

15 July 2020

Richard Wankmuller  
CEO of Inland Rail  
Australian Rail Track Corporation  
GPO Box 10343  
Gouger Street  
ADELAIDE SA 5000

Copies to: The Hon Michael McCormack MP

The Hon David Littleproud MP

Dear Sir/Madam

### **Inland Rail Project – Narromine to Narrabri**

1. We act for NSW Farmers and the Country Women's Association of New South Wales (CWA).
2. NSW Farmers and the CWA are organisations committed to advocating on behalf of farmers and rural communities to protect the rights of their members and to require both State and Federal Governments to carefully consider and respond to the specific challenges faced by these communities.
3. The purpose of this letter is to report our clients' vehement objections to the manner in which the Australian Rail Track Corporation (ARTC) is managing and executing the Inland Rail Project (Project). While our clients do not oppose the Project, they do have significant concerns about the operation of the Project in NSW which, to date, have either gone unacknowledged or have been flippantly dismissed by the ARTC.
4. These concerns are exacerbated by the way that the ARTC's agents are directly approaching individual landholders to extract information from them for use in scoping studies, planning impact assessment documentation and compulsory acquisition negotiations without making any genuine attempts to reach out to peak bodies to formulate a proposal that will work for the various rural communities along the proposed alignment.
5. It is therefore critically necessary that the ARTC meaningfully engage with NSW Farmers and the CWA. Our clients will no longer participate in disingenuous discussions with the ARTC and is calling on the ARTC to accede to our clients' demands for rigorous independent assessment of key features of the Project and transparency in relation to the future management of the Project.
6. Failure by the ARTC to proceed accordingly will mean that NSW Farmers and the CWA will have no choice but to instruct their members to immediately cease all communications with the ARTC.

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This will undoubtedly cause the ARTC difficulties in relation to its management of the Project, including increasing ARTC's reliance on desktop assessment where access to land is not forthcoming. Not only does this risk blowing out ARTC's timeline for delivery of the Project, it also increases the likelihood that a legal challenge may be brought to any impact assessment that was done by way of desktop analysis, thereby risking the voracity of the planning approval for the Project itself.

### **Inadequate and inaccurate hydrological modelling – West of the Warrumbungles**

7. One of our clients' key concerns is that the ARTC has failed to adequately respond to community concerns with regards to the adequacy and accuracy of the modelling and assessment of the hydrological impacts of the Project, particularly for the areas of new track.
8. These concerns relate to many areas along the proposed alignment, including between Narromine and Narrabri (**N2N Track**) and in particular, that part of the alignment that is within the Castlereagh River catchment between Curban to Baradine which is located directly to the west of the Warrumbungle Ranges. There are also serious concerns in the Narromine to Curban section in relation to overland water flows from a number of creeks which the proposed alignment will impact. In both of these sections, there is a complete lack of confidence from impacted landholders that these flooding risk have been adequately addressed.
9. Specifically, our clients and their members are concerned that the current modelling used by the ARTC to develop the new rail alignment does not accurately reflect the existing overland flows in the N2N alignment and therefore, does not accurately model the impacts of the rail infrastructure in terms of flooding and the increased speed of overland flows. Our clients are also concerned about the impact of the Project on groundwater resources.
10. The Castlereagh River is an unregulated river system, meaning that there are no major storages which regulate the flow of water through the river system. It is also subject to highly variable flows.
11. By way of context, one of the primary land uses in this part of central NSW (between Curban to Baradine) is dryland farming. There is very little by way of intensive agriculture and the area is sparsely populated. This means that farmers and local communities are heavily reliant on surface and groundwater resources for stock and domestic water supply as well as town water supply.
12. We understand that during rainfall events, the water flows down from the Warrumbungle Ranges and drains to the south, west and north-west by the Castlereagh River, and to the north and east by several tributaries of the Namoi River.
13. Flood impacts and flood behaviour in this area has not been well documented, but local knowledge says that the area is subject to strong overland flows which, while short in duration, come with little to no warning. This is reflected in the SES Warrumbungle Shire Local Flood Plan which outlines that flood behaviour is characterised by rapidly rising waters which can flow at dangerously high velocities across the catchment. The warning times and durations of inundation are corresponding short.
14. The nature of flood events in this area is also documented in the *Water Sharing Plan for Castlereagh Unregulated and Alluvial Water Sources: Background document (2016)* which states that moderate or large floods up to 50,000 megalitres per day have occurred on average every 5-10 years (measured at Mendooran). The most recent flood events as documented in that

document are stated to have occurred in February-March 2012, March 2013 and September 2016.

15. We understand that to date, the ARTC has failed to acknowledge the behaviour of overland flows in this area, despite the fact that the proposed alignment would see the new track constructed north/south between the Warrumbungles and the Castlereagh River, effectively blocking and/or redirecting these natural flows.
16. The concern is that these flows are also not reflected in the ARTC's modelling and therefore the ARTC has not considered the impact of the new track on the disruption of natural flows and how this may affect the replenishment of groundwater resources. A secondary concern is also that the new track itself may not be designed to withstand flows of this velocity and is therefore vulnerable to damage during heavy rainfall events.
17. The failure to accurately model these impacts certainly result in significant risks to public safety for those communities located in the vicinity of the Inland Rail network, whilst endangering the successful operation of the Project itself.
18. We understand that similar concerns were raised in respect of the MacIntyre (northern NSW) and in Condamine (southern Queensland), leading to an international panel being appointed to review hydrological data in the Condamine and an independent hydrologist being funded by the Federal Government to review the MacIntyre concerns.
19. In our view, the concerns raised by affected communities along the N2N track must be considered alongside the similar concerns raised in the Macintyre and Condamine. It is therefore essential that a similar independent review be conducted in NSW as well, and the Project should not be allowed to proceed until these issues are investigated further (by independent consultants) and the community concerns are expressly addressed. This is the only way to restore community confidence in the Project across the length of the track running through NSW.

### **Impact on Greenfield – particularly Narromine to Narrabri**

20. The current Inland Rail Alignment Map identifies the proposed alignment of new track between Narromine and Narrabri in central NSW. This proposed alignment has the effect that the new N2N Track will intersect and traverse both public and private property through Greenfield and other agricultural land.
21. While local government were invited to consult on the proposed alignment back in 2010 and 2015, the precise corridor of the N2N Track was not identified until 2016. Further, consultation was not open to landowners and affected communities until as late as June 2016.
22. This means that those landowners who only now know that they will be impacted by the Project have not been provided with a reasonable opportunity to engage with the ARTC in relation to the proposed alignment and the impacts of that alignment on their land, businesses, and communities. This is surely contrary to the principles of community participation and open government.
23. Furthermore, we are instructed that to date, the ARTC has not meaningfully responded to our clients' requests for scrutiny and transparency in relation to the proposed alignment. For example, no detailed explanation has been provided in relation to why the Project proposes to bypass regional hubs like Coonamble, why the alignment cannot follow the existing rail lines for

greater distances before traversing the Greenfield, and how certain properties are to be managed where they are significantly intersected under the proposed alignment.

24. Also, the proposed alignment appears to have been based off a decision that it is better to traverse the Greenfield, rather than to follow existing property boundaries or the existing railway corridor. This is contrary to the representations made in the ARTC Narromine to Narrabri: Preferred Corridor Report dated August 2017 which states that the rail alignment will follow existing property boundaries where existing infrastructure cannot be used, and that existing access points for stock will be maintained. In this regard, there has been a significant lack of transparency by the ARTC as to why this position has changed so markedly and why routes have been selected that would increase the severance of farms over less impactful ones.
25. To the extent that this change in position is related to the ARTC's goal of obtaining a sub-24 hour travel time, we note that the ARTC has also failed to justify the economic modelling supporting the importance of this feature of the Project. For example, we understand that using the existing corridor (rather than crossing the Greenfield as proposed under the current alignment) would add approximately 16 minutes to the 23.5 hour journey between Melbourne and Brisbane. However, the ARTC has not yet provided any modelling to indicate why this 16 minute delay is unacceptable or otherwise renders the Project unfeasible.
26. Given the severity of the impacts of the proposed rail alignment both physically (in terms of transecting land) and commercially (on the value of land and the viability of existing businesses), the ARTC has a responsibility to genuinely and transparently engage in detailed discourse with affected communities regarding why the current alignment is appropriate and necessary, and to provide evidence of the modelling that supports the ARTC's position.
27. It is therefore critical to our clients that the ARTC agree to fund an independent review into the proposed alignment of the N2N Track to ensure that the final alignment best reflects the needs of rural communities in those districts. This review must include, at a minimum, a thorough and independent cost benefit analysis (such as a Multi-Criteria Analysis) of the proposed alignment, as well as alternatives that would see greater use of the existing brownfield rail corridor. This should include consideration of a broad spectrum of matters, including social and economic impacts of the alignment.

### **Compulsory acquisition processes – N2N Track**

28. We understand that in NSW, there are approximately 117 landowners whose land will need to be acquired, based on the current alignment.
29. We also understand that the Federal Government has significantly under-allocated funding for the acquisition of the land within the N2N Track corridor and that the land is proposed to be acquired, including through compulsory process, under NSW law rather than Commonwealth law.
30. Our concern is that the amount of money set aside for land acquisition is considerably less than what will reasonably be required.
31. We are particularly concerned that in estimating the acquisition costs, the ARTC has applied a generic per hectare rate but has failed to consider its liability to compensate affected owners in relation to the loss of value of the remainder of the land (not just the land for the infrastructure) as a result of that land being transected by the track, and also for any losses associated with existing businesses becoming unviable due to the impact of the alignment on the use of the land.

32. These severance losses are also compounded by either an unwillingness or an inability for the ARTC to talk about the design of crossing points across the track in any meaningful way.
33. Further to this, we note that the NSW compulsory acquisition processes are regarded as far less generous than the Commonwealth processes. We also know from State transport initiatives that if there is not sufficient money set aside for compensable losses, the acquiring authority will seek to pressure individual landowners into accepting lesser amounts than is reasonably owed to try and keep the overall acquisition costs down. This is simply unethical and unacceptable to our clients.
34. We are also very concerned about the possibility of Transport for NSW effectively becoming ARTC's agent in any compulsory acquisition process. Again, we have seen that where there is a dichotomy between the project authority and the acquiring authority; sensible and practical measures that would reduce the overall project costs and improve the project more generally are foregone. This is because of a lack of an ability for those who are acquiring the land for the corridor to talk to those designing particular stages of the project about ways to minimise the blight caused by the project on affected property owners.
35. It is critical that the ARTC adopt procedures for dealing with affected landowners in a manner that is transparent and equitable, particularly so far as they concern land valuation assessment and the calculation of adequate compensation. Also, it is critical that a continuous dialogue can be developed between the project authority and the acquiring authority to ensure that mitigation measures will flow back through into the design of particular sections of the track. If this does not happen, the ARTC will pay far more than it needs to and any adverse impact on farming communities will be greater than they should be.
36. Further, to the extent that the ARTC's calculations for acquisition costs have excluded those matters which we have identified, we note that the true acquisition costs might be so significant as to necessitate amendments to the proposed alignment of the network to ensure the financial viability of the Project. It is therefore essential that these figures are accurately calculated by the ARTC and weighed in any cost/benefit analysis regarding the design of the proposed alignment.

### **Commitments for the future conduct of the Project**

37. As noted earlier, our clients do not oppose the Project. Rather, they simply want to ensure that what is done reflects best practice and that importantly, the hydrological impacts of the proposed development are considered in the context of flooding impacts, and that the location and design of the structures are appropriate, particularly where they are constructed in areas subject to strong natural flows.
38. Significant consequences will flow from a failure to accurately model hydrological impacts, as was seen in the Pilbara in 2007 where floodwaters from Cyclone George caused considerable damage to the rail infrastructure. Our clients want to see these impacts avoided.
39. Equally, our clients consider that it is incumbent upon the ARTC to deal with affected landowners and communities openly in relation to the Project, which extends to justifying the proposed alignment through Greenfield and agricultural land and outlining the approach to the acquisition of the land needed for the Project.
40. For these reasons, our clients demand that the ARTC make the following commitments in relation to the future conduct of the Project:

- (a) that the ARTC agree to fund an independent review into the hydrological assessment for areas of proposed new track, including principally the N2N Track;
  - (b) that the ARTC agree to fund an independent review into the proposed alignment of the N2N Track to ensure that the final alignment best reflects the needs of rural communities, including publishing a costs/benefit analysis regarding the alignment;
  - (c) that the ARTC confirm the amount that has been set aside for acquisition costs along the N2N corridor, including what factors have been included in this cost calculation;
  - (d) that the ARTC develop and publish, in consultation with NSW Farmers and the CWA, procedures for dealing with affected landowners to ensure that all impacted parties are dealt with fairly and equitably; and
  - (e) that the ARTC agree to develop information sharing networks between the project authority and the acquiring authority to ensure that impact mitigation methods may be incorporated into the design of the infrastructure.
41. We consider that these requests are fair and reasonable in the circumstances, and are necessary to ensure that the Project is undertaken in a manner that genuinely seeks to minimise impacts on affected landowners and communities.
42. We request that the ARTC confirm by no later than **29 July 2020**, that these commitments are agreed.
43. Our clients have currently advised their members to cease any and all communications with the ARTC. This includes refusing access to land to undertake impact assessments, as well as refusing to negotiate with the ARTC in relation to the acquisition of land.
44. Further, should the ARTC refuse to agree to these reasonable requests, our clients will have no choice but to obtain legal advice in relation to the adequacy of the ARTC's impact assessments and the grounds of challenge that may be enlivened in relation to any planning approval which fails to account for these matters for which it has been formally put on notice.
45. We look forward to hearing from you in relation to these matters. Should you have any questions, please contact Peter Holt, Special Counsel on (02) 8083 0421 or Peter.Holt@holdingredlich.com.

Yours sincerely

**Holding Redlich**

21 July 2020

ARTC REF# 2-0000-250-PCS-00-LT-0010  
Your Ref: PEH 19750185

Mr Peter Holt  
Special Counsel  
Holding Redlich  
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SYDNEY NSW 2000

Dear Mr Holt

### **Inland Rail Project – Narromine to Narrabri**

I acknowledge receipt of your letter dated 15 July 2020, on behalf of your clients, NSW Farmers and the Country Women's Association of New South Wales (CWA), and note the contents therein. As always, I will be pleased to respond to the questions asked and will follow up with a detailed response prior to the end of July.

I'm conscious that a number of the questions raised in your letter have previously been responded to directly to NSW Farmers, both in person and via written correspondence. I acknowledge that the answers previously provided to NSW Farmers may not fully deliver the outcomes your clients seek, and I remain willing to engage to understand what can be done to assist your clients and ARTC gain deeper understanding of our respective views and continue our collaborative dialogue to gain the best possible outcome for the local landowners, as well as the wider Australian community through the way we deliver the Inland Rail project.

Inland Rail is a complex project that brings many impacts as well as opportunities and ARTC's role is to appropriately balance these within the constraints our program must work within – those constraints being both regulatory and commercial in nature. In doing so, we rely heavily on publicly available information and greatly appreciate any local knowledge that your clients, their members and other landowners may have that can help us carry out our responsibilities.

ARTC has enjoyed respectful dialogue with your clients on a number of matters to date, including:

- The "NSW Agreed Principles of Land Access" (available at <https://inlandrail.artc.com.au/landowners>). These principles were signed off by the former NSW Farmers President Derek Schoen and myself in May 2018.
- Answering a series of over 30 detailed questions represented to ARTC by NSW Farmers pertaining to the analysis of route options and other matters. The questions and associated answers were provided in October 2018 and are publicly available on our website at : <https://inlandrail.artc.com.au/N2N/widgets/162561/documents>

- The preparation of the *Inland Rail Route History 2006 – 2019* publication that seeks to provide a record of how the Inland Rail alignment was established and refined. This publication was finalised after discussions with your clients in late 2019 and early 2020. A copy of this document can be found at [www.Inlandrail.artc.com.au](http://www.Inlandrail.artc.com.au)
- Most recently, confirming and establishing ARTC's position on 5 key landowner concerns including telecommunications service impacts, reimbursement of legal fees, fencing standards and other matters. I have attached a copy of this correspondence, dated 30 June 2020 for your information.

In regard to this last point, we remain committed to continuing that collaborative dialogue and would welcome your advice on the point of contact in NSW Farmers given what we understand to be a recent change in personnel.

I would also like to reiterate my offer to your client, NSW Farmers, from January 2020 to progress discussions on funding a liaison officer role that can facilitate discussions between our organisation and undertake other relevant scope as appropriate.

I would suggest some urgency on progressing our dialogue given the confusing messaging being received by members of the community from NSW Farmers by virtue of an alert sent on 16 July 2020 recommending landowners not interact with ARTC. This is at a time when ARTC is seeking to further refine the Inland Rail design and needs valuable input from landowners in order to mitigate impacts on their properties and operations where feasible. We do not want landowners to miss this key opportunity to interact with us.

With this in mind I propose we meet with you and your client(s) as soon as possible and if you could suggest three potential meeting dates and times I will ensure that we make ourselves available to you and your clients.

I look forward to receiving your reply at your earliest convenience.

Yours sincerely

Richard Wankmuller  
**CEO – Inland Rail**

CC: The Hon Michal McCormack MP  
Deputy Prime Minister

The Hon David Littleproud MP



31 July 2020

ARTC REF# 2-0001-250-PCS-00-LT-0134

Peter Holt  
Holding Redlich  
Level 65, MLC Centre  
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Dear Peter,

### **Inland Rail – Narromine to Narrabri (N2N)**

In my letter to you dated 21 July 2020, I replied to some of the matters you raised in your letter dated 15 July 2020 and confirmed I would follow up with a more detailed response.

Following receipt of the advice below from my team about the specific issues you raised, I share that with you and am happy to meet with your clients once they have had chance to consider, in order to understand how our organisations can work together to progress the Inland Rail project forward whilst ensuring the concerns of landowners are heard and addressed.

#### **1. Hydrological modelling and assessment**

Your letter raises concerns about the modelling and assessment of the hydrological impacts of the N2N project, particularly in relation to the behaviour of overland flows along some parts of the Inland Rail N2N alignment (within the Castlereagh River catchment between Curban and Baradine, and in the Narromine to Curban section) and the role these flows play in replenishing (or recharging) groundwater resources.

ARTC, through its technical specialist consultants (Jacobs and GHD, both global engineering and consulting firms with a combined resource pool of over 62,000 people in 470 offices operating in 35 countries), is currently undertaking a hydrological assessment for the N2N project, as part of the environmental impact statement (EIS) it is preparing for N2N under the *Environmental Planning and Assessment Act 1979 (Planning Act)*. Hydrological modelling is an important part of that assessment. Work on the EIS has been underway for many months already, and ARTC is aiming to have an EIS ready for public exhibition towards the end of 2020.

In preparing the EIS, ARTC and its consultants will address the Secretary's Environmental Assessment Requirements (**SEARs**), which were issued by the Secretary of the NSW Department of Planning, Industry and Environment (**DPIE**) under the Planning Act, with input from several other NSW Government agencies and local councils. You can find a copy of the SEARs on DPIE's website at <https://www.planningportal.nsw.gov.au/major-projects/project/10211>.

ARTC and its consultants have so far engaged with local communities along the proposed N2N alignment in the lead up to, and as part of, the hydrological assessment for the EIS. For example:

- ▶ In addition to meeting individually with those landowners who were willing to do so, ARTC established a Community Consultative Committee (CCC) for N2N, with three sub-committees (Narromine, Gilgandra and Narrabri) in 2018. As you may be aware, CCCs are an integral component of the engagement process. They are independently chaired by a person appointed by DPIE and have a diverse range of community members.  
  
CCC meetings – which are held in Narromine, Gilgandra, and Baradine or Narrabri – play a critical role in sharing important project information and developing informed ties with community representatives. The CCC meetings have included detailed discussions on hydrology and flooding, as well as extensive and interactive presentations by the project’s hydrology specialists. Minutes of CCC meetings, and copies of presentations at the meetings, are publicly available online at <https://inlandrail.artc.com.au/n2n-ccc>.
- ▶ Between July 2019 and March 2020, the EIS investigation team carried out more than 100 meetings with landowners along the proposed N2N alignment to discuss various aspects of the project, including historical flooding, flooding impacts on business operations and residential properties, and access to the farm water supply. In total, more than 100 landowners were consulted during these meetings. ARTC also shared its preliminary flood mapping for the 1% AEP event with landowners and invited their feedback as part of this engagement.
- ▶ Eight community drop-in sessions were held in March 2020 in Narrabri, Baradine, Curban, Gilgandra and Narromine. These sessions were very well attended and allowed landowners a good opportunity to engage with the N2N proposal.
- ▶ ARTC has also consulted extensively with other agencies and organisations on hydrology issues, including Transport for NSW, various divisions within DPIE, and the Narrabri Flood Plain Risk Management Committee.

This is in addition to the extensive written engagement such as emails, newsletters and the Inland Rail website (<https://inlandrail.artc.com.au>).

As you will appreciate, delivering a major infrastructure project is a complex task. Our engagement principles are founded on open conversations with all parties, particularly directly impacted landowners. ARTC’s consultation for N2N has emphasised engagement with individual landowners to ensure that their concerns are understood and considered. The information provided during this consultation has been very valuable and is being taken into account in the hydrology assessment, particularly as part of the “ground-truthing” exercise for the modelling.

In addition, the hydrology assessment has taken into account hydrology models provided by Narromine and Narrabri Councils. These have provided foundational information for the modelling.

In accordance with the SEARs, ARTC is having its hydrology modelling independently peer reviewed and the review findings will be included in the EIS.

ARTC is now in the process of preparing for consultation with DPIE and other NSW Government agencies on the draft EIS. This consultation process provides another level of independent, regulatory review which is applied to all major infrastructure projects. Following this consultation, and further revision to address the outcomes of the consultation, ARTC will prepare the EIS for public exhibition.

The public exhibition process will provide your clients, and all members of the public, with an opportunity to review the hydrology assessment and make submissions. ARTC would welcome

further discussion with your clients on the hydrology assessment when the EIS is released, and would, of course, consider any submissions which they make in relation to the EIS and part of the formal submissions process. ARTC will prepare a further report for DPIE after the public exhibition of the EIS, which will address the submissions. This will provide another opportunity for ARTC and relevant NSW Government agencies to review the hydrology assessment.

At this stage, and given the extensive consultation so far with land owners and other local representatives, as well as your clients, ARTC believes the most appropriate course is to allow the assessment to be prepared, so that the information provided can be considered properly and the necessary modelling and other assessment can be carried out.

## **2. N2N alignment**

As the route history document portrays the alignment selection for N2N reflects the evaluation and balancing of many factors over a considerable period of time. ARTC's role is to implement the alignment that was decided by numerous studies between 2006 and 2015 and to do so while balancing the community's views with the regulatory and commercial constraints which our program must work within. The valuable information and views of landowners and local communities in the areas around the various Inland Rail alignment options which have been considered in that time have contributed to that task. As far as whether there should be a further review of this decision process goes, any decision to reconsider the process that was implemented is a matter for government to decide.

Regardless of what government may decide your clients and all members of the public can take the opportunity to review the EIS during the public exhibition period, and make submissions. ARTC will be asked to consider and report on those submissions, as a further level of review of the N2N alignment and as part of the NSW statutory planning assessment process.

## **3. Compulsory acquisition process**

Your letter suggests that:

- ▶ there is insufficient funding available for property acquisition costs; and
- ▶ the risks of the New South Wales compulsory acquisition system are inappropriate given that the acquiring authority will not be the person carrying out the project.

Under arrangements established in 2004, ARTC does not own the freight rail network which it operates in NSW - it leases that network from the NSW Government. It is therefore necessary for land acquisition for the Inland Rail program, and N2N specifically, to be undertaken in accordance with NSW law and policy.

NSW land acquisition legislation mandates that, where possible, land acquisition should be done by agreement with the landowner. It also provides for acquisition by compulsory process where necessary to deliver public infrastructure and, in those situations, it provides for compensation to cover not only the market value of the land acquired but also any impact on the value of adjoining land held by the same land owner and a range of other matters.

ARTC, as proponent of the N2N project, is responsible for identifying land, which is needed for the project and, where possible, acquiring that land. Since ARTC does not have power to compulsorily acquire land, the NSW Government will carry out any compulsory acquisition which is necessary. However, ARTC will fund all land acquisitions.

ARTC's strong preference is to carry out all land acquisitions by agreement with landowners. ARTC proposes to conduct all negotiations respectfully, relying on independent land valuations and taking

into account information which landowners provide. You can view ARTC's NSW Property Acquisition factsheet on the Inland Rail website.

It is also important to note that ARTC is a Commonwealth owned entity, and the Inland Rail Program is fully funded, hence we are confident that there are sufficient funds to enable the acquisition of land for the N2N project and we will apply that funding in an equitable and transparent way, with respect for the owners of land along the proposed N2N alignment.

Accordingly, while I am unable to make the commitments demanded of ARTC in your letter, I trust that the information contained in this letter will address the concerns you have raised in your letter and provide useful context for ARTC's ongoing discussions with your clients.

Success for Inland Rail has many components, and I believe the significant volume of information and views provided to us by local landowners, local communities and your clients will contribute to that success.

I look forward to continued engagement with your clients as Inland Rail progresses and would welcome the chance to talk further with them on these matters. I will follow up to arrange an opportunity to discuss.

Yours sincerely

**Richard Wankmuller**  
**CEO - Inland Rail**

CC: The Hon Michael McCormack MP  
Deputy Prime Minister

The Hon David Littleproud MP

3 August 2020

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Copies to: The Hon Michael McCormack MP

The Hon David Littleproud MP

Dear Mr Wankmuller

### **Inland Rail Project – Narromine to Narrabri**

1. We refer to your letters of 21 July 2020 and 31 July 2020, which responds to our previous letter to you of 15 July 2020 (**Initial Letter**).
2. We thank you for your response to our Initial Letter. However, we are instructed that our clients are not interested in attending a meeting with the Australian Rail Track Corporation (**ARTC**) at this stage.
3. As was clearly put to you in our Initial Letter, our clients have been engaging with the ARTC for some time in relation to the Inland Rail Project (**Project**). Yet, to date, the ARTC has not made any commitments to address any of the matters which have been raised by NSW Farmers and the CWA.
4. Our clients consider that it is critical that the ARTC make commitments to undertaking the investigations needed to ensure the success of the Project.
5. We identified these commitments in our Initial Letter and again restate these below:
  - (a) that the ARTC agree to fund an independent review carried out by a consultant of our clients' choosing into the hydrological assessment for areas of proposed new track, including between Narromine to Narrabri (**N2N Track**);
  - (b) that the ARTC agree to fund an independent review carried out by a consultant of our clients' choosing into the proposed alignment of the N2N Track to ensure that the final alignment best reflects the needs of rural communities, including publishing a costs/benefit analysis regarding the alignment;

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- (c) that the ARTC confirm the amount that has been set aside for acquisition costs along the N2N corridor, including what factors have been included in this cost calculation;
  - (d) that the ARTC develop and publish, in consultation with NSW Farmers and the CWA, procedures for dealing with affected landowners to ensure that all impacted parties are dealt with fairly and equitably; and
  - (e) that the ARTC agree to develop information sharing networks between the project authority and the acquiring authority to ensure that impact mitigation methods may be incorporated into the design of the infrastructure.
6. To the extent that the ARTC says that it has already undertaken investigations into these matters, including particularly hydrological impacts along the N2N track and alternatives to the proposed rail alignment, then we would ask that any background material supporting that analysis be provided to us as a matter of urgency.
  7. We wish to stress that our clients and their members require the ARTC to **listen** to their concerns and respond appropriately. This means that the ARTC needs to make some in-principal **commitments** to investigate the matters which have been brought to your attention.
  8. Our agenda is to ensure that the Project is undertaken in a manner that genuinely seeks to minimise impacts on affected landowners and communities. Part of that is about the ARTC giving us the information we need to better inform those affected by the Project.
  9. On this basis, we request that the ARTC confirm by no later than **10 August 2020**, that these commitments are agreed.
  10. In the meantime, our clients will continue to update their members and advise them to cease any and all communications with the ARTC. This includes refusing access to land to undertake impact assessments, as well as refusing to negotiate with the ARTC in relation to the acquisition of land.
  11. Again, should the ARTC refuse to agree to these reasonable requests, our clients will have no choice but to obtain legal advice in relation to the adequacy of the ARTC's impact assessments and the grounds of challenge that may be enlivened in relation to any planning approval which fails to account for these matters for which it has been formally put on notice.
  12. We look forward to hearing from you in relation to these matters. Should you have any questions, please contact Peter Holt, Special Counsel on (02) 8083 0421 or Peter.Holt@holdingredlich.com.

Yours sincerely

**Holding Redlich**

10 August 2020

ARTC REF# 2-0001-250-PCS-00-LT-0134

Peter Holt  
Holding Redlich  
Level 65, MLC Centre  
19 Martin Place  
SYDNEY NSW 2001

Dear Peter,

### **Inland Rail – Narromine to Narrabri (N2N)**

Thank you for your letter dated 3 August, I appreciate your follow-up, on behalf of your clients, to our initial responses.

I confirm ARTC's commitment to investigate the matters you raise on behalf of your clients and to take any appropriate action. In this regard, I need to reiterate that when that action does not align with your client's expectations, my preference is that we have some in-person dialogue to ensure we fully understand our respective positions and can more effectively resolve how to move forward. I have found my in-person meetings with NSW Farmers and CWA have been very worthwhile in achieving a better understanding of the perspectives of our respective organisations.

In the meantime, and in regard to the specific requests made through your letter – through items 5 and 6, I have discussed with my team and Attachment A provides advice on each of these matters.

Yours sincerely

**Richard Wankmuller**  
**CEO - Inland Rail**

CC: The Hon Michael McCormack MP  
Deputy Prime Minister

The Hon David Littleproud MP

## Attachment A

### **Response to 5(a): request for funding for NSW Farmers to undertake an independent review of the hydrological assessment for N2N**

As detailed in my letter of 31 July 2020, ARTC is already funding an independent review of the hydrological modelling as a requirement of the Secretary's Environmental Assessment Requirements (**SEARs**), for the N2N project. Our intention is to collaborate with the Community Consultative Committee (**CCC**) as part of their role in representing the community, to seek their guidance on how to ensure community confidence in that independent review process. We would welcome members of NSW Farmers who are part of the CCC to participate in that process to ensure your organisation is actively involved and engaged.

### **Response to 5(b): request for funding for NSW Farmers to undertake an independent review of the route alignment for N2N**

The Inland Rail Study Area was provided to ARTC in 2017 and it remains the focus for our technical work and we continue to progress our design of an optimal rail corridor within that area.

Any decision relating to potentially changing the N2N route alignment is a matter for the Commonwealth Government and not within the control of ARTC. In the meantime the Route History document captures the chronology and detail of decisions made to refine the N2N (and wider Inland Rail) route over past decades and we would be happy to further explain the historical decisions that have led to the route we have today.

### **Response to 5(c): request to disclose to NSW Farmers the budget for N2N land acquisition and the basis for calculation of the budget**

The acquisition of land for the purpose of constructing Inland Rail projects in NSW, and payment of compensation for acquisitions, is subject to arrangements between ARTC and the State Government transport agency - Transport for NSW (**TfNSW**).

TfNSW has appointed ARTC as its representative to undertake land acquisition negotiations for Inland Rail projects in NSW. Land acquisition will be carried out in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and NSW Government policy, including published guiding principles, mandatory standards and minimum requirements. Once the land acquisition process commences, landowners will be entitled to compensation in accordance with the Act, regardless of whether the land is acquired by agreement or by compulsory acquisition.

ARTC will provide a dedicated acquisition support team to help guide landowners through the process. The team will provide landowners with practical advice to suit individual circumstances. The acquisition support team will generally include a Manager and an Acquisition Manager. Inland Rail has made various materials available online and in print to explain the land acquisition process, and the entitlement to compensation pursuant to the Act. I have enclosed a copy of the NSW Government's general guide to property acquisition, which describes the acquisition process and different types of compensation that landowner may be eligible to be paid as a result of the land being acquired.

ARTC considers that there is adequate budget for the N2N land acquisition requirement. However, for the reasons outlined above and in my earlier letter of 31 July, any such budget is ultimately subject to the statutory requirements of the Act. We feel it is more important that we are clear in our commitment to compensate all directly impacted landowners fairly for the impacts resulting from Inland Rail, per the requirements of the Act, irrespective of the budget.

### **Response to 5(d): request to develop and publish, in consultation with NSW Farmers and CWA, procedures for dealing with landowners to ensure all impacted parties are dealt with equitably and fairly**



ARTC remains committed to progress work such as this. I referred in my letter of 21 July to the "NSW Agreed Principles of Land Access", which were signed off by NSW Farmers and ARTC in May 2018. In addition, my offer to fund a liaison officer within NSW Farmers to work on developing further procedures remains.

**Response to 5(e): request that ARTC agrees to develop information sharing networks between the project authority and the acquiring authority to ensure that impact mitigation methods may be incorporated into the design of the infrastructure**

We would like to discuss this particular request with your client to better understand what is being inferred (by way of any examples) and what specific outcome or improvement is being sought by your clients.

By way of general information, ARTC and TfNSW have both formal and informal governance processes that guide the sharing of information between organisations. TfNSW is a key stakeholder and takes an active role in the reviews of designs, impacts and mitigations.

**Response to 6: request that ARTC shares any background information relating to hydrological impacts assessment on N2N and alternatives to the proposed alignment with NSW Farmers**

ARTC has been sharing information with NSW Farmers over a period of more than 2.5 years regarding the comparison of different routes alignments. As a result of previous requests by NSW Farmers for further information on route alignment ARTC has:

- provided, and made public, detailed answers to a series of extensive questions about the historical route selection; and
- drafted the *Inland Rail Route History 2006-2019* publication

In regard to the hydrological impacts on N2N, this work is still being performed by our technical consultants and will be shared with landowners and the wider community, including NSW Farmers, in coming months. As I said in my letter of 31 July, the extensive input from landowners and communities has been very helpful for the assessment work our consultants are doing.

ARTC really values input from all stakeholders, particularly local communities, and we want to ensure everyone has a fair opportunity to comment on the assessment once it is available to share. The public consultation process when the EIS is available will provide the best opportunity to do this, and ARTC will address all submissions made during that process.

14 August 2020

Richard Wankmuller  
CEO of Inland Rail  
Australian Rail Track Corporation  
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ADELAIDE SA 5000  
By email: [enquiries@artc.com.au](mailto:enquiries@artc.com.au)

Copies to: The Hon Michael McCormack MP

The Hon David Littleproud MP

Dear Mr Wankmuller

### **Inland Rail Project – Narromine to Narrabri**

1. We refer to your letters of 10 August 2020, 31 July 2020 and 21 July 2020, which respond to our previous letters to you of 3 August 2020 and 15 July 2020 (**Previous Letters**).
2. We thank you for your responses to date and note that we have had an opportunity to discuss these letters with our client.
3. Unfortunately, it appears as though the Australian Rail Track Corporation (ARTC) is not willing to make the commitments that we have been seeking.
4. We are not satisfied with the proposed commitment to undertake a review of the hydrological modelling as part of the SEARs. We are equally not satisfied that your summary of the agency relationship between the ARTC and Transport for NSW is accurate from a legal standpoint and have concerns regarding how such an arrangement would work in practice.
5. Accordingly, our clients will continue to update their members and advise them to cease any and all communications with the ARTC. This includes refusing access to land to undertake impact assessments, as well as refusing to negotiate with the ARTC in relation to the acquisition of land.
6. Given the ARTC's position, we will turn our attention to getting the information and answers we need through the NSW Government's public consultation process as part of the exhibition of the environmental impact statements for the next stages of the Project.
7. We believe that the issues that we have raised have considerable substance and go to the central issue of whether the NSW Government should enable those parts of the Project to proceed in their current form.

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8. Our position is that we want a better Project that does more for regional communities than what is currently on the table.

Yours sincerely

**Holding Redlich**



James Jackson  
President

REF: 201380C

04 September 2020

The Hon Michael McCormack MP  
Deputy Prime Minister  
Minister for Infrastructure and Transport  
Leader of The Nationals  
Parliament House  
CANBERRA ACT 2600

Dear Deputy Prime Minister

***RE: further hydrological reviews needed in NSW***

As you know, NSW Farmers Association (NSWFA) and the Country Women's Association of NSW (CWA) have significant concerns regarding the accuracy of hydrological modelling undertaken for the Inland Rail Project. You would also be aware that we raised these well-founded and legitimate concerns directly with the Australian Track Corporation (ARTC) on the 15<sup>th</sup> July (letter annexed).

A proposed solution to investigate these matters was put forward in that correspondence, whereby NSWFA and CWA requested that funding be made available for our organisations to jointly appoint an independent expert in the hydrological field to review the modelling relied upon in ARTC's planning proposals, particularly as it relates to the Narrabri to Narromine (N2N) section. The ARTC, in their response to this correspondence, dismissed our concerns, declined our request and further stated that they are satisfied with their own work on this matter and will consult with the Community Consultative Committee regarding their work. In our view, this is an inadequate response and one that fails to recognize the major project risks posed by hydrological impacts that have not been adequately addressed.

Water flow issues in the greenfield alignment between Narromine and Narrabri (N2N) are of particular concern to our respective members, especially in relation to segments within the Castlereagh River catchment between Curban to Baradine, located west of the Warrumbungle Ranges. There are also serious concerns in the Narromine to Curban section in relation to overland water flows from a number of creeks which the proposed alignment will impact.

Similar concerns have been raised in relation to the Macintyre floodplain in northern NSW and the Condamine floodplain in southern Queensland. The raising of these issues by local landholders in the area resulted in federally funded reviews. An international panel was appointed to review hydrological data in the Condamine and an independent hydrologist was engaged to review the Macintyre concerns.

We request that the same opportunity (for a federally funded hydrological review) be also extended to landholders in the N2N section. Their concerns are of no less importance than those expressed in the north and they need to be addressed. It is important to understand that these are not new matters, but matters that have been brought to ARTC's attention repeatedly over at least the last 3 years. It is disappointing that due to ARTC's unwillingness to engage constructively on this issue, we are left with no option but to make this request of you.

It is essential that these further independent reviews of the hydrology be conducted in NSW, and the Project should not proceed until these issues are fully investigated and the community concerns are addressed. This is the only way to restore community confidence in the Project across the length of the track running through NSW.

Collectively, our organisations represent members from across the two largest rural-based advocacy groups in state, and our members in the N2N section are tired of being dismissed by ARTC in relation to their questions and concerns. We ask that you, as the Minister responsible for the execution of this project intervene and ensure that community issues are being heard and addressed.

We look forward to your favourable response to this request.

Yours sincerely

**James Jackson**  
**PRESIDENT**  
**NSW Farmers' Association**

**Stephanie Stanhope**  
**PRESIDENT**  
**Country Women's Association of NSW**

Cc: The Hon David Littleproud MP  
The Hon Mark Coulton MP

15 July 2020

Richard Wankmuller  
CEO of Inland Rail  
Australian Rail Track Corporation  
GPO Box 10343  
Gouger Street  
ADELAIDE SA 5000

Copies to: The Hon Michael McCormack MP

The Hon David Littleproud MP

Dear Sir/Madam

### **Inland Rail Project – Narromine to Narrabri**

1. We act for NSW Farmers and the Country Women's Association of New South Wales (CWA).
2. NSW Farmers and the CWA are organisations committed to advocating on behalf of farmers and rural communities to protect the rights of their members and to require both State and Federal Governments to carefully consider and respond to the specific challenges faced by these communities.
3. The purpose of this letter is to report our clients' vehement objections to the manner in which the Australian Rail Track Corporation (ARTC) is managing and executing the Inland Rail Project (Project). While our clients do not oppose the Project, they do have significant concerns about the operation of the Project in NSW which, to date, have either gone unacknowledged or have been flippantly dismissed by the ARTC.
4. These concerns are exacerbated by the way that the ARTC's agents are directly approaching individual landholders to extract information from them for use in scoping studies, planning impact assessment documentation and compulsory acquisition negotiations without making any genuine attempts to reach out to peak bodies to formulate a proposal that will work for the various rural communities along the proposed alignment.
5. It is therefore critically necessary that the ARTC meaningfully engage with NSW Farmers and the CWA. Our clients will no longer participate in disingenuous discussions with the ARTC and is calling on the ARTC to accede to our clients' demands for rigorous independent assessment of key features of the Project and transparency in relation to the future management of the Project.
6. Failure by the ARTC to proceed accordingly will mean that NSW Farmers and the CWA will have no choice but to instruct their members to immediately cease all communications with the ARTC.

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This will undoubtedly cause the ARTC difficulties in relation to its management of the Project, including increasing ARTC's reliance on desktop assessment where access to land is not forthcoming. Not only does this risk blowing out ARTC's timeline for delivery of the Project, it also increases the likelihood that a legal challenge may be brought to any impact assessment that was done by way of desktop analysis, thereby risking the voracity of the planning approval for the Project itself.

### **Inadequate and inaccurate hydrological modelling – West of the Warrumbungles**

7. One of our clients' key concerns is that the ARTC has failed to adequately respond to community concerns with regards to the adequacy and accuracy of the modelling and assessment of the hydrological impacts of the Project, particularly for the areas of new track.
8. These concerns relate to many areas along the proposed alignment, including between Narromine and Narrabri (**N2N Track**) and in particular, that part of the alignment that is within the Castlereagh River catchment between Curban to Baradine which is located directly to the west of the Warrumbungle Ranges. There are also serious concerns in the Narromine to Curban section in relation to overland water flows from a number of creeks which the proposed alignment will impact. In both of these sections, there is a complete lack of confidence from impacted landholders that these flooding risk have been adequately addressed.
9. Specifically, our clients and their members are concerned that the current modelling used by the ARTC to develop the new rail alignment does not accurately reflect the existing overland flows in the N2N alignment and therefore, does not accurately model the impacts of the rail infrastructure in terms of flooding and the increased speed of overland flows. Our clients are also concerned about the impact of the Project on groundwater resources.
10. The Castlereagh River is an unregulated river system, meaning that there are no major storages which regulate the flow of water through the river system. It is also subject to highly variable flows.
11. By way of context, one of the primary land uses in this part of central NSW (between Curban to Baradine) is dryland farming. There is very little by way of intensive agriculture and the area is sparsely populated. This means that farmers and local communities are heavily reliant on surface and groundwater resources for stock and domestic water supply as well as town water supply.
12. We understand that during rainfall events, the water flows down from the Warrumbungle Ranges and drains to the south, west and north-west by the Castlereagh River, and to the north and east by several tributaries of the Namoi River.
13. Flood impacts and flood behaviour in this area has not been well documented, but local knowledge says that the area is subject to strong overland flows which, while short in duration, come with little to no warning. This is reflected in the SES Warrumbungle Shire Local Flood Plan which outlines that flood behaviour is characterised by rapidly rising waters which can flow at dangerously high velocities across the catchment. The warning times and durations of inundation are corresponding short.
14. The nature of flood events in this area is also documented in the *Water Sharing Plan for Castlereagh Unregulated and Alluvial Water Sources: Background document (2016)* which states that moderate or large floods up to 50,000 megalitres per day have occurred on average every 5-10 years (measured at Mendooran). The most recent flood events as documented in that

document are stated to have occurred in February-March 2012, March 2013 and September 2016.

15. We understand that to date, the ARTC has failed to acknowledge the behaviour of overland flows in this area, despite the fact that the proposed alignment would see the new track constructed north/south between the Warrumbungles and the Castlereagh River, effectively blocking and/or redirecting these natural flows.
16. The concern is that these flows are also not reflected in the ARTC's modelling and therefore the ARTC has not considered the impact of the new track on the disruption of natural flows and how this may affect the replenishment of groundwater resources. A secondary concern is also that the new track itself may not be designed to withstand flows of this velocity and is therefore vulnerable to damage during heavy rainfall events.
17. The failure to accurately model these impacts certainly result in significant risks to public safety for those communities located in the vicinity of the Inland Rail network, whilst endangering the successful operation of the Project itself.
18. We understand that similar concerns were raised in respect of the MacIntyre (northern NSW) and in Condamine (southern Queensland), leading to an international panel being appointed to review hydrological data in the Condamine and an independent hydrologist being funded by the Federal Government to review the MacIntyre concerns.
19. In our view, the concerns raised by affected communities along the N2N track must be considered alongside the similar concerns raised in the Macintyre and Condamine. It is therefore essential that a similar independent review be conducted in NSW as well, and the Project should not be allowed to proceed until these issues are investigated further (by independent consultants) and the community concerns are expressly addressed. This is the only way to restore community confidence in the Project across the length of the track running through NSW.

### **Impact on Greenfield – particularly Narromine to Narrabri**

20. The current Inland Rail Alignment Map identifies the proposed alignment of new track between Narromine and Narrabri in central NSW. This proposed alignment has the effect that the new N2N Track will intersect and traverse both public and private property through Greenfield and other agricultural land.
21. While local government were invited to consult on the proposed alignment back in 2010 and 2015, the precise corridor of the N2N Track was not identified until 2016. Further, consultation was not open to landowners and affected communities until as late as June 2016.
22. This means that those landowners who only now know that they will be impacted by the Project have not been provided with a reasonable opportunity to engage with the ARTC in relation to the proposed alignment and the impacts of that alignment on their land, businesses, and communities. This is surely contrary to the principles of community participation and open government.
23. Furthermore, we are instructed that to date, the ARTC has not meaningfully responded to our clients' requests for scrutiny and transparency in relation to the proposed alignment. For example, no detailed explanation has been provided in relation to why the Project proposes to bypass regional hubs like Coonamble, why the alignment cannot follow the existing rail lines for



greater distances before traversing the Greenfield, and how certain properties are to be managed where they are significantly intersected under the proposed alignment.

24. Also, the proposed alignment appears to have been based off a decision that it is better to traverse the Greenfield, rather than to follow existing property boundaries or the existing railway corridor. This is contrary to the representations made in the ARTC Narromine to Narrabri: Preferred Corridor Report dated August 2017 which states that the rail alignment will follow existing property boundaries where existing infrastructure cannot be used, and that existing access points for stock will be maintained. In this regard, there has been a significant lack of transparency by the ARTC as to why this position has changed so markedly and why routes have been selected that would increase the severance of farms over less impactful ones.
25. To the extent that this change in position is related to the ARTC's goal of obtaining a sub-24 hour travel time, we note that the ARTC has also failed to justify the economic modelling supporting the importance of this feature of the Project. For example, we understand that using the existing corridor (rather than crossing the Greenfield as proposed under the current alignment) would add approximately 16 minutes to the 23.5 hour journey between Melbourne and Brisbane. However, the ARTC has not yet provided any modelling to indicate why this 16 minute delay is unacceptable or otherwise renders the Project unfeasible.
26. Given the severity of the impacts of the proposed rail alignment both physically (in terms of transecting land) and commercially (on the value of land and the viability of existing businesses), the ARTC has a responsibility to genuinely and transparently engage in detailed discourse with affected communities regarding why the current alignment is appropriate and necessary, and to provide evidence of the modelling that supports the ARTC's position.
27. It is therefore critical to our clients that the ARTC agree to fund an independent review into the proposed alignment of the N2N Track to ensure that the final alignment best reflects the needs of rural communities in those districts. This review must include, at a minimum, a thorough and independent cost benefit analysis (such as a Multi-Criteria Analysis) of the proposed alignment, as well as alternatives that would see greater use of the existing brownfield rail corridor. This should include consideration of a broad spectrum of matters, including social and economic impacts of the alignment.

### **Compulsory acquisition processes – N2N Track**

28. We understand that in NSW, there are approximately 117 landowners whose land will need to be acquired, based on the current alignment.
29. We also understand that the Federal Government has significantly under-allocated funding for the acquisition of the land within the N2N Track corridor and that the land is proposed to be acquired, including through compulsory process, under NSW law rather than Commonwealth law.
30. Our concern is that the amount of money set aside for land acquisition is considerably less than what will reasonably be required.
31. We are particularly concerned that in estimating the acquisition costs, the ARTC has applied a generic per hectare rate but has failed to consider its liability to compensate affected owners in relation to the loss of value of the remainder of the land (not just the land for the infrastructure) as a result of that land being transected by the track, and also for any losses associated with existing businesses becoming unviable due to the impact of the alignment on the use of the land.

32. These severance losses are also compounded by either an unwillingness or an inability for the ARTC to talk about the design of crossing points across the track in any meaningful way.
33. Further to this, we note that the NSW compulsory acquisition processes are regarded as far less generous than the Commonwealth processes. We also know from State transport initiatives that if there is not sufficient money set aside for compensable losses, the acquiring authority will seek to pressure individual landowners into accepting lesser amounts than is reasonably owed to try and keep the overall acquisition costs down. This is simply unethical and unacceptable to our clients.
34. We are also very concerned about the possibility of Transport for NSW effectively becoming ARTC's agent in any compulsory acquisition process. Again, we have seen that where there is a dichotomy between the project authority and the acquiring authority; sensible and practical measures that would reduce the overall project costs and improve the project more generally are foregone. This is because of a lack of an ability for those who are acquiring the land for the corridor to talk to those designing particular stages of the project about ways to minimise the blight caused by the project on affected property owners.
35. It is critical that the ARTC adopt procedures for dealing with affected landowners in a manner that is transparent and equitable, particularly so far as they concern land valuation assessment and the calculation of adequate compensation. Also, it is critical that a continuous dialogue can be developed between the project authority and the acquiring authority to ensure that mitigation measures will flow back through into the design of particular sections of the track. If this does not happen, the ARTC will pay far more than it needs to and any adverse impact on farming communities will be greater than they should be.
36. Further, to the extent that the ARTC's calculations for acquisition costs have excluded those matters which we have identified, we note that the true acquisition costs might be so significant as to necessitate amendments to the proposed alignment of the network to ensure the financial viability of the Project. It is therefore essential that these figures are accurately calculated by the ARTC and weighed in any cost/benefit analysis regarding the design of the proposed alignment.

### **Commitments for the future conduct of the Project**

37. As noted earlier, our clients do not oppose the Project. Rather, they simply want to ensure that what is done reflects best practice and that importantly, the hydrological impacts of the proposed development are considered in the context of flooding impacts, and that the location and design of the structures are appropriate, particularly where they are constructed in areas subject to strong natural flows.
38. Significant consequences will flow from a failure to accurately model hydrological impacts, as was seen in the Pilbara in 2007 where floodwaters from Cyclone George caused considerable damage to the rail infrastructure. Our clients want to see these impacts avoided.
39. Equally, our clients consider that it is incumbent upon the ARTC to deal with affected landowners and communities openly in relation to the Project, which extends to justifying the proposed alignment through Greenfield and agricultural land and outlining the approach to the acquisition of the land needed for the Project.
40. For these reasons, our clients demand that the ARTC make the following commitments in relation to the future conduct of the Project:

- (a) that the ARTC agree to fund an independent review into the hydrological assessment for areas of proposed new track, including principally the N2N Track;
  - (b) that the ARTC agree to fund an independent review into the proposed alignment of the N2N Track to ensure that the final alignment best reflects the needs of rural communities, including publishing a costs/benefit analysis regarding the alignment;
  - (c) that the ARTC confirm the amount that has been set aside for acquisition costs along the N2N corridor, including what factors have been included in this cost calculation;
  - (d) that the ARTC develop and publish, in consultation with NSW Farmers and the CWA, procedures for dealing with affected landowners to ensure that all impacted parties are dealt with fairly and equitably; and
  - (e) that the ARTC agree to develop information sharing networks between the project authority and the acquiring authority to ensure that impact mitigation methods may be incorporated into the design of the infrastructure.
41. We consider that these requests are fair and reasonable in the circumstances, and are necessary to ensure that the Project is undertaken in a manner that genuinely seeks to minimise impacts on affected landowners and communities.
42. We request that the ARTC confirm by no later than **29 July 2020**, that these commitments are agreed.
43. Our clients have currently advised their members to cease any and all communications with the ARTC. This includes refusing access to land to undertake impact assessments, as well as refusing to negotiate with the ARTC in relation to the acquisition of land.
44. Further, should the ARTC refuse to agree to these reasonable requests, our clients will have no choice but to obtain legal advice in relation to the adequacy of the ARTC's impact assessments and the grounds of challenge that may be enlivened in relation to any planning approval which fails to account for these matters for which it has been formally put on notice.
45. We look forward to hearing from you in relation to these matters. Should you have any questions, please contact Peter Holt, Special Counsel on (02) 8083 0421 or Peter.Holt@holdingredlich.com.

Yours sincerely

**Holding Redlich**



**The Hon Michael McCormack MP**

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**Deputy Prime Minister  
Minister for Infrastructure, Transport and Regional Development  
Leader of The Nationals  
Federal Member for Riverina**

Ref: MC20-007457

**23 OCT 2020**

Mr James Jackson  
President  
NSW Farmers Association  
PO Box 459  
ST LEONARDS NSW 1590

*J. C. M.*  
Dear Mr Jackson

Thank you for your letters of 4 September 2020 and 20 October 2020, co-signed by Ms Stephanie Stanhope, along with the attached letter from Holding Redlich of 15 July 2020 to Mr Wankmuller, CEO of Inland Rail, regarding your concerns about the hydrological modelling developed by Australian Rail Track Corporation (ARTC) for the Narramine to Narrabri (N2N) section of Inland Rail.

Public safety remains the highest priority for the Australian Government and ARTC. I am confident that ARTC will develop and build world leading engineering solutions that take account of the local geology, hydrology and land use patterns to ensure that the design of Inland Rail is safe.

I note from Mr Wankmuller's correspondence of 31 July 2020 in response to Holding Redlich that ARTC has to date consulted with a broad range of stakeholders, including all the impacted local Councils and more than 100 landholders in regard to its flood modelling. In addition, ARTC has established the independently chaired Community Consultative Committee (CCC) with sub-groups for Narramine, Gilgandra and Narrabri to provide communities with a regular forum to engage ARTC on matters that are important to them, including progress on the hydrological modelling.

In developing its hydrological modelling, ARTC has taken into account the flood models used by the Narrabri and Narramine Councils and the Narrabri Flood Plain Risk Management Committee. In addition to this, the key knowledge of flood events, gained from landholders ARTC has met with, has been used to inform and test the accuracy of its hydrological models.

In regard to your request that the Australian Government provide your organisations with Commonwealth funding to engage an independent expert to review ARTC's hydrological model, I note that an independent review of ARTC's modelling is a mandated requirement of the NSW Government for the N2N Environmental Impact Statement (EIS).

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I am advised that BMT are undertaking this review and that their report will form part of the EIS documentation that will be released for public exhibition by the NSW Government. This requirement is consistent with that set by the NSW Government for the independent hydrological review undertaken for the North Star to Border EIS.

In relation to the Independent Panel of Experts for Flood Studies (Panel) in Queensland, it is important to note that, unlike the NSW Government, the Queensland Government does not mandate an independent review of hydrological modelling as part of its EIS conditions. Noting this fact and in response to community views, the Australian and Queensland Governments established the Panel. As such, the Panel effectively provides an equivalent level of review to that already provided for by the NSW Government through its EIS process.

I am advised that, in relation to the N2N project, ARTC is planning to hold a series of public information sessions, including an additional round of CCC meetings in November 2020. These information sessions will cover a range of topics in relation to the route's alignment, flood modelling and a range of property matters, including acquisition processes and factors to be considered in compensation.

Mr Wankmuller has confirmed to me that he and/or the N2N project team are available to meet at a time of your members' convenience to discuss their concerns and to identify specific issues that may need to be addressed by ARTC. This would replicate the engagement approach undertaken by ARTC for the North Star to Border section of Inland Rail.

I encourage you and your members to engage with ARTC to ensure you and your members have access to the latest information on flood modelling and design work being undertaken by ARTC, and are getting the information needed to make decisions in regard to their farms as the development of the N2N section of Inland Rail progresses.

Thank you for bringing your concerns to my attention and I trust this information is of assistance.

I have written in similar terms to Ms Stanhope, President, Country Women's Association of NSW.

Yours sincerely

Michael McCormack