Inland Rail Project - SSI No. 9371

North Star to Border

EIS Submission

to the

Department of Planning, Industry and Environment

Submission Date: Tuesday 6th October, 2020

Version 1.4 For Submission

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Version History

Version	Primary Author	Date	Comment
0.1	Daniel Boyce	15 10 2020	First working draft following Council advice
1.0	Angus Witherby	03 10 2020	Full draft for Councillor Review
1.1	Angus Witherby	05 10 2020	Draft for ARTC review incorporating Councillor comments
1.2	Daniel Boyce	06 10 2020	Further editing of draft for ARTC review
1.3	Angus Witherby	06 10 2020	Incorporate feedback from ARTC
1.4	Angus Witherby	06 10 2020	For Submission

1 Contents

2 Council's overall position

This submission has been prepared by Angus Witherby, Director of Planning and Community Development and Daniel Boyce, Executive Planner, on behalf of Moree Plains Shire Council (**Council**). While it is noted that Council strongly supports the overall project and considers that it is highly significant in terms of the economic development of the Moree Plains Shire (**the Shire**), region, inland Australia and eastern seaboard, Council requests that the matters set out in this submission be fully addressed in the, Submissions Preferred Infrastructure Response (**SPIR**), the Department's consideration of the project and the application of relevant conditions.

Please note the following limitation. This submission addresses issues within Moree Plains Shire only, except where issues in adjoining jurisdictions have specific relevance to the Shire.

For convenience, this submission follows the sequence of issues as set out in the executive summary.

Council notes and appreciates the extension to submission times, but continues to express concerns that the time available for submissions did not permit a full and comprehensive analysis to be undertaken, in particular of the technical appendices. Council further notes that the lack of supply of the Draft EIS during the adequacy review, despite requests, has further limited Council's response capabilities. Given that the N2NS Environmental Impact Statement (**EIS**) was provided at adequacy review stage, Council remains concerned at this change of practice by the Department.

Council does note and acknowledge the very cooperative and collaborative working relationship with ARTC with key elements of the design and flood modelling being made available in the lead-up to the EIS exhibition. This has enabled a more comprehensive review to be undertaken of these aspects of the EIS.

3 Approach to environmental management

Council appreciates and understands the iterative nature of design development of a major infrastructure project of this type. Comments within this submission therefore take into account the necessary refinements at further levels design including specific environmental management plans necessary as part of the construction phase. Areas of focus are identified in addition to commentary being provided on the current level of design as set out in the EIS.

4 Biodiversity

The scope of impacts is generally considered appropriate. Total credits of 12,379 for ecosystem impacts, 89,095 for species credit species impacts and two credits for paddock trees will be required should all aspects of the proposal proceed.

Key Point: Council notes that there will be a need to retire credits to the offset impacts of the proposal. This may place significant pressure on a limited supply into the market which may significantly increase costs for other developments. Council supports further work to encourage ARTC to work directly with key landholders, where possible, to make more bio-diversity credits available.

5 Heritage

The overall approach is considered sound. Fifty-five Aboriginal heritage sites were identified and will be managed under an Aboriginal Heritage Management Plan (AHMP) framework to be developed in consultation with registered Aboriginal Parties. Fifteen historical heritage sites were identified and

will be managed under an historical heritage management plan framework, which will include protocols for archival recording and archaeological salvage.

Key Point: Council is of the view that local Aboriginal people should be at the heart of all matters relating to their cultural heritage. Appropriate direct involvement and engagement above the minimum statutory requirements is requested.

6 Surface water and hydrology

It is noted that there needs to be a clear distinction/separation between construction impacts, project impacts and operational impacts.

6.1 Construction

Construction impacts would be adequately addressed through appropriate conditioning of the construction environmental management plan, and the establishment, through conditions, of the appropriate performance outcomes.

6.2 Project Impacts

The proposed alignment is located within the NSW Border Rivers Catchment. It intersects four ephemeral creeks— Whalan Creek, Forest Creek, Back Creek and Mobbindry Creek—and the perennial Macintyre River. Impacts may include changes in peak water levels and associated areas of inundation, concentration of flows, redirection of flows or changes to flood flow patterns, increased velocities leading to localised scour and erosion, changes to duration of inundation or increased depth of water affecting trafficability of roads and tracks.

The overall issue of flooding for the northern section of the proposal has been difficult and challenging. The technical group that was established together with the Community Consultative Committee have worked closely with ARTC over the previous three years in order to ensure that community concerns are appropriately recognised and that the quality of the modelling is fully “fit for purpose”.

There are several key points which were of concern to the community amongst a range of other matters. These points resulted in a series of 52 specific questions being placed before ARTC raising concerns or making comment about various matters relating to flooding. A copy of that material together with the ARTC response **has been uploaded with this submission**.

A review has been undertaken of the flooding section of the EIS in light of this complex history and the particular hydrological and hydraulic challenges of the floodplain. This includes a review as to the degree to which the 52 questions and responses have been incorporated within the EIS document, as was committed to by ARTC. Council’s view is that the main common elements of the questions have been addressed, however it would provide additional comfort to landholders if the explicit responses to the questions are both included and referenced as relevant. This should be undertaken as part of the SPIR.

Council is of the view that the positon of some landholders with respect to the impacts of the infrastructure in a flood with the average exceedance probability (**AEP**) of the 1976 event has merit, noting that flood proofing from a trafficability point of view would be to the 1% AEP event.

Council maintains its general position as expressed on the Narrabri to North Star section which is that the project should aim for minimal change to flood characteristics up to and including the design event.

Reviewing flooding documentation in more detail, Council would note the following.

- Modelling is identified as having used Australian Rainfall and Runoff (**AR&R**) 2016. Future modelling as part of detailed design should consider upgrading to AR&R 2019.
- The flood impact objectives are supported, noting these should also be achieved for the 1976 reference event applied to current topography.
- Duration changes must be reflected in the modelling for detailed design, in particular addressing existing roads, farm access roads, and areas of crop sensitivity
- Flow distribution, velocities and hazard should achieve the targets identified, with verification of performance part of the detailed design modelling.
- Noting views on the 1976 reference event, the probable maximum (**PMF**) event should be considered, in particular, for the integrity of the rail corridor structurally during such event. Detailed design modelling needs to specifically consider any changes in risk to life associated with the project during a PMF event, and outline appropriate mitigation measures.
- Noted that an element of climate change is incorporated in AR&R 2016. Further consideration to trend analysis should be given in the detailed design modelling.
- The range of design events is supported, in particular the inclusion of key historical events as well as the PMF.
- The updating of the LIDAR to 2019, as conducted, is strongly supported, given the likelihood of anomalies between approved and constructed structures in the floodplain.
- The extension of the flood model to the west of Goondiwindi is strongly supported. The same footprint for the sub-model should be adopted for more detailed modelling at design phase.
- With respect to emergency management capacity, specific consideration should be given to capability/capacity of the SES within QLD.
- Further consultation during design development needs to "engage" not merely "inform". (13.4.3.4).
- Goondiwindi Regional Council should continue to be engaged as a key stakeholder during the detailed design phase.
- Border Rivers catchment description on P 13-20 appears to be in error. While not material, this should be corrected.
- Work done for the Moree Special Activation Precinct (**SAP**) includes extensive work on hydrogeology which should be referenced in any future considerations of groundwater usage as part of developing a full water budget.
- Boobera Lagoon should be noted as a key site of Aboriginal cultural significance.
- The conduct of much of the fieldwork during the drought is noted. Construction Environmental Management Plans (**CEMPs**) should be developed based on supplementary fieldwork now that more typical climatic conditions are obtaining.
- The definition of "flood sensitive receptors" (**FSRs**) at Fig 13.9a-c need reconsideration, as it is dominated by dwellings and other similar structures. In an agricultural context various farm infrastructure and crops are also highly sensitive to changes in flood regimes.
- With respect to mitigation measures at 13.7.2.1 Council is of the view that the Boggabilla corridor has not been used "as much as possible". Refer to comments on route selection elsewhere in this submission.

- Future mitigation measures are critical. The mitigation measures outlined in Table 13.22 are generally supported noting that consultation must be meaningful and not, as stated elsewhere, to "inform".
- The impacts of the proposed removal of the non-operational part of the Boggabilla line, at 13.8.2 require further detailed landholder discussions in view of potential changes to historical water flow patterns while noting the potential benefits of permitting additional flows down Whalan Creek in certain flood events.
- The variations during the 1% AEP at 13.8.2.1 are considered generally acceptable although further improvement at detailed design of the changes near Whalan Creek should be sought.
- The exceedances at Chainage 6.4 and Chainage 23.90 should be further reviewed at detailed design stage.
- Changes of afflux to roads above 200mm as shown at Table 13.26 are of concern and should be further reviewed at detailed design stage.
- Change of duration of inundation has been raised as a landholder concern. Excedences of an additional (say) 1 hour are of concern and should be further addressed at detailed design stage (reference Table 13.27).
- The impacts on FSRs during extreme events and proposed mitigation at 13.8.2.6 are noted. Council has concerns that due to power imbalances, landholders may be at a disadvantage in negotiations. Particular care should be taken to fully explore physical works that could reduce the impacts, rather than relying solely on landholder negotiations.
- As per Figures 13.21-23, increases in afflux associated with Whalan Creek and immediately to the South continue to be of concern to landholders.
- It is noted that on pp 13-97 the *Draft Floodplain Management Plan for the Border Rivers* is cited as referencing the importance of utilising the 1976 event as a key reference event. This supports Council's view that this event should be adopted for considering project impacts. Particular attention is drawn to Table 13.34 and the number of houses with significant peak water level increases. Further work to reduce impacts should be undertaken at detailed design stage.
- The independent peer review by BMT is noted, and the technical recommendations should be addressed in future modelling at the detailed design stage. Further, explicit reference should be made to the funded peer review commissioned by Goondiwindi Regional Counicl (**GRC**).
- Finally, enhanced recognition should have been given in the EIS to the review process involving the "52 questions". This is essential in terms of building confidence amongst community that the issues raised have been fully addressed in the EIS as was committed to.

Key Point: Council continues to hold the view that the "base case" should be no worsening of the effects of flooding, including up to and including the 1976 design event and that opportunities should be taken through the detailed design phase to meet the ARTC specified outcomes targets wherever possible.

7 Groundwater

Within the proposal site, groundwater is currently used for irrigation, stock watering, general farm purposes and drinking water (from several registered bores near the Toomelah community).

Drawing on groundwater resources to supply water during construction may result in short-term, localised impacts on existing users of groundwater. While this issue is less acute given the change in the drought situation, Council is of the view it is still relevant. This needs to be thoroughly investigated and sources of water both identified and secured prior to project approval. This includes both groundwater and surface water resources.

Key Point: Council requires an appropriate "make good" condition be applied to any consent issued, to ensure that compensatory water is required to be provided by the proponent should drawdown occur at any privately owned or community bores. This condition should make it clear that the burden of proof is on the proponent to demonstrate that its operations has not affected a groundwater water supply, not the bore owner. Further, water resources need to be legally secured as soon as practicable.

8 Land resources

It is agreed that these issues can generally be addressed through known operational and mitigation measures.

Key point: Land resources have been adequately addressed.

9 Noise and vibration

9.1 Construction

Council has no objection in principle to extended construction hours provided that the needs and wishes of sensitive receivers are taken into consideration. Where specific agreements can be reached with the occupiers of sensitive receivers with respect to increased hours where these would otherwise break NSW EPA noise requirements Council would support this.

9.2 Operation

2dBA is agreed to represent an appropriate increase cap. Absence of sensitive receivers in terms of relocation of Bruxner Way also noted and beneficial.

The predicted rail noise levels were above noise criteria at three receivers at the proposal's opening in 2025 and an additional two receptors, for a total of five receptors, by the design year of 2040.

Ground-vibration levels and ground-borne noise levels from rail operations are predicted to comply with the relevant trigger levels.

Noted that five receptors would likely receive excessive operational noise at the design year. Council has previously noted that architectural acoustic treatments need to consider the use of evaporative coolers which are the predominant cooling tool in the region. In this respect refrigerated air conditioning associated with double glazing and the like may result in significantly higher operational costs for residents should be taken into account in terms of determining the ultimate mitigation measure.

Key Point: When the operational rail noise and vibration emissions presented in the EIS are reviewed during detailed design and at the proposal opening, Council would like the opportunity to review the findings and recommendations. Concerns regarding architectural treatments should be addressed.

10 Air quality

No specific concerns

Key Point: Air quality issues are satisfactory.

11 Sustainability

No comments.

Key Point: Sustainability issues are satisfactory.

12 Climate change risk and adaption

In general, this area is considered to be satisfactorily addressed. Of particular note though are the impacts of increased variability and intensity of rainfall over the life of the development. These trends are evident through the progressive review of AR&R over the last 30 years. Trend analysis of this should have been included.

Key Point: Consideration should be given to potential changes in the 1% AEP as part of this element.

13 Traffic and Transport

Council has previously expressed concerns regarding the focus of the EIS process on construction level impacts with respect to traffic and transport rather than the changes to regional flows that are likely to occur due to mode change to rail. While the reasons for the concentrated focus are understood, Council remains of the view that ARTC needs to appreciate the impacts of changing modes on, in particular, local road networks.

There are significant consequential issues for Council in particular in terms of a completely changed optimisation model for the road network noting that full optimisation is not possible due to changes in cropping practices, seasonal conditions, international and domestic market conditions, relative transport costs and the like.

It is noted that local road impacts associated with construction are addressed through the third party agreement framework with the asset owner (in this case Council). As in Council's previous submissions care needs to be taken that conditions around issues such as dilapidation surveys and the like provide an appropriate context for, but do not clash with the range of matters considered within third-party agreements. These are commercial in confidence however Council can indicate that the general form of conditions as put forward in the Narrabri to North Star section would be appropriate for this section as well.

13.1 Road rail interface and road safety

The proposal intersects roads at several locations and the proposed treatments and level of protection at road–rail interfaces. It is critical that the proposal maintains the safety and efficiency of all affected transport modes; avoids or mitigates impacting the condition of transport infrastructure; and ensures any required works are compatible with existing infrastructure and future transport corridors.

Council would further recommend that the conditions, principles and practices adopted for level crossings in the Narrabri to North Star section be considered as generally appropriate for the North Star to Border section with the exception of air draft associated with key roads such as Tucka Tucka Road and Bruxner Way. These should be at least 6.5m to provide scope for ongoing road improvements including resurfacing and improving flood resilience.

Attention is drawn to the current investigations under the Inland Rail Interface Program (**IIP**) regarding enhanced access to Inland Rail at Goondiwindi and Croppa Creek. These will have

significant implications for the potential upgrade needs for access roads. A summary of proposals under investigation is included at **Attachment 1**.

It is further noted that the close juxtaposition of the road/rail corridor in a number of sections north of North Star raises issues of safety and stacking distances. This should be reconsidered both in terms of existing public and private crossings, but also in term of potential for a broader road realignment.

Key Points:

- **A full dilapidation survey should be conditioned to cover all local roads that would be affected by construction traffic both with Council areas directly traversed by the route and also adjoining Councils where these are a source of construction material. Roads should be returned to at least pre-construction condition.**
- **Council considers that 6.5 metres of "air draft" is required for agricultural machinery on key roads and to provide for road upgrades through time.**
- **Council considers that realignment or road away from rail or rail away from road must occur where 'short approach stacking' or 'short departure stacking' is likely to occur. Consideration of peak harvest period traffic volumes and the maximum vehicle length that is likely to use each crossing should form part of the assessment of the required treatment of the road-rail interface. Potential options to re-align roads with this issue should be explored in the SPIR**
- **Council does not support the current design of the proposed Bruxner Way (MR462) Rail Overpass and requires the rail over pass to achieve 6.5m clearance over Bruxner Way to allow for future raising of the road or re-sheeting.**

14 Landscape and visual amenity

This is a significant issue in terms of the MacIntyre floodplain. That being said, the overall proposal will have relatively minor visual impacts when compared to past rail operations or road operations.

Double stacked containers will be somewhat more prominent in the landscape but this is a transient visual feature associated with individual trains. Visual impacts are seen as largely unavoidable given the nature of the project and the importance of meeting flood planning objectives.

Visual receptors may experience high visual impacts from Tucka Tucka Road looking west, near the access road to Toomelah community. Widespread changes in the visual character of the landscape are expected due to the proposed embankments, Macintyre River viaduct and the movement of double-stacked freight trains up to 6.5m high and 1,800m long.

15 Land use and property

The proposal may result in direct and permanent impacts to land use and tenure including change in tenure and loss of property; change in land use, including the sterilisation of agricultural land and disruption to agricultural practices and alterations to Travelling Stock Reserves (**TSRs**) and informal stock routes; and impacts to accessibility including impacts on the road network and to property access.

Substantial location of the proposal within the Boggabilla rail corridor is noted. Refer to further comments relating to corridor selection with respect to the greenfield components.

Key Points:

- **Full consultation with landholders and Council is required to ensure construction disruptions are minimised. This should be conditioned as part of a construction management plan.**
- **Consideration needs to be given to any informal crossings and, where possible, suitable arrangements made that would minimise farm severance. Any changes proposed to formal crossings, including closure during construction, needs to be the subject of full consultation with affected landowners to minimise impacts on farm operations**

15.1 Corridor selection

As with the route alignment near Moree there has been considerable community focus on the route and its relationship with, in particular, Goondiwindi. This has been reflected in the SEARS requirements. Council accepts the basic proposition that there is no realistic alternative to the inland rail project.

That being said feasible and realistic alternatives, in particular when dealing with greenfield areas, need to be given close consideration. The 2015 alignment development assessment report provided the basis for this review. The major concerns raised by ARTC related to additional time and cost associated with a more westerly alignment that would provide closer access to existing intermodal opportunities in Goondiwindi and also, potentially, utilise more of the existing unused rail corridor thereby minimising landholder impacts.

It is noted that both options were to receive further attention. As set out in figure 3.6 in Chapter 3 the two key options have quite significant differences. Council's initial position with respect to the western alignment was that it required more comprehensive evaluation in particular due to concerns that the phase II investigation corridor had been prematurely identified given the status of flood modelling at that time.

Subsequent development of the flood modelling has enabled a reasonably realistic comparison to be undertaken, noting concerns previously expressed through the technical committee regarding the "like-for-like" comparison between the two corridors. In particular, the additional afflux elements shown in association with the western corridor should have been addressed through further attention to bridge/culvert solutions to generate a similar afflux outcome upstream of each of the corridors. That being said, Council accepts that such additional work would likely have increased the cost differential however this would have enabled a more comprehensive comparison to be made.

The corridor selected is between Toomelah and Boggabilla (Attachment 2) (**Eastern Alignment**), as compared to a more westerly alignment that would make greater utilisation of the existing rail corridor, and which would provide more direct access to existing intermodal sites at Boggabilla and Goondiwindi. Council understands that a more westerly alignment (Attachment 3) (**Western Alignment**) is strongly favoured by Goondiwindi Regional Council (**GRC**) and some landholders who are directly affected by the eastern alignment.

Council, while seeing the advantages of the western corridor for Goondiwindi and the northern portions of Moree Plains Shire, supports the Eastern Alignment in principle but acknowledges the views of GRC.

Key Point: The eastern alignment is acceptable to Moree Plains Shire Council while noting the preference of Goondiwindi Regional Council for the western alignment. If the Western Alignment is pursued, following a review of submissions, acceptable residential amenity in Boggabilla township needs to be maintained.

16 Socio-Economic Impact Assessment

Although the rail corridor from North Star to border is disused, there is still a need to give consideration to potential intersections with construction activities and harvest vehicle movements. This would predominantly affect the existing road system in particular those roads that are core roads for construction activities. There are risks, particularly with natural surface roads, that construction movements during periods of rainfall may vary significantly impact on access for vehicles associated with harvest. This needs to be given close consideration in terms of traffic management planning and program scheduling.

It is noted that a construction camp is still proposed for North Star. Council has previously made submission regarding this camp and notes that it will be very much in the hands of the Tier One contractor as to how the workers camp arrangements should be implemented.

There are significant issues around protection against risks associated with COVID – 19 and these need to be closely detailed. In particular, there is evidence from other large-scale infrastructure projects that the "catchment" for workers can be up to 110 km. In the event of shutdowns (including the Queensland border) these types of radii are problematic.

Ideally, the workforce should be localised as much as possible noting that this needs to be done in a way that provides support to existing accommodation providers whilst avoiding overwhelming the private rental market. A work camp fundamentally needs to operate as an "overflow" facility given the importance of ensuring economic stimulus to existing accommodation providers.

The issue of labour market is critical. In particular, there is very high level of expenditure associated with drought recovery, COVID – 19 stimulus as well as other infrastructure spending programs. There is a high risk that the construction phase may overlap with other regionally important construction projects. Caution should therefore be exercised in terms of assuming a slack labour market.

An accommodation strategy is required and this needs to be conditioned. The strategy needs to be in place substantially before the commencement of construction. Close collaboration with accommodation providers, local councils and other stakeholders is essential.

An additional matter is the impact on health services and the importance of having self-sufficiency in terms of first responder capability given the industrial nature of the activity and the relative risks of injury. Careful consideration also needs to be given to access to higher order medical services given the shortcomings of the hospital system in Moree.

Key Point: An accommodation strategy is required, well before construction commences, that addresses the following:

- **COVID-19 risk management**
- **Economic benefit to existing accommodation providers**
- **Avoidance of negative impacts on the private rental market**
- **Access to health services**

17 Hazard and risk

COVID – 19 needs to be identified as a risk, potentially under the more generic heading of pandemic. See above.

Key Point: COVID-19 needs to be incorporated into risk management generally.

18 Waste and resource management

Concerns are expressed regarding the capacity of existing licensed landfill facilities to accommodate significant waste streams. This waste might include, for example, used railway sleepers. In the case of Moree, there is limited capacity although Council is currently engaged in a project to increase this to some degree. Directing used timber products to landfill is not considered to be an appropriate disposal method and consideration needs to be given to alternative methods. Council's previous experience with SSIs are that they can generate very substantial quantities of waste which is difficult to reprocess. A comprehensive waste minimisation strategy needs to be conditioned that is consistent with minimising disposal to landfill.

Key Point: The waste management strategy needs to be conditioned and developed in close co-operation with Councils and needs to fully address:

- **Available landfill resources and costs to local government of shorter operational life**
- **Landfill being the last resort disposal method**
- **Adequate notice and protocols need to be established prior to delivery of large volumes of waste.**

19 Cumulative impacts

Noted.

20 Conclusions

Council continues to progress its plans to become "Inland Rail Ready" and is working to ensure that complementary development including intermodal and distribution hub facilities are planned to take best advantage of Inland Rail, including the identification of core supporting infrastructure. Council remains strongly committed to, and supportive of the project.

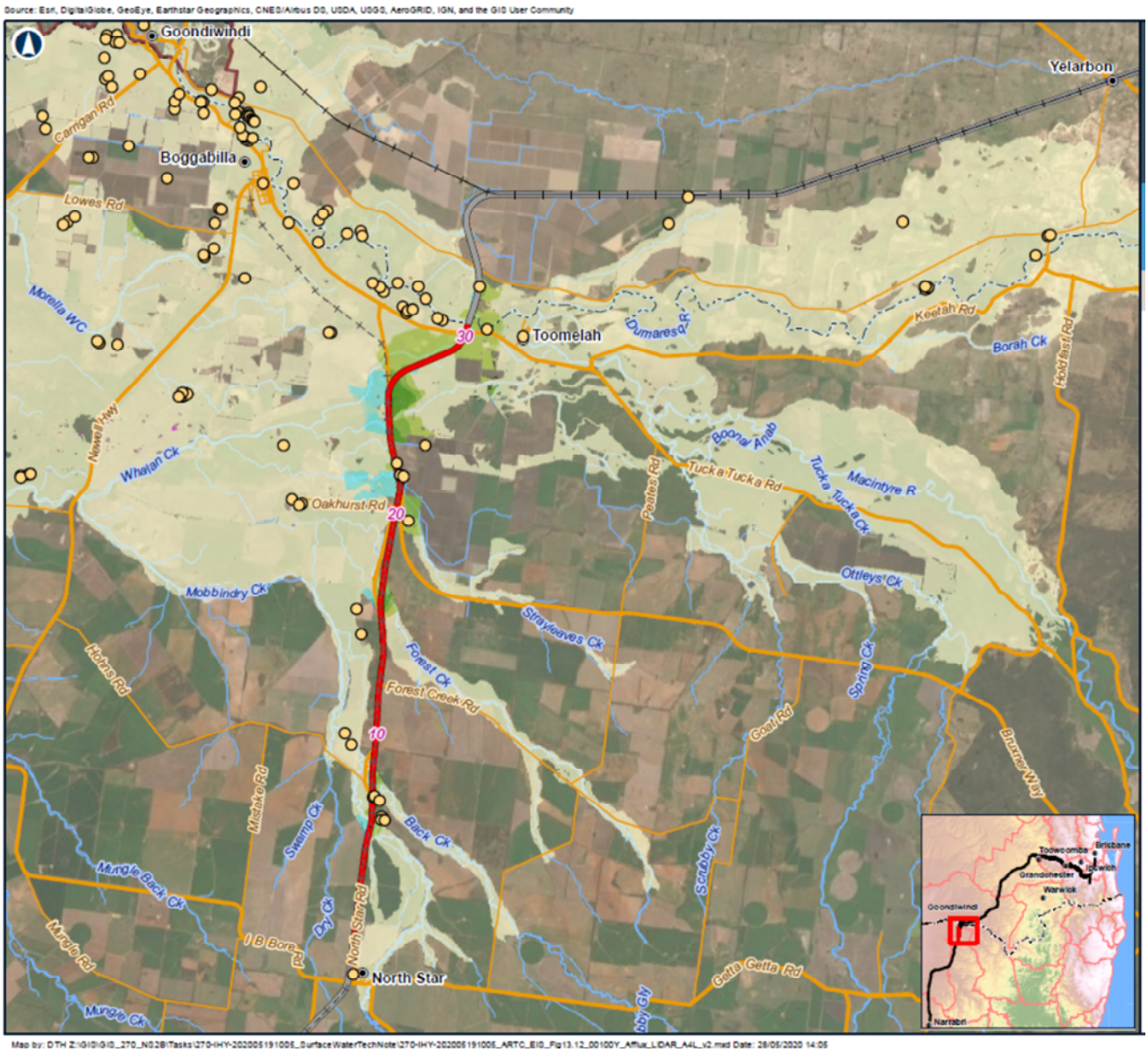
Council would be happy to expand on any of the matters raised, and to discuss with the Department potential conditions.

21 Attachments

Attachment 1 Summary of key Interface Improvement Program proposals

Proponent	Location	Proposal and potential benefits
Border Regional Organisation of Councils	NSW/QLD border	Proposal to review access opportunities to Inland Rail and improve connectivity for high-productivity vehicles to either potential or existing intermodal sites on existing rail corridors. The proposal has the potential to review Bruxner Way, the Boggabilla Siding, and the existing narrow-gauge rail west of the proposed alignment towards Thallon, as well as potential choke points on the major roads linking to Goondiwindi.
Goondiwindi Regional Council	Kurumbul to Thallon, QLD	Proposal to develop a Goondiwindi to Inland Rail corridor connection by upgrading the current South Western rail line alongside the Queensland and New South Wales border from Kurumbul to Thallon. The proposal has the potential to allow better connectivity to Inland Rail.
Moree Plains Shire Council	Moree, NSW	Proposal to develop the Moree Intermodal Park and Regional Activation Project. The proposal has the potential to increase Inland Rail throughput, enable productivity improvements to Inland Rail, increase modal shift from road to rail, and increase regional economic growth.
Moree Plains and Gwydir Shire Councils	Croppa Creek, NSW	Proposal for a road and rail interface project which includes an upgrade to Buckie and County Boundary Roads and an intersection to allow access to the proposed rail spur in Croppa Creek that connects to Inland Rail. The proposal has the potential to support regional economic growth, productivity improvements and throughput to Inland Rail, and to increase modal shift from road to rail.

Attachment 2 ARTC preferred NS2B Alignment (with Flood Study)



Attachment 3 GRC preferred NS2B Alignment (with Flood Study)