

SUBMISSION OF RESPONSE TO NS2B INLAND RAIL EIS

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Ian Uebergang "Oakhurst" North Star NSW 2408

This submission responding to the EIS for Inland Rail NS2B project and other relevant documents pertaining to the Project is prepared by Ian Uebergang, "Oakhurst", 294 Oakhurst Rd, North Star, NSW 2408.

I have also contributed to a collective submission of response to this EIS as part of a group of effected Landholders on the Macintyre Floodplain. Issues highlighted in the collective submission have been repeatedly raised by us and others with ARTC through comprehensive dialogue over the past three and a half years without satisfactory response from them.

I have included a map showing local points to inform the reader of this submission.

1. Background

My Name is Ian Uebergang. I live at 'Oakhurst' on the Macintyre River floodplain and, with my family, own and manage various properties spread along 15 kms of the proposed NS2B Inland Rail alignment.

I have owned and managed 'Oakhurst' for over 50 years and have experienced many floods during my lifetime. My three adult children live with their families on our farms. We grow wheat, barley, chickpeas, sorghum and various winter and summer forages on our arable land. We also run beef cattle and sheep for meat and wool on native and perennial grasslands, some of which include the grasslands of fine textured alluvial soils of the floodplain, a critically endangered ecological community.

The NS2B alignment dissects three of our properties and adjoins two others. It will cause several substantial impacts on these farms. At present I have 10 private rail line crossings accessing our properties. All of these suit small farm vehicles and stock. Only 2 can be used for heavy or wide farm machinery. ARTC has, under the proposed reference design, restricted access to just three locations, one stock and small vehicle crossing under a bridge, one stock and small farm vehicle crossing over the alignment, and one new heavy vehicle, wide machinery and stock crossing over the line.

2. My Experience with Inland Rail

I am a member of the National Party and have supported the concept of Inland Rail since the idea was conceived in the 1980's, and have encouraged political support for the concept for over 18 years. I am also a member of the NSW Farmers Assn Inland Rail Taskforce and serve on the NS2B Community Consultative Committee (CCC) and on the Goondiwindi Regional Council Inland Rail Working Group. All of my efforts on the IR project have been to encourage a fairer, less impactful build with the end result being of benefit to my children and grandchildren and to other members of our community, to the State of NSW, and to the Commonwealth of Australia.

Countless hours, days, weeks and months have been spent in meetings negotiating, encouraging and demanding changes to the proposed project. I have sat through extensive presentations

from ARTC, spending more hours reviewing and trying to understand them in an attempt to make the project better for all. I have been involved in IR issues for 18 years, and intensively for the last 8 years.

I have been involved with the North Star school for many years and work with the present Principal on dealing with the impacts from IR. The School has the Boggabilla/NorthStar Rd adjoining and the IR alignment next to it. The noise and vibration impacts from the alignment will need to be comprehensively addressed, both during construction and operation on the line for both NS2B and N2NS.. There are significant health and safety issues, and as well as aesthetics and loss of amenity caused by IR.

I am on a small committee for the North Star Club which has been earmarked by ARTC as the location of a construction camp for IR. There have been only preliminary discussions held to-date and there are many issues outstanding that will need to be addressed. **In particular, we are concerned that all arrangements concerning the sites must be underwritten by ARTC as the project manager, rather than the contractor, as is suggested in the EIS.** We are still to agree on the Legacy to be left to the community of North Star which will be profoundly disrupted by the upheaval caused by the imposition of a construction camp of up to 350 to service both the N2NS and the NS2B Inland Rail projects. We were informed that a construction camp was not included in N2NS and will be deemed covered for it, once the NS2B approval is granted.

3. My Experience with Flooding

My early schooling at Yetman, on the Macintyre River, was interrupted by the 1956 Flood, where we experienced 4 flood peaks in one month.

In the 1976 flood we had 12 inches (300 mm) rainfall at 'Oakhurst' in 24 hours on top of an already significant flood. 1976 is still vivid in my memory. I had water in our two story house and I cooked meals at a gas stove while standing in water on many days. I was marooned on the farm while my wife Marilyn was convalescing and caring for our first born son who arrived 3 days before the flood hit. It was 3 weeks before they could come home. The peak of the 1976 flood held for 3 days, then slowly fell before finally draining from the property 4 weeks later. We lost 95% of our adult sheep flock of 2,500 hd and a small number of cattle. More than 500 head of cattle floated downstream and we eventually collected them miles from home. We lost 30 kms of fencing. The depth of water across the property ranged from 1 metre to about 2 and a half metres near the Newell Highway/Whalan CK bridge. in the west.

The 1996 flood, while considerable smaller than 1976, was still a large flood. We had 8 inches of rain in one day. Long time residents and are our neighbours on the Whalan Ck suggest that this is the second largest flood recorded in this area .

The 2011 Flood, a record for Goondiwindi, was an unusual one. We had no rain in 2011 flood event. Little of the property flooded, just a small area on the northern side of the property. This flood had much less water, across the flood plain, than 1976, and experts suggest that Goondiwindi was threatened with inundation from a record peak , which came down the Dumaresq R. only and was due to the substantial amount of development in the valley. The unusual nature of the 2011 flood gives rise to the concerns regarding the impacts that construction of such a substantial IR embankment across the floodplain, as proposed by Inland Rail, could cause.

Issues of Concern regarding the Project

3.1 Flooding and Hydrology

Flooding issues are of great concern for the community throughout the floodplain from Toomelah in the east to downstream of Goondiwindi and beyond. There is major concern that the Alignment will contribute more flow along the Macintyre River causing increased flooding. The issue has caused great frustration as there was no real consultation with the Community before ARTC's decision to proceed with their preferred Alignment D1.

We have been provided with detailed reference designs for bridges, culverts, the rail line and embankment, and roads proposed in the Project. It is disappointing that this detail is missing from the EIS as it provides much more detail which I believe is essential to get an accurate picture of what is proposed.

When comparing the design for bridges and culverts along the alignment there is a glaring difference between those at and near the crossings for Mobindry Creek (270-BR01, 270-BR02) and Back CK. (270-BR03) and Forrest Creek (270-BR04), which are well catered for, and the bridging and culverts proposed for the massive Macintyre River/Whalan Creek where there is a massive deficiency of drainage. The selected alignment running parallel with, rather than across, the Whalan Creek, the dearth of drainage on the greenfield section between bridge 270-BR08 and Viaduct 270-BR11, and the complete lack of bridging and inadequate drainage structures on the southern part of the floodplain between bridge 270-BR05 near Wearne siding and bridge 270-BR06 some kms north ,gives us great concern regarding the impact of afflux, erosion and scouring across the floodplain.

It is our understanding that the reference design for the Condamine floodplain in QLD in the B2G section of Inland Rail includes 6.1 kms of bridging and 500 culverts for the 13.5 km Floodplain, compared to only about 3kms bridging and 13 banks of culverts across the NSW section of this floodplain which carries more than twice as much water in high flood events. This is totally inadequate for such a significant floodplain.

3.2 Modelling

It is disappointing that the reference design has been based on a 'moderate' flood created around ARTC's interpreted 1% AEP rather than the 1976 flood which is considered the benchmark event in the valley. The 1976 event seems to have been almost entirely ignored in the EIS. Self-determined tolerances for Afflux and velocities and flood flows are all exceeded in larger, more relevant flooding events (and even in the 1% AEP in some locations). Peak levels of the 1976 event are forecast by ARTC to be almost a metre higher than the 1% AEP. The independent report completed for ARTC by BMT heavily qualifies their support for the modelling and repeatedly reiterates the need to refer to the 1976 flood to best inform the reference design and compensation for landholders. Exposing property and people to the risks created by inadequate design is inappropriate and not acceptable. The likely damage caused by inadequate drainage could be irreversible and can not be solved by compensation. There is a real risk that flows will be diverted north back into the Macintyre which will create an unacceptable risk of severe flooding in Boggabilla and Goondiwindi It is difficult to see how the project can proceed when there is no support for the current proposal from the informed members of our community.

The community have argued for some years that option A rail river crossing nearer Boggabilla would be far more acceptable . There was NO CONSULTATION by ARTC with the NSW community on their selected crossing D1.

We have found it very difficult to convince ARTC of deficiencies and concerns that we can see in their plans. It took a long time for them to accept our argument that the model did not adequately consider the 'organic' levy banks that grow in the floodplain, as well as unapproved levies that DPIE had excluded from their modelling. We continue to express our concern that the model does not fully account for flows in a 1976 scale event. Their estimates calculated back from the Boggabilla gauge do not reconcile with NSW Dept calculated peak flows upstream from the proposed crossing point on D1 and could underestimate the flows by as much as 30%. Our separate collective submission to this EIS goes into more detail.

3.3 Location of Crossing Loop

We have repeatedly raised our concerns, as has Goondiwindi Regional Council, regarding the location of the proposed crossing loop. We have protested strongly to any suggestion that the crossing loop will be located in the floodplain, particularly when there are far more appropriate locations south of the floodplain. The local ARTC project team have assured us that they have communicated their strong preference for the crossing loop to be located off the floodplain but that the decision is not in their hands and will be made with reference to the whole IR alignment. The proposed footprint for the crossing loop still includes several kilometres of floodplain and despite our strong wishes could still be located there. This is completely unacceptable to us as it places more obstruction in the floodplain when there is already insufficient drainage.

3.4 Noise and Vibration

I have repeatedly endeavoured to address my concerns regarding Noise and Vibration issues that will impact a number of houses on our properties which are in close proximity to the alignment, only to be told that I should address the issue in my response to the EIS. Hardly an empathetic response to the issue.

My most extreme impact will be felt at receptor 254050 the 'Ohmi' house (see Ch 51, pp38). It virtually sits on the alignment at the junction of the Boggabilla/ North Star road. There will be boom gates on the crossing, flashing lights and bells and whistles when the gates are activated and train horns blowing at every pass of the train. This house will require removal far from the line. I have three other houses, receptors 254042, 254041, 254047 at 'Bibilah' all 400 to 500 metres from the alignment. All of these houses are less than 1km from the road crossing near the 'Ohmi' house, and all will suffer serious noise and vibration issues. These are peoples homes. They have not experienced any noise and vibration from the rail line, and never anything like proposed by Inland Rail.

The EIS gives no clue as to how these issues are to be dealt with. I find this very unsatisfactory and am concerned that the issue will be brushed off by ARTC if there are no conditions placed on them regarding this issue.

4.5 District Communications

Communications are another issue that I have repeatedly raised with Inland Rail, with federal politicians, and via the NSW Farmers. Currently the mobile phone coverage along the NS2B alignment and around North Star is very poor. I am very concerned about the impact that of Inland Rail during the construction phase and then the operational phase. I understand that the alignment will require good mobile service to operate the switching gear along the alignment. We are also told, when we raise concerns regarding the safe passage of our stock and machinery across the line, that a mobile app will be available to alert us as to the proximity and timing of trains.

The existing service in the area will not be capable of supporting the additional activity created by Inland Rail. This is a major safety issue for our community and ARTC have, thus far, refused to adequately address it. There is reference in the EIS that 'the IR construction contractor may upgrade communication at the possible camp site at North Star', but this does not address the wider issues along the alignment. IR have often touted communications upgrades as being a legacy benefit to the broader community of the implementation of IR, and yet they refuse to address the issue.

I will deny access to ARTC to my properties if this issue is not adequately addressed at approval of the project . I suggest ARTC talk to all their teams visiting out in the alignment, as they have not been able to abide by ARTC policy of , full time communications contact with their city office, when on NS2B.

4.6 Relocation of Heritage Artifacts

A number of artifacts have been identified along the track in proximity of my properties during the Cultural and Heritage studies that have been conducted for ARTC. The EIS suggests the idea of relocating these artifacts to a dedicated area to preserve these items and to make them accessible to special interest groups and to the general public. The suggested area is located on the Stock Route TSR on the bank of Mobindry Ck near significant site AHIMS #2-4-0046, a scar tree.

I think this an excellent idea as it will preserve the artifacts and create interest in the cultural history of the region. There is adequate area in the TSR to preserve the site and a wide enough corridor to also provide for travelling stock and the road, if designed well.

4.7 Travelling Stock Routes

Stock have been travelled along the length of the alignment from Boggabilla to North Star even in the horse and buggy days. It is a well-recognised route from the Merawah Travelling Stock Reserve (TSR) near the Macintyre river, south to the Wearne TSR near Wearne siding, then south to the Mobinbry TSR just west of Mungle siding, and on to the North Star TSR. These TSR's were all spaced out in one day drives for the stock all with water for them to settle on at the end of each day's drive. The old alignment chose to follow these pre-existing stock routes. The line, when built, was never fenced as, I presume, there was never sufficient traffic on the line to warrant that, and the train drivers were observant of the passage of stock along the alignment. There is still frequent

travelling stock, making use of these stock routes and reserves, particularly in drought times. Many of the local landholders regularly use these stock routes to passage our stock between paddocks and

ARTC have been rather ambivalent on this issue. In a number of places, the travelling stock route will be severely compressed by the constructed alignment, and the necessary fencing that will have to be erected adjacent to it. They have even suggested that the TSR's can be ignored as the stock routes between each reserve are not formally registered. Registration may be one thing, but use is another. These routes have provided an essential service since stock were introduced in the region and we are most concerned that they be adequately provided for in the design. The project footprint may need to be widened in some areas to ensure adequate width to pass stock safely.

4.8 ARTC's performance

I have now dealt with 16 different Community and Stakeholder Engagement Personnel, and many Engineers and Project Managers in the time I have been dealing with ARTC. This has created many problems over that time. It has been very disappointing to experience so many staff changes within the last three and a half years during the very important reference design phase.

Miss or lack of communication between succeeding personnel and with me and others, miss-information and mixed messaging from ARTC on many issues. Statements claiming general support for the model, or for other aspects of the project when there are clearly outstanding issues that remain unresolved. Even in the EIS there is confusing messaging on issues. There are areas where it is suggested the alignment will be fenced, but there have been a variety of standards alluded to. There are other references to no fencing on the floodplain due to the possibility to fences creating blockages under structures in times of flood. Assurances about the crossing loop being confusing and contradictory. These mixed messages with others, are confusing, unhelpful, and unsatisfactory.

We have also had ongoing communication issues with ARTC that they seem unable to resolve. Incorrect, inappropriate, inaccurate and misleading place names have not only demonstrated a lack of care or respect for local residents but have led to much confusion and time wasting. I have lost count of the times I have had to search and direct ARTC personnel or their contractors to sites on my properties because they have not been properly informed. I have tried to rectify this issue many times in conjunction with ARTC by providing maps with place names and locations, but these are either lost or ignored. These issues are prevalent throughout this EIS.

ARTC must position location finger boards, agreed by locals, along the alignment before construction commences. There will need to be a central on-site office with easily contactable phone numbers during construction, for concerns to be expressed to significant action people. Not a revolving door of constantly changing personnel.

4.9 Fencing

As mentioned above, there is mixed messaging from ARTC on the issue of fencing along the alignment. Fencing is essential to ensure the safe control and depasturing of stock adjacent

to the alignment and around borrow pits created to service the IR build. There needs to be an agreed fencing standard with each affected land holder that is suitable for the type of livestock to be held on their property. All fencing should be in steel or concrete posts and should be constructed to a professional standard. There needs to be a clear and agreed policy for maintenance. ARTC should be required to share the cost of maintenance at least. When the new alignment fencing is confirmed, there will be areas where new wide machinery and stock ways will have to be reinstated, on adjoining land holders land, including rocked causeways in creeks, and will require removal of trees to allow this. This must be covered under the EIS for IR development.

The question comes, who will be maintaining the fencing for kilometres, between the IR alignment and the Boggabilla/North Star road?

4.10 Public Liability Insurance

Affected landholders should not be inflicted with any more than a conventional insurance cover of \$20million public liability coverage. ARTC are forcing the active train on us. Some ARTC personnel have suggested coverage of substantially greater than that. IR are placing enough strain on affected landholders. We must have reasonable access to our farms, to be able to move machinery and stock across IR and retrieve stock from the alignment.

4.11 Stock and Water Access

I trust indications by ARTC, of allowing stock under the line at Back Creek unimpeded, and 2.4m clearance with cement and rock under and approaching the bridge still prevails, and new poly lines under the IR just north of Boggabilla/North Star Road crossing at Ohmi, and also just south of Boggabilla/North Star crossing at Wearne to allow for stock water and access.

4.12 Stock Crossings

All stock crossings over the line should have a sufficiently large holding area each side of IR and well displayed signage including phone numbers to ring for 'up to the minute IR train passage' to assist drivers to safely cross the line. Gates ways should be at least 10 meters wide.

4.13 Access to farms during the IR build

Extensive consultation during construction will be necessary to enable the crossing of public roads and private farm accesses at all times, especially during harvest times. There must be a one stop office, for access even after hours contact, of a senior person for construction concerns.

4.14 Blackouts and warning lights at crossings and additional warning lights

At the Boggabilla/North Star Road crossing at Ohmi there is a high risk of lightning strike and blackouts at this point, a gift of nature, not uncommon for a number of times per year. IR will have to consider back up power at all times. There is also a need for an extra set of lights, similar to RX -5 assembly, warning traffic from North Star, warning of the impending train, before the bend, approaching the level crossing.

Road and traffic counters were installed during the last 2 years or so, in the midst of a raging drought, where not much produce or stores were moved. Allowances for substantially more traffic when seasons emerge from drought ,must be considered.

4.15 Restoration of Borrow Pits and Laydown areas

Close consultation with affected landholders will be necessary with restoration of borrow pits and laydown areas. To name 'borrow pits' as such, means IR will return with other material. Just how do IR propose to restore pits in cultivation or grass in laydown areas?

There is an old rail gravel pit caving in, in the alignment just north of the telephone line and road access to Tremayne, which is 2/3 km south of Forest Creek Road rail crossing. The old borrow pit within the alignment needs filling in ,to allow the collapsing boundary fence into the pit, to be rehabilitated.

4.16 Restoration of shade for stock.

Along the alignment we hear, but do not have any detail, that the new alignment will be moved east or west into adjoining land , fence lines will be moved into adjoining paddocks and removal of significant shade trees for stock . Trees should be at least ten meters from new fences . What does IR propose here?

4.17 Restoration and rehabilitation of scour areas as a result of the old rail upgrade, years ago

Areas on both sides of the alignment will require rehabilitation for some distance, north of Back Creek. The borrow areas in upgrading the old line years ago ,are showing developing erosion.

4.18 Stock and heavy machinery creek crossing at Mobinbry Creek bridge.

. It is necessary for movement of stock and heavy machinery , where the new alignment may fence off, the current used access ,between the road bridge and the rail bridge. This must be reinstated to a easily accessible rocked crossing.

4.19 New Farm Access

The private new farm access at ' Ohmi cattle yards' sign and access just south of Wearne siding for private access across the line will require consultation first and to include 8m wide road.

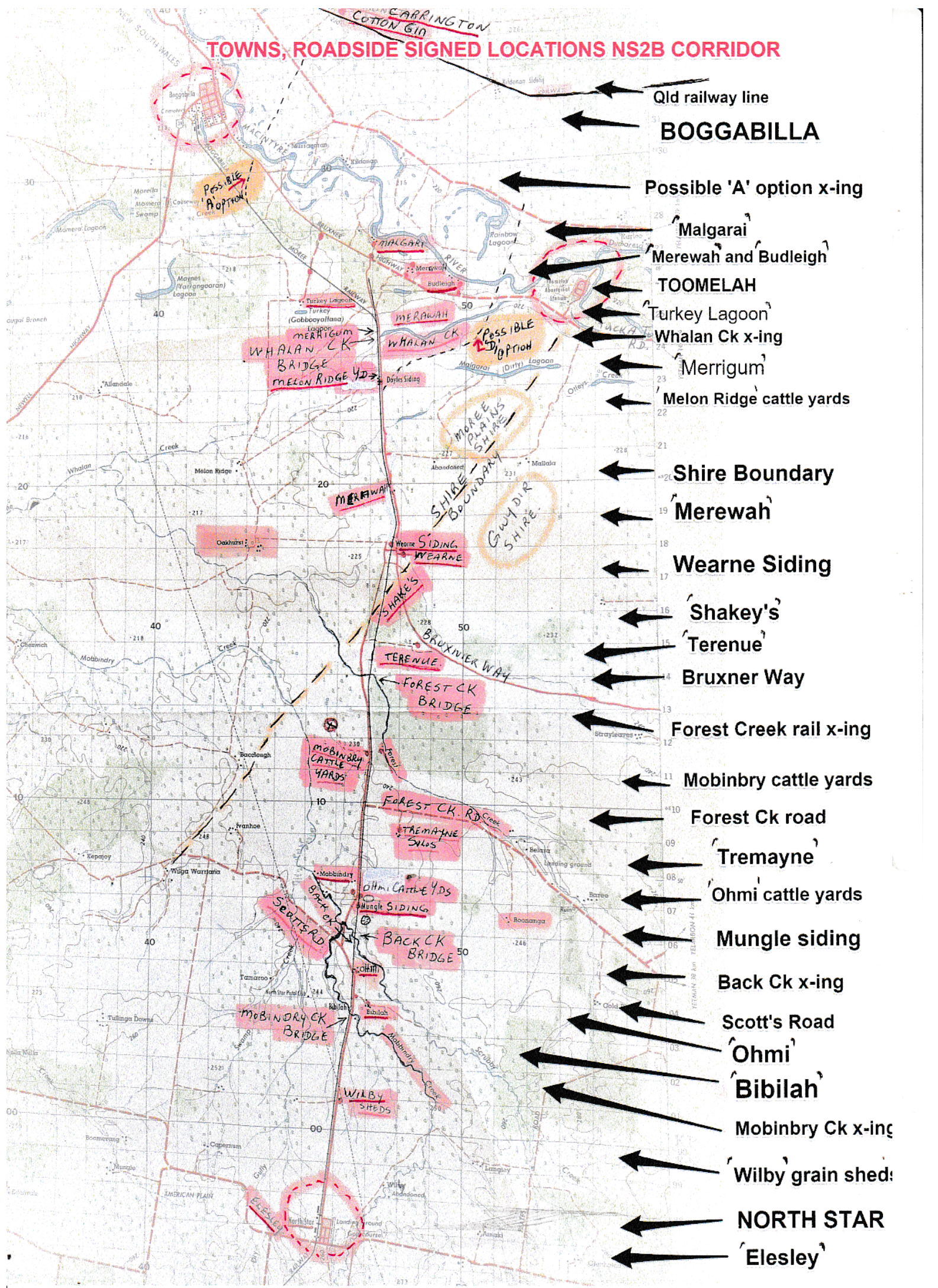
SUMMARY

- We are a co-operative community. Please see the sign established on the road 4km or so East of Forest Creek rail/road crossing, showing the achievements of a collaborative effort. I hope Inland Rail can be seen the same light after the build of IR.



- There must be extensive re-consideration of the IR use of a 1% AEP flood to inform the modelling and as a basis for compensation. The 1976 flood event must be used instead, it is the experienced flood of many residents in the valley.
- I will lose 10 access points to my farms reduced to 3 points.
- Noise and vibration will be extreme at one of my farm homes and challenging at 3 other homes.
- The new narrower route for travelling stock will be very challenging, near impossible for persons and animals safety.
- Access during construction will be very difficult to work the farms.

TOWNS, ROADSIDE SIGNED LOCATIONS NS2B CORRIDOR



- Qld railway line
- BOGGABILLA**
- Possible 'A' option x-ing
- 'Malgarai'
- 'Merewah and Budleigh'
- TOOMELAH**
- 'Turkey Lagoon'
- 'Whalan Ck x-ing'
- 'Merrigum'
- Melon Ridge cattle yards
- Shire Boundary
- 'Merewah'
- Wearne Siding
- 'Shakey's'
- 'Terenu'
- Bruxner Way
- Forest Creek rail x-ing
- Mobinbry cattle yards
- Forest Ck road
- 'Tremayne'
- 'Ohmi cattle yards'
- Mungle siding
- Back Ck x-ing
- Scott's Road
- 'Ohmi'
- 'Bibilah'
- Mobinbry Ck x-ing
- 'Wilby grain shed'
- NORTH STAR**
- 'Elesley'