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<ul style="list-style-type: none"> Appendix A/section1.2.4/page1-5 	Traffic & Transport	<ul style="list-style-type: none"> The Rail over road bridge proposed along the Mitchell Highway needs to provide sufficient clearance for OSOM vehicles. A minimum clearance of 6.5m is required to allow for most loads to be catered for. The revised designs provided reduce clearance to 5.4m, which would place a significant network constraint on the Mitchell Highway. 	<ul style="list-style-type: none"> Transport expects a minimum of 6.5m vertical clearance on all classified roads, including on the Mitchell Highway Rail overbridge, for OSOM requirements. Proponent is required to modify the design of the Mitchell Highway Rail overbridge to accommodate 6.5m vertical clearance.
<ul style="list-style-type: none"> Main Report/4.3.1/page4-3 Appendix E/1.2/page2 Appendix E/Figure E-7/page27 	Hydrology	<ul style="list-style-type: none"> Both the EIS and PIR indicate that highways and roads will experience adverse flooding impacts because of the proposed Inland Rail project. According to the document "...quantitative design limits (QDLs) have been defined [by DPE] against which the amended proposal is being assessed" Transport is not aware of any definitive Quantitative Design Limits being set for this project and have had no consultation on the matter. Transport has not agreed to the proposed QDLs that relate to road assets. Furthermore, the use of "practicable" may have the effect of reducing unapproved QDLs. Afflux exceedance is predicted on Mitchell, Kamilaroi and Newell Highways, Country Regional Network and on Tomingley Road. Hazard category is no longer relevant to the project. 	<ul style="list-style-type: none"> The assumed QDLs are not suitable for the project and should not be used. Transport does not accept any new inundation of the State Road Network including the pavement and unsealed or unprotected road edges. Concessions granted by Transport for increased afflux where highway upgrades were being planned are not applicable to the N2N project. The assumption that QDLs will be the same as those for the N2NS Separable Portion 1 or NS2B is not supported. Transport expects mitigation measures to ensure no impact to state assets. The position held by the NSW Government, and Transport, is that any road covered by water should not be driven through. The references to 'Hazard Category' can be removed as they are now redundant.
<ul style="list-style-type: none"> Appendix E/1.2/page16 	Hydrology	<ul style="list-style-type: none"> The Drainage Control Mapping is incomplete. The proponent has provided only an 'example' of drainage control locations 	<ul style="list-style-type: none"> Transport would like to see a complete map of drainage control locations. Can the proponent please provide a complete map of drainage control locations.

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<ul style="list-style-type: none"> Main Report/4.6.3 	Level Crossings	<ul style="list-style-type: none"> Level crossings are proposed at interfaces with six State roads. There are significant safety risks associated with level crossings, particularly where new interfaces will be created as road users are unaccustomed to level crossings on this route. 	<ul style="list-style-type: none"> Transport has consistently stated its position that all interfaces with State roads be grade separated to provide the maximum safety to road users and eliminate delays created by level crossings. TfNSW requires the proponent to include the Safe System Framework into considerations of level crossing safety.
<ul style="list-style-type: none"> Main Report/2.11 	Construction	<ul style="list-style-type: none"> The proponent proposes the use of Gibbons St/Newell Hwy intersection in Narrabri as the main construction access point for the construction of the Namoi flood plain bridge. The intersection has inadequate storage and deceleration auxiliary lane lengths (both North and South bound) to cater for the extra HV movements generated by the proposal. As the proposed haul route goes through a residential area and past 2 aged car facilities, the hospital, and a childcare facility a higher risk is introduced. 	<ul style="list-style-type: none"> The PIR does not mention the proposed use of Gibbons St/Newell Highway intersection in Narrabri. The proponent is required to provide a risk assessment and justification for use of this route during construction.
<ul style="list-style-type: none"> Main Report/8.2/Table 8.1 	Construction	<ul style="list-style-type: none"> Mitigation measure TT6 only requires “consultation” with TfNSW in relation to the CTTAMP. 	<ul style="list-style-type: none"> Transport requests that the conditions of approval require the CTTAMP be accepted by Transport prior to any works commencing.
<ul style="list-style-type: none"> Appendix A/2.9.1 Appendix A/2.11.1/Table 2.9 	Construction	<ul style="list-style-type: none"> 4 borrow pits are nominated, 3 located at Narromine and 1 (borrow pit D) east of the Newell Hwy on Perimeter Rd at Narrabri. <ul style="list-style-type: none"> Table 2.2 indicates close to 1,000,000m³ of fill would need to come from borrow pit D and be transported across the Newell Highway from east to the western 	<ul style="list-style-type: none"> Proposed intersection designs for construction access points are to be accepted by Transport and built by the proponent prior to any track works commencing. Due to the high volume of additional vehicles turning on and off the classified network, assessment of turning warrants and swept path analysis should be completed to ensure the safety of the network.

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		<p>side, resulting in 100 - 200 truck movements per day.</p> <ul style="list-style-type: none"> An at-grade intersection is unlikely to cope with this level of traffic without being signalised. Borrow pit D notes 2 access points off the Newell Highway. Insufficient information is provided on the proposed location and proposed intersection treatments. 	
<ul style="list-style-type: none"> Main Report/7.6.5/7-34 	Land Use	<ul style="list-style-type: none"> The PIR indicates that property severance will occur. 	<ul style="list-style-type: none"> TfNSW requires explicit acknowledgement that the proponent must also consult with TfNSW in relation to mitigating impacts of property severance on classified roads. Where the classified road is impacted as the result of severance an assessment of the new access will be needed. <ul style="list-style-type: none"> In addition to imposing additional costs and inconvenience to landholders, severance of properties may result in new accesses and increased movement of stock and OSOM vehicle on public roads. Consultation with the relevant road authority and Transport is required and needs to be included in the proponent's commitments and planning

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<ul style="list-style-type: none"> Main Report/7.6.5.3/page 7-40 	Land Use	<ul style="list-style-type: none"> A number of property Acts are missing from the PIR. Where it is necessary for TfNSW to acquire land by the Compulsory Acquisition Process, the relevant statutory framework for property acquisitions includes a number of acts and policies in addition to the <i>Land Acquisition (Just Terms Compensation) Act 1991 (NSW)</i>. 	<ul style="list-style-type: none"> Proponent to include additional relevant acts and policy documents include NSW Government Property Acquisition Standards, TfNSW Property Acquisition Policy, <i>Transport Administration Act 1988</i>, <i>Roads Act 1993</i>, <i>Public Works and Procurement Act 1912</i> and the Transport for NSW Property Acquisition Process (December 2021)
<ul style="list-style-type: none"> Main Report/7.7/page 7-40 	Cumulative Impacts	<ul style="list-style-type: none"> There is no mention of cumulative impacts with the Narrabri SAP. 	<ul style="list-style-type: none"> Transport requests that rail and road interfaces and timing for Inland Rail are considered in context of the Narrabri SAP. Connection roads into the SAP should not introduce new rail crossings onto the network.
<ul style="list-style-type: none"> Tech Report 09/Table 23/page 46 	Noise & Vibration	<ul style="list-style-type: none"> Table 23 of Updated Noise and Vibration report Track Radius < 500m has only a +3 dBA increase to LMax whereas it was +21 for similar reports on the Inland Rail EIS's. 	<ul style="list-style-type: none"> Proponent to clarify the curve LMax source noise level specified, given that it is inconsistent with what has been reported previously.
<ul style="list-style-type: none"> Appendix B/Figure 2.18 	Visual Impacts	<ul style="list-style-type: none"> IR alignment at the northern section of this stage is in close proximity to the Newell Highway. 	<ul style="list-style-type: none"> The proponent needs to consider impact from train headlights on transport users of the Newell Highway.
<ul style="list-style-type: none"> Main Report/2.4.2/page 2-12 Appendix A/1.2.6/page 1-11 	Future Connections	<ul style="list-style-type: none"> There is no connection provided for the Binnaway to Gwabegar rail line. ARTC propose to cut the non-operational Binnaway to Gwabegar line with no connection provided. This will isolate approximately 30km of rail line from IR route north to Gwabegar. 	<ul style="list-style-type: none"> Proponent to reconsider future connection of the Binnaway to Gwabegar rail line. A four-way connection at Curban is ideal to ensure freight trains from Gilgandra and Coonamble do not need to do a run-around on mainline to transit to their desired destinations. Transport suggests the proponent consider measures to preserve the corridor to ensure these future connections can be built.

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<ul style="list-style-type: none"> Appendix C/SE-2/ page C-12 	Social Impacts	<ul style="list-style-type: none"> The PIR indicates that the communication management plan would include measures to ensure ongoing consultation with local emergency services providers, to inform providers about the locations of level crossings, and changes to access routes and road conditions. 	<ul style="list-style-type: none"> The communication management plan must also include measures to ensure ongoing consultation with TfNSW, to inform emergency service providers about the locations of level crossings, and changes to access routes and road conditions.
<ul style="list-style-type: none"> Appendix C/page C-51 Appendix C/page C-83 	Social Impacts	<ul style="list-style-type: none"> The engagement of local suppliers and businesses should have target measures as a percentage. 	<ul style="list-style-type: none"> Proponent to ensure that target values are captured for provision of supplies and services from local businesses. There should be an economic appraisal methodology to demonstrate how benefits are being optimised and costs minimised for these local communities. There needs to be a strategy to maximise social outcomes from this project, not just mitigate or manage social issues.
<ul style="list-style-type: none"> Appendix C/page C-56 Appendix C/page C-83 	Social Impacts	<ul style="list-style-type: none"> The Social Impact Management Plan does not include employment and training targets for people with disability. Additionally, the targeting of local businesses should also include social procurement for enterprises that employ people with disability. 	<ul style="list-style-type: none"> Proponent to provide inclusion of employment roles for people with disability.
<ul style="list-style-type: none"> Appendix C/Table 8-3 	Social Impacts	<ul style="list-style-type: none"> The safety awareness program does not include a program for schools in the area on the safety around level crossings given the increase in number due to the project. 	<ul style="list-style-type: none"> Proponent to provide inclusion of safety program for school aged children on the dangers of level crossings.

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SIMP/section 3	Social Impacts	<ul style="list-style-type: none"> There is a lack of detail about how to maximise outcomes for the Aboriginal community. There is no evidence of shared decision making with local Aboriginal communities. 	<ul style="list-style-type: none"> NSW Government policy under Closing the Gap is to increase shared decision making with Aboriginal communities, peak bodies, Local Decision Makers, and Aboriginal businesses. Consultation on Aboriginal Cultural Heritage Assessment needs to be uplifted to meaningful engagement on the whole project and shared decision making consistent with NSW Government policy under Closing the Gap. Further work is required to understand the impacts on local Aboriginal communities. A shared decision-making model should be adopted.
General Comment	Construction Standards	<ul style="list-style-type: none"> The PIR references only Austroads guides in relation to design standards for public roads. 	<ul style="list-style-type: none"> Transport requires explicit acknowledgement that the proponent must meet the standards set in Transport's published supplements in addition to those in the Austroads guides.
General Comment	Cultural Heritage	<ul style="list-style-type: none"> To improve outcomes for Cultural Heritage, there needs to be a mechanism to ensure all workers on site understand how to care for Aboriginal Heritage and what to do if unexpected finds occur. Some Registered Aboriginal Parties (RAPs) do not appear to be Traditional Owners of the project locations. 	<ul style="list-style-type: none"> The proponent to consider development of a toolbox video to ensure that Project teams understand the importance of Aboriginal sites and what to do if any artefacts are found (unexpected finds). Proponent to implement an Unexpected Finds Procedure, Cultural Awareness for staff and develop up tools to ensure all staff have knowledge and understanding of the importance of caring for Aboriginal Heritage. The proponent to ensure that going forward site surveys, engagement of RAPs are knowledge holders from Country

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General Comment	Future Planning	<ul style="list-style-type: none"> With the expansion of the road network available to PBS vehicles there is concern that this proposal has not adequately considered the impacts of the Inland Rail on future road use. The impact of Inland Rail on truck numbers needs to be in the context of the growing freight task and that acknowledge that road/rail work in conjunction with each rather than stating that one is better or more efficient than the other. Where any crossing is within close proximity of an existing intersection, care must be given to ensure that the new rail alignment does not create a short stacking issue. If the preferred corridor changes, sufficient storage length for Road Trains and must be provided, and intersections may need to be realigned. 	<ul style="list-style-type: none"> Both road and rail are needed to manage the growing freight task which is expected to be 618 million tonnes to be moved in NSW in 2036. Transport must be consulted to ensure the strategic lens for the Inland Rail caters for heavy vehicles up to 60m long and a width for OSOM vehicles of 8 to 10m. The proponent should ensure that all intersections have a minimum storage length of 70m, to account for current design vehicles (36.5m), plus potential for a future, larger Higher Productivity Vehicle design (60m). The proponent should ensure that the Newell Highway adopt a growth rate of 2.2% per annum and other state road corridors should use a growth rate of 1.7% per annum, to align with Traffic on Rural Roads (TRARR) projections
General Comment	New Technologies	<ul style="list-style-type: none"> The project doesn't seem to consider nor discuss new technological solutions for both road and rail. 	<ul style="list-style-type: none"> Consideration should be given to new and emerging technologies relating to rail and road for future assessments.