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26 October 2022

The Hon. Anthony Roberts, MP
Minister for Planning
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Email: Submitted via the NSW planning portal

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Dear Minister Roberts

Letter of objection to the State significant infrastructure application SSI-9406 Inland Rail - Illabo to Stockinbingal

1. We act for NSW Farmers in relation to the Illabo to Stockinbingal Project part of the Inland Rail Project (**I2S Project**) which is the subject of State significant infrastructure application SSI-9406 (**I2S SSI**).
2. The Australian Rail Track Corporation Ltd (**ARTC**) is the proponent for the I2S Project.
3. The Environmental Impact Statement (**EIS**) for the I2S SSI was placed on exhibition on 14 September 2022. The EIS has been prepared in response to the Secretary's Environmental Assessment Requirements dated 30 April 2021 (**SEARs**).
4. As part of the preparation of this submission we had an opportunity to travel the 39km of the Greenfield I2S alignment between 10 October 2022 and 11 October 2022 and meet with 24 of the 26 landholders impacted by that section of the alignment.
5. The purpose of this letter is to outline our client's objections to the EIS for the I2S SSI, including on the basis that:
 - (a) concerns remain about the **flooding and hydrology** for parts of the Greenfield alignment;
 - (b) the impacts on **groundwater** and access to **potable water** to support the workforce accommodation camps and to support the production of concrete and dust suppression along the alignment;

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- (c) the need for **detailed designs** so that a proper assessment can be made of the impact of the line on properties;
 - (d) the **noise and vibration assessments** for both the construction and operation of the I2S Project are significantly flawed in that they fail to identify the actual impacts by reference to the existing conditions, they do not adequately consider the impacts on sleep disturbance, and they fail to commit to appropriate attenuation treatments to mitigate acoustic impacts at sensitive receiver locations;
 - (e) the refusal to meaningfully address **access, fragmentation and severance** issues and opportunities to avoid these impacts, thereby causing significant adverse impacts to existing farming operations and rendering some businesses unviable;
 - (f) the proponent's misguided approach to **compulsory acquisition** and the nature of the impacts that can be appropriately compensated and those that cannot; and
 - (g) the inadequacy of the proponent's proposed **fencing** standards which has practical implications in relation to the impacts of the proposal on existing land uses.
6. Each of these objections is made in more detail below.
7. This letter of objection is made on behalf of NSW Farmers members. In particular, this objection is made on behalf of those members listed in **Attachment A** who form part of a collective in relation to the I2S SSI.
8. At the outset, we wish to make clear that NSW Farmers do not object to the Inland Rail Project itself and would support a version of the I2S Project which appropriately avoided, mitigated and managed the impacts of the project and provided key benefits to the communities along the proposed alignment. However, NSW Farmers have serious concerns regarding the quality, accuracy and depth of the analysis which has been used as the basis of the EIS for the I2S SSI.
9. Until such time as the proponent provides a more thorough and detailed assessment, and has engaged with the issues raised in this objection, then NSW Farmers consider that it is only appropriate that you proceed by:
- (a) refusing consent to the I2S SSI; or
 - (b) requiring the ARTC to withdraw and substantially amend their application (with the amended application to be the subject of further public exhibition) before any determination is made.

Lack of transparency about route selection

10. A relatively small number of landholders still have concerns about the route selection of the current alignment and the NSW Farmers maintains that other alternatives including the more westerly alignment through Narrandera should have been considered. The difficulty remains that the current choice of the alignment is driven

largely by a multi-criteria analysis that prioritised transit time above other factors leading to the situation where invariably the shortest most direct route is the preferred alignment.

11. That approach combined with a failure to conduct a rigorous cost-benefit analysis meant that the impacts of the proposed alignment (both positive and negative) were never well understood before any decision was made to select the current concept alignment.
12. The area around the current alignment is generally used for mixed farming, including a combination of dryland cereal production and relatively high stocking rates for cattle and sheep. Given the type of agricultural production in the region and the service offering of the Inland Rail Project as a whole, there can be very few (if any) benefits of the current alignment for the landowners in the district.

Inadequate community participation

13. Community participation is a core component of any major project. The SEARs require that the project must be informed by consultation including industry groups and affected landholders. There has been a Community Consultative Committee (CCC) established for the I2S project since February 2019.
14. The feedback from the members of the collective is that community engagement generally and through the CCC has been poor. The meetings are an opportunity for ARTC representatives to talk through what they have been doing for the previous three months and to discuss what is planned for the next quarter.
15. Changes have been made to the design of the railway that have been presented to the CCC as a *fait accompli*. Questions about the impacts of the railway on properties and the details around design remain unanswered. As a consequence of this, many of the members of the CCC have changed since it was established as community members have become frustrated and walked away from the process. Of the community members that were part of the initial meeting of the CCC only David Carr and Geoffrey Larsen remain.
16. At the last recorded meeting of the CCC held in July 2022 there were no representatives of the community present but the meeting went ahead anyway. This is a clear demonstration of ARTC's failure to actively consult with the community and has therefore greatly affected their ability to understand the impacts of the I2S SSI.

Objection 1: Concerns about flooding and hydrology assessment for parts of the alignment

17. The study area for the I2S Project is within the catchments of the Lachlan River and Murrumbidgee River. The proposed alignment intersects six named watercourses in addition to a number of unnamed tributaries.¹
18. Given the relationship between the I2S Project and these significant existing rivers, watercourses and other tributaries, it is clear that flooding and hydrology impacts will

¹ Chapter 12 Hydrology and flooding, Part 12.1, Page 12-1.

need to be carefully considered and appropriately managed if the I2S Project (and in fact, the Inland Rail Project as a whole) is to succeed.

19. This is because not only do flooding and hydrology impacts have the potential to adversely affect landholders in the region, it also poses significant and costly risks to the rail infrastructure itself if the assessment and modelling has not been undertaken with the appropriate degree of care, skill and diligence.
20. The EIS states that at Powder Horn Creek that overtopping of the rail occurs for about 230m on the eastern side of the main channel with overtopping depths in the order of a maximum 0.1m. It further states that the proposal is a barrier to flood flow, with water levels up to 2m higher upstream of the proposal and that the nearest residential house will not be impacted².
21. While there may not be an impact on the house immediately downstream, if this barrier, being the railway line, gave way as a result of flooding then the residence would certainly be impacted.
22. It is also noted in the flooding and hydrology technical paper that Old Sydney Road will have no changes to flood immunity for the full range of flood events³. However, road users travelling from the east to the west via the proposed level crossing will need to be warned of potential flood waters on the western side of the level crossing as there is unlikely to be visibility of flood waters on the road until the vehicle is crossing the top of the rail. This is a serious safety concern which demonstrates that impacts that the I2S Project will have if there continues to be serious flooding events.
23. This is why it is imperative that you are satisfied that the impacts of the I2S Project on flooding and hydrology are acceptable.
24. Item 4 of the SEARs requires that:
 - (a) the project minimises changes to the existing flood regime's impacts on property, public safety and the environment resulting from alteration of the water flow characteristics of watercourses and overland flowpaths; and
 - (b) construction and operation of the project avoids or minimises the risk of, and adverse impacts from, infrastructure flooding, flooding hazards, or flooding induced by infrastructure failure.
25. While the concerns about hydrology and flooding in this section of the alignment are potentially not as significant as the other Greenfield sections of the alignment, landholders still have concerns about the design of the alignment on that section of the track that runs roughly parallel to Dudauman Road through to the Stockinbingal township. That part of the alignment needs to be ground-truthed before any decision to approve the I2S SSI can be made.

Objection 2: Impact on groundwater sources and access to potable water

26. Landholders still have considerable concerns about the impacts of the water required for the construction of the line, particularly the issue of where potable water

² Chapter 12 Hydrology and flooding, Part 12.5.1.3, Page 12-39.

³ Technical Paper 4 Hydrology and flooding impact assessment, Part 6.8.7, Page 58.

will be sourced from and where the water required for the construction of concrete and dust suppression will come from.

27. On this section of the alignment the available groundwater resources are inconsequential.
28. A number of landholders along the greenfield section of alignment have previously had requests to connect houses to the Goldenfields Water reticulated water network refused. That network services both the stock and domestic needs of the community.
29. The workforce accommodation camp to be located 2 km from Stockinbingal needs to accommodate up to 450 people during the peak period of construction.
30. The anticipated demand for water as part of the construction was estimated at 675 ML by Golder Associates in 2020.
31. The assumption in the assessment is that the camp will be connected to the reticulated water network with some water storage (if required) but the assessment entirely neglects any assessment of where that water will come from.
32. Similarly, we know from other parts of the project that a considerable amount of water will be required for concrete production and dust suppression.
33. As with the source of water for the workers accommodation any assessment or coherent plan for how this will be sourced is lacking in the EIS.

Objection 3: Need for detailed designs

34. The application is being advanced on the basis of a concept design. The idea being that impacts will continue to be minimised during the pre-construction phase and the development of the detailed design.
35. The difficulty of this approach is that without having access to detailed designs, particularly around elements relating to the design of crossings and of culverts, bridge abutments and levees, is it very difficult to comment specifically on how the Inland Rail will impact their properties.
36. While the ARTC's position is that these issues relate to residual impacts that can be resolved and managed through design refinements, for many of the landholder's concerned about the project these are the impacts and such matters must be addressed in the detailed design before any decision is made whether or not to approve the project. Absent that level of information the project in its current form is not capable of approval.

Objection 4: Noise and vibration

37. The landholders remain concerned about both the construction and operational noise and vibration impacts.
38. As the EIS identifies the existing noise environment is characteristic of a rural landscape. Most of the proposal site has little or no road traffic noise, sparse

settlement patterns, and generally being characterised by low background noise levels.

39. Burley Griffin Way, Olympic Highway and the existing rail lines are the main noise sources within the proposal site; however, traffic along these roads is typically sparse and does not significantly impact the background noise levels of the surrounding environment.
40. The particular concerns relate to the impacts of the construction and operation of the rail line on the residential receivers along the Greenfield section of the alignment and particularly the approach to the management of noise impacts associated with out-of-hours work.
41. Landholders are also concerned about the impacts of blasting during the construction of the alignment largely to remove rock in cuttings. As with other elements the impacts of blasting have been deferred to a further blast design and assessment during detailed design and pre-construction.

Objection 5: Traffic assessment remains inadequate

42. The central concern of the impacted landholders is the impact of the level crossings (both active and passive) on farming operations, particularly during the harvest.
43. The focus on the traffic impacts in the EIS is largely on the roads around the regional centres, around Wagga, Junee and Burley Griffin Way.
44. The EIS assumes a maximum expected delay of 131 seconds at each of the public crossings. The estimates around the anticipated delays at level crossings used as part of the EIS needs to be reassessed having regard to the actual train speeds and recorded delays provided by the Wagga Wagga City Council as part of its assessment into the impact of the Inland Rail Project through the town in the context of the Albury to Illabo section of the Project. There is also the additional delays associated with the traffic clearing after the train has passed. That typically takes between 10 and 15 minutes depending on the volume of traffic.
45. Where active level crossings are proposed or required the level crossing should have either booms or gates. Simply having lighting is insufficient.
46. There is a pressing need for an active crossing on the intersection with Old Sydney Road. The terrain at that location is gently undulating and during winter time fog appears in the hollows which can impact visibility. The alignment also comes into the Road at an acute angle. Drivers heading East on Old Sydney Road will need to look over their shoulder to see the train coming from the South.
47. Particular concerns were raised by the proposed design for a number of intersections along the alignment, these were:
 - (a) from chainage 3000 to chainage 5500 the line severs a property leaving a strip of land between the existing line and the Old Sydney Road isolated. The EIS does show a stock crossing (underpass) but there are no details. Access arrangements are needed including yards on either side of the line to allow stock to cross safely.

- (b) at chainage 5592 there is a need for an active crossing at the intersection of Old Sydney Road, and bitumen for 150m on either side of the line. The ARTC proposal of a passive level crossing and 50m of bitumen is not sufficient. The Junee Council who control the road are supportive of the change.
- (c) at chainage 6000 there is a stock crossing underpass shown on the overview, but design is not done so the landowners do not know if it will be effective.
- (d) at chainage 11250 there is an unformed Crown Road. ARTC are proposing to install an active level crossing and bitumen for 50 metres either side of the crossing. The Crown road still need to be formed up but it is unclear who is responsible.
- (e) at chainage 12500 there are two properties that have been sold to ARTC. There is a private crossing proposed at chainage 13500 but there is a question about whether that crossing will be removed now that ARTC own the land. That crossing should be maintained irrespective of who is the landholder.

Objection 6: Failure to address access, fragmentation and severance

- 48. Loss of access and the fragmentation and severance of properties remains a considerable concern to many, if not all, of the landowners along the proposed alignment.
- 49. The higher order road networks generally runs from west to east across the southern portion of the alignment. Once the alignment crosses Old Cootamundra Road it then generally follows the alignment of Dudauman Road. With the exception of two properties at the corner of Old Cootamundra Road and Dudauman Road the alignment cuts through each of the other farms.
- 50. The EIS downplays the impacts by focusing on the permanent land acquisition and the value of that land to be acquired when we know from acquisitions on other part of the alignment that the acquisition of land for the purpose of the railway has the potential to strip out between 10% and 40% of the value of properties largely because of the loss of value to the residual land as a consequence of the acquisition for the Project.
- 51. Private level crossings are being provided to access to houses but beyond this farmers are generally being forced to move their equipment onto the public road network to cross from one side of their property to another.
- 52. The proposed alignment directly affects 19 properties. The proposed alignment severely impacts farming operations along the alignment. Under the current proposal 75 private accesses and 58 existing farm tracks are reduced down to 9 public road crossings and 9 private crossings.
- 53. From speaking with the landowners along the I2S alignment, we understand that these concerns regarding access, fragmentation and severance principally relate to:

- (a) how properties, or parts of properties, are to be accessed where they become landlocked as a result of the I2S Project;
 - (b) how parts of properties are to be accessed and used where they are severed and sterilised by the proposed alignment;
 - (c) how access between paddocks and farms is to be maintained where existing access points will be impeded by the alignment (and its embankments);
 - (d) how and where the level crossings are proposed to be constructed and what are the proposed design parameters (will they accommodate the transport of machinery as well as livestock);
 - (e) the viability of paddocks for their existing land use as a consequence of interference or inconvenience caused by the alignment of the rail corridor;
 - (f) the extent to which any proposed access points will be serviceable during flood or heavy rain fall events; and
 - (g) how access to travelling stock reserves will be impacted by the I2S Project and the consequences of this on farming operations. This will not only affect farms along the line but also those farmers who own land near the line and use these roads to 'walk' their livestock from one farm to the other.
54. Despite landowners expressing these concerns for many years, the ARTC has made no real commitments in relation to how access, fragmentation and severance issues are to be resolved.
55. Rather, we have been told that the ARTC has simply been providing verbal assurances to landowners that access issues will be resolved at the detailed design phase. This approach of dealing with access post-approval is also reflected in the EIS which states that:
- The design would continue to be refined to minimise the proposal's land requirements and associated property impacts. Consultation with landholders would be ongoing to identify opportunities to minimise impacts on property operations and farm infrastructure, where reasonable practicable.*
56. We consider that this approach is unacceptable and contrary to Item 15 of the SEARs which requires the proponent to demonstrate that the project minimises impacts to property and businesses including through the maintenance of appropriate access to properties and the minimisation of displacement of existing land use activities, dwellings and infrastructure. Item 15 of the SEARs also requires the ARTC to address agricultural land use impacts including in relation to:
- (a) division or fragmentation of property and changes to property management which could lead to the loss of viability;
 - (b) property access and the efficient and safe crossing of the rail corridor by machinery and livestock;

- (c) connectivity of property infrastructure severed by the rail corridor; and
 - (d) livestock exclusion/management to minimise harm and losses.
57. The most fundamental reason why such an approach is unacceptable is the fact that the granting of consent to the I2S SSI would have the effect of 'locking in' the proposed alignment. This is problematic because the current alignment causes significant access, fragmentation and severance impacts and, due to the ARTC's failure to conduct meaningful engagement with landowners, opportunities to avoid these impacts by making amendments to the proposed alignment have not yet been explored.
58. For example, while it appears as though the ARTC have sought to locate the proposed corridor along lot boundaries, they have not explored the possibility that a neighbouring property might be in different ownership (for example, owned by a company rather than in a personal capacity) but as a practical matter, be run as part of the one farming enterprise. Similarly, the ARTC have not considered the fact that land might be in separate ownership but be run as a family cooperative with other neighbouring properties, with access to shared road networks and farming infrastructure being critical to the operation of that cooperative.
59. Accordingly, the ARTC have not taken any actual steps to avoid access issues, fragmentation or sterilisation of land. Rather, it has simply undertaken a desktop review of the cadastre without careful consideration as to the impacts of severing properties that are run together.
60. In our view, this has the consequence that you must refuse the I2S SSI until such time as the ARTC has:
- (a) undertaken a detailed analysis regarding the properties most likely to experience access, fragmentation and severance issues;
 - (b) consulted with relevant landowners regarding appropriate measures that can be implemented to mitigate access, fragmentation and severance issues where possible, including via amendments to the proposed alignment, and identified proposed locations of easements for access, the placement of level crossings, and the location, height and width of under bridge access points; and
 - (c) identified those parcels which are likely to be severed, fragmented or otherwise severely impacted by the proposal and commit to appropriately compensating those landowners for not only the acquisition of that land, but the loss of value of the businesses which rely on that land.
61. In the alternative, should you be minded to grant consent to the I2S SSI, then we would urge you to include as part of that project approval a condition that would enable a mediator (nominated by the landowner, not the ARTC) to be appointed to mediate any disputes between the ARTC (or its contractors) and landowners relating to issues around access.

62. The costs of the mediator should be borne by the ARTC and the mediator should be working on the basis that the affected landowners are to be no worse off as a consequence of the I2S Project.
63. Such matters may not be capable of being adequately compensated under the relevant compulsory acquisition legislation and the fear is that unless suitable arrangements are made through the project conditions, the somewhat ruthless approach to the management of costs will prevail leaving landowners without all-weather access to parts of their properties. This would be an entirely unacceptable outcome.
64. Particular concerns were raised by the landholders about the fragmentation and severance caused by the alignment at particular chainages along the alignment. These were:
- (a) at chainage 3000 to chainage 5500 the line severs a property leaving a strip of land between the existing line and the Old Sydney Road isolated. The plan does show a stock crossing (underpass) but there are no detail. Access arrangements are needed, including yards on either side of the line;
 - (b) at chainage 5500 to chainage 6250 the line cuts through the middle of a paddock north of the Old Sydney Road;
 - (c) at chainage 6000 a stock crossing underpass is shown on the overview, but design not done so the landowners do not know if it will be effective;
 - (d) at chainage 8250 the line runs parallel to Ironbong Road for a distance created an isolated area between the road and the line access to this area is compounded by the passing loop which begins at chainage 9000 and is on the West of the line;
 - (e) at chainage 14000 is the boundary between two properties. There is also another property that extends in a 'P' shape to the east of the alignment around Run Boundary Creek. That property will also have access impeded by the railway but little or no consideration have been given to those impacts;
 - (f) at chainage 12500 there are two properties that have been sold to ARTC. There is a private crossing proposed at chainage 13500 but there is a question about whether that crossing will be removed now that ARTC own the land;
 - (g) at chainage 3000 the properties extend over both sides of Dudauman Road. Accesses across the road are considerably reduced. This is a particular problem because houses and machinery are located on the west and equipment is unable to freely pass across to the eastern side of those properties. From this point onward there is a gap between the road and the line to allow vehicles to safely sit off the road and cross the line;
 - (h) at chainage 30750 the line is set back from the Road to avoid a copse of trees. This has the effect of cutting further into the paddock; and

- (i) at chainage 3750 beyond the public crossing at Corbys Lane the line deviates away from Dudauman Road severely impacting the landowner's property. A corner of the property is effectively cut off by the rail line in this location. The problem is compounded by the realignment of that section of Burley Griffin Way which hampers the sight lines in and out of the property.
65. The problems identified about the impacts of the alignment on existing farms are compounded by the lack of detail in the concept design (see Objection 4). The lack of detail about exactly how many farm crossings there will be, where they are located and whether they are wide enough to accommodate existing equipment and machinery compound the landholder's concerns about fragmentation.
66. Details about the design of crossings and underpasses should be provided to landholders to make some assessment of the impact on farming operations before any decision is made to approve the Project.

Objection 7: Misguided approach to acquisition

67. Overall, the I2S SSI reflects a misguided understanding of the NSW compulsory acquisition legislation, including the *Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act)*.
68. The Just Terms Act states that compensation is only payable when land is acquired and even then, that compensation must be directly referable to one or more of the heads of compensation under s 55 of that Act, including:
- (a) the market value of the land;
 - (b) any special value of the land;
 - (c) any loss attributable to severance;
 - (d) any loss attributable to disturbance;
 - (e) the disadvantage resulting from relocation; and
 - (f) any increase or decrease in the value of any other land which adjoins or is severed from the acquired land by reason of the carrying out of the public purpose for which the land was acquired.
69. It is clear to us that under the current arrangements, not all of the landowners that will be impacted by the I2S Project will need to have land acquired as part of the project. This is because the impacts of the I2S Project extend far beyond the rail corridor footprint, particularly so far as they relate to flooding and hydrology, ecology, noise and vibration, and visual impact, for example.
70. However, absent any acquisition, it is not possible for these landowners to make a claim for compensation and consequently, there is no capacity for redress for the impacts of the I2S Project on their properties.
71. Given this, the Just Terms Act cannot be used as a justification to address impacts of the proposal, in our view.

72. The task of a consent authority determining an application is clear. They are to balance the public interest in approving or refusing the project, having regard to the competing economic and other benefits, and the potential negative impacts the project would have if approved.
73. As was held by the Chief Judge of the Land and Environment Court in *Gloucester Resources Limited v Minister for Planning* [2019] NSWLEC 7, if the impacts of a proposed development are unacceptable and they cannot be mitigated by conditions of approval, then it follows that the project must not be approved.
74. In the case of the I2S Project, impacts arising from impractical access arrangements, and delays on the movement of grains and crops to market will not of themselves give rise to a claim for compensation.
75. Our view is that if these impacts are not acceptable (which we say that are not) and cannot be mitigated through conditions (which we say they cannot), then it follows that the I2S SSI must be refused.
76. If the impacts are said to be acceptable (and we say they are not), then you, as consent authority, should impose conditions similar to those imposed for State significant mining, petroleum and extractive industry developments, seeking to mitigate the negative impacts arising from the I2S Project.
77. Such conditions have been held to be enforceable by the Court and the benefit for the NSW Farmers members (and other landowners impacted by the I2S Project) is that they will not be forced into an argument with the ARTC (or Transport for NSW) about whether such impacts are compensable.
78. Further, it seems to us that if the ARTC's position is that such impacts are compensable (as has been stated by the ARTC in its communications with various landowners), then we see that they should have no objection to any conditions being imposed on the project approval that make that plain.

Objection 8: Inadequate fencing standards

79. The provision of adequate fencing between the rail corridor and farmland is a central concern for many, if not all, landowners whose properties will be impacted by the I2S alignment.
80. In this regard, we note that the ARTC has said that the type of fencing that would be provided is a matter that would be discussed directly with landholders and refined during the detailed design phase. Although generally, unless otherwise agreed, fencing would consist of a standard stock fence (1.2 m high), with gates provided in locations aligning with the access roads and other key access points to the rail corridor from public and private roads.
81. We understand that the ARTC has referred to the minimum (and default) fencing standard along the rail corridor as being a four strand fence (likely barb). A fence of this type is utterly inadequate and also not in keeping with the usual fencing practices of the area. No landholder uses a four strand barb fence as a boundary fence in any section of the I2S Project area.

82. When land is acquired for Inland Rail, the person whose land is being acquired would be entitled to the costs of replacing fences that were lost as a direct result of the acquisition. An alternative to the acquiring authority paying money to the landowner to put in their own replacement fences is for the acquiring authority to complete the works. That is, installing the fences themselves as part of the Project works.
83. Matters regarding the standards for appropriate fencing and the liabilities of an acquiring authority in respect of fencing have been considered by the Court. In particular, we note that:
- (a) the Court has accepted that the fencing standard should be reasonable having regard to what the land is actually being used for - not some future use. Also, that the type of fencing should reflect what the land is being used for - so for example, if land is being used for both goats and cattle, then the more expensive fencing for goats is acceptable;
 - (b) the Court has accepted that in circumstances where:
 - (i) some agreement is made for fencing to be carried out as an alternative to the acquiring authority paying money to the landowner for replacement fencing; and
 - (ii) the land owner is not happy with the standard to which the work has been carried out,then the landowner should be entitled to money to replace the fencing to an acceptable standard.
 - (c) the Court has accepted that it is reasonable for land either side of a road to be fenced where there was previously no fence because people need to carry out agriculture with confidence that either livestock will not escape and that there is an appropriate barrier between, in this case, the rail line and private land; and
 - (d) the Court has said that many fences were built a long time ago and are no longer appropriate and should be built to an acceptable standard today to reflect the actual use of the land.
84. In our view, it does not make sense for each landowner to have to negotiate with the ARTC over fencing. In fact, some landowners will not have land acquired and cannot insist that fencing comply with the Court's findings. On that basis, we suggest that if you were minded to grant consent to the I2S SSI (which we say it should not, for the reasons put forward in this objection), then the conditions of consent for that approval should mandate the adoption of a fencing standard consistent with earlier decisions of the Court.
85. The required fencing standards should be clear and specify with more detail the type of fencing and should include details of strainers and creek crossings as well. See for example, the Roads and Maritime Services standard drawings: <https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/document-types/standard-drawings/road/fencing.html>

86. At a minimum, fencing should comply with relevant Australian Standards for steel products/welded mesh to ensure that the products used are durable. Fencing must also comply with requirements relating to exempt development for rural fencing, comply with manufactures specification, and entrance gates must not open outwards.

Need to refuse the I2S SSI

87. In light of the above, we consider that you, as the Minister, are compelled to refuse the I2S SSI as currently formulated.
88. This is because the adverse impacts of the I2S, including in relation to flooding and hydrology, noise and vibration, access and use of land, the farming capacity of the land far outweigh the marginal (at best) economic and other public benefits of the development.
89. In the alternative, it is open to you to invite the ARTC to withdraw the application and request that detailed consideration be paid to the following:
- (a) a thorough and transparent assessment of the viability of the I2S following an alternative route through Narrandera, including on the basis of a properly formulated cost benefit analysis;
 - (b) the publication of the detailed designs for the I2S Project;
 - (c) amending the Construction Noise Assessment and the Operational Noise Assessment to include an assessment of the actual impacts by reference to existing conditions, a thorough investigation of sleep disturbance impacts, and a commitment to undertaking appropriate acoustic attenuation treatments prior to the operation of the rail line;
 - (d) review the minimum standards for access to ensure that no landowners are worse off as a result of the I2S Project;
 - (e) review the impact of the proposed alignment in the fragmentation and severance of land and the creation of land locked sites, and consult with landowners regarding the best options of maintaining access given the use of the land and avoiding the unnecessary sterilisation of agricultural land;
 - (f) a comprehensive fencing standard is prepared which accurately reflects the Court's findings as to what constitutes appropriate fencing and the entitlement of landowners to insist on appropriate fencing, as well of compliance with relevant planning and construction specifications.
90. Finally, we would like to thank you for considering our submission on the EIS for the I2S Project.
91. NSW Farmers feel that you would greatly benefit from the opportunity to visit Illabo and travel along the proposed alignment through to Stockinbingal, and that this would give you a much clearer understanding of why they (and many of their

members) take the position they do. We would be willing to facilitate such a visit, including access to numerous properties along the alignment, on your request and at a time that suits you.

Yours faithfully



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Annexure A Schedule of Inland Rail Collective Members

No	Name	Region
1.	Helen Hunt	Black Hollow
2.	Jennifer Knop	Not disclosed
3.	Barbara Dean	Not disclosed
4.	Robert Webb	Not disclosed
5.	Lorraine Harrison	Tonderburine
6.	Thomas Lyons	Gulargambone
7.	Ian Uebergang	North Star
8.	Alex Worner	Wombat
9.	Ashley Hernes	Not disclosed
10.	Kevin Galley	Not disclosed
11.	Dave and Karen McBurnie	Balladoran
12.	Peter Dampney	Narrabri
13.	Tony Hill	Cootamundra
14.	Carl Baldry	Bethungra
15.	Gordon Lummis	Not disclosed
16.	Doug and K Wilson	Balladoran
17.	DA Sheperd	Armatree
18.	SJ and DJ Campion	Not disclosed
19.	James Claringbol	Not disclosed
20.	Charles Ryals	Cootamundra
21.	Ian Lambell	Not disclosed
22.	Cath and Dave Peart	Gulargambone
23.	Paul Galley	Dubbo
24.	Ian Dent	Gilgandra

No	Name	Region
25.	Susan Wilson	Not disclosed
26.	Andrew Deans	Not disclosed
27.	David Campion	Dubbo
28.	Bevan Peart	Tooraweenah
29.	Maxine Finlay	Baradine
30.	Gregory and Dianne Peart	Gilgandra
31.	George Colless / UBL	Gulargambone
32.	Cameron Halfpenny	Mount Tenandra
33.	Ian Friend	Bethungra
34.	Brad Cox	Dubbo
35.	Andrew Peart	Armatree
36.	Paul Anthony Tym	Coonamble
37.	Eric McKenzie	Not disclosed
38.	S A M B Chandler	Curban
39.	Greg Doolan	Baradine
40.	Stuart Mudford	Gilgandra