

# Letter of Objection to the EIS for the State Significant Infrastructure Application SSI-9487 Inland Rail – Narromine to Narrabri

7<sup>th</sup> February 2021

From:

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We refer to the Environmental Impact Statement (EIS) for the N2N SSI which was placed on exhibition on 8 December 2020. We understand the EIS has been prepared in response to the Secretary's Environmental Assessment Requirements dated 9 September 2020 (SEARs).

The purpose of this letter is to raise our material and strong objections to the EIS for the N2N SSI as we consider the EIS is material deficient and should be rejected for many reasons including:

- Grossly inadequate allowances for current and future water flows;
- Failure to provide adequate proposals to mitigate material increased noise disturbance especially as we have decided to live in an environment of peace with substantially no material "mechanical" noises;
- Unrepresentative flora and fauna studies as the studies were completed in years of below average rainfall (periods of drought) and therefore the studies need to be re-completed in years of average rainfall;
- Failure to recognise that the rail line will impose unknown liabilities on existing farming operations (including change of soil hydration affecting crop production and additional machinery costs due to the need to travel to crossings) which will effect the economic viability of small farming businesses; and
- Failure to recognise or appreciate the stress, risk and liabilities being created by building a rail line through prime farming operations (which is materially different and more complex than an infrastructure project through a metropolitan residential or industrial area due to its reliance on the local natural environment) due to reasons including:
  - o the visual and noise impacts will be materially detrimental to the environment and way of life where people both live and work on a farm in an environment of tranquillity; and
  - o a farm is dependent on utilising the natural environment and even small changes to operating conditions (water flows, vibration, travel distances, noise levels) will have detrimental consequences on the farming business.

Due to the high level of inherent risk in the Inland Rail Project and the current approach which fails to confirm that small farming businesses will not need to suffer any liabilities caused by the project, we consider there needs to be an immediate undertaking by the Commonwealth Government to:

- **(Independent Review)** Provide for the independent review of all work undertaken in support of the Inland Rail Project specifically the rail line alignment selection process and the impacts, liabilities and effects of the future rail line; and

- **(Guaranteed Full Compensation Plan)** Provide for a fully funded compensation plan for affected land holders to confirm that land holders will not have to suffer any short term or long term liabilities caused by the Inland Rail Project. The current proposal for compensation is deficient in that it does not confirm arrangements for the payment of all short term and long term liabilities caused by the project (for example, what happens if the calculations for the project are incorrect and a change in water flows (i.e flood) is caused by the project resulting in a loss of profit for a farmer).

It is not fair for the Commonwealth Government not to be confirming that farmers will not have to suffer liabilities arising from a Government infrastructure project. The compensation plan should permit land holders to consider and make decisions about their future operations to ensure the long-term viability of their businesses.

**(Background)** We are the owners of Warrieng and Woodlands - a 4,600 acre property in the Gulargambone area (near Seven Mile Lane) which will be dissected into two separate blocks by the proposed rail line. We will have some of our best farming country on both sides of the proposed rail line. Our business involves both farming a variety of crops and a grazing business for sheep and cattle. Splitting our land in two separate blocks which will not be able to be easily accessed will cause material ongoing long term liabilities and unknown costs due to lack of access, noise affecting operations and unknown changes to water flows and the environment.

We consider it is unacceptable that:

- material issues have not been addressed. For example:
  - o Failure to provide for future increased water flows caused by climate change. Climate change is indicating that future flood events may well be greater than any historic flood event.
  - o Failure to assume and provide for the value of the loss of prime agricultural land/production from this land (i.e. the calculation of the loss of production from the land being used by the project).
  - o Failure to consider all the costs and liabilities being assumed by land holders (for example, increase costs to operate around the rail line due to loss of efficiencies).
  - o The failure to recognise that the impacts of noise will be extreme in an environment where people are operating in an environment of very low current ambient noise levels); and
- there is not an acceptance that there are material risks that the assumptions behind the Inland Rail Project may later be discovered to be incorrect due to many reasons (for example, human error or natural events). It is not acceptable for landholders and other impacted persons to pay or assume material liabilities or costs which could be fatal to their personal livelihoods due to a Commonwealth Government project. The Commonwealth Government needs to immediately accept responsibility for all costs and liabilities arising from their decision to proceed with the Inland Rail Project.

We make the following points in support of our submission:

1. **Uncertain whether the allowances for current and future water flows are correct:** It is clear from the EIS that the train line will affect water flows. The train is scheduled to go over some normally wet swampy country west of the Warrumbungle's and east of the Castlereagh river. We do not consider the statements that the train line will only cause potentially small increases in water flows (for example, of approximately 10 cms to 20 cms in depth) are correct. The reality of local water flows is that the amount of water which travels through our farm are substantial (in both depth and breadth).

At the point that the train line crosses our farm, there is the Baronne Creek which is supplied with water from run off from the Warrumbungle Mountain Range. I have regularly experienced the Baronne Creek swelling after rain to result in water expanding across our land to be both deep and hundreds of metres wide.

Please see below pictures which were taken on our property on 19th February 2020 after 40mls of rain on the night of 18th February 2020. The pictures show the flooding of the creek through Warriren and Woodlands which is situated between Seven Mile Lane and Box Ridge Road. The train will cross through this area approximately 500 metres to the east of where these photos were taken.

We refer to Construction Maps numbers 90, 91 and 92. These maps provide that through our property there will be placed a limited number of culverts and some bridges. It appears that the bridges will each be between 100 – 150 metres in length.

*As evidenced by the pictures below, we consider that the current number and length of culverts and bridges are grossly inadequate to deal with current and future water flows.*

The failure to correctly select the number of culverts and bridges will result in very large liabilities for our business (as land will not be productive) which could be catastrophic i.e. A total reduction in the productivity of our land. In addition to the loss of productivity, various costly infrastructure and machinery could be lost due to flooding caused by mis-calculations (for example, our farm has a gentle slope and limited hills, therefore it is possible that mis-calculations could result in the flooding of homesteads and machinery sheds).

We consider the EIS is deficient as:

- A number of additional culverts need to be inserted underneath the train line on Maps 90 and 91; and
- The bridges on Map 91 and Map 92 need to be longer in length,

to provide for the current water flows over the area covered by these maps.

The EIS does not appear to consider that there are gradual water flows across the land which may not appear in the form of a dedicated water course. i.e. Water at a shallow depth transverses across the fields in Maps 90 and 91. There needs to be additional culverts in the train line across Maps 90 and 91 to allow for natural small water flows which will be blocked and will bank up in a dam on the Eastern side of the rail line.

In addition, our internal access road on Map 90 has been closed and we need a new road to access our fields on the other side of the train line. Map 90 is deficient in that it does not mark the need to construct a new internal access road to provide access to the paddocks and infrastructure which will be cut off by the train line.

The question as stated above is who is bearing the risk of loss from a failure to properly allow for future water flows. The Commonwealth Government should accept the risk of mistakes and confirm a fully funded guaranteed compensation package for each potentially liability arising from the project. The potential passing of material liabilities to small business farmers is unreasonable and unfair.

We also note that:

- a substantial portion of the assessment work was completed during a drought and as a result it would be impossible to accurately evaluate the effects of the train including

on water flows, flora and fauna. We note the below references to when the flora studies were completed:

*Flora surveys were conducted in the following months in the study area:*

- *September 2018: 5 days, two ecologists– rapid data surveys. Threatened flora searches (very low number of locations due to no access)*
- *November 2018: 10 days, 4 ecologists– flora plot surveys and threatened flora searches*
- *March 2019: 4 ecologists over 10 days- flora plot surveys and threatened flora searches*
- *September 2019: 3 ecologists over 10 days- targeted flora searches and flora plot surveys. Surveys included targeted searches for the species, as well as opportunistic observations while undertaking other survey types*

The above words are extracted from page 4 of Biodiversity development assessment report PART 3 OF 3 Appendix I to M

The period of September 2018 to September 2019 was a period of below average rainfall – an extended severe drought. We do not consider this period to be reflective of normal climatic conditions.

*We consider the studies of water flows, flora and fauna need to be repeated in a period of at least average rainfall.*

- the EIS accepts that climate change will cause future increased runoff however the EIS does not take into consideration future climate change. Surely, in a time when climate change is a material worldwide issue, the EIS should ensure that the train is built in a manner allowing for future climate change.

We note the following comments in the EIS:

*More intense rainfall (and increased runoff volume from catchment) could lead to flooding of tracks and assets, inundation of drainage infrastructure and damage due to scour - Recorded as a High Risk on Page H.16*

*Culverts will not have consideration of climate change built in - Page H. 17*

*Adaptation Measure is to*

*Collect baseline photographic evidence of current conditions (visual monitoring / dilapidation survey) pre-construction. Especially useful for new greenfield sites. Cameras on monitoring vehicles/trains (AK cars – three monthly). Updating commissions and operational monitoring. – mobile video cameras on drones and GPS spot checks. H.35*

We do not consider it is acceptable to all stakeholder for the EIS to confirm that changes resulting from climate change have not been taken in account. The EIS confirms that more intense rainfall could lead to flooding but appears to ignore the potential liabilities and damage.

We consider that the EIS is clearly deficient as it has not properly taken in account current water flows or future water flows. As a result, the EIS should not be accepted and should be rejected. As stated below, we consider an independent expert needs to be appointed to provide an independent EIS.

The preparation of an independent EIS would avoid any perceived or actual conflict or claim that the report is affected by: (i) Being commissioned by the ARTC who have a long term interest in proceeding with Inland Rail Project as they will manage the construction and operation of the project and (ii) Any potential pressure for the project to be built to a particular monetary budget.

There appears to be a material risk that all the testing and planning work is incorrect and large failures and mistakes in calculations will be later confirmed resulting in farmers bearing detrimental liabilities.

2. **Noise Levels are a Material Concern:** Many farming families choose to live in the country to appreciate the peace and quiet, and scenic views of the countryside. A person living on a farm is used to basically zero mechanical noise (i.e. at home at the end of the day you only hear the sounds of nature).

It is not acceptable for the noise from the train to be estimated to potentially be 45 – 60 BD at 1 kilometre. Our house will be approximately 1 kilometre from the train and we do not wish to go from “zero noise” to the loud noise of a passing train. It is not acceptable in this era for a Government to assume that people will accept a Government imposing such a change of lifestyle on a person (the Australian way of life has the benefits of enjoying and appreciating nature). The proposed mitigation measure of sound barriers and “air conditioned” houses do not fit into the reasons why a farmer chooses their way of life. As stated above, a farming family chooses to live and work in the countryside to be able to live outside, live with their windows open and live without loud mechanical noise disturbing their tranquillity.

If the Commonwealth Government is going to impose a loud continuous noise on the way of life of many people, it is not acceptable to say, “put up with the noise”. *The EIS is incorrect as it:*

- *Failures to appreciate that the current ambient noise levels in the country are very low;*
- *Failures to consider the change and difference from hearing natural sounds to hearing a regular large noisy mechanical sound which will be detrimental to the mental and physical health of those living close to the train line; and*
- *Does not adequately provide for adequate compensation mechanism and noise reduction solutions. The only viable solution appears to be a fully funded scheme to allow affected farmers to consider relocating either their home or their entire business to an equivalent farm.*

There needs to be a legally binding fully funded compensation scheme allowing various options to farmers to ensure that people do not have a compromised way of life due to a decision of the Commonwealth Government to build the project.

3. **Insufficient visual impact assessment:** We consider the visual impact assessment for the “5.3.3 LCZ 3: Warrumbungle Slopes and Uplands” on page 64 of the N2N Landscape and Visual Impact Assessment to be misleading. We do not consider the photographs used are reflective of the character and beauty of the natural environment.

Please see below some photographs showing the size and character of the Warrumbungle Mountains. We cannot see any reference in the EIS to the Warrumbungle Mountains. The visual impact assessment only appears to refer to the Table Top Mountain.

There will be significant impact for those people who appreciate the views and beauty of looking at the Warrumbungle Mountains. A large double decker train travelling in front of the Warrumbungle Mountains will destroy the scenic views currently enjoyed by numerous people.

*We consider the EIS is deficient and must be rejected as it has not considered the effect of the visual impacts of the train against the views provided by the Warrumbungle Mountains.*

The EIS has only considered the impact against photographs which fail to illustrate the local mountains and hence the statement below of moderate change is incorrect and the impact of the project will be a far greater loss of visual beauty:

*EIS states: The sensitivity to change for LCZ 3 is considered Moderate, as the landscape character elements are in good condition and include locally important topographical features, including Aboriginal cultural value associated with Table Top Mountain (JacobsGHD, 2020a). Any change caused by the proposal would be unlikely to have a substantial adverse effect, as the rail corridor would be generally at-grade, to lower elevations within the LCZ, and would weave between the key topographical features.*

4. **Insufficient consideration of fire risk:** The EIS states that the train could cause a fire due to sparks however the EIS does not set out sufficient details of how a bush fire will be prevented over agricultural land which could cause significant damage and affect the lives of numerous people. It is also not clear whether farmers along the line will be able to obtain insurance for any fire caused by the train.

5. **Consideration of koala habitat:** We refer to the statement in the EIS that:

In northern NSW, long-distance dispersal of up to 16.6 kilometres was recorded in around 20 per cent of the population, and the average dispersal distance was found to be 5.6 kilometres (Norman et al 2019). See Table I 17 Koala

The diagram at Fauna Species Polygons - Koala - Segment 9 Curban to Pilliga on page 112 of Tech Report 1 Part 3 of 3 assumes that a Koala will only travel up to 10 kilometres from the Warrumbungle National Park. Our experience is that koalas will travel outside this 10 kilometre range in search of the correct species of tree to source food.

We consider the EIS needs to:

- re-complete the assessment of koala movements in a period of average rainfall (not a period of drought);
- provide additional details on whether koalas can use the proposed culverts as a means of crossing the train line; and
- provide additional details of the nature of the fencing proposed to allow consideration of how the fencing will work to retain stock but facilitate the movement of koala and kangaroos.

6. **Insufficient rail crossing or planning to allow business to continue:** With land on both sides of the proposed train route there are insufficient allowance for the changes in operating practices and additional liabilities caused by the need to deal with a crossing.

We understand that the crossing on the Seven Mile Lane will be a passive crossing. We are unclear on how we can safely use a passive crossing for:

- Crossing of large machinery; and
- Crossing of stock.

We need to understand how stock and machinery will be able to cross safely at the crossing. If our only warning is a train horn, how we do move our machinery or stock quickly enough to avoid an accident. If there is no mobile reception at the crossing (as is currently the case), how do we receive early warning of a train.

We are not aware of the EIS stating that stock (i.e sheep and cattle) will be able to cross underneath the train line through culverts. Stock crossing via culverts need to be confirmed.

We also note that there has been no consideration of the additional noise in the environment caused by large machinery of numerous farmers needing to travel back and forth along the Seven Mile Lane and the additional cost which needs to be incurred to move machinery to a crossing and then back onto the property.

7. **Inherent Conflict in ARTC Role and Need for Independent Review of Work:** There is an inherent conflict that the ARTC is advising on the Inland Rail Project when they wish to manage the building and operation of the project?

We need an independent review of the work of the ARTC (as they are conflicted – the people of the ARTC want the project to proceed so they will have long term jobs).

Considering the potential risks of getting this project wrong which could affect hundreds of stakeholders, we need a panel of independent experts appointed to represent impacted persons to check the work of the ARTC.

As part of this independent review, the financial calculations for the budget for the Inland Rail Project need to be fully released to the public. There needs to be the opportunity for the public to see how the budget has been determined. What check and balance exists to ensure that the information being produced by the ARTC is actually correct?

We do not consider that the budget for the project has adequately allowed for all the liabilities and losses that the project will cause. We would assume it is in the interests of all parties to have an independent review of all assumptions and calculations.

8. **Liability for mis-calculations or any negative impact causing losses:** The impact to a farming family and their business from a small mistake or mis-calculation in the preparations for Inland Rail could result in material losses and liabilities for a farming family. These additional liabilities could be terminal to a farming business as the margins of profit of farming are very tight.

Building a rail line through operational farms is not the same as building a rail line through a residential or industrial area. An industrial business or a residential home can be relocated with relatively simple steps and limited costs. It is a difficult process to sell an existing farm and identify a new farm to purchase especially considering the costs of such a process and the years of experience and lifestyle build up operating in a particular region. There is also the absence of alternative farms to purchase.

***It is not acceptable for the Commonwealth Government to building a rail line through farming businesses without a guarantee that each business will be fully compensated for all losses which arise from this project – whether those losses arise before, during or after construction.*** It is not acceptable for the Commonwealth Government to transfer the potential liabilities and losses which Inland Rail may cause to small farming families.

Before any additional steps are taken, the Commonwealth Government needs to urgently establish a compensation package which guarantees that any negative impact of the Inland Rail project will result in full compensation to the farming family. The compensation must be available in a simple mechanism and paid promptly. This compensation should also include a structure for a farming family to sell all or part of their farm at a premium to market value without any taxes or costs.

The current proposal for compensation on the grounds of compulsory acquisition is insufficient as there is no commitment:

- To pay for all the immediate and future operational liabilities caused by the project. For example, (Immediate Liabilities) To pay for loss of profit caused by inefficiencies of a farm being divided by the train line. (Future Operations) To pay for the liabilities arising from a

change in soil hydration (soil may no longer be optimum for growing crops) or a flood or fire caused by the project after its construction.

There is no mechanism for farmers to be fully and quickly compensated for the immediate and future liabilities caused by the project; and

- To allow farmers to sell their entire farm at above market value without costs or tax and relocate to another farm.

We also doubt that proper compensation packages have been taken into account in the budget for the project. We suspect that an insufficient amount of money has been allowed for compensation which will result in attempts to lower the compensation for farmers (which again would be unacceptable considering the position and power of the Government) or a budget blowout will occur whereby the public will be informed that the Inland Rail project will never meet its proposed budget.

9. **Inadequate community consultation:** We make submissions of concerns and questions and matters proceed as if those concerns do not make a difference. It feels like the ARTC is “ticking a box” and not actually taking in account the concerns or questions of all concerned in making decisions.

We question whether there is a material failure to adequately take into account all relevant factors in making decisions regarding the Inland Rail Project. We question whether this failure has occurred due to pressures to ensure that the project proceeds and not being open to considering the potential additional liabilities of the project to avoid an unacceptable budget blow out.

10. **Failure to consider all economic and social considerations:** The town of Coonamble expected and wanted to be a freight hub for the train. There does not appear to have been proper economic or social considerations of the benefits of the train line going via Coonamble. While the ARTC say that “feeder trains” could be built to transport grain and other goods to the actual train line, there does not appear to be any economic or social studies into whether such an option is actually viable.

There does not appear to be a proper assessment of what goods could be loaded on the train from regional Australia. The statements that trains could be loaded at points along the track appear to be generally false statements to appease rural communities. There appears to be no actual plan to load trains with regional goods. If such a plan existed, it would include a cost and benefit analysis of whether the train should go via Coonamble to be closer to all the grain produced in that region.

ARTC are focusing too much on the transport of freight between Melbourne and Brisbane. There needs to be more work undertaken to understand the availability to transport agricultural products to market and whether the introduction of a passenger train is also viable.

As an overall statement, we would also say that there has been a total failure to consider the social impact of the proposed train including the stress on people in regional communities.

11. **Alternative routes not properly considered – no weighing or consideration of long term productivity loss or community damage:** In respect of the section of the route from Curban to Mount Tenandra, there is an alternate route along the existing train line to Gulargambone and then along the stock route from Gulargambone via the Box Ridge Road which uses existing infrastructure and avoids any loss of prime agricultural land. Please see Option C- Box Ridge Road Option in the Narromine to Narrabri Options report. It has been stated that it would add 9 minutes to the time taken from Melbourne to Brisbane which is not significant in time. However, it is significant in avoiding the loss of prime agricultural land and

the social damage to people's lives. There does not appear to be any value placed on the long-term loss of agricultural land or the long-term damage to people's lives and communities. Why is there not a value placed on the harm and damage to people's lives caused by living next to a train for the rest of their lives.

Australia has a limited supply of prime agricultural land – why waste such land when a train can be built on existing train lines and existing road routes.

**Conclusion:** For the reasons outlined above, we consider that the EIS is materially deficient in that the EIS does not properly or fully take into consideration all relevant factors. For that reason, we consider that the EIS must not be accepted.

We consider that:

- all factors on which the Inland Rail Project are based need to be subject to a full independent review by a panel of independent experts; and
- the Commonwealth of Australia needs to confirm and provide full details of a fully funded long term compensation package to cover all liabilities incurred by farmers because of the Inland Rail Project. We do not consider it is reasonable nor acceptable for farming families to be left with the material uncertainty and stress of potentially being liable to suffer unknown consequences and liabilities of a Government project.

Kind regards

Heather Worner and Alex Worner

**Pictures of Substantial Water Flows (which evidence that current allowances of for bridges and culverts are grossly inadequate)**









## **Evidence of Natural Scenic Character of the Land**

The photographs below look to the East and the train line will run in front of the Warrumbungle Mountain range in the photographs

