

2. General biophysical and cultural environment

This chapter provides a description of the proposal site, including a summary of its general biophysical and cultural (including community, land use and socio-economic) environment.

2.1 Regional setting

The proposal site is located in central west NSW. The central west region of NSW covers an area of over 63,000 square kilometres, which starts at the temperate, elevated central tablelands on the western side of the Blue Mountains, and extends almost 500 kilometres to the semi-arid central west plains.

The proposal site traverses two local government areas (LGAs), with the southern section of the proposal located in the Parkes LGA, and the northern section in the Narromine LGA (shown in Figure 2.1). The two LGAs are predominantly rural, with the main local industries based around agriculture (mainly wheat and wool) and mining.

Parkes is located at the southern end of the proposal site on the Newell Highway. The location of Parkes is close to the geographical centre of NSW, and is located about 785 kilometres south-west of Brisbane, 290 kilometres west of Sydney and 595 kilometres north-east of Melbourne. The main towns in the surrounding area are Forbes (located about 30 kilometres to the south-west of Parkes) and Orange (located about 87 kilometres to the east of Parkes).

Peak Hill is a small village within the Parkes LGA, located about half way along the proposal site. Narromine is located in the Narromine LGA about 100 kilometres north of Parkes, on the Macquarie River and the Mitchell Highway. Narromine is located about 35 kilometres west of Dubbo, which is an important regional service centre.

The regional context for the proposal site is shown in Figure 2.1.

2.2 Description of the proposal site

2.2.1 Definition

The proposal site is the area that would be directly impacted by construction of the proposal and includes the location of operational infrastructure. The majority of works associated with the proposal would be undertaken within the existing rail corridor for the Parkes to Narromine rail line (shown in Figure 2.2). The proposal site also includes the Parkes north west connection.

For the purposes of the EIS, the proposal site is generally considered to have a width of 30 metres, providing for a 15 metre buffer on each side of the alignment centreline. The proposal site is assumed to include all the required track infrastructure, cess drains, haul roads, culverts, level crossings, spoil mounds, and the Brolgan Road overbridge. The proposal site also includes the location of construction compounds (described in chapter 8).

The land requirement for the proposal will comprise the existing corridor with an average width of 30 metres, with some variation to accommodate particular infrastructure and to cater for local topography. The corridor will be of sufficient width to accommodate the infrastructure currently proposed for construction, as well as future expansion, including possible future requirement for 3,600 metre trains.

Proposal construction will be a single-track standard gauge railway, with crossing loops to accommodate double stacked freight trains up to 1,800 metres long. Components of the construction will include infrastructure to accommodate possible future augmentation and upgrades of the track, including a possible future requirement for 3,600 metre trains. Clearing of the corridor will occur to allow for construction and to maintain the safe operation of the railway.



Figure 2.1
Regional context

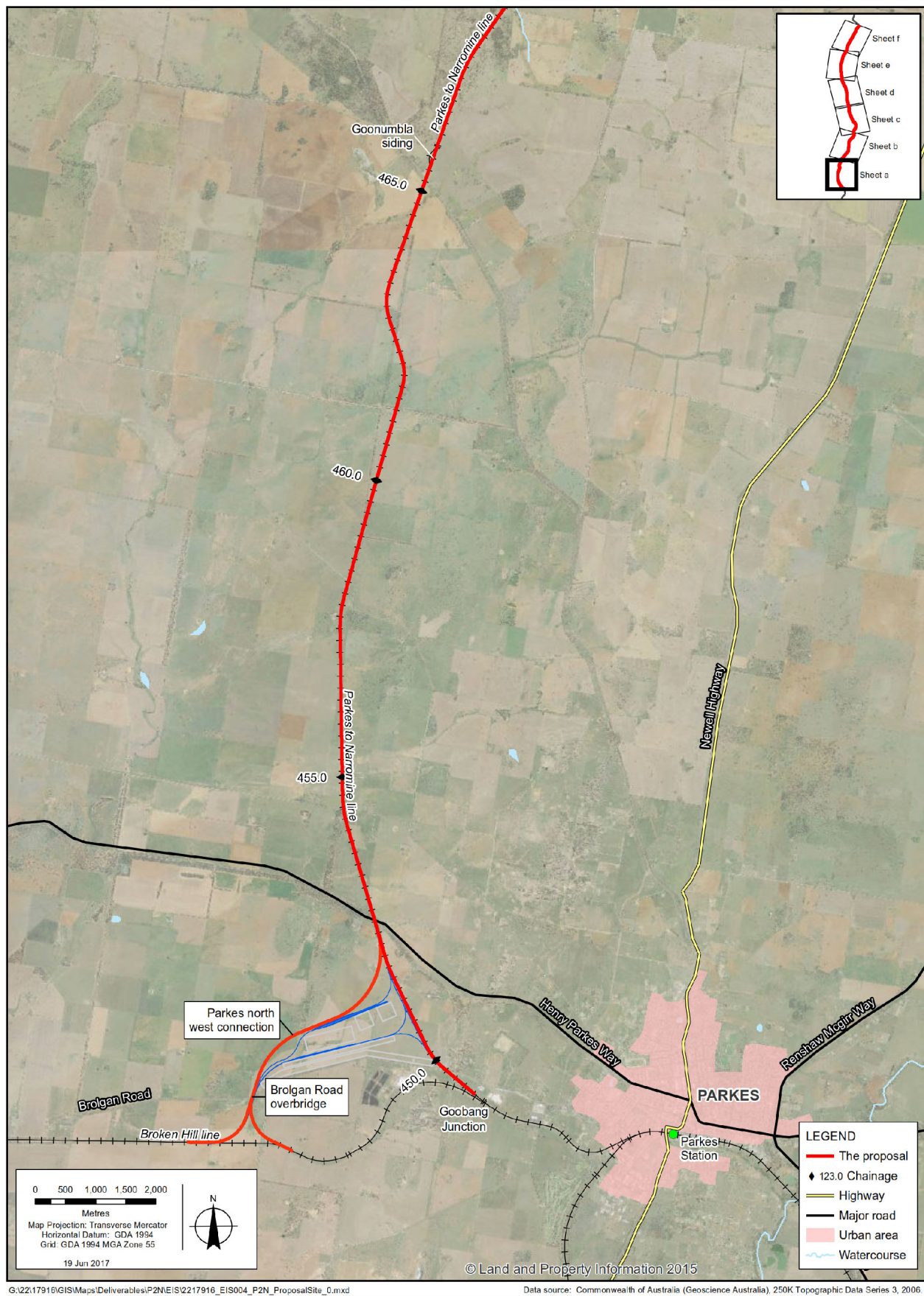


Figure 2.2a
Proposal site



Figure 2.2b
Proposal site

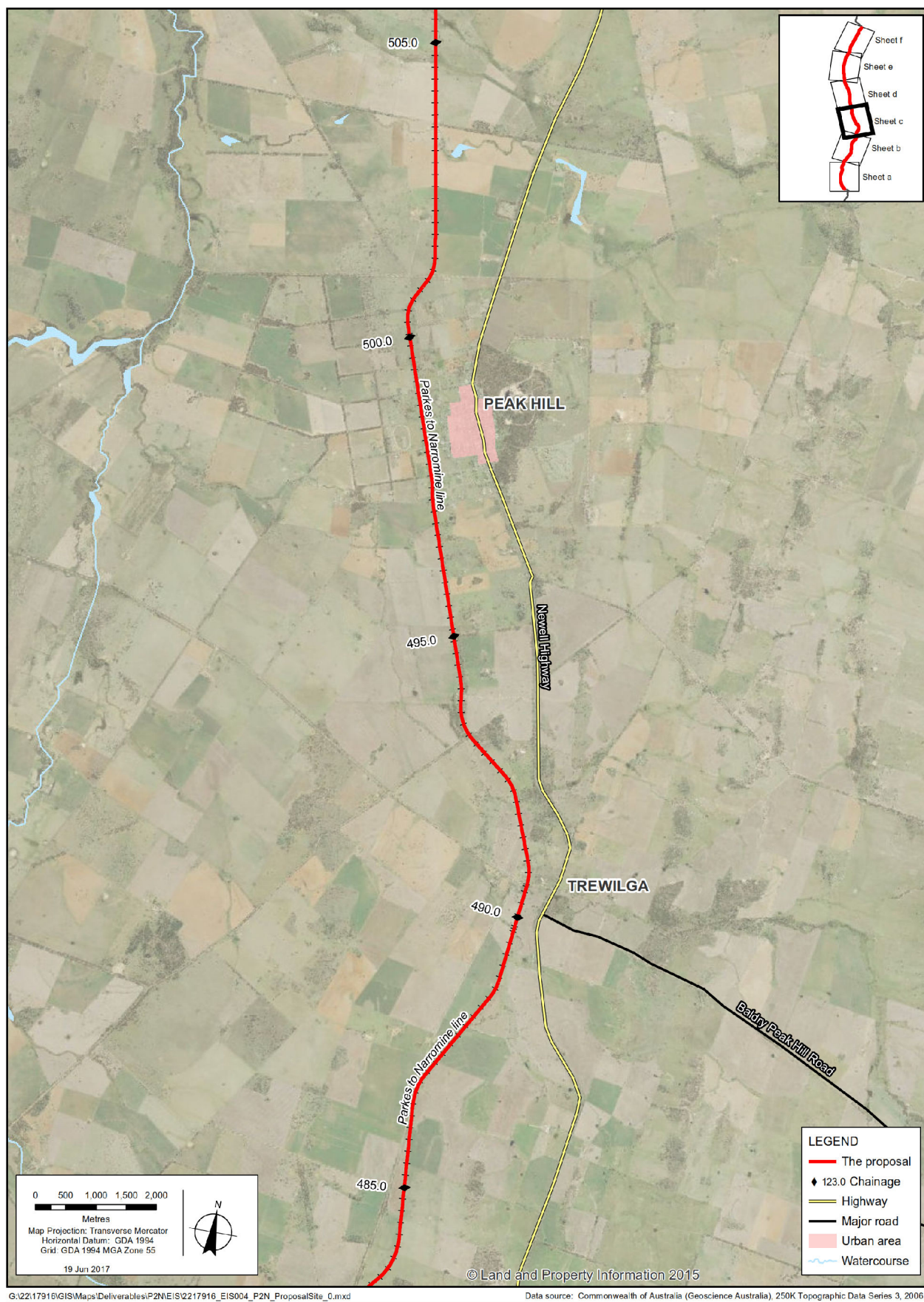


Figure 2.2c
Proposal site



Figure 2.2d
Proposal site



Figure 2.2e
Proposal site



Figure 2.2f
Proposal site

The operational phase at year 2040 will be of a single track with crossing loops to accommodate double stacked freight trains up to 1,800 metres long. Impact assessment will be undertaken for the proposed development described in the *Inland Rail 2015 – Melbourne to Brisbane Inland Rail, Attachment A: ARTC 2015 Inland Rail Programme Business Case* (ARTC, 2015) for rail traffic and associated activities projected at the year 2040.

The following additional assessment areas outside the proposal site have also been considered for the biodiversity and heritage assessments – an approximate 60 metre buffer around culverts; an approximate 120 metre buffer around level crossings, and some additional areas to provide flexibility for future planning and design work.

The need for works in these additional assessment areas would be determined during detailed design for the proposal. The design of works in these areas would take into account the findings of the biodiversity and heritage assessments.

2.2.2 Description

The southern end of the works within the existing rail corridor is located just to the west of Parkes near where Brolgan Road crosses the railway, about 3.5 kilometres from Parkes Station at Goobang Junction. Further information on the existing rail lines in the study area is provided in section 2.5.

The new section of rail line connecting Inland Rail with the existing Broken Hill Line via the existing Parkes to Narromine Line (the Parkes north west connection) is proposed at this location, to the west of the Parkes urban area. The proposal site for the Parkes north west connection commences to the south of Henry Parkes Way. It leaves the existing rail corridor for the Parkes to Narromine line to the west, and travels in a south-westerly direction.

The proposal site for the Parkes north west connection then travels to the north of the Parkes intermodal facility, and crosses Millers Lookout Road. It then travels to the south across Brolgan Road, where the Brolgan Road overbridge is proposed. The proposal site then splits into two to the south of Brolgan Road, with two turnouts proposed connecting to the Broken Hill line about seven kilometres west of Parkes station. The proposal site for the eastern turnout crosses Coopers Road.

From the northern end of the Parkes north west connection, the proposal site extends through rural lands along the existing rail corridor. It travels in a roughly north–south direction for a distance of 51 kilometres through the localities of Nanardine, Goonumbla and Trewilga (near the Newell Highway) to Peak Hill. The rail line passes through the western outskirts of Peak Hill to the west of the main residential area. It is located 980 metres west of the Newell Highway (which passes through the eastern side of the town).

From Peak Hill, the proposal site extends through rural lands along the existing rail corridor. It travels in a roughly north–south direction for a distance of 58 kilometres through the localities of Tomingley West and Wyanga to Narromine.

The existing rail corridor is located adjacent to (just to the east of) the road corridor for the Peak Hill Railway Road from Tomingley West for a distance of 28 kilometres. At about 12 kilometres south of Narromine, the existing rail corridor diverges from the road corridor. The existing rail corridor for the Parkes to Narromine line passes to the west of the main residential area of Narromine. It meets the corridor for the Main West Line just to the west of Narromine Station.

The northern end of the proposal site is located south of Narromine, just south of where Old Blackwater Road crosses the railway 500 metres west of the town, and 1.1 kilometres south-west of Narromine Station.

2.3 General biophysical environment of the proposal site

A summary of the biophysical characteristics of the proposal site is provided below.

2.3.1 Biodiversity

The majority of the study area has been heavily modified by past and ongoing disturbances associated with the active rail corridor and agricultural activities. Clearance and maintenance of the existing rail corridor has resulted in fragmentation, a high level of disturbance, and degradation of vegetation. No conservation areas, reserves, or large areas of native remnant vegetation are located within or close to the proposal site.

The majority of the proposal site consists of non-native vegetation or cleared land, with patches of native vegetation scattered within and around the proposal site. These patches generally comprise a woodland community, with the dominant canopy species including inland grey box, fuzzy box, yellow box, and weeping myall. Of the native vegetation present, a total of nine native plant community types were identified, with the most common community being Western Grey Box tall grassy woodland.

Four threatened ecological communities listed under the *Threatened Species Conservation Act 1995* (TSC Act), and three listed under the EPBC Act were identified, including the *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland community*, which is listed as critically endangered under the EPBC Act.

None of the threatened flora species listed under the TSC Act and/or the EPBC Act that are known to occur in the study area were recorded during field surveys, and the likelihood of threatened flora species occurring in or around the proposal site is low. Two threatened species was recorded during field surveys – the superb parrot (listed under both the TSC Act and the EPBC Act) and the grey-crowned babbler (listed under the TSC Act).

Further information on biodiversity is provided in chapter 10.

2.3.2 Soils

The proposal site is located within the Central Lachlan Fold Belt. Near surface materials include Tertiary to Quaternary aged red silty alluvium over folded and faulted Silurian and Ordovician aged sedimentary and minor metamorphic sequences, which outcrop intermittently along the proposal site (GHD, 2014).

Thick reactive brown and grey clay soils are predominantly associated with the near level terrain north of Peak Hill, while moderately thick red and brown sandy and silty clay soils are typically associated with the undulating terrain south of Peak Hill.

Further information on soils and contamination is provided in chapter 14.

2.3.3 Water

The majority of the proposal site is located within the Macquarie-Bogan River basin. A small portion of the southern end of the proposal site is located within the Lachlan River basin. At its closest point, the Macquarie River is about 900 metres north of the proposal site near Narromine.

The proposal site crosses a number of watercourses, all of which are ephemeral in nature. Most of the watercourses are in moderate to poor condition as a result of historical disturbances associated with agricultural practices. There is no existing water quality data for the watercourses crossing the proposal site. The *National Water Quality Assessment 2011* (SKM, 2011) classified the water quality of the Lachlan and Macquarie-Bogan river catchments as being relatively poor.

In general, the study area is characterised by relatively flat land. The existing rail corridor is subject to flooding, which in some locations overtops the rail track.

Further information on hydrology, flooding, and water quality is provided in chapters 15 and 16.

2.4 General cultural environment of the proposal site

A summary of the main cultural characteristics (including land use, heritage, and socio-economic) of the proposal site is provided below.

2.4.1 Land use and property

The majority of the proposal site is located within the existing rail corridor, land within which is used for transport (rail) purposes. Land surrounding the proposal site is used mainly for agriculture and grazing purposes, with large rural properties surrounding the majority of the proposal site. A number of grain storage and handling facilities are located in various locations adjacent to the proposal site. Other land uses include roads, residential (including houses on rural properties, and those in Peak Hill and the smaller villages), and the Parkes intermodal facility (also known as the Parkes National Logistics Hub).

The existing rail corridor is owned by the NSW Government (Transport for NSW) and leased to ARTC. Existing rail facilities and operations are described in section 2.5.

Further information on land use and property is provided in chapter 20.

2.4.2 Heritage

Aboriginal heritage

The proposal site extends over the country of the Wiradjuri people and the Wongaibon people. The earliest historical records relating to Aboriginal people in the study area date from 1817.

Within the existing rail corridor, the construction and maintenance of the existing rail line is likely to have resulted in the removal/relocation of archaeological evidence that may once have been present. No areas of moderate or high archaeological potential were identified within the proposal site.

Artefacts associated with two listed Aboriginal sites were identified within the proposal site during field surveys. Two listed sites (consisting of a scarred tree and an artefact scatter) were identified adjacent to the proposal site.

Further information on Aboriginal heritage is provided in chapter 17.

Non-Aboriginal heritage

The region in which the study area is located was first explored between 1815 and 1817. The first squatter in the Parkes area established a station on Goobang Creek in 1835. The Parkes to Narromine Line opened in 1910 as a 'pioneer line' (rail lines constructed to a lesser standard than main rail lines, providing access to mainly agricultural areas).

No heritage listed items are located within the proposal site. The nearest listed item to the proposal site is the Peak Hill Police Station and Official Residence (NSW Police Force's section 170 register) located about 750 metres to east of the proposal site in Peak Hill.

The heritage assessment noted a number of potential heritage items within the study area. An assessment of significance was undertaken of the potential heritage items along the proposal site. The assessment concluded, for items not currently subject to a heritage listing, that the existing rail line is considered to be generally of local significance, and Wyandra cottage (located between the rail line and Peak Hill Railway Road) is considered to be of local significance.

Further information on non-Aboriginal heritage is provided in chapter 18.

2.4.3 Socio-economic

The community surrounding the proposal site is concentrated in the three main towns described below, with scattered residences in the smaller localities and on rural properties.

Parkes

At the 2011 census, Parkes had a population of 10,026 people. Parkes has a number of freight industries and service providers as a result of its central NSW location, and its position on a major highway and the existing rail corridor. The Newell Highway, a major arterial road linking Melbourne and Brisbane, runs through Parkes at about the highway's midway point.

The major industries in the Parkes area include mining, agriculture, transport, and warehousing. The Parkes intermodal facility is a 517 hectare site located on the western fringe of the town, about five kilometres from the town centre. The facility is intended to operate as a multi-modal transport facility, 24 hours a day, seven days per week, taking advantage of its location on the Newell Highway and the existing rail corridor. Transport companies with significant landholdings and operations on this site include SCT Logistics, Asciano, and Linfox. FCL Interstate Transport Services Pty Ltd runs a significant intermodal operation at Goobang Junction on Parkes' western outskirts.

The Parkes Observatory, run by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) as part of the Australia Telescope National Facility network of radio telescopes, is located about 20 kilometres north of the town. The Northparkes gold and copper mine is located about 27 kilometres north-west of the town.

Peak Hill

Peak Hill is a small town located along the proposal site. At the 2011 census, Peak Hill had a population of 755 people. Peak Hill offers a number of tourist attractions, including the former Peak Hill Open Cut Gold Mine situated about 1.5 kilometres east of the proposal site. Peak Hill is located in a major sheep producing area.

Narromine

Located at the northern end of the proposal site, Narromine is a medium sized rural service town, with a population of 3,789 people at the 2011 census. Narromine's major industries include citrus farming and agriculture, along with grain crops, livestock, wool and cotton. A major rural industrial facility is located about three kilometres south-west of the town centre, adjacent to the proposal site. This includes a grain handling and distribution centre (operated by Agrigrain) and the Pioneer Hi-Bred Australia seed production facility.

Further information is provided in chapter 21.

2.5 Existing rail facilities and operations

2.5.1 Rail infrastructure

The first steam railway between Sydney and Parramatta opened in 1855. However, providing a rail connection between Sydney and western NSW was delayed by the engineering challenges associated with crossing the Blue Mountains. Rail connections to Bathurst and Orange were opened in the 1870s. The extension of the Main Western line to Molong served as the railhead for Parkes and the western districts until the 1890s.

From 1910 to 1930, a large number of branch railway lines were constructed through western and north-western NSW to provide access to the wheat and wool growing areas. The development of the railway through these regions enabled the bulk transportation of agricultural products, and was a major factor in encouraging agricultural expansion as it reduced or eliminated the long and costly haul by slow horse transport to distant rail heads.

Peak Hill was linked to Narromine in 1910, and a southern connection to Goobang Junction near Parkes was provided in 1914.

Main lines

Parkes Station was opened in 1893. Parkes is located on the Broken Hill line, which forms part of the transcontinental railway from Sydney to Perth. The Broken Hill line extends from the Main Western line at Orange, and travels to Broken Hill via Parkes. At Broken Hill, the line continues into South Australia towards Adelaide as the Crystal Brook to Broken Hill line. The Broken Hill line provides an important link for east-west rail operations in Australia. It carries trans-continental freight and is used by the Indian Pacific passenger train, and a weekly passenger train.

The Main Western line passes through Narromine to the north of the study area. The Main Western line travels between Sydney Central and Bourke via the Blue Mountains, Bathurst, Orange and Dubbo. Narromine Station, which opened in 1882, is now closed to passenger services.

Branch lines

Peak Hill is located on the Parkes to Narromine line. The Parkes to Narromine line, which connects to the Broken Hill line at Goobang Junction (about 3.5 kilometres west of Parkes Station), was closed to passenger services in the early 1970s.

The Stockinbingal to Parkes line (also known as the Forbes line) opened between Parkes and Forbes in 1893, and Forbes and Stockinbingal in 1918. Rail services, consisting of a mail train and a rail-motor service, operated between Parkes and Forbes until 1983. No regular passenger services use the line, although passenger services on the Main Western line occasionally divert onto the Stockinbingal to Parkes line when track work closes the main line.

Stockinbingal to Parkes and the Parkes to Narromine lines form a cross country route between Cootamundra on the Main South line, and Werris Creek on the Main North line.

Figure 2.3 provides a schematic drawing of the rail network in the study area.

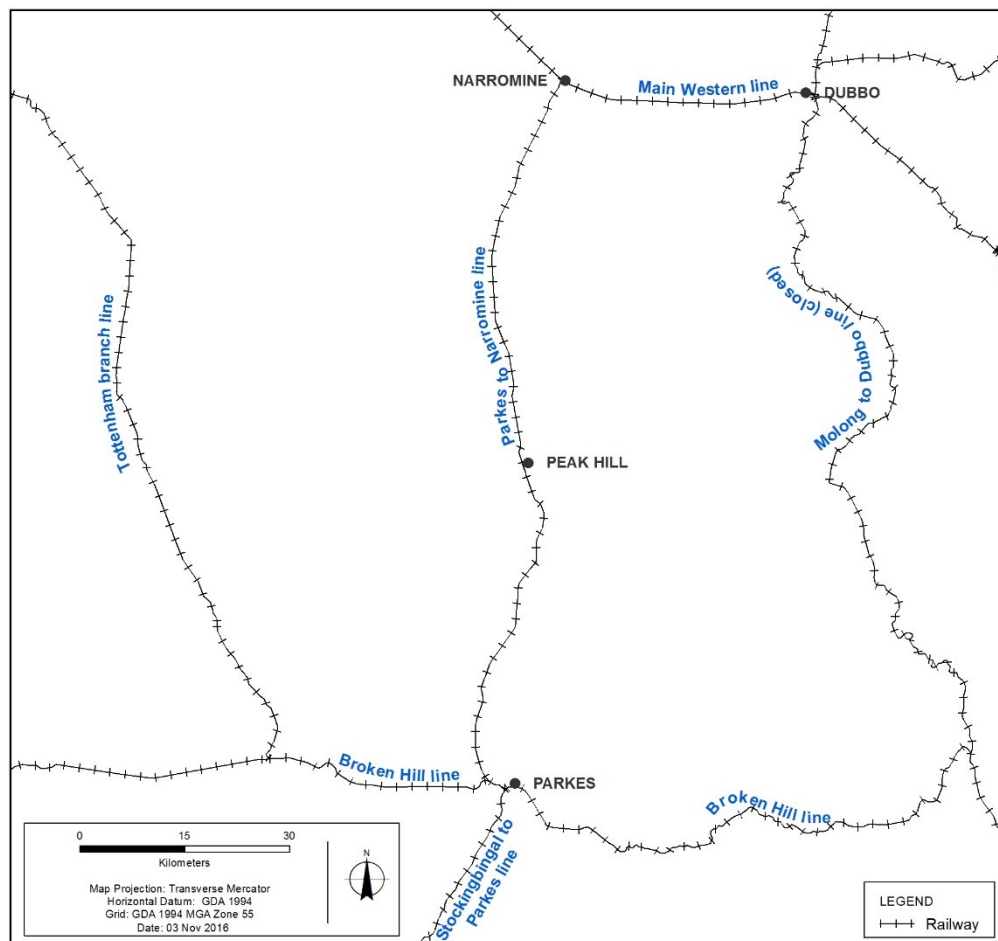


Figure 2.3 Existing rail lines in the study area

Track characteristics

The existing track is a mixture of track weights (47 and 53 kilograms per metre). Originally, the track was constructed for light traffic on the existing sub-grade materials. Over time, the track has been re-ballasted and maintained, however no significant improvements have been made to the track formation.

Sections of track pass through low lying flood prone areas, and wash-aways have occurred in the past after heavy rain events. The maintenance access track along the existing rail corridor is not continuous and can be impassable by two-wheel drive vehicles after wet weather.

The track was built with minimal preparatory earthworks, with a number of 1:100 grades in short sections between Peak Hill and Parkes. In some locations, the original timber sleepers have been replaced with steel, new ballast has been laid, and damaged culverts replaced.

About 16 sidings are located between Parkes and Narromine to provide access to and from the main line for private operations. These include the Goonumbla siding, where ore from the Northparkes mine is transferred from truck to train and transported by rail to Port Kembla; and the Narwonah grain siding near Narromine, next to the Grain Flow facility.

2.5.2 Rail operations

Passenger services

The Indian Pacific, run by Great Southern Rail, travels between Sydney and Perth via Adelaide. Trains stop at Parkes four times a week – bound for Sydney on Tuesdays and Fridays, and bound for Perth on Saturdays and Wednesdays.

The Broken Hill Outback Explorer, run by NSW Train Link, travels between Sydney and Broken Hill via Orange and Parkes. Trains stop at Parkes twice a week – bound for Broken Hill on Mondays, and Sydney on Tuesdays.

Freight services

The Parkes to Narromine line is used by grain trains at an average rate of three to four trains per day (both directions), with up to 10 trains on a peak day. Annually, these trains carry about two million tonnes of grain per year. Trains carrying ore produced by the Northparkes mine also travel along the line from the Goonumbla rail siding bound for Port Kembla at an average rate of one train per day.

Trains using the line have a maximum length of 1,800 metres.

Train speeds are limited to a maximum of 90 to 100 kilometres per hour, with local speed restrictions due to limitations associated with the existing track.

Maintenance

Maintenance works and other minor works along the Parkes to Narromine line are undertaken by ARTC in accordance with existing ARTC procedures and processes, and relevant State legislative requirements.

3. Statutory context

This chapter provides a review of the legislation and environmental planning instruments that are relevant to the environmental assessment and approval of the proposal. The permissibility and approval pathway is summarised, and other planning instruments and legislation that are relevant to the assessment and approval of the proposal are considered.

3.1 Overview of the approval pathway

The proposal would be permitted without consent in accordance with *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP), and is subject to assessment under Part 5 of the EP&A Act. The capital investment value of the proposal is estimated to be over \$50 million, and as a result, the proposal is State significant infrastructure under *State Environmental Planning Policy (State and Regional Development) 2011*. The proposal is therefore subject to approval under Part 5.1 of the EP&A Act. Approval requirements under the EP&A Act are described in section 3.2.

Other approvals and permits are also required, including approval as a controlled action under the EPBC Act. The requirements under other legislation are described in sections 3.4 and 3.5.

3.2 Environmental Planning and Assessment Act 1979

The EP&A Act and the Regulation provide the framework for development assessment in NSW. The EP&A Act and the Regulation include provisions to ensure that the potential environmental impacts of a development are considered in the decision making process prior to proceeding to construction.

The key requirements of the EP&A Act in relation to the assessment and approval of the proposal are considered below.

3.2.1 Application of Part 5 of the EP&A Act

Part 5 of the EP&A Act defines the assessment process for proposals that do not require development consent. In accordance with section 110(1), ARTC would be the proponent and a determining authority for the proposal.

Section 111 imposes a duty on a determining authority to ‘*examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity*’.

Section 112(1) provides that ‘a determining authority shall not carry out an activity, or grant an approval in relation to an activity *that is likely to significantly affect the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats, unless (a) the determining authority has obtained or been furnished with and has examined and considered an environmental impact statement in respect of the activity*’.

In accordance with the requirements of section 112, ARTC considers that the proposal has the potential to significantly affect the environment. As a result, an EIS is required.

3.2.2 State significant infrastructure and the application of Part 5.1 of the EP&A Act

State significant infrastructure is development that is so declared under section 115U of the EP&A Act. Under section 115U(2), development may be declared to be State significant infrastructure by a State environmental planning policy. Section 115U(3) specifies that:

‘Development that may be so declared to be State significant infrastructure is development of the following kind that a State environmental planning policy permits to be carried out without development consent under Part 4:

(a) infrastructure,

(b) other development that (but for this Part and within the meaning of Part 5) would be an activity for which the proponent is also the determining authority and would, in the opinion of the proponent, require an environmental impact statement to be obtained under Part 5.’

The proposal is for infrastructure, and is for an activity for which the proponent is the determining authority and, in their opinion, requires an EIS (refer to section 3.2.1).

Clause 14 and Schedule 3 of *State Environmental Planning Policy (State and Regional Development) 2011* (the State and Regional Development SEPP) operate to make the proposal State significant infrastructure (refer to section 3.3.2). The proposal is therefore subject to Part 5.1 of the EP&A Act. Under section 115W of the EP&A Act, the approval of the Minister for Planning is required for State significant infrastructure. In accordance with section 115X (Application for approval of State significant infrastructure):

‘(1) The proponent may apply for the approval of the Minister under this Part to carry out State significant infrastructure.

(2) The application is to:

(a) Describe the infrastructure, and

(b) contain any other matter required by the Director-General.

(3) The application is to be lodged with the Director-General.’

This document provides the information required to support the proponent’s application for approval of the proposal. In accordance with the requirements of section 115X, it addresses the SEARs (refer to section 3.7.1).

Critical State significant infrastructure

Section 115V of the EP&A Act provides for the declaration of critical State significant infrastructure.

Critical State significant infrastructure projects are high priority infrastructure projects that are essential to the State. Section 115V of the EP&A Act provides that any State significant infrastructure may also be declared to be critical State significant infrastructure, if it is ‘...of a category that, in the opinion of the Minister, is essential for the State for economic, environmental or social reasons.’

As critical State significant infrastructure the proposal would be permissible without consent under clause 16(a) of the State and Regional Development SEPP. The proposal remains subject to assessment under Part 5.1 of the Environmental Planning and Assessment Act 1979 and requires the approval of the Minister for Planning.

3.2.3 Land owner’s consent/notification requirements

Clause 193 of the Regulation provides owner’s consent and notification requirements for State significant infrastructure projects. Clause 193(1) specifies that:

‘The consent of the owner of the land on which State significant infrastructure is to be carried out is required for an infrastructure application or modification request unless the application or request relates to any of the following:

(a) State significant infrastructure proposed to be carried out by a proponent that is a public authority,

(b) critical State significant infrastructure.

(c) State significant infrastructure comprising any one or more of the following:

(i) Linear transport infrastructure,

(ii) Utility infrastructure,

(iii) Infrastructure on land with multiple owners designated by the Secretary for the purposes of this clause by notice in writing to the person making the application or request.’

As the application for the proposal is being made by a public authority and is for linear transport infrastructure, the consent of individual land owners will not be required to make the application. However, the proponent needs to give notice of the application in accordance with the requirements of clause 193(4).

This clause requires:

‘(4) Notification if consent not required

If the consent of the owner of the land is not required for an infrastructure application or modification request under this clause, the proponent is required to give notice of the application or request:

(a) by written notice to the owner of the land before, or no later than 14 days after, the application or request is made, or

(b) by advertisement published in a newspaper circulating in the area in which the infrastructure is to be carried out:

(i) in the case of an infrastructure application—at least 14 days before the environmental impact statement that relates to the infrastructure is placed on public exhibition, or

(ii) in the case of a modification request—no later than 14 days after the request is made.

3.2.4 Environmental Planning and Assessment Regulation 2000

Clauses 6 and 7 of Schedule 2 of the Regulation set out requirements for the form and content of an EIS. These requirements are included in Appendix C.

In addition, clause 193A specifies that:

‘For the purposes of section 115ZM (e) of the Act, a proponent must, when preparing an environmental impact statement for State significant infrastructure on land less than 200 kilometres from the Siding Spring Observatory, take into consideration the Dark Sky Planning Guideline.’

At the northern end, the proposal site is located within 200 kilometres of the Siding Spring Observatory. Consideration has been given to the *Dark Sky Planning Guideline* (Department of Planning and Environment, 2016). Further information is provided in chapter 19.

3.3 NSW environmental planning instruments

The environmental planning instruments relevant to the assessment and approval of the proposal are described below.

3.3.1 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP clarifies the consent arrangements for infrastructure projects. According to clause 8(1) *‘if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this policy, this policy prevails to the extent of the inconsistency’*.

The proposal meets the definition of rail infrastructure facilities, which are defined by clause 78 of the Infrastructure SEPP as *‘railway tracks, associated track structures, rail freight terminals, sidings and freight intermodal facilities’*.

Clause 79(1) provides that development for the purpose of a railway, or for rail infrastructure facilities, may be carried out by or on behalf of a public authority without consent on any land. This clause also specifies the conditions whereby such development can be carried out without consent on land reserved under the *National Parks and Wildlife Act 1974*. As the proposal site is not reserved under the *National Parks and Wildlife Act 1974*, these conditions do not apply, and the proposal is permissible without consent.

3.3.2 State Environmental Planning Policy (State and Regional Development) 2011

Sections 89C(2) and 115U(2) of the EP&A Act provide that a SEPP may declare any development, or any class or description of development, to be State significant infrastructure or State significant development. The State and Regional Development SEPP provides definitions of State significant infrastructure and State significant development. The proposal does not meet the definitions of State significant development.

Clause 14 of the State and Regional Development SEPP provides that development is State significant infrastructure if it is wholly or partly permissible without development consent under Part 4 of the Act, by virtue of the operation of a SEPP, and it meets the definitions provided in Schedule 3 to the State and Regional Development SEPP.

As noted above, the Infrastructure SEPP provides that the proposal is permissible without consent. Schedule 3 (item 3) of the State and Regional Development SEPP includes the following definition of 'rail infrastructure' - '*Development for the purpose of rail infrastructure by or on behalf of the Australian Rail Track Corporation that has a capital investment value of more than \$50 million.*' The capital investment value of the proposal is over \$50 million. As the proposal meets the requirements of clause 14 it is defined as State significant infrastructure.

3.3.3 Other environmental planning instruments

Section 115ZF(2) of the EP&A Act provides that environmental planning instruments do not apply to or in respect of State significant infrastructure, except where they apply to the declaration of infrastructure as State significant infrastructure.

3.4 Other NSW legislative requirements

3.4.1 Approvals not required

The following approvals are not required for approved State significant infrastructure (in accordance with section 115ZG of the EP&A Act):

- ▶ a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*
- ▶ an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
- ▶ an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*
- ▶ an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act repealed by that Act) to clear native vegetation or State protected land
- ▶ a water use approval under section 89, a water management work approval under section 90, or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*
- ▶ Division 8 of Part 6 of the *Heritage Act 1977* (relating to making heritage orders) does not apply to prevent or interfere with the carrying out of approved State significant infrastructure.

3.4.2 Approvals to be applied consistently

The following approvals cannot be refused if necessary for the carrying out of approved State significant infrastructure (in accordance with section 115ZH of the EP&A Act):

- ▶ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997*
- ▶ consent under section 138 of the *Roads Act 1993*.

The approval requirements of these Acts as they relate to the proposal are summarised below.

3.4.3 Consideration of requirements under other NSW Acts

Other NSW environmental planning legislation that are directly relevant to the approval and assessment of the proposal are considered below.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) establishes, amongst other things, the procedures for issuing licences for environmental protection on aspects such as waste, air, water and noise pollution control. Environment protection licences are generally required for scheduled activities or scheduled development work.

The definitions of scheduled activities provided in Schedule 1 include:

'33 Railway systems activities

1. This clause applies to railway systems activities, meaning:

- a) The installation, on site repair, on-site maintenance or on site upgrading of track. Including the construction or significant alteration of any ancillary works.*
- b) The operation of rolling stock on track.'*

The proposal meets this definition and would therefore require an environment protection licence (EPL).

An EPL would be obtained for construction of the proposal. In relation to operation, ARTC currently holds a licence to carry out railway systems activities on certain parts of the NSW rail network (licence number EPL3142). It may be appropriate to either amend this licence to include the operation of the proposal or to obtain a new licence. This would be considered in consultation with the Environment Protection Authority (EPA).

Roads Act 1993

Under Section 138 of the *Roads Act 1993*, approval from the relevant roads authority is required to impact, or carry out work on or over, a public road. Clause 5(1) of Schedule 2 to the Roads Act exempts public authorities from this requirement, except in relation to works on or over classified and Crown roads. No works to these types of roads would be required as part of the proposal. As a result, approval under section 138 of the Roads Act is not required.

Water Management Act 2000 and Water Act 1912

The *Water Management Act 2000* and *Water Act 1912* control the extraction of water, the use of water, the construction of works such as dams and weirs and the carrying out of activities in or near water sources in NSW. The provisions of the Water Management Act are being progressively implemented to replace the Water Act. Since 1 July 2004 the new licensing and approvals system has generally been in effect in those areas of NSW covered by operational water sharing plans.

Temporary dewatering and construction activities that interfere with aquifers are generally identified as aquifer interference activities in accordance with the Water Management Act and the *NSW Aquifer Interference Policy* (DPI, 2012). However, the aquifer interference approval provisions of the Water Management Act have not commenced, and licensing of these activities is carried out under Part 5 of the Water Act. A licence under Part 5 is required for any dewatering activity that would require the extraction of more than three mega litres of groundwater per year. Excavation would be undertaken as part of the proposal. Although groundwater may be intercepted, it is unlikely that any dewatering would exceed three mega litres of groundwater per year.

Extraction of groundwater is proposed as part of the requirements for water during construction (described in chapter 8). A licence would be sought under Part 5 of the Water Act if extraction of more than three mega litres of groundwater per year is required to construct the proposal.

Crown Lands Act 1989

The *Crown Lands Act 1989* sets out how Crown land is to be managed. In particular, in relation to actions affecting Crown land:

- ▶ All actions are to be consistent with the 'principles of Crown land management'.
- ▶ An assessment must be carried out prior to any dealings in Crown land (such as a lease).
- ▶ Specific use of Crown land generally needs to be authorised by a lease, licence or other permit.

In summary, the principles of Crown land management are that, as appropriate:

- ▶ environmental protection principles be observed
- ▶ natural resources be conserved wherever possible
- ▶ public use and enjoyment, and multiple use be encouraged
- ▶ the land and its resources be sustained in perpetuity
- ▶ it be occupied, sold, or otherwise dealt with consistent with these principles.

An authorisation under the Crown Lands Act to allow occupation of Crown land must be obtained. The potential impacts of the proposal on land use, including Crown land, are considered in chapter 20.

Transport Administration Act 1988

The *Transport Administration Act 1998* provides for the administration and management of transport infrastructure and transport agencies in NSW. Under section 99B of the Transport Administration Act, a rail infrastructure owner may close any level crossing provided that, prior to closing the crossing, it notifies Roads and Maritime and the local council, and receives Ministerial approval.

Transport for NSW reviews all applications for level crossing closures before they are submitted to the Minister for Transport, to ensure that the relevant issues have been considered, and adequate consultation has been undertaken.

As described in chapter 7, the proposal includes changes to a number of level crossings. ARTC is undertaking, and will continue to undertake, necessary consultation to confirm the changes required. Approval for closures, if required, would be obtained in accordance with the requirements of the Transport Administration Act.

3.5 Commonwealth requirements

3.5.1 Environment Protection and Biodiversity Conservation Act 1999

Under the EPBC Act, proposed ‘actions’ that have the potential to significantly impact on matters of national environmental significance, the environment of Commonwealth land, or that are being carried out by an Australian Government agency, must be referred to the Australian Minister for the Environment and Energy for assessment. If the Minister determines that a referred project is a ‘controlled action’ under the EPBC Act, the approval of the Minister would be required.

An EPBC Act protected matters search was undertaken on 7 September 2015 for an area within a 10 kilometre radius of the proposal site. The results of the search indicated that the proposal has the potential to impact on two protected matters:

- ▶ threatened ecological communities – three EPBC Act listed threatened ecological communities have the potential to be impacted
- ▶ threatened species – four EPBC Act listed fauna species and one flora species have the potential to be impacted.

As a result of the potential for impacts on protected matters, the proposal was referred to the (then) Australian Minister for the Environment on 22 June 2016. On 11 October 2016, the Australian Government Department of the Environment and Energy notified that the proposal is a controlled action, with the controlling provision being ‘listed threatened species and communities’ (under section 18 of the EPBC Act) (referral reference 2016/7731).

As part of the overall approval process for the proposal, the proposal will be assessed by the NSW Department of Planning and Environment in accordance with the *Bilateral agreement made (between New South Wales and the Commonwealth) under section 45 of the EPBC Act relating to environmental assessment*. The assessment requirements are defined by the SEARs (provided in Appendix A). Following this assessment, the Australian Minister for the Environment and Energy will make a separate decision whether or not to approve the proposal under the EPBC Act.

Further information on potential biodiversity impacts, including the assessment of the potential impacts on EPBC Act listed threatened species and communities, is provided in chapter 10.

3.6 Summary of approval and notification requirements

In summary:

- ▶ The proposal is permissible without consent under the Infrastructure SEPP. The proposal is State significant infrastructure, and it requires approval from the Minister for Planning under Part 5.1 of the EP&A Act.
- ▶ An EPL under the POEO Act is required for the construction and operation of the proposal.
- ▶ Landowners need to be notified in accordance with clause 193(4) of the Regulation.
- ▶ Approval to close level crossings may be required under s99B of Transport Administration Act.
- ▶ A licence would be sought under Part 5 of the Water Act if extraction of more than three mega litres of groundwater per year is required to construct the proposal.
- ▶ The proposal is a controlled action under the EPBC Act and requires approval under the EPBC Act from the Australian Minister for the Environment and Energy.

3.7 Summary of the assessment process

3.7.1 Environmental assessment requirements

Under section 115Y(1) of EP&A Act, *'When an application is made for the Minister's approval for State significant infrastructure, the Secretary is to prepare environmental assessment requirements in respect of the infrastructure'*. These identify the general requirements for the EIS, and the key issues to be assessed. The SEARs for the proposal were originally issued on 17 February 2016. Amended SEARs, which included the original SEARs with slight amendments, and additional assessment requirements for matters of national environmental significance under the EPBC Act, were issued on 8 November 2016.

The requirements outlined in the SEARs, together with where they are addressed by this EIS, are provided in Appendix A.

3.7.2 Public exhibition and submissions

If the EIS is considered to meet the SEARs, the Department of Planning and Environment would place the EIS on public exhibition for at least 30 days and invite submissions. The Department would provide ARTC with a copy of the submissions and ask ARTC to respond to the issues raised. ARTC may modify the proposal to minimise impacts on the environment if required and practicable. If the proposal is modified in response to the issues raised, a preferred infrastructure report would be prepared to describe the scope of the revised project. Otherwise, a submissions report would be prepared. The Department would then make the report public.

Further information on the proposed approach to consultation during the exhibition period is provided in chapter 4.

3.7.3 Assessment and approval

Following the exhibition period, the Department will, on behalf of the Minister for Planning, review the EIS and the submissions/preferred infrastructure report. The Department will prepare an assessment report, which is submitted to the Minister for Planning for determination. The Minister may refuse the project, or approve it with any conditions considered appropriate. The Minister's approval and the assessment report would be published on the Department of Planning and Environment's Major Projects website following determination. Approval under the EPBC Act from the Australian Minister for the Environment and Energy will be advised separately.

4. Consultation

This chapter summarises the community and stakeholder consultation undertaken prior to and during preparation of the EIS, and the consultation proposed to be undertaken during the design and delivery of the proposal. The key issues relevant to the EIS are summarised. Further information is provided in the consultation report, included in Appendix D.

4.1 Consultation approach, objectives and strategy

4.1.1 Overall approach and objectives

ARTC's values commit the organisation to active engagement with stakeholders and the community. For Inland Rail, effective communication and stakeholder engagement are fundamental to reducing risk, optimising the route alignment, and minimising social and environmental impacts. ARTC believes that identifying, engaging, and effectively communicating with stakeholders is critical to the successful delivery of Inland Rail.

ARTC's approach to consultation for Inland Rail aims to:

- ▶ build awareness, understanding, and support for Inland Rail among customers, stakeholders and the community
- ▶ harness a sense of ownership through advocates of Inland Rail
- ▶ create an active dialogue with customers, communities and other stakeholders
- ▶ identify and manage issues and opportunities
- ▶ achieve a design that minimises the potential for environmental and community impacts
- ▶ actively seek opportunities to create beneficial outcomes for stakeholders, while not compromising the scope and budget of Inland Rail (for example, improving local rail and road interfaces where it benefits Inland Rail and improves community safety and amenity).

4.1.2 Consultation plan

Stakeholder and community engagement for Inland Rail is an evolving process that commenced in 2010. In early 2015, ARTC developed the *Inland Rail Strategic Stakeholder and Engagement Plan*. The aim of the plan was to inform early engagement with local councils, including those within which the proposal site is located, ahead of the commencement of formal consultation and fieldwork.

ARTC's approach to stakeholder engagement during this early stage was to:

- ▶ provide an update to key stakeholders
- ▶ revisit issues raised by councils and other local stakeholders during early consultation
- ▶ discuss any issues identified during technical studies
- ▶ seek input regarding key local stakeholder groups to be engaged through future consultation
- ▶ identify new opportunities and issues associated with delivery of Inland Rail at a local level.

This approach was welcomed by the local councils, who were actively seeking information and urging early engagement.

Later in 2015, ARTC developed the *Communication and Engagement Plan – Parkes to Narromine* to guide engagement with the local community. As defined by the plan, consultation has been, and will continue to be undertaken, over five phases:

- ▶ development of the business case
- ▶ planning, design, and approvals (including preparation of the EIS)
- ▶ construction

- ▶ commissioning and handover
- ▶ operation.

The communication and engagement activities are tailored in the plan for each phase, and generally include:

- ▶ meetings and briefings
- ▶ workshops
- ▶ community information sessions
- ▶ phone, email and written correspondence
- ▶ project website
- ▶ distribution of information, including mail outs.

Consultation will continue on a regular basis as guided by this plan. A full list of the activities undertaken and proposed is provided in Appendix D.

4.1.3 Stakeholder Identification

A stakeholder is defined as a person, group, or organisation who has an interest in a project and/or is directly or indirectly impacted by the project. The key stakeholders for consultation in relation to the proposal include:

- ▶ elected members of the parliaments of NSW and Australia
- ▶ local councils
- ▶ government agencies
- ▶ landowners and residents with the potential to be directly or indirectly impacted by the proposal
- ▶ community and environment groups
- ▶ traditional owners
- ▶ representatives of neighbouring and related projects.

A full list of stakeholders is provided in Appendix D.

4.2 Consultation process and activities

4.2.1 Consultation during the EIS process

A summary of the activities and tools employed to provide information on the proposal is provided in Table 4.1.

Table 4.1 Consultation tools

Consultation and communication tool	Purpose	Timing
Community contact mechanisms: <ul style="list-style-type: none"> ▶ toll free community information line (1800 732 761) ▶ project email (inlandrailnsw@artc.com.au) ▶ Inland Rail website (https://inlandrail.artc.com.au/) 	<ul style="list-style-type: none"> ▶ Obtain feedback and measure awareness of the proposal ▶ Provide information and promote channels through which stakeholders can communicate their views, issues, and concerns 	Commenced in 2014 and ongoing

Consultation and communication tool	Purpose	Timing
Printed information – distributed to people on the mailing list and at communication sessions: <ul style="list-style-type: none"> ▶ fact sheets ▶ project information packs ▶ mail outs 	<ul style="list-style-type: none"> ▶ Raise awareness and understanding of the proposal ▶ Provided to stakeholders to increase understanding of the proposal ▶ Provide information on land access guidelines and procedures 	Commenced in 2014 and ongoing
Community information sessions	<ul style="list-style-type: none"> ▶ Provide information on the proposal to the local community ▶ Seek local input to inform the design process and EIS 	Held in Parkes and Narromine in May and November 2016
Workshops	<ul style="list-style-type: none"> ▶ Discuss the proposal and address specific questions and concerns in person ▶ Provide an opportunity for stakeholder input to inform the design process and EIS. 	Commenced in April 2015 and held on a regular basis
Landowner face to face meetings	<ul style="list-style-type: none"> ▶ Raise awareness of the proposal and the potential impacts on landowners ▶ Provide an opportunity for landowners to ask questions and have input into the design and EIS 	Commenced in March 2016 and ongoing
Stakeholder meetings and briefings	<ul style="list-style-type: none"> ▶ Opportunity to address specific questions and issues in person ▶ Provide an opportunity for stakeholder input to inform the design process and development of the EIS. 	Commenced in 2014 and ongoing
Submissions	<ul style="list-style-type: none"> ▶ Submissions from local councils and businesses have been invited to provide an opportunity for local knowledge and views to be shared with the proposal team 	Early 2015

Consultation and communication tool	Purpose	Timing
Local media: <ul style="list-style-type: none"> ▶ advertisements ▶ media releases 	<ul style="list-style-type: none"> ▶ Raise awareness and understanding ▶ Provide information and promote channels through which stakeholders can communicate their views, issues and concerns ▶ Celebrate project milestones publically 	Ongoing
Project database	<ul style="list-style-type: none"> ▶ Record all correspondence relating to the proposal, including feedback, concerns, and comments 	Established in 2014, ongoing

4.3 Results of consultation relevant to the EIS

A summary of the key issues raised during consultation relevant to the EIS, including the potential impacts to be considered and the information to be provided by the EIS, is provided in Table 4.2. More detailed information on the issues raised by individual stakeholders is provided in Appendix D.

Table 4.2 Summary of issues raised relating to the EIS

Issue category	Issues raised in relation to potential impacts to consider	Where addressed in the EIS
Traffic/access	▶ Impacts on private and public level crossings	Chapters 7 and 9
	▶ Impacts on heavy vehicle movements particularly during peak harvest times	Chapter 9
	▶ Safety impacts associated with proposal and motorists and heavy vehicle movements over the rail alignment	Chapters 9 and 25
Biodiversity	▶ Impact of weeds and management strategies to prevent spread to neighbouring agricultural properties	Chapter 10
Noise	▶ Impact of noise and vibration during operation	Chapters 11 and 12
Flooding	▶ Impact of flooding on construction and operation	Chapter 15
Heritage	▶ Impacts on culturally important locations to be assessed	Chapter 18
Socio-economic	<ul style="list-style-type: none"> ▶ Potential benefits of the Inland Rail project including increased opportunities for education, employment and vocational training; increased modal competition between road and rail; improved road safety and community amenity ▶ Amenity impacts to residential receivers near the proposal 	Chapter 21

Issue category	Issues raised in relation to potential impacts to consider	Where addressed in the EIS
Visual amenity	▶ Visual impacts during operation, and the need to consider mitigation strategies such as tree screening	Chapter 19
Land use/properties	▶ Process of property acquisition	Chapters 20 and 21
Bushfire	▶ Corridor maintenance to avoid bushfire and other damage	Chapter 25

4.3.1 Consultation undertaken as an input to the SEARs

A summary of issues raised by government agencies consulted by the Department of Planning and Environment during preparation of the SEARs is provided in Table A.3 in Appendix A, together with a reference to where they are addressed in the EIS.

4.4 Consultation during exhibition of the EIS

The EIS will be placed on public exhibition for a minimum of 30 days. During that time, the consultation tools implemented during preparation of the EIS will continue to be used, where relevant. Consultation tools used during this period will include:

- ▶ advertisements in the local media giving information regarding the proposal and display of the EIS
- ▶ issuing of newsletters to the community (Council newsletters, e-newsletter, other).

The EIS will be available for viewing at the following locations:

- ▶ Department of Industry, Skills and Regional Development, Level 48, MLC Centre, 19 Martin Place, Sydney
- ▶ EPA, Level 13, 10 Valentine Avenue, Parramatta
- ▶ Department of Planning and Environment Information Centre, 320 Pitt Street, Sydney
- ▶ Department of Planning and Environment, Western Region Office, Information Centre - Area 1, Level 1, 188 Macquarie Street, Dubbo
- ▶ Parkes Shire Council Administration Centre, 2 Cecile Street, Parkes
- ▶ Narromine Shire Council Administration Centre, 124 Dandaloo Street, Narromine
- ▶ Peak Hill Library, 98 Caswell Street, Peak Hill
- ▶ Nature Conservation Council of NSW, Level 14, 338 Pitt Street, Sydney.

The document can be viewed at the Department's website (www.majorprojects.planning.nsw.gov.au) and at a NSW Service Centre near you.

The EIS will also be made available for viewing on the Department of Planning and Environment and Inland Rail websites. The public will be able to review the EIS and send submissions to the Department of Planning and Environment for consideration.

Community information sessions and briefings will be held during the display to enable community members and representatives to ask questions and to provide feedback to ARTC project team members.

At the completion of the display period the Department of Planning and Environment will provide ARTC with a copy of all public and government submissions and a summary of issues raised. ARTC will deal with any submissions received in accordance with the Regulation. A submissions report will be prepared responding to the issues raised, and will be made available for viewing on the Department of Planning and Environment website. ARTC will continue to liaise directly with key stakeholders regarding the proposal's progress. If changes to the proposal need to be made, a preferred project report would be prepared.

While all submissions received will be posted on the Department of Planning and Environment website, if requested, the privacy of submitters will be protected by removing names from submissions.

4.5 Consultation during design and delivery of the proposal

4.5.1 Consultation and community feedback

Consultation with the community and key stakeholders would be ongoing in the lead up to, and during construction. The consultation activities would ensure that:

- ▶ the community and stakeholders have a high level of awareness of all processes and activities associated with the proposal
- ▶ accurate and accessible information is made available
- ▶ a timely response is given to issues and concerns raised by the community
- ▶ feedback from the community is encouraged
- ▶ opportunities for input are provided.

The 1800 phone number and proposal email address would continue to be available during construction, along with a 24-hour construction response line. Targeted consultation methods, such as letters, notifications, signage and face-to-face communications, would continue to occur. The Inland Rail website and social media platforms would also include updates on the progress of the proposal.

The following communication tools and activities used during the construction phase would include:

- ▶ development of a communication plan detailing a complaints handling process
- ▶ proposal email address
- ▶ 1800 phone number
- ▶ updates to the Inland Rail website
- ▶ targeted consultation and notifications such as letters, notifications, and face to face communication
- ▶ construction signage.

4.5.2 Complaints management

The construction contractor engaged to construct the proposal would be required to implement a complaints management procedure during construction of the proposal. This procedure would be defined within the Construction Environmental Management Plan (CEMP), which the contractor would be required to prepare and have approved by ARTC prior to construction commencing.

The complaints management procedure would include the following at a minimum:

- ▶ contact details for a 24-hour project response line and email address, for ongoing stakeholder contact throughout the proposal
- ▶ provision of accurate public information signs while work is in progress

- ▶ staging of works, developed in consultation with relevant stakeholder groups, to minimise disruption and impacts to community activities and functions
- ▶ management of complaints in accordance with ARTC's emergency management procedure, specifically:
 - details of all complaints received will be recorded
 - verbal and written responses will be provided within time limits.