

<b>Meeting title</b>	<b>Combined meeting of the Inner Darling Downs and Southern Darling Downs community consultative committees – draft Terms of Reference for EIS</b>
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<b>Attendees</b>
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Mr Barry Bowden – SDD Committee Member (BB)	Ms Maria Oliver – SDD Committee Member (MO)
Mr Graham Clapham – SDD Committee Chair (Chair)	Mr Larry Pappin – IDD Committee Member (LP)
Mr Jeff Chandler – SDD Committee Member (JC)	Mr Geoff Penton – IDD Committee Member (GP)
Mr Norm Chapman – SDD Committee Member (NC)	Ms Jennifer Schmidt – IDD Committee Member (JSc)
Mr Graeme Clarke – SDD Committee Member (GC)	Ms Kylie Schultz – IDD Committee Member (KS)
Mr Paul Hanlon – IDD Committee Member (PH)	Ms Marcia Smith – SDD Committee Member (MS)
Mr Chris Joseph – IDD Committee Member (CJ)	Ms Kim Stevens – SDD Committee Member (KS)
Ms Georgina Krieg – SDD Committee Member (GK)	Dr David Taylor – IDD Committee Member (DT)
Mr Brett Kelly – SDD Committee Member (BK)	Ms Laura Jarman – ARTC (LJ)
Dr Rob Loch – IDD Committee Member (RL)	Mr Gareth Rees – ARTC (GR)
Ms Rosalie Millar – SDD Committee Member (RM)	Mr Robert Smith – ARTC (RS)
Mr Ken Murphy – IDD Committee Member (KM)	Ms Jo Tait – ARTC (JT)
Mr Lance McManus – IDD Committee Member (LM)	

<b>Apologies</b>
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Professor Steven Raine – IDD Committee Chair	Mr Justin Saunders – SDD Committee Member
Mr Ian Jones – IDD Committee Member	Ms Joy Mingay – IDD Committee Member
Mr Jason Chavasse – IDD Committee Member	Mr Robert Barrett – SDD Committee Member

<b>Location</b>	Brookstead Hall, Madelaine Street, Brookstead	<b>Secretariat</b>	Ms Jo Tait
<b>Date</b>	22 May 2018	<b>Time</b>	6:00 – 8:00pm

<b>Topic</b>	<b>Discussion</b>
<b>1. Introductions and welcome</b>	<ul style="list-style-type: none"> <li>• The Chair opened the meeting, welcomed committee members and observers, and noted apologies.               <ul style="list-style-type: none"> <li>○ Advised he had been appointed interim Chair of IDDCCC while IDDCCC Chair Steve Raine manages serious health issues. He agreed to this appointment on the understanding that this was sanctioned by Professor Raine and will not be seeking remuneration for his role as interim Chair.</li> <li>○ Noted that the Chair of these two committees has the title of independent chair. This does not apply to members – they are representing communities. The Chair is not owned or beholden to ARTC. Sees that the role of the Chair to oversee business of these committee to get best possible outcomes for communities represented at this table.</li> </ul> </li> </ul> <p><i>Questions and discussion</i></p> <ul style="list-style-type: none"> <li>• LP thanked the Chair for taking on the role of interim Chair of the IDDCCC.               <ul style="list-style-type: none"> <li>○ Southern Darling Downs has brownfield, Inner Darling Downs has greenfield. Both parties can come together for these joint issues. Moving forward, we need to</li> </ul> </li> </ul>

look at finding a Chair who will take over the IDCCCC.

- Suggest ARTC take it upon themselves to find a chair to permanently fill the role of Chair. The Inner Darling Downs has a lot of alignment refinement; there are smaller properties that we will need to manoeuvre around.
  - Chair: We acknowledge that the Inner Darling Downs and Southern Darling Downs are two different areas, which is why there are two committees. In the circumstance we are in, what actually has happened is the best way to do that. The appointment of chair is entirely ARTC's position.
  - Chair: We all hope the best for Professor Raine. There will be a need for two separate committee meetings to talk about different issues. We have combined the committees for the past two meetings as they have been focused on single issues common to both committees.
- RS presented a safety moment on the value of first aid training.
  - ARTC team is required to take part in first aid training.
  - Already we have an example of an ARTC staff member who was able to apply first aid in an emergency situation thanks to her recent training.
  - It is good to have someone in a household or workplace who has first aid training
- *Conflicts of interest*
  - Chair: I own a property within the two-kilometre study area.
  - JC: If members have a conflict to declare, we can state it if we raise a point during the meeting.
- *Actions arising from previous meeting*
  - Response to Joy Mingay, Toowoomba Chamber of Commerce
    - RS: ARTC recently held a high level industry briefing which spoke broadly about a requirement for local participation. The B2G local participation strategy is being developed, we need to prepare that plan for our EIS. As that strategy is being developed we can bring that to this meeting. We can email info around to the CCC meeting. In the dTOR there is an indication of those requirements.
- *Questions and discussion*
  - MO: The industry briefing seemed to be very focused on the Gowrie to Kagaru section. Will an industry briefing be brought out to the Millmerran Pittsworth area?
    - RS: B2G will be a different procurement model for the Gowrie to Kagaru section. ACTION: send update via email.

## 2. Project update

- RS updated the committee on the project's progress since the last meeting:
  - Draft Terms of Reference (ToR) for the preparation of an Environmental Impact Statement (EIS) were released by the Office of the Coordinator-General on 7 May 2018.
  - ARTC is running community consultation drop-in sessions to inform the community how they can make comment on the draft ToR, adopting an open-house session format similar to that used for the recent Condamine floodplain crossing information sessions.
  - Progressing Condamine floodplain crossing design development. We've mobilised to the rail corridor. Commenced geotechnical campaign the findings

- will feed into mid-year deliverable for the Condamine floodplain crossing design.
- Reconnaissance work is occurring on site for ecology and cultural heritage studies.
- Beyond geotechnical investigations, work is progressing out into the broader area.
- Land access work is continuing.

- *Questions and discussion*

- BK: We were told that you'd have guys coming out to verify flood levels, less than half landholders approached, some have been asked to sign land access agreements, is it a six month project to get the levels, are you approaching everyone?
  - RS: It is an ongoing process, they are telling me that they've approached most of the critical parties, if you think there are people who are missing I'd be happy to chase them up
- BK: I don't know if any levels have been taken yet.
  - LJ: We have met with a number of landowners and are working through the process at the moment, we're getting LAA and progressing with surveying in coming weeks.
- GK: Is it possible for us to know where those flood levels came from?
  - RS: If those parties don't have an issue with us sharing that info, I think we can do that.
- LP: Is that info released in the EIS?
  - RS: It would be made public in the EIS submission anyhow.
- Chair: I have fielded calls about people about flood levels being taken. They had a misunderstanding about why they're involved as they were a long way away from the corridor. It might be worth bearing in mind that that needs to be explained better.
  - RS: Noted.

### 3. EIS process

- GR presented an overview of the Environmental Impact Statement and draft Terms of Reference:
  - EIS
    - The purpose of an EIS is to test whether a project is designed in the correct way and that it is feasible in an environmental, social and economic context
    - The EIS is underpinned by Queensland and Commonwealth legislation
    - The Queensland Coordinator-General manages the EIS process.
    - The Draft Terms of Reference for the EIS have been released.
    - The Coordinator-General will accept comments until 5 PM on 18 June 2018.
    - The Coordinator-General will consider all comments made on the draft Terms of Reference and will determine whether to amend the ToR.
  - To make a comment:
    - Provide relevant heading e.g. 11.3 Land
    - Provide relevant subheading (if given) e.g. Existing environment
    - Provide relevant notation point e.g. 11.56
    - Provide comment on what you want included, noted, amended
  - Final Terms of Reference will be published on the Department of State

Development Website following consideration of all comments made on the draft Terms of Reference.

- Environmental Impact Statement preparation
  - Field studies (ecology surveys, water sampling, air quality sampling, noise assessments)
  - Design (feasibility design developed in collaboration with the field studies)
  - On-going consultation (to assist in any considerations to be made during design).
- Draft Environmental Impact Statement consultation
  - The Draft EIS will be published on the Department of State Development website and submissions will be invited from the public.
- Further consultation will include:
  - Field studies
  - Landowner engagement
  - Community information sessions
  - Specific consultation (options, flooding)
  - Community consultative committees
  - LGA, peak body and elected representative briefings
  - Social impact and economic impact research.
- *Questions and discussion*
  - Chair: I wrote to the CoG inviting a representative from CoG office to present to this Committee. You will have received an email. The CG's team declined to present to a forum with the proponent present, understand that they presented to IDIRAG. Should committees, individuals, communities wish, CoG is available to present on the process. This is the first stage of the process.
 

The value of independent submissions, how he assesses independent statements, the relative disadvantage that individuals are at. They welcome input and they welcome comment. If there is a strong enough comment made, they will go to an independent advisor. I got the sense that they are keen to engage with the public and with individual groups. If you think that there's some merit in meeting with COG's department, as long as it's in an independent forum without the presence of the proponent
  - RL: EIS also contains social and economic impact assessment. Wording relating to social and economic impact is stronger than that relating to the environment. For example, "mitigate" is used in the environment section, "must" in social and economic impact section.
    - GR: This might be because of the new social impact guidelines released this year.
  - RL: You could ask that environment Terms of Reference be strengthened with this language.
  - LM: Are the comments made public?

	<ul style="list-style-type: none"> <li>- GR: The Office of the Coordinator-General will furnish the submissions to ARTC.</li> <li>- <b>(Note: follow-up clarification that the submitter's details will be provided to ARTC.)</b></li> <li>o PH: It would be good to look at making corridors and tunnels wide enough to facilitate other infrastructure (i.e. water for irrigation).             <ul style="list-style-type: none"> <li>- GR: That would be a good comment to make.</li> </ul> </li> <li>o Chair: Is ARTC able to comment or have input into submitter's request for changes or additions to ToR?             <ul style="list-style-type: none"> <li>- GR: Generally not.</li> </ul> </li> <li>o LP: OCG is happy to help out with submissions, if you need to raise something, it's important you raise it, don't leave it up to your neighbour. Read social impact assessment in collaboration with the draft ToR.             <p>Most of the submissions looked at are likely to be included, e.g., requesting traffic counts on local roads.</p> </li> <li>o JS: If ARTC do noise and air studies at a sensitive receptor, do they give the data to that person?             <ul style="list-style-type: none"> <li>- GR: I don't see any reason why we would withhold. ACTION: Confirm that property specific data will be made available to the specific landowner.</li> </ul> </li> <li>o Chair: ARTC is willing to resource committees to seek independent expert advice on the draft EIS. JF indicated he would make similar concessions to all of the CCCs to source some limited expertise to interpret data in the draft EIS. Think carefully about how we might best use that resource. Once the chairs of all of the CCCs are advised of that option, the correspondence will be made available.</li> </ul>
<p><b>4. Land access agreement</b></p>	<ul style="list-style-type: none"> <li>• PB provided an overview of the Land Access Agreement (LAA) process:             <ul style="list-style-type: none"> <li>o A LAA enables ARTC or its contractors to legally enter land to undertake various investigations such as flora and fauna studies and geotechnical investigations.</li> <li>o The data from these studies is then used to facilitate design and identify any impact on the environment.</li> <li>o As a result of recent representations by the NSW Farmers Federation (NSWFF), ARTC's LAA has recently been amended and now looks like this.</li> <li>o Key elements of the agreement include:                 <ul style="list-style-type: none"> <li>- a landowner's right to terminate the agreement at any time</li> <li>- ARTC's indemnity to the landowner</li> <li>- and a confidentiality undertaking in respect of information gathered from the studies</li> </ul> </li> <li>o These are the steps undertaken in seeking a Land Access Agreement with a landowner.                 <ol style="list-style-type: none"> <li>1) ARTC or its consultants will identify a need to undertake particular studies and</li> </ol> </li> </ul> </li> </ul>

identify land on which to undertake those studies.

- 2) One of ARTC's stakeholder engagement leads will contact the landowner usually by phone and explain that we would like to undertake the studies and if the owner is agreeable, set up a meeting to go through and sign the Land Access Agreement.
- 3) Meetings are usually held on-site or at a convenient location for the landowner.
- 4) The meetings are usually attended by our stakeholder engagement lead along with our land access consultant.
- 5) At the meeting we will provide information about the project as well explain the various investigations or studies proposed on the landowner's property.
- 6) The land access consultant will then go through the agreement with the landowner and if the landowner is agreeable, the consultant will fill in the various blank sections of the agreement and have the landowner sign the agreement.
- 7) The agreement is then signed by ARTC and a copy of the executed agreement is posted to the landowner.
- 8) Prior to entering a property to undertake any studies we will always liaise with the landowner about the type of studies and whether the proposed timing is convenient.

- *Questions and discussion*

- Chair: When I look at geotech, some of those activities are a bit invasive. There's no discussion on this document should it be needed. Do you not foresee that compensation will arise? Will you avoid situation?
  - PB: We don't envisage paying compensation, if a landowner is concerned about this they can refuse access. We bring land back as close as possible to original condition, if there are concerns we will work with the landowner.
- DT: What action can you take if a property is in a key location and the person refuses to sign?
  - PB: It's purely voluntary, we don't have any powers to force access.
  - RS: Engineers find a surrogate site, similar boreholes, extrapolate from seismic data. Not a showstopper but it is preferable to secure access.
- MS: Is the landowner able to have a cooling off period, or legal representation? I didn't see anything about biosecurity in there.
  - PB: Weed, seed, biosecurity requirements are included in the LAA for the landowner to stipulate.
- MS: Do you forward this to the landowner a week before the meeting so that the landowner can go through.
  - PB: Not usually but we can do. Also we are happy to leave the agreement with the landowner too.
- JS: I find it conflicting information, it says in the document that ARTC will not revegetate site, do a 15 x 10m site with a pile of dirt.
  - PB: Depending on the site, if it's a grassed area or timbered area, the landowner can talk to ARTC about the best place for that with the least impact on the site. The area of disturbance may not necessarily be as large

as that described there.

- Chair: A lot of times it's for the landholder's benefit for these sorts of investigations to take place. It gives the landholder some confidence in the process that's taken place to determine what's appropriate and inappropriate in their part of the world.  
  
I would urge you to think about the type of activity, the impact it might have on a particular holding. It might be in your interests. You need to ensure that it's not exposing you to risk or loss, but if not, then why would you not do it?  
  
Not sure about what ARTC does about legal costs. Should it be a serious enough issue that requires serious enough input then you need to raise that with ARTC.
- KM: The indemnity clause doesn't mention stock or crop.
  - PB: This has been through negotiation between ARTC and NSWFF and I would think it is covered by "property".  
ACTION: PB took on notice to clarify this.
- KM: Is NSWFF happy with this document?
  - PB: As a result of the negotiations this is the standard agreement. It incorporates an overview page, talks more about the indemnity clauses, additional clause about confidentiality, indemnity re-written slightly, termination clause now included to remove any doubt. Appendix B incorporates content of fact sheets provided when we visit. Only difference with NSW, that agreement specifically mentions NSWFF on overview page.
- MS: Does indemnity cover bringing weeds and seeds into a paddock? I know of examples where paddocks can't be farmed for four years.
  - PB: The landowner would need to prove the source of the infestation.
- KM: This is the same as the indemnity for stock and crops. Can be quite expensive for landowner to prove
  - PB: Point noted.  
ACTION: Provide confirmation of what is included in indemnity in relation to biosecurity.
- Chair: It is entirely at the individual's discretion as to whether they sign this document.
- JC: If I'm not happy with what they're doing can I terminate it immediately?
  - PB: Yes.
  - LJ: One of the things we've let crews know is that if the landowner has concerns, the crews must stop work immediately
- GC: Is the landholder at liberty to add a special clause to the agreement or raise a particular issue in the access agreement?
  - PB: Yes.
- KS: When you require authorisation for property access – contact landowner or lessee?
  - PB: Yes, always contact landowner first.

	<ul style="list-style-type: none"> <li>○ KS: So if landowner is ok, but lessee not, what happens?             <ul style="list-style-type: none"> <li>- PB: Comes down to the lease between landowner and lessee.</li> </ul> </li> <li>○ Chair: When you mess with landholder's land, you mess with his being, land is a very prized possession.</li> <li>○ GK: We have previously planted a crop that had weed seed prior to 2011 flood, you can appreciate where that weed seed is.             <ul style="list-style-type: none"> <li>- KM: This needs to be included in the indemnity</li> </ul> </li> <li>○ Chair: The resource industry has to provide landowners with a weed/seed certificate. The inspector providing that certificate means that they take on liability. ACTION: GR to provide information on weed/seed certificates.</li> <li>○ MS: Weed certificates can last for seven days. We need these to be current and site specific.</li> </ul>
<p><b>5. General business</b></p>	<ul style="list-style-type: none"> <li>● Chair: We request that members please send apologies if they will not be at a meeting. We will assume all other members are attending if we do not receive their apology.</li> <li>● Chair: Belinda Saal has resigned from the IDCC, it is up to that committee if that role will be replaced.</li> <li>● Chair: Jo Tait is going on leave from 1 June 2018, the Inner Darling Downs secretariat will be managed by Laura Jarman.</li> <li>● <i>Questions and discussion</i> <ul style="list-style-type: none"> <li>○ BK: Would committee think it's advantageous to have workshops on dToR?               <ul style="list-style-type: none"> <li>- Chair: Absolutely, it won't happen under the forum of this committee. We need to arrange that amongst ourselves. Are you happy if I arrange a day?</li> <li>- LP: They'll only do small meetings, restricted to six people, our group had to sign confidentiality agreement. Our intention was to spend time with Coordinator-General, then we will hold workshops about filling out the online form.</li> <li>- Chair: I will talk again with the Coordinator-General's people and then respond to both committees.</li> </ul> </li> <li>○ JS: In the webinar, it said there will be 5-7 passing loops. How far apart are the passing loops? Do we know where they will be?               <ul style="list-style-type: none"> <li>- RS: We design the corridor as such for the reference train length, there will be enough room in the corridor to accommodate a passing loop.</li> </ul> </li> <li>○ JS: What is the distance between each passing loop?               <ul style="list-style-type: none"> <li>- RS: They'll be fairly evenly spaced, one up near the tunnel, then approximately equidistant along the alignment.</li> </ul> </li> <li>○ LP: Is it a two-kilometre study corridor? I heard a reference to a five-kilometre study corridor in a recent radio interview.               <ul style="list-style-type: none"> <li>- RS: Our Queensland Delivery Manager referred to a five-kilometre study area in an ABC radio interview this week. This was incorrect. The study area is two kilometres wide.</li> </ul> </li> </ul> </li> </ul>

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<b>6. Conclusion</b>	○ Meeting closed at 8.00pm
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