

SUBMISSION: Inland Rail Narromine to Narrabri

My name is Ashley Hermes and I operate two mixed farming properties in the Cootamundra district. Both these properties will be bisected by the Inland Rail project in the future as a “greenfields” site. It is clear from my negotiations with the ARTC that it is their intention to transfer a significant proportion of the costs of this project onto the directly-affected farmers along the route.

I make this early submission to assist in identifying some of these costs and some of the solutions I believe need to be in place before this project should be considered for approval by the NSW state Government, along any “greenfields” route. These problems will be common to all farmers being bisected and are only a sample of the likely costs instore for affected farmers.

The actual value of the land that they are proposing to purchase from us represents an exceedingly small fraction of the losses likely to my business.

Unregistered farm vehicle Use:

In my case the ARTC is suggesting that I do not need a level crossing, and that I will be required to drive my unregistered vehicles and machinery on public roads and lanes to reach the back of my property that has been cut off.

This shows a complete lack of knowledge of the legislation. A farmer is permitted to **cross** a public road or rail crossing with an unregistered machine. My Public Liability Insurer would not cover me if I drove as suggested by the ARTC and I would leave myself open to prosecution.

I will never allow anyone on my property to carry out this manoeuvre with my unregistered equipment.

The cost to my business to annually upgrade/register/insure/inspect/repair all currently unregistered vehicles would exceed \$40,000 per year. If the ARTC wants to save on the cost of a level crossing, then I have a reasonable expectation that they will be forced to carry these costs going forward, not me.

This cost is currently not likely to be covered under the “Just terms” Legislation.

Use of public crossing for livestock movement on adjoining properties:

To suggest that I can use a public crossing for my livestock is absurd. With specific reference to Footrot and lice it is suggested by the ARTC that the “risk appears relatively low”. This is simply not true, and it is a risk I am not prepared to take.

The use of public roads and crossings for stock movements on adjoining lands to my property will never happen.

What specific condition is the NSW Government going to force onto the developer to protect me from these risks?

I will be required to duplicate both sheep and cattle yards, crutching shed, power etc on the severed portion of my property. I will be required to truck livestock some kilometres in the event I am not provided with my own private crossing.

These costs are not currently covered under the Just Terms Legislation. These costs will be carried by me and all future owners of this land.

Extra internal access roads and lanes

The ARTC has suggested that my future stock movement issues can be improved by me providing multiple stock laneways, access roads and gateways on my land. I completely agree with them. They are a highly effective management tool. They have “suggested” that they may assist with the cost of constructing some of this infrastructure. The ongoing costs to my business of having many acres of arable cropping land converted to gravel roads and stock lanes will be considerable. They are not proposing to buy this land. They expect me to own this now unproductive land. They are transferring ongoing maintenance and insurance cost of both the gravel road and the fencing to my business. I will then be required to pay Council rates on now-unproductive land. These costs are in perpetuity.

There is no capacity under the current Just terms legislation to be compensated for these future costs.

Fire Risk

I have been to numerous fires caused by bearing failures on trains along existing rail corridors in the district. Railway lines are notorious for starting fires. Regardless of proximity to a rail line, every property is prepared for fire with firebreaks. The costs of fire mitigation on my property currently are significant. Many acres are lost to production annually by the creation of firebreaks. There is also the cost in time, chemicals and machinery used in their maintenance. My annual firebreak costs are clearly likely to double with this project (3 kilometres of track equals 6 kilometres of extra fire breaks.) I will be paying rates on land permanently being taken out of production on top of the actual loss of production. These costs are in perpetuity and are not likely to be compensated.

Fencing

When this project is completed, I will have 6 kilometres of extra boundary fence. The ARTC has verbally suggested that they will carry the cost of its construction and perhaps its maintenance.

I cannot see the ARTC patrolling this fencing after significant rainfall or wind events. They will be unlikely to provide urgent fence repairs. Another example of the transfer of costs onto farmers.

To enforce them to build, repair and replace, I believe that the NSW Government needs to amend section 25 of the Dividing Fences Act 1991. This section excludes them from being responsible to build, maintain or replace this fencing. The word of a current employee of the ARTC is completely worthless.

Prior to approval the legislation must be amended.

Conclusion

The ARTC have reported to me that they believe the effect on my property of this project will be moderate. If I am provided with everything I am asking for, a crossing on both properties, a tunnel on both properties and duplication of some infrastructure then the effect on my business would be reduced from Catastrophic to Disastrous. Any attempt to minimise mitigation should be strenuously contested. The use of the word “moderate” is an insult.

Recommendations:

The NSW Government needs to insist that a Business Accountant be included in the Land Acquisition team to specifically calculate the future costs to Businesses like mine. This compensation should be separately paid to affected farmers so that the public perception of excessive payouts for Land acquisitions will be avoided.

This document does not attempt to discuss all the cost transfers being perpetrated by the Developer - it simply highlights a few examples.

I expect that all Australian Taxpayers will carry the cost of this project equally, not just me.

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