

# LAND ACCESS AGREEMENT

## OVERVIEW

The Inland Rail programme is the Australian Government's priority freight rail project. The Government has appointed the Australian Rail Track Corporation Limited (ARTC) to deliver Inland Rail.

In preparation, ARTC is required to conduct field studies on private properties to gather key data that will be used to develop and design the rail corridor and key infrastructure. The information will also provide details of the programme's impact on the environment.

This document (which is a Land Access Agreement inclusive of Appendices) seeks your written consent for ARTC authorised staff and sub-contractors to gain access to identified property at various times, for agreed investigations, for a specified period of time.

Those staff and sub-contractors are flora and fauna specialists, heritage and cultural specialists, geotechnical investigators, hydrology investigators, cadastral land surveyors and noise, and air quality and vibration specialists to undertake studies and investigations that will inform the final location, design and construction of rail infrastructure for Inland Rail.

Forming part of this Agreement is **Appendix A**. By signing that Form you will be agreeing to provide access to either the whole or part of your property (the land) for the purposes of those agreed investigations and studies. The nominated Land Access Contact person will make arrangements to coordinate access to your property with the various ARTC authorised staff and sub-contractors by contacting you in the preferred manner which you have provided in **Appendix A**.

By granting consent in this manner, ARTC provides an indemnity in your favour in the unlikely event that an incident occurs (in relation to ARTC authorised staff and sub-contractors) whilst accessing the land.

This agreement can be terminated at will by ARTC or you, by contacting the nominated Land Access Contact named on the Form and stating that you no longer wish to provide this permission of access to the land.

ARTC is committed to having a productive and positive relationship with landowners wherever we conduct business and abides by the following principles relating to land access:

- ▶ We will act with integrity and honesty – these values will be the foundation for negotiations
- ▶ We will respect your right to say 'yes' or 'no' – you have the right to choose your level of involvement in the proposed activities
- ▶ We will treat you with respect and keep you informed – there will be no surprises and we will be available to answer your questions

The above commitments are captured in the Agreed Principals of Land Access signed by NSW Farmers' Association and ARTC.

Only the mutually agreed activities as marked on **Appendix A** will be conducted on the land. An explanation of the likely activities you may expect to occur on the land is attached at **Appendix B** and in more detail in the Fact Sheets supplied

## APPENDIX A

### ARTC TO COMPLETE

#### Property identification

|                                       |
|---------------------------------------|
| Property or landowner name:           |
| No and street:                        |
| Suburb/State/Postcode:                |
| Real property description (the land): |

### CONTRACTOR TO COMPLETE

#### ARTC property reference

|  |       |
|--|-------|
|  | Date: |
|--|-------|

#### Period of access:

|       |     |
|-------|-----|
| From: | To: |
|-------|-----|

#### Landowner/occupier contact:

|   |
|---|
| Name:   |
| Day time contact number:<br>After hours contact number: |
| Postal address:   |

#### Notification preferences/requirements prior to access *A minimum 48 hours prior notice of access is guaranteed*

|                                   |                                |
|-----------------------------------|--------------------------------|
| Preferred method of notification: | Notice required before access: |
| E-mail contact(s):                | 1                              |
|                                   | 2                              |

#### Purpose of access (tick all relevant boxes)

*Reference is made to Appendix B that outlines the nature of activities expected and the likely activity you may see on your land.*

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Ecological Surveys ( <i>Flora, Fauna, Aquatic, Water Quality, Groundwater surveys</i> ) | <input type="checkbox"/> Soil sampling studies       | <input type="checkbox"/> Noise, air quality and vibration |
| <input type="checkbox"/> Heritage and cultural studies   | <input type="checkbox"/> Geotechnical investigations | <input type="checkbox"/> Hydrology studies                |
| <input type="checkbox"/> Cadastral surveys   |  |   |
| <input type="checkbox"/> Other <i>please specify</i>   |  |   |

### CONDITIONS OF ACCESS/REQUIREMENTS

#### Access route preferences/requirements. *Mark on map and attach if needed*

|  |  |
|--|--|
| <input type="checkbox"/> Meet at front gate / entrance               | <input type="checkbox"/> Present to homestead    |
| <input type="checkbox"/> To be advised at time of making appointment | <input type="checkbox"/> Refer to attached plan: |

**Gate management:**

All gates to be left as found:

Yes  
 No  
 Other:

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Temporary gate or fencing required:

Yes                       No                       Other:

**Rehabilitation requirements:**

Potential ground compression:

Yes  
 No  
 Other:

**Weed/seed biosecurity requirements:**

**Stock/crop requirements:**

**Underground infrastructure (registered or not):**

**Smoking/toilet/waste disposal requirements:**

**Other important landowner conditions of access:**

In the event that Geotechnical investigations & Soil Sampling Studies are required:

ARTC will inspect and photograph the nature of the proposed drilling site before geotechnical drilling occurs. Once complete the landowner and ARTC will jointly inspect the site to consider capping, mounding, and ultimate bore hole subsidence.

The landowner acknowledges that ARTC will use reasonable endeavours to bring the site back to its original condition having regard to the condition of the site immediately prior to the works, accepting that the disturbance to the site is temporary in nature. To the extent ARTC’s reasonable endeavours are not able to bring the site back to its original condition having regard to the condition of the site immediately prior to the works ARTC will engage with the landowner to agree a way forward that is acceptable to both parties.

ARTC will not revegetate the site but may following agreement with the landowner temporarily fence the site for safety and vegetation regrowth.

In the event of dispute regarding damage to the site ARTC will engage with the landowner to resolve such a dispute.

**Site sketch attached:**

Yes                       No

**Photos taken prior to use:** *Please note: Community Engagement Representative to take photos*

Yes                       No                      List file name location:

**Confidentiality:**

ARTC will not pass on information gathered as a result of investigations on the landowner’s property to any third party other than:

- ▶ to facilitate delivery of the Inland Rail Programme; or
- ▶ as required by law.

This obligation does not apply to:

- ▶ information from the time it is in the public domain, other than as a result of a breach of this agreement by ARTC; or
- ▶ information which at the time of investigation was already in the lawful possession of ARTC.

**Indemnity:**

ARTC is liable for and indemnifies the landowner against all actions, liabilities, penalties, claims or demands made or recovered by any person against the landowner by reason of any wrongful, negligent or unlawful act or omission or wilful misconduct on the part of ARTC its employees, agents, officers, advisers, consultants and contractors:

- ▶ causing injury to or the death of any person or damage to or destruction to property; and
- ▶ resulting in any breach of this agreement by ARTC,

arising out of or in any way connected to ARTC accessing the landowner’s property, except to the extent caused or contributed to by the landowner’s negligent act or omission.

For the purposes of this indemnity property means all real and personal property including plant and machinery, crops and livestock.

**Your land access contact is:**

Name:

---

Contact number:

**LANDOWNER TO COMPLETE**

**Signature of landowner/ authorised representative:**

|  |       |
|--|-------|
|  | Date: |
|--|-------|

**Authorised to grant consent as:** *(Tick relevant box)*

As land owner     
  As lessee or similar     
  As authorised representative of landowner

**TERMINATION**

Notwithstanding the time frames of access mentioned herein, this agreement can be terminated at any time by the Landowner / Authorised Representative at will by contacting the nominated Land Access Contact listed above. Should you not be able to contact that number then call the ARTC Information Line on 1800 732 761.

**ARTC APPROVAL**

|  |   |
|--|---|
|  | Programme Manager - Property<br>Inland Rail |
|--|---|

## APPENDIX B – INVESTIGATION ACTIVITIES

### ECOLOGICAL SURVEYS

Field teams will have the necessary permits and approvals in place to conduct their work and comply with the relevant State Government and Australian Government ecological survey guidelines.

### FLORA AND FAUNA SURVEYS

The flora (plant) surveys involve a walkthrough of identified areas, with plant species photographed and, in some cases, sampled where species verification is required. Areas called 'transects' may be set out in locations where detailed studies are required, to accurately count the number and distribution of any species of conservation significance. Flora surveys usually occur during daylight hours, involving two ecologists. The duration of the surveys will vary. It may be necessary to conduct surveys at certain times of the year when certain species are more easily detected (e.g. when flowering occurs).

The fauna survey method adopted will depend on the species of interest. Surveys may involve observations during a walk using spotlights, using specialist call back and recording equipment, and placing nets or traps to gather hair samples, or catch animals. Some traps may be placed on trees, on the ground, or involve the digging of small temporary pits called 'pit falls' with guide fencing to lead targeted species into the pit fall. All traps are checked at dawn to prevent harm to captive animals, and to allow them to return to their daytime nests.

### AQUATIC ECOLOGY SURVEYS

It usually involves a team of two aquatic ecologists traversing a property during periods of flowing water.

While methods and approaches can vary, aquatic surveys are generally undertaken for up to five consecutive days, for up to 12 hours a day.

The aquatic ecology field team may also undertake electro-fishing. Boat based electro-fishing operations can only be used in creeks and streams where there are sufficient flows, water depth and suitable access to launch a boat. Alternatively, low flow areas, difficult to access sites and pooled areas can be sampled using portable "backpack" based units.

### WATER QUALITY SURVEYS

Water sampling is usually done by hand, ideally capturing data both prior to and after rainfall events up and down the water course. Samples are sent to laboratories for analysis. Water sampling usually requires a team of two in the field for a half day to a full day, depending on the number of sampling sites.

### GROUNDWATER SURVEYS

These surveys will generally be undertaken in conjunction with geotechnical surveys, which obtain information about the physical properties of soil and rock at a site.

### HERITAGE AND CULTURAL SURVEYS

Cultural heritage surveys involve walking over the proposed area of development to identify cultural heritage sites and objects. In some locations, archaeological investigations (also known as test pits) may be undertaken.

### NOISE, AIR QUALITY AND VIBRATION STUDIES

Noise monitoring equipment is typically installed for a period of at least one week, close to a dwelling, to monitor background noise levels. The noise monitoring team will install and calibrate the monitoring equipment, and will return after the monitoring is complete to remove the equipment.

The air quality monitoring team will install and calibrate the monitoring equipment, and will return after the monitoring is complete to remove the equipment.

## GEOTECHNICAL INVESTIGATIONS

We will advise you of the type of geotechnical investigation planned within your property and agree how we will access the survey site. Vehicles will enter your property at the agreed location, and travel to the survey site. Access tracks may need to be constructed and vegetation clearing may be required in some locations. Some localised noise will occur, from the operation of excavators and drilling machinery.

The geotechnical investigations will usually occur during daylight hours. Exceptions to this would be discussed and agreement obtained between you, ARTC and the contracted parties, in accordance with the Land Access Agreement.

This means multiple vehicles including machinery will be on site during daylight hours. Occasionally in remote or hard to reach areas the equipment would stay on site overnight or on weekends with security present.

## DRILLING

- ▶ The vehicles for drilling on a site include a truck with a drilling rig and a support vehicle, which is typically a 4WD utility with a 1,500 – 2,000 litre water tank.
- ▶ The work area for drilling a borehole is usually 15 metres by 10 metres, but this will vary depending on the investigation type and surrounding geography.
- ▶ The hole bored is 100mm in diameter and the depth drill will vary. For example, the investigation hole for a proposed tunnel may be 150 metres or more to account for the ground above and below the tunnel. An investigation hole for a bridge foundation pile may be 20 to 30 metres depending on ground conditions and anticipated loading onto the foundation.
- ▶ The time taken to drill the hole varies; however, usually 20 metres to 25 metres can be drilled in a day.
- ▶ Waste water from the drilling process is removed from the site.

The work is undertaken by a lead driller, a drilling hand or offsider, an engineering geologist undertaking the technical work (logging or subsampling) and cultural heritage representative. At times an ARTC supervisor will be on site.

## TEST PITS

- ▶ Test pit excavations will require an excavator, backhoe or similar and will have a support vehicle.
- ▶ The work area for a test pit is generally smaller than 15 metres by 10 metres. Some earthworks and vegetation clearing might be required to prepare the site.
- ▶ Investigations for shallow embankment and formation works may require 2 metres to 3 metre deep trench excavation.

The work is undertaken by an excavator or backhoe operator, an engineering geologist and cultural heritage representative. At times an ARTC supervisor will be on site.

## DISCLAIMER

The above description of the activities that are involved in the investigations and surveys are general in nature and indicative only. Dimensions, time frames and activities stated may not represent the actual limits of those activities and vary based on the local physical environment.

The landowner / authorised representative has the right to limit any activity by contacting the Land Access Contact listed in the Property Access Form.