

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure
Application number and project name	SSI-10055 Inland Rail – Albury to Illabo
Applicant	Australian Rail Track Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to conditions.

A copy of the infrastructure approval and conditions is available [here](#).

A copy of the Planning Secretary's assessment report is available [here](#).

Date of decision

[8 October 2024]

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's assessment report;
- the objects of the Act;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Planning Secretary's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Planning Secretary's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would:
 - improve interstate, intercity and intracity general and freight transport connections;
 - improve freight efficiency, last mile logistics, travel times and increased network capacity;
 - increase access for freight across the rail network, as well as ensure safe, efficient, and sustainable freight access between regional NSW, ports, and local and international market destinations; and
 - provide transport and economic development opportunities in regional NSW; and
- the project has been endorsed by the NSW Government and is a key component of:
 - 2024 Infrastructure Priority List of Infrastructure Australia;
 - NSW State Infrastructure Strategy 2022-2042;
 - Future Transport Strategy 2056;
 - Regional NSW Services and Infrastructure Plan; and
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions relating to noise and vibration, traffic and access, air quality, urban design and landscape, heritage, biodiversity offsets, and flooding have been imposed; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed, through changes to the project and the recommended conditions of approval (where applicable); and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of community views

The Environmental Impact Statement (EIS) was publicly exhibited from 17 August 2022 until 28 September 2022 on the Department’s website. The Preferred Infrastructure Report was publicly exhibited from 15 November 2023 until 6 December 2023 on the Department’s website.

180 submissions were received during the EIS and PIR exhibitions with the:

- EIS receiving 131 public and 8 organisation submissions; and
- PIR receiving 40 public and 1 organisation submissions.

The Department also undertook the following consultation activities:

- site visits of various locations along the alignment in August 2022, July and November 2023, and May 2024, to obtain a comprehensive understanding of the surrounding environment, its sensitivities, and issues raised in submissions; and
- held meetings with Albury City, Wagga Wagga City, and Junee Shire Councils.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary’s Assessment Report include project need and scope, noise and vibration, traffic and access, air quality, urban design and landscape, flooding and hydrology, and land use and property.

The Proponent’s detailed project amendments through a Response to Submissions Report (RtS) and Preferred Infrastructure Report (PIR), included construction and operational traffic impacts and mitigation measures informed by updated modelling approaches, updated road and pedestrian bridge designs, operational noise impacts and mitigation measures for the full length of the rail corridor, and quantitative air quality impacts.

Issue	Consideration
<p>Project need and scope</p> <ul style="list-style-type: none"> • Economic justification for the proposal • No bypass considered • Inadequate information on train numbers post 2040 • Assessment of impacts should not be limited to the vicinity of construction sites • Lack of transparency on construction schedules • Structural adequacy of the existing Murrumbidgee viaduct in Wagga Wagga 	<ul style="list-style-type: none"> • The Department notes concerns raised about a lack of economic justification for the proposal. • The Department is satisfied that construction of Inland Rail would result in economic benefits for rural and regional areas by creating construction and operational jobs, and linking agricultural centres and regional areas to export market destinations. For example, around 770 regional construction jobs would be generated across the local government areas due to the proposal. Overall, the proposal is a catalyst for economic development opportunities in regional NSW. • A bypass is not part of the proposal, and not subject to this assessment (see Section Error! Reference source not found.). • The Department acknowledges community concerns regarding the route selection. It is not the Department’s role to comparatively assess the proposed route against other potential routes, or variations to the proposed route. Route selection is a matter for the Proponent, and the Department must assess the environmental impacts of the route as proposed. • The merits of the proposal’s business case are not a matter for the Department. The Department has assessed the impacts of the selected route, which is an existing line. Impacts relating to noise and vibration, traffic, air quality, flooding, biodiversity, and social are presented in Section 6. • Proposed train numbers are provided in Section Error! Reference source not found.. Any future increase above what is currently proposed would require an additional project application and assessment. • The Proponent’s response to the Department’s PIR request considered impacts of the full alignment, particularly for noise and vibration and air quality. This is considered in Section 6. • Revised and updated construction schedules are provided with the PIR and RtS. • Structural integrity of the viaduct does not form part of the proposal. As such, it is not considered in this assessment. The Department notes from the Proponent’s RtS that the speed restriction on the viaduct is a temporary measure until completion

	<p>of the maintenance works, required to be carried out safely when trains are not running. These restrictions do not represent potential impacts, but rather relate to maintenance work outside the scope of the current proposal.</p> <p>Recommended conditions/response See conditions relating to noise and vibration, traffic, air quality, flooding, biodiversity, and social.</p>
<p>Noise and vibration</p> <ul style="list-style-type: none"> • Concerns about noise and vibration assessment not representing likely impacts • Increase in noise, causing hearing and sleep disturbance • Construction noise and vibration to temporarily impact receivers • Vibration impact to older residential and non-residential properties • Operational noise impact to receivers near the alignment • Requirement for noise mitigation (such as noise barriers and at-property treatment) • Differing views on acceptability of a noise barrier as a noise mitigation option 	<ul style="list-style-type: none"> • The revised noise and vibration assessment considered alignment wide noise and vibration impacts, increasing the numbers of sensitive receivers impacted by the proposal. • Increased frequency and length of trains operating from 2027 would increase noise impact to receivers adjacent to the rail corridor. • However, the rail infrastructure noise guideline (RING) provides a framework for reasonable and feasible mitigation. • The main sources of construction noise and vibration are excavation, rolling, piling and compaction works. Noise management levels are expected to be exceeded during the day and night. • Construction noise would impact receivers and disturb sleep at night. • Operational noise levels would impact 1029 receivers. • Proposed measures to reduce operational noise include locomotive exhaust treatment to reduce noise at the source, noise barriers (walls), and at-receiver treatments. <p>Recommended conditions/response</p> <ul style="list-style-type: none"> • Construction noise would be managed through established environmental management measures, including respite periods, underpinned by comprehensive community consultation. • Out of hours work must be approved in accordance with an Out of Hours Work protocol or the Environment Protection Licence. • The Proponent is required to comply with construction vibration criteria for human comfort and structural integrity; pre-and post-construction dilapidation surveys; and landowner notification before construction that generates vibration commences in the vicinity of properties. • A Construction Noise and Vibration Plan must be provided, with details of construction practices to reduce noise and vibration impacts and mitigation measures when noise exceeds guidelines. • Consultation on noise mitigation options must inform proposed noise mitigation measures. • An Operational Noise and Vibration Review must be completed within 24 months after the commencement of construction, or prior to the commencement of operations, to confirm noise and vibration impacts, noise mitigation treatments, and performance, and determine whether additional mitigation is required. • The proposed locomotive exhaust treatment program must be demonstrated to be effective before it is used to determine noise mitigation measures based on a lower noise level. • An Operational Noise and Vibration Compliance Report must be provided within 60 days of completing the operational noise and vibration monitoring to report on operational stages of the proposal, to verify noise performance and to detail performance of the proposed mitigation measures.
<p>Traffic and access</p> <ul style="list-style-type: none"> • Concerns that modelling was inaccurate • Construction to result in 	<ul style="list-style-type: none"> • The revised traffic and access assessment used revised modelling approaches to assess impacts and determine mitigation measures. • During construction, there would be traffic impacts from temporary traffic and pedestrian diversions for road bridge works at

<p>traffic and pedestrian diversions</p> <ul style="list-style-type: none"> • Construction would generate additional traffic from small and heavy construction vehicles • Concerns about local road closures during construction of the Edmondson Street bridge • Operation to result in increased road travel time due to more frequent train pass-bys and longer level crossing closures, including impacts to emergency services • The proposal does not eliminate level crossings • Concern about the safety of rail crossings 	<p>Edmondson Street bridge, Wagga Wagga; Kemp Street bridge, Junee; level-crossings at Henty, and four locations along the Junee to Illabo clearance sites.</p> <ul style="list-style-type: none"> • The replacement of three pedestrian bridges in Wagga Wagga and one in Junee would result in detours up to 1.6km for pedestrians for up to 11 months. • Additional construction vehicles would have little impact to traffic movements, as these vehicles are spread across the alignment and various construction sites. • Both construction and operation would impact travel routes used by emergency services, because of road diversions or delays from longer level crossing closure events. • Several level crossings, providing both public and private access, would be upgraded, consolidated, or closed, with access maintained during construction and operation in consultation with the landowners, to minimise disruption and to ensure safety when accessing properties. • The proposal's operation would not cause a significant deterioration in overall traffic conditions in Wagga Wagga. • An Operational Road Network Performance Review is required at 12 months and 10 years of operation, in consultation with Council, TfNSW, emergency services, and Wagga Wagga health precinct. <p>Recommended conditions/response</p> <ul style="list-style-type: none"> • Conditions require a Construction Traffic, Transport and Access Management Plan, to minimise traffic impacts during construction and ensure appropriate road safety measures. • Iterative revisions to bridge designs with the State Design Review Panel to achieve better design and built outcomes. • Public and Private Level Crossing Treatment Reports are required, to ensure site appropriate treatments are developed. • A level crossing communication system to be developed to allow landowners, stock operators, and Local Land Services to plan for safe movements across level crossings. • Bridge structure works, and road re-alignments, must be developed in consultation with the road authority, to ensure safety of road users and compliance with relevant road standards. • Traffic monitoring and road safety reviews would be required during operation to ensure optimal performance of the road network, and if further mitigation is required. • Conditions requiring that before construction of the Edmondson Street bridge in Wagga Wagga: <ul style="list-style-type: none"> - a target level of service be determined, in consultation with the road authority, Council and TfNSW, for intersections that would be impacted or used as diversion routes; and - traffic management measures, informed by appropriate traffic modelling approach and consultation with road authority, be proposed to manage speeds on local roads expected to experience increased traffic.
<p>Air quality</p> <ul style="list-style-type: none"> • Increase in air pollution from construction and operation • Qualitative nature of air quality assessment, probably underestimating impacts 	<ul style="list-style-type: none"> • The Department requested a quantitative reassessment of air quality to inform impacts through the PIR. • The quantitative air quality assessment determined the proposal would have air quality impacts, due to the increase in number of freight trains traversing the upgraded rail corridor. • Nitrogen dioxide (NO₂) is predicted to exceed Commonwealth National Environment Protection (Ambient Air Quality) Measure (NEPM) thresholds at a number of receivers during operation. • NO₂ exposure is associated with respiratory illness and discomfort.

	<ul style="list-style-type: none"> • The Department recognises that sensitive land uses are in locations likely to experience elevated NO₂, or are at risk of exceedances, based on the limited assessment undertaken by the Proponent. • The Department considers that the modelled NO₂ levels and supporting evidence justify a precautionary approach to recommended conditions of approval. <p>Recommended conditions/response</p> <ul style="list-style-type: none"> • Construction air quality impact to be managed through the Proponent's environmental management system, conditions of approval, and an Environment Protection Licence. • Idling of locomotives within 150 metres of sensitive land uses may only occur where additional modelling informed by modelling of existing operational air quality has been completed. That modelling must demonstrate impacts to sensitive land uses do not exceed Ambient Air Quality NEPM. • Preparation of an operational air quality report to document results of background monitoring and modelling completed, and, if required, a health impact assessment for all locations where exceedances are predicted, and mitigation measures to avoid, minimise, and manage impacts including during unplanned events such as mechanical breakdowns. • Ongoing monitoring for all locations where modelling indicates that they would comply with the Ambient Air Quality NEPM criteria, to confirm the modelled impacts for up to 10 years unless agreed to by the Planning Secretary.
<p>Urban design, visual and landscape, and heritage</p> <ul style="list-style-type: none"> • Proposal does not adequately address urban and landscape requirements • Lack of appropriate mitigation strategies to address impacts • Impacts to heritage properties at station precincts • Objection to noise barriers in Junee 	<ul style="list-style-type: none"> • Both construction and operation would impact landscape and views, including light spill onto private property due to construction lighting, and train headlights and permanent lighting from train operation. • Newly elevated bridge structures (e.g., Edmondson Street bridge in Wagga Wagga, Wagga Wagga Railway Station, Cassidy Parade, Albury Station, and Kemp Street bridge in Junee), noise barriers, and more frequent, taller trains would obstruct the visual amenity and views of heritage significant elements and become visually dominant against backgrounds and landscapes of proposal areas. <p>Recommended conditions/response</p> <ul style="list-style-type: none"> • The State Design Review Panel (SDRP) review and ensure the design is consistent with approved design objectives and principles, and minimises impacts to the surrounding context, local character, heritage, and nearby sensitive receivers and residents. • Consultation with the community and council on proposed noise mitigation measures, to ensure community views are considered in determining appropriate noise mitigation measures.
<p>Flooding and hydrology</p> <p>Concerns regarding drainage, the design of culverts, and concerns for changes in water flows around Pearson Street bridge works during construction and operation</p>	<ul style="list-style-type: none"> • The proposal would minimise localised flooding upstream of the railway corridor at the Pearson Street bridge enhancement site, with bunds on the south-eastern and north-eastern cutting of the rail corridor, designed in consultation with Wagga Wagga City Council. <p>Recommended conditions/response</p> <ul style="list-style-type: none"> • Updated flood modelling be completed in consultation with landowners, councils, and relevant agencies including TfNSW. • The updated modelling must incorporate improved survey of the rail line, drainage infrastructure, apply current hydrological procedures and culvert blockage allowances, and be used to confirm that the final design meets the quantitative design limits (QDLs) in a Flood Design Report, for the Planning Secretary's approval. • Non-compliances with the QDLs to be addressed in agreement with landowners and/or road authority.

<p>Land use and property</p> <ul style="list-style-type: none"> • Raised bridges allowing overlooking of adjacent properties • Proposal would devalue property • Request for dilapidation surveys for neighbouring buildings prior to construction 	<ul style="list-style-type: none"> • Amenity impacts would occur during construction and operation of the proposal. However, conditions require the State Design Review Panel (SDRP) to review and endorse designs that minimise impacts to the surrounding context, local character, heritage, and nearby sensitive receivers and residents. • Impact on property values is not a consideration under the Act, however environmental impacts that may affect property values have been considered throughout this assessment. <p>Recommended conditions</p> <ul style="list-style-type: none"> • Construction noise and vibration impact statements must be prepared for work that may exceed the vibration criteria at any receiver(s), with specific mitigation measures identified and implemented through consultation with the affected receivers. • The SDRP review and ensure the design is consistent with approved design objectives and principles, and minimises impacts to the surrounding context, local character, heritage, and nearby sensitive receivers and residents.
<p>Biodiversity impact to habitat along the alignment and specifically trees at Kemp Street Junee</p>	<ul style="list-style-type: none"> • The proposal would impact habitats and increase localised fragmentation. • The design has avoided direct impacts, where possible, through design refinement and using the existing rail alignment, to avoid areas of ecological constraint. <p>Recommended conditions</p> <ul style="list-style-type: none"> • A fauna connectivity strategy for Sloane's Froglet and the Squirrel Glider, that describes existing movement corridors and proposed connectivity structures to be implemented. • Additional surveys of Sloane's Froglet and a management plan consistent with Sloane's Froglet Stormwater Wetland Design Guidelines be implemented where Sloane's Froglet is identified. • Retirement of offsets to prioritise land-based offsets.
<p>Community consultation</p> <ul style="list-style-type: none"> • Lack of meaningful community consultation prior to EIS lodgement • Inadequate notice for community consultation events • Exhibition periods were too short to review the EIS 	<ul style="list-style-type: none"> • Both the EIS and PIR were advertised in The Australian, Junee Southern Cross, Albury Boarder Mail, Sydney Morning Herald, Daily Telegraph, and Wagga Daily Advertiser newspapers and publicly exhibited. • The EIS exhibition time was increased from the statutory requirement of 28 days to 43 days (17 August until 28 September 2022). • Proponent-led engagement with community members, councils, and affected receivers pre-EIS appeared relatively limited. • Following the EIS exhibition, the Department required the Proponent demonstrate engagement with the community and/or council(s) on issues and impacts of the proposal, by providing them with regular updates on meetings, workshops, and public notifications, including information regarding scheduled pre-construction/early works. <p>Recommended conditions</p> <ul style="list-style-type: none"> • Consultation with council, community members, landowners, and sensitive or affected receivers, including evidence of the undertaking, must be submitted to the Planning Secretary, and/or nominated environment representative in relation to community complaints or concerns with the proposal. • Requirements for consultation are part of the recommended conditions on all the key issues – see conditions relating to noise and vibration, traffic, air quality, flooding, biodiversity, and social impacts.