

# Robert & Lori Mackay 'Budleigh' 3780 Tucka Tucka Road Boggabilla NSW 2409 EIS submission to Department of Planning, Industry and Environment

## Introduction and Mackay Family and Budleigh Property Background

I would firstly like to take the opportunity to introduce myself Robert Mackay and my wife Lori as well as our son Greg and his wife Pia. In combination we run the property 'Budleigh' as a part of our cattle trading operation across two properties. 'Budleigh' which is a greenfield site in the current D1 alignment on the North star to Border alignment is significantly impacted by the rail alignment.

We are predominately a cattle trading business operating out of 'Budleigh' and a property 'Dandaraga North' 40 klms north of Goondiwindi. Depending on seasonal conditions we turn off up to 4000 head per annum of feeder cattle backgrounding into local feedlots and also producing direct for the export markets such as China. Also operating on 'Budleigh' is a professional horse training business headed up by myself and my wife Lori training and breeding horses for both ourselves and clients for competition in the sport of cutting horses. Up to a dozen horses are stabled in training at any given time over the year ranging from yearling horses up to aged event horses and more are spelled in paddocks across 'Budleigh' for clients during the year. Finally, the third enterprise on the property is irrigated cotton production which encompasses an area of approximately 200 ha of flood irrigation used for mainly cotton production but has in the past produced a wide variety of crops. At current the irrigated cropping assets are leased to a local grower however future property planning has this asset being further utilised by the family operation.

The Mackay Family has owned and operated the property since the late 1920's and Greg Mackay our son is the fourth generation to have made a living from farming the property. My father and mother, Ken and Judy Mackay who passed away in 2019 and 2011 respectively are buried on my brother's property 'Merawah' next door of which 'Budleigh' was once a part, before my parents passed on the property to their two sons Andrew and Me. I must at this point add that I am relieved that they are not here anymore to witness the devastating impacts and blatant disregard for our family and our properties which have been the life's work of four generations inflicted by this project. The mental anguish and frustration as well as financial toll placed upon my family and on this property, would have been a poor end to two celebrated lives and a property they devoted their lives to.

## Lived Flooding Experience and Local Knowledge

We have extensive lived experience of flooding in the area having lived through and witnessed the 1976, 1996, and 2011 flooding events. We know where the "high ground" is located across the property having moved livestock to these areas either by boat or horseback during these flooding events. I might note we also know the toll, both financially and mentally, that flooding can take having drowned in 1976 3000 sheep exactly in the projected excessive afflux area east of the alignment proposed by ARTC due to rising flood waters and not being able to save livestock.

Our land joins the track on the eastern side of the Bruxner highway as well as being split by the embankment against the southern side of the Whalan Creek. The eastern boundary of our river country is the Macintyre River Bridge site just over a kilometre from my house and in clear view from the house and its surrounds. At least two thirds if not all of our land will be impacted by increased flooding affluxes of over 0.5 of a metre. These increased affluxes are caused by poor Drainage of the D1 alignment and have been clearly illustrated in ARTC's modelling on the 1976 flooding event. This poor afflux result is shown in ARTC's 1976 modelling with the peak water flow being modelled at 745,000 megalitres per day across the floodplain at the junction of the two rivers, a figure chosen and used by ARTC. It is our belief that this figure was in reality closer to 1,000,000 megalitres per day peak flow and this has been verified by the NSW water resources upstream gauge readings and further collaborated by Eddie Billing, a local flooding expert whose skills and knowledge of local flooding in the area have been utilised by local land holders and regional councils for over 40 years. It is our fear that if the true peak water flows are incorporated into ARTC's flood modelling the afflux impacts on our property may be far worse than currently shown.

### Flooding and Potential impacts on stock losses

Depths of 1.5 metres and above are clearly shown in the areas east of the alignment. In this area located on our property, depending on the seasonal conditions, we could have over 1000 head of cattle in the 250 kg bodyweight range. These size cattle will not survive that depth of water and the increased time of inundation which can kill cattle from exposure even if they do not drown from the depth of water. Large scale livestock losses in this area are now a very real possibility and a factor which will heavily influence production decisions.

ARTC have committed to fencing the alignment wherever there is an embankment. It is a significant community safety issue that if these fences were to fail and be pushed downstream by rising flood waters and debris there is a very real chance that cattle also being pushed by these waters may seek refuge on the track. A train colliding with large numbers of stranded stock in the night is a very real possibility and a huge public safety issue. Large floods could give rise to a derailment during a flood and other issues such as human and animal loss of life, contamination from train fuel and oil as well as potentially harmful cargo such as industrial chemicals being transported on the train.

High ground is a highly valued asset on properties located on the flood plain. On 'Budleigh' there are several natural sandhills which provide refuge for livestock through the flooding periods and have been used for this through all previous flooding events. They provide areas that are out of the water but also have sufficient shelter to block wind and rain and also provide a suitable foundation that withstands large amounts of rain without becoming waterlogged and boggy. The predicted increased affluxes from the ARTC flood modelling even at low peak water flows they have used to formulate these models shows that these areas may now be inundated by water and unsuitable for this purpose leaving no areas of high ground for livestock refuge on 'Budleigh' in large scale flooding events like 1976.

Richard Wankmuller, Inland Rail CEO, has visited this area on no less than 3 occasions. This level of attention has been bought about by the fact that this proposed alignment D1 has been condemned by all sections of the community including Goondiwindi Regional Council, Landholders, residents of the nearby aboriginal community of Toomelah, and local flooding experts. He made a statement at one of these visits that I will never forget. "The only thing that will change the alignment is a FATAL FLAW"

WELL HERE IT IS!!!!

ARTC have elected to use a 1% AEP flood event for track design, landholder compensation and route selection.

This has been a key point of contention with all local stakeholders for the last 3.5 years. Stakeholders have been utterly bewildered that A PIECE OF STATE SIGNIFICANT INFRASTRUCTURE, arguably the biggest structure ever contemplated for the flood plain and expected to stand for the next 100 years, would be designed with reference to such a small flood event. A 1% AEP is a modelled event that has vastly smaller peak flows than that of the locally recognised flood event which all infrastructure is designed to, which is 1976.

ARTC commissioned an independent report be done by NEIL COLLINS the principle hydraulic and water resources engineer for BMT. This man has been employed by Goondiwindi regional council on various projects over a number of years and is an expert held in high regard.

I quote from his report

*“the report highlights the magnitude of the 1976 flood event compared to that of the 1% AEP flood event. It is appreciated that from the analysis undertaken the 1976 modelled event while having inherent uncertainties is significantly greater than the design 1% AEP flood event. Therefore while uncertainty remains with the adopted 1 % AEP flood event flows (and the 1976 flood events flows ) it would still be prudent to continue to use the current estimates for the 1976 flood event as a sensitivity analysis check in any subsequent design “*

Every stakeholder on the floodplain is in complete agreement on this issue of the raising of design event, which the alignment is designed to and landholders compensated to, be raised to a 1976 flood event and the recorded water resource and local flood expert approved peak water flows of approx. 1,000,000 megalitres per day be used for all future design and compensation outcomes. This point has been raised countless times with ARTC representatives over the last 3 years to no avail.

No other government or private body which has infrastructure built on the flood plain after 1976 that is subject to flooding risk would ever consider building to sub 1976 flood specifications and yet to ARTC this seems to be acceptable and is now being forced upon us and the risks the alignment poses to our business and properties are now acceptable because they deem them to be. THEY ARE NOT ACCEPTABLE. THEY NEVER HAVE BEEN NOR WILL THEY BE. I AM NOT GOING TO RISK MY BUSINESS, MY FAMILY AND MY LIVESTOCK BECAUSE ARTC DEEM THE RISKS TO BE ACCEPTABLE TO THEM BECAUSE THE BUILD COST OF THE ALIGNMENT THROUGH MINIMISING DRAINAGE IS FINANCIALLY ACCEPTABLE TO THEIR BUDGET. I WILL NOT BE, FOR LACK OF A BETTER TERM, ‘THROWN IN THE DEEP END’ SO THAT THE BUILD COST STAYS IN BUDGET. IT IS NOT ACCEPTABLE AND FRANKLY DISAPPOINTING.

I must make mention of the alignment selection process. No one with any local knowledge would have ever have put the corridor in the area in which the D1 alignment sits. Alignment D1 is crossing the river at the most volatile pressure point on the Macintyre River. A point where the Macintyre river the Dumaresq river combine and the offtake of the Whalan Creek begins are all located 2klms upstream of the proposed river crossing bridge. The decision by ARTC to place this bridge right in the middle of this volatile area and then proceed south west with an embankment directly adjacent the Whalan Creek whilst only providing two bridges and a small block of culverts to disperse this flow is

completely inadequate for a 1976, or greater, flooding event. This inadequate drainage is causing unacceptable affluxes and inundation on the eastern side of the alignment. The Whalan Creek is widely acknowledged through local flooding experts as a major offtake of the Macintyre river with the capacity to disperse 400,000 plus megalitres per day out of the river and send it south west thus lowering the river flooding heights. The Whalan Creek's ability to do this is extremely important when it comes to local stakeholder assets including our houses, townships and communities such as Goondiwindi, Boggabilla and Toomelah which cannot tolerate even the smallest increases in river heights without significant inundation.

The village of Toomelah sits right at the junction of the 2 rivers just upstream from the proposed bridge site. There is no room for afflux increases in this area and these people and this community have not been given the consideration they deserve.

I Refer to Figure 13.24 Developed case 2019 LIDAR 1976 flows – change in peak water levels. This figure depicts affluxes covering the entire 'Budleigh' property which are outside the ARTC guidelines and are completely unacceptable to us and I wish to make this clear to DPIE that we will not accept these affluxes enforced upon us by ARTC and its proposed alignment.

### Property Severance and Impacts on Property Values

The effect on 'Budleigh' and its market value both once the alignment is complete and operational and during the construction phase will be significant. In the last 3.5 years during the "consultation" phase of the project the property has been effectively un-saleable had we wished to do so due to the exposure in both local meetings, and online and local and state news publications e.g. Queensland country life. This exposure has cast a significant cloud over the property in the local property market place and has significantly cast a shadow over the property and its future value and viability, in particular the flooding impacts from the alignment and the associated risks with this as well as the noise and aesthetic impacts on the property. We have had questions regarding the alignment and the impacts it will have on the property operation and property values put to us by both our financial and insurance institutions but we have been unable to give much clarity due to the fact ARTC to this date refuse for us to meet with the property team. Considering that the whole of the last 3.5 years on being involved with ARTC and the alignment the property has been in record breaking drought and finally topped off by Covid-19, the mental and financial strain placed on my family and this business has been considerable.

Despite repeated requests by us ARTC have refused to have any meaningful conversations regarding compensation. As directly affected landholders with greenfield track crossing our land we know our property values are going to be adversely affected due to the flooding and extended inundation times, severance and access issues, noise and vibration, lifestyle and visual impacts, and finally the operational challenges and associated risks yet as we ask ARTC for meetings with the property team to discuss these matters we are refused because the 'Process' does not allow for that in this stage of the development.

As I'm sure you are aware there have been significant changes over the last 5 years in the rural lending landscape which have enacted broad changes to the access to capital for rural businesses. No longer can rural bank managers value assets over 3 million dollars rather after this threshold they must employ a property valuer at the client's expense and this must happen every 3 years. We are

currently at our 3-year valuation period and I have repeatedly explained this to ARTC and the need for us to talk to the property team is critical to this process but the answer has been “no”.

As our property value diminishes our net equity position will be eroded and thus incur higher risk rating from our banking institution. From this a higher interest rate will be placed on our business capital requirements thus resulting in our business operating costs further increasing. And this can all happen now because when a valuer is employed to value this property today, they must take into account all the issues regarding the alignment and dealings and public submissions by ARTC when they place a value on the property. This is all a result of an alignment chosen by ARTC a situation over which we have no control. So, for ARTC to sit back at the current moment and say it's not part of their process is completely unacceptable because our business is already being financially impacted by their alignment decision now.

The EIS submissions are documents we all know are hugely important to the family owned business and the properties survival. For this reason, we have chosen to employ legal advice as well as hydrological advice along with other experts to review ARTC's findings regarding the alignment and its impacts. The costs of these experts will be substantial and will be paid by our family business all of which there is zero chance of recovery from ARTC.

Even though ARTC refuse to talk about property values we cannot afford to be complacent and hope that ARTC will compensate accordingly because as to date cost cutting seems to be their main agenda and I fear this will be equally applied to the compensation of affected landholders. To this affect we have engaged a noted real estate expert with some experience in dealings with ARTC. He has inspected the findings of ARTC and found them to be completely unacceptable and severely detrimental to the property value. He noted that because of the severe flooding impacts the alignment will have in both depth of water and inundation time the property will now have an unacceptable risk profile for most large corporate and corporate structured buyers of which all the neighbouring properties to 'Budleigh' are owned by. He noted that in this area in the last 10 years 70% of purchases of properties with the assets that 'Budleigh' has have been sold to corporate buyers and through this competition from large corporate investors those properties have sold for approx. 30 % above which they would have if only local buyers had been involved. ARTC alignment and its associated impacts have now taken 'Budleigh' out of this competitive environment amongst corporate buyers and placed it in a market in which lower property values are achieved. This is again completely out of control and un acceptable to us.

## Summary

This is an alignment for which ARTC have no community support. It is fair to say that it never had any chance of community support because the community never had any input into its' choosing despite ARTC's claims to the contrary. Goondiwindi Council have objected to the alignment from the first day it was announced. Finally, in desperation they employed Dr Shamil Markar (who successfully disputed ARTC's flood modelling on the Condamine flood plain) to review the hydrology and flood modelling presented by ARTC. Eddie Billing who is an acknowledged flooding and river Height expert in this area having advised Goondiwindi town council, SES and NSW state water authorities on predicted flood heights over the last 40 years or more has signed an affidavit condemning this alignment because of its flooding impacts. I have always suspected the communities preferred alignment Option A has never been properly flood modelled, designed and costed for a realistic

comparison against option D1 which ARTC chose. My suspicions were only heightened by a conversation with Neil Collins Chief Hydrologist for BMT on 1<sup>st</sup> October 2020. He had done a review of the hydrology for ARTC around the 12<sup>th</sup> May 2020. He is extremely well respected and his knowledge of the floodplain and the area in general from previous work is extensive. I asked him the question 'did ARTC ask you to explore the hydrology associated with option A' his answer was "NO".

To have missed the opportunity to have this expert look at the community's preferred option and to pass judgement on it, was a huge mistake. Goondiwindi Regional Council clearly have great faith in him and I feel it would have gone a long way to restoring some trust in ARTC and its processes which have been severely eroded.

I fear that closer inspection would reveal that ARTC's investigation of option A (highlighted in the MCA as the best for flooding outcomes) has been trivial and insufficient in nature when compared to the work put into option D1.

I urge DPIE to force ARTC to produce a full review of option A so a realistic like for like comparison can be achieved. The bridging depicted on option A looks to be exaggerated in the extreme considering the western end of that alignment is on higher ground and there is one less rail over road crossing. ARTC "my way or the highway" attitude towards the community from which they hope to gain support should not be rewarded. The good news is that not one sleeper has been laid north of Moree to avoid a 100 year mistake.

Thankyou for the opportunity to respond to the NS2B EIS and best wishes with your adjudication.

Sincerely Robert Mackay "Budleigh" – affected greenfield site landholder