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Mr Mick Fallon
Senior Planning Officer – Transport Assessments
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

11 February 2021

Dear Mick

**RE: INLAND RAIL – NARROMINE TO NARRABRI ENVIRONMENTAL IMPACT
STATEMENT (SSI 9487) – SUBMISSION FROM FORESTRY CORPORATION OF NSW**

Herein is FCNSW's response to the Environmental Impact Statement (EIS) for Inland Rail's Narromine to Narrabri (N2N) project as exhibited 8 December 2020.

This is an amended version of the draft submission offered on 7 February 2021 via the Department of Planning, Industry and Environment's (DPIE) planning portal. This resubmission includes a response to the biodiversity chapter (and associated technical report).

Due to the absence of operational particulars of interest to FCNSW, details which the EIS says will be published in future management plans, FCNSW's submission cannot be comprehensive of the likely impacts the proposal would have on State forest or FCNSW's business. FCNSW endeavours to update the Transport Assessment group wherever new information presented by ARTC materially affects FCNSW's position on matters pursuant to this submission and/or the project approval process.

The commentary in the following pages has been developed from the EIS content and discussions to date with representatives from ARTC.

Yours Faithfully,

A handwritten signature in blue ink, appearing to read "Jarod Dashwood".

Jarod Dashwood

Forest Occupancy Supervisor
FCNSW WESTERN REGION

1. Electricity supply

- 1.1. FCNSW requests construction details of the electricity supply system proposed to service the Pilliga crossing loop (including the spatial data) (A7-16). FCNSW is more supportive of underground electrical supply on account that overhead powerlines pose an ignition risk for the Pilliga forests and require greater amount of clearance (i.e. permeant forest removal).

2. Road closures

- 2.1. There are a far greater number of State forest roads and tracks proposed to be impacted than what is described by the EIS (A6-28 & Table B11.2). FCNSW can offer a comprehensive list to ARTC upon request. FCNSW acknowledges that the road interaction figures presented in the EIS are subsequential of discussions between the parties and options tabled in draft form. FCNSW has not accepted the road interaction design as detailed in the EIS (i.e. locations of mapped level crossings, road closures, road realignments etc).

It is paramount to FCNSW that any change to existing road interactions is executed as part of a broader, comprehensive land access arrangement. FCNSW will continue to work with ARTC to reach consensus on the matter of road interactions in State forest.

- 2.2. The EIS does not present explanation as to why particular road closures in State forest have been chosen. Will ARTC present to FCNSW the findings derived from the Australian Level Crossing Assessment Model (i.e. pA6-30) and disclose the criteria thresholds that ARTC used in their determination of State forest road closures?
- 2.3. The EIS does not appear to acknowledge the impacts to timber harvest and haulage caused by the rail line blocking traditional road access to Pilliga Forest Way. Impacts would be lessened to a degree where ARTC ensures supplementary vehicular access is constructed and maintained linking the blocked road to the nearest level crossing (i.e. road built parallel to the rail line on the opposite side of the rail line to Pilliga Forest Way. FCNSW wishes to know whether ARTC will commit to providing FCNSW this form of access and if not, how ARTC proposes to make good the impacts caused by increasing the length of timber haulage routes.
- 2.4. FCNSW and ARTC will need to hold further discussions including field investigations regarding the 6.7km realignment of Pilliga Forest Way (as is proposed in the EIS A1-2). FCNSW would expect that all changes to FCNSWs road network are formalised through a binding agreement between the parties which considers the interests of FCNSW. Does ARTC agree to this process?
- 2.5. The traffic numbers listed in the EIS for Pilliga Forest Way are underestimated in the opinion of FCNSW (B11-14). FCNSW has traffic data for this thoroughfare which it can share with ARTC if ARTC should request it.

3. Other restrictions to State forest access

- 3.1. Table B14-1 describes the temporary closure of the Aloes picnic and camping site. Contrary to the EIS, facilities for visitors such as picnic tables and fire places are provided for day trippers and overnight campers. Can ARTC please comment on the following:
 - 3.1.1. For how long will access be restricted at the Aloes; and
 - 3.1.2. Can ARTC supply alternate recreational facilities at a nearby location while the Aloes area is subject to access restrictions?

4. Culverts and rail over passages

- 4.1. What is the clearance of culverts beneath the rail line in State forest? Being of dimensions trafficable by Category 9 fire fighting vehicles would offer fire fighting agencies improved access for suppression and evacuation. Are there limitations to facilitating the installation of this infrastructure to suit fire suppression vehicles? A rail underpass exists adjacent to the Kamilaroi Highway between Narrabri and Baan Baa, providing useful access to the local RFS fire trail network.
- 4.2. The EIS describes the possibility of increased concentration of surface water flow due to culverts (B2-15). Can ARTC quantify the surface flow changes impacting State forest beyond the rail line corridor? FCNSW may need to consider impacts to harvest prescriptions and timber availability caused by anthropogenic drainage lines?
- 4.3. FCNSW are concerned that concentration of surface flow as a consequence of culverts will damage forestry roads down contour of the rail line (B2-15). What controls do ARTC proposes to ensure FCNSWs road surfaces are not damaged as a consequence of the rail line?

5. Off corridor Infrastructure

- 5.1. FCNSW is seeking further information regarding the options for liabilities facing landholders for infrastructure constructed by ARTC which is beyond the corridor footprint (i.e. relinquished to the landholder). Unless FCNSW and ARTC otherwise agree in writing, it is the position of FCNSW that ARTC remain responsible for all works they construct for the life of those works and that costs of any infrastructure (including road surfaces) with rail line specific standards (i.e. approaches to level crossings) be borne by ARTC. Can ARTC confirm that it will remain responsible for such works so long as they are on State forest?

6. Operational Access Roads

- 6.1. Are there *operational access roads* proposed to be constructed in State forest (A7-16)? Can FCNSW have copies of the spatial data to consider these designs?

7. Haul Roads

- 7.1. To facilitate timber harvesting and fire fighting, will ARTC preserve for FCNSWs ongoing use the haul roads used for construction (A8-32 and Technical Report 11 p81)?
- 7.2. Part E Map Book 5 maps 162-168 and 177 -187 shows the rail corridor where it departs from Pilliga Forest Way and passes through numerous forestry compartments in the absence of forestry roads. Preservation of haul roads on both sides of the rail line for these sections of track would be of significant interest to FCNSW. Will this be possible?

8. Construction planning

- 8.1. Technical Report 11 page 6 states:

Detailed construction planning, including programming, work methodologies, staging and work sequencing would be undertaken once construction contractor(s) have been engaged and during detailed design.

It is not possible for FCNSW to provide feedback on construction works and their impacts on State forest if no details are presented. When will ARTC make these details available? Will DPIE consider this lack of provision of detail during the EIS process when considering opportunities for stakeholders to contribute to the formulation of project approval conditioning?

- 8.2. It is not clear from the EIS how property owners will be consulted with regards to *mitigation measures for construction*, as consultation is stated to be in accordance with a communications plan that is not presented (Table 9.2 Technical Report 11). Can ARTC offer details of the consultation process with reference to mitigation measures for construction (notification periods, likely periods for review of technical plans, landholder rights to object/amend etc)?
- 8.3. Could ARTC detail the *exclusion zones* described in Table D5-3 (LP14).

9. Construction Environmental Management Plan

- 9.1. FCNSW seeks confirmation that it is to be a consultative body on management plans which outline mechanisms to control activities that may impact State forest (E.g. *Flood and Emergency Response Plan* (bushfire), *Traffic, Transport and Access Management Plan* and others).

10. Corridor clearing and impacts to timber resources

- 10.1. FCNSW offers the following with regards to the proposed corridor clearing operation (Technical Report 11 p 109-110):
 - 10.1.1. Trees pushed over rather than sawn and felled are exposed to tensile pressures which often affects sawn timber properties and utilisation (i.e. not suitable as a sawlog);

- 10.1.2. Conditions of the IFOA are not applicable to timber taken under ARTCs project approval;
- 10.1.3. What mechanism does ARTC propose for FCNSW to recoup the costs of:
 - 10.1.3.1. rearranging forestry compartments and forest roads (operationally and administratively)?; and
 - 10.1.3.2. creating replacement zone 3B areas?
- 10.1.4. Contrary to the EIS, the non-traversable nature of the rail line results in significant fragmentation (which the EIS does not appear to quantify in sufficient detail to allow comprehensive feedback from FCNSW) (Technical Report 11 p110).
- 10.1.5. How do ARTC propose to survey the rail line in heavily timber areas of State forest before the clearing takes place (A8-5)? Is it likely clearing will be necessary to facilitate the survey works?
- 10.1.6. The EIS acknowledges that the vegetation clearing necessary for establishing the corridor will result in the *full removal of forest resources* (Technical Report 11 p109). Contrary to the EIS, utilisation/merchantability of cleared timber is not guaranteed due to clearing methodologies, harvest and haul logistics and customer/product demand or contractor availability at the time of clearing works (Technical Report 11 p 110). FCNSW has quantified and presented to ARTC the value of standing forest resources (618 hectares) as well as the lost opportunity costs FCNSW will suffer as a result of permanently removing approximately 433 hectares from the production estate. When will ARTC be in a position to hold discussions with FCNSW regarding the loss of timber resources and opportunity costs?

11. Fencing and grazing

- 11.1. Does the EIS address impacts to FCNSWs grazing operations in Baradine and Cumbil State Forests? Chapter A7 p A7-15 describes there being no fencing requirements for State forest. FCNSW has discussed with ARTC that existing grazing operations are to be maintained, including the re-establishment of fencing impacted by the corridor including vehicular and stock passage. FCNSW asks that the response to submissions (RTS) make provision for re-establishing fencing and access in State forests where grazing is impacted.

12. Forest Material

- 12.1. The EIS describes the use of cut and fill techniques as part of the rail line construction process. Borrow pits are also referenced as supplementary resources. It is unclear from the EIS whether material excavated from State forest for the purposes of construction will be utilised for fill or other purposes. Can ARTC quantify any likely volumes?

13. Excess spoil

- 13.1. There may be opportunity for ARTC to deliver unwanted spoil to areas of State forest where forestry roads require reforming (A6-31). Is this an opportunity ARTC would like to further investigate?

14. Dams

- 14.1. The EIS proposes to destroy a dam in Cumbil State Forest (Map 144 Part E Map Book 5). What is the process for relocating and re-establishing this infrastructure? Are there any other dams likely to be impacted in State forest?

15. Isolation of areas of State forest and sterilisation of timber resources

- 15.1. The EIS does not describe the likely event that severance caused by the rail line will result in areas of State forest becoming inaccessible to timber harvest. Instances include where drainage lines, ridges, rocky outcrops or freehold land boundaries affect the compartment. Will ARTC address this impact to timber availability as they propose to deal with agricultural land impacted by severance?
- 15.2. Part E Map Book 5 shows thin strips of timber left isolated between the construction footprint and Pilliga Forest Way. It is well documented that isolated patches of timber suffer impacts from wind (internal defect or wind-throw). Will ARTC accept responsibility for the damages caused to timber resources resulting from isolation?

16. Severance

- 16.1. There is a lack of investigation into the effects of severance upon State forest and FCNSW's business and FCNSW's customers. Will the RTS offer FCNSW a *Potential direct impacts* table similar to that published for agriculture (Table 7.9 Technical Report 11)?

17. Use of forestry roads

- 17.1. Do ARTC propose to use Pilliga Forest Way and other forestry roads as part of construction and operation? Can ARTC offer details of traffic volumes and likely impacts to road surfaces and drainage?
- 17.2. As there is insufficient detail in the EIS for FCNSW to assess the impacts to its business caused by construction work traffic delays, FCNSW requests ARTC to meet with FCNSW and its timber customers as part of the EIS process. The parties are to consider future harvest areas and the roading network before establishing closure points and detours. Are ARTC amenable to this? When will ARTC have suitable data to host these discussions?

18. Options for new crossings

- 18.1. The EIS describes that no new level crossings should be permitted consistent with the Office of the National Rail Safety Regulator's policy (A6-28). Will ARTC meet with FCNSW as part of the EIS process to discuss this statement?

19. Travelling stock reserves

- 19.1. Travelling stock reserves are crown timber land and FCNSW has an interest in the timber resources. Does ARTC acknowledge that FCNSW is a relevant stakeholder for the purposes of disturbance of timber and therefore consultation is to take place in conjunction with the other listed authorities (A7-16)?

20. Rehabilitation

- 20.1. FCNSW seeks confirmation that all areas of rail line cuttings will reside within the 40m corridor footprint.
- 20.2. Can ARTC confirm that FCNSW will be a consultative body for the development of the landscape and rehabilitation strategy affecting State forest (Technical Report 11 p122)?

21. Bushfire

- 21.1. The EIS presents no information of how ARTC (or its contractors) will address the threat of bushfire in State forests. In lieu of the presentation of any details of bushfire response or preparedness, FCNSW would expect that the RTS offer such details. Listed below is an example of the matters FCNSW has discussed with ARTC since preparation of the EIS began.
- 21.1.1. When working in State forest during the bushfire period (September to March), all construction work is to be supported by fire suppression resources of equivalent capacity to activity / ignition threat. For works described by the EIS, ARTC and its contractors would be required to have at each site where mobile plant, drill rigs and/or hot works etc are taking place:
- 21.1.1.1. purpose built fire fighting vehicles with a minimum of 400 litres water capacity and trained fire fighters;
 - 21.1.1.2. heavy plant (capable of building mineral earth fire breaks in heavily timbered environments) with operators with bushfire awareness training;
 - 21.1.1.3. communication systems to alert fire authorities of the presence of fire;
 - 21.1.1.4. weather recording tools to monitor conditions and report the fire danger index (FDI) to fire agencies; and
 - 21.1.1.5. any other fire monitoring and suppression commitments as agreed with FCNSW and documented in the Master Inland Rail Development Agreement (or other agreement) signed by FCNSW and ARTC.
- 21.1.2. The rail line will create an impassable barrier to mobile plant and other ground-based fire suppression vehicles which would otherwise operate unimpeded

through the forested environment when tracking an active fire edge. FCNSW has expressed this significant concern to ARTC and presented strategies to address the issue. Unless otherwise agreed in writing between ARTC and FCNSW, FCNSW would expect ARTC to:

- 21.1.2.1. For the life of the project, fund and make available to FCNSW, additional mobile plant of the same capacity used by FCNSW for fire fighting purposes. During wildfire events the additional plant would be positioned on the opposite side of the rail line to recommence tracking a fire edge once the fire crosses the rail line;
 - 21.1.2.2. Maintain vehicular access (to a standard required of a Category 1 fire tanker) on both sides of the rail line to ensure crews and equipment are not hindered by severance caused by the rail line; and
 - 21.1.2.3. Fund any aerial fire suppression works FCNSW requires as a consequence of severance reducing the effectiveness of mobile plant (i.e. slow the fire front and offer time for mobile plant to reposition).
- 21.1.3. All industrial works on State forest during the bushfire danger period are subject to FCNSW enforced shutdowns/activity limitations. Shutdown orders and works limitations are triggered by FDI thresholds (measures of weather and fuel/surface conditions influencing wildfire behaviour). ARTCs current authority to execute geotechnical works on State forest is subject to such thresholds. Unless otherwise agreed in writing with FCNSW, the existing terms for shutdown/activity limitations shall be preserved.
- 21.1.4. FCNSW is concerned that track grinding and mechanical vegetation removal (slashing) pose ignition risks. How will ARTC ensure these activities do not cause a wildfire?
- 21.1.5. The RTS should describe how ARTC intends to manage rail line closures caused by bushfires. FCNSW is concerned that:
- 21.1.5.1. smoke impeding visibility at level crossings could lead to collisions between trains and mobile plant/fire appliances; and
 - 21.1.5.2. moving or stationary trains pose as barriers to escape routes.

22. Blasting (Table D5-3)

- 22.1. FCNSW reduces the risk of forest users being impacted by blasting events through the granting of rights to exclusive use of areas of State forest. Can ARTC confirm that no blasting will take place within the corridor inside State forest without an exclusive use arrangement in place?

23. Biodiversity

FCNSW notes the following matters as requiring further explanation and development with FCNSW (B1.5 and Table B1.7):

- 23.1. Possible translocation of threatened plants (i.e. replanted in State forest);
- 23.2. Installation of bridges, culverts, glider poles and wooden barrier poles at bridges to enable fauna to cross;
- 23.3. Installation of localised fencing to direct fauna to crossing structures;
- 23.4. Installation of “fauna furniture” at bridges and culverts to encourage crossings by koalas and other native fauna;
- 23.5. Development of a connectivity strategy that includes monitoring to measure effectiveness;
- 23.6. Relocation into State forest of fauna found during pre-clearing surveys;
- 23.7. Provision and management of nest boxes, including reuse of hollows and monitoring protocols; and
- 23.8. Rehabilitation of vegetation subject to temporary disturbance outside of the operational footprint (i.e. construction compounds).

FCNSW acknowledges that the activities listed above are to be designed and managed via plans, strategies and protocols yet to be developed/published.

Will ARTC include FCNSW as a consultative member of any biodiversity advisory panel (or similarly named) to provide input into the proposals affecting State forest?