



9/08/2021

SF2013/003834 | WST13/00010/06

Ms Rose-Anne Hawkeswood  
Department of Planning Industry & Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear Ms Hawkeswood

**SSD-5765: Maloneys Road, Lue: Response to Submissions & Amendment Report  
Bowden's Silver Mine**

Thank you for referring SSD-5765 and the Response to Submissions and Amendment Report, to Transport for NSW (TfNSW) pursuant to Clause 16 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP), clauses 86 and 104 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) and for concurrence pursuant to Section 138(2) of the *Roads Act 1993*.

TfNSW understands the application is for:

- A new open cut silver mine with an operational life of 15 years to produce up to 30,000 tonnes of mineral concentrates per year.
- Transportation of concentrates off site by truck, including a number of State and Regional classified roads.
- Closure of part of Maloney's Road and reconstruction, including a new railway bridge crossing and new crossing of Lawsons Creek.
- Construction of a water supply pipeline from the mine site to the existing Moolarben and Ulan Coal Mines constructed on privately owned land and within formed and unformed road reserves. The pipeline corridor will impact Ulan Road (MR 214) and Wollar Road (MR208).
- An amendment to include the re- alignment of approximately 3.5km of the 500kV transmission line that traverses the western side of the proposed main open cut pit.

TfNSW does not object to providing concurrence for the proposed water supply pipeline subject to the following:

- Prior to the commencement of any works for the water pipeline within classified roads, plans are to be submitted for the proposed works to the relevant road authority pursuant to s138 of the *Roads Act 1993*.

Pursuant to cl 16 of the Mining SEPP and clause 104 of ISEPP, TfNSW provides the following recommendations for your consideration:

- The development is to be carried out in accordance with the submitted EIS and TIA, ensuring that the construction and operation comply with the material haulage limit and the identified heavy vehicle trips per an hour and during the peak for the construction of the development.
- All vehicles are to enter and exit the site in a forward direction.
- Prior to the commencement of construction works a Traffic Management Plan (TMP) including Driver Code of Conduct is to be submitted to and endorsed by TfNSW. The preparation of the TMP will require consultation with TfNSW, Mid-Western Regional Council, the principal contractor(s) and relevant stakeholders. The requirements of the TMP and Driver Code of Conduct are to cover the matters referred to within the TMP Annexure (attached).
  - The TMP is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP and Driver Code of Conduct is to be provided to contractors and employees as a part of the site induction and a copy is to be made available to Transport for NSW with each major update.
  - The development is to be carried out in accordance with the approved Traffic Management Plan throughout the life of the development.
- Relevant approval from the National Heavy Vehicle Regulator and TfNSW is to be sought by the proponent in regard to the transportation of any Over Size/Over Mass heavy vehicles required to transport oversize/mass items to site.
- Transportation of all dangerous goods to or from the site is to be undertaken in strict accordance with *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

Pursuant to clause 86 of ISEPP the following recommendations are provided for your consideration:

### Blasting and Vibration

- Prior to each blasting operation, the Proponent must obtain approval from John Holland Rail (JHR) by complying with JHR's Blasting Guideline (attached) as follows:
  - The Proponent is required to submit an application to JHR for approval in principle (AIP) for JHR's endorsement and for TfNSW's approval with conditions/no conditions or non-approval.
  - Once an AIP is obtained, a Blasting Risk Management Workshop must be held between representatives of JHR and the Proponent to develop and agree with a Risk Management Plan.
  - Once a Risk Management Plan is agreed, a JHR Maintenance Superintendent must sign it off prior to a blasting operation.
  - The blasting operation should be undertaken during pre-planned Track Occupancy Authority possession.
  - The relevant Maintenance Superintendent must be notified at least 7 days prior to the blasting operation.
  - Once the blasting operation is performed, the Proponent is required to carry out a post-blasting inspection of the rail corridor and to prepare an inspection report confirming that the rail track and the relevant rail infrastructure remain fit for traffic.
  - Prior to a post-blasting inspection, the Proponent is also required to submit an application to JHR for its endorsement and if endorsed, for TfNSW's approval in order to access to the rail corridor for the post-blasting inspection. Once it is approved by TfNSW, the Proponent is further required to enter into a licence on terms suitable to TfNSW in relation to the access to the rail corridor. Terms of the licence may include provisions which allow TfNSW to terminate the licence at any time, will require the licensee to pay an annual licence fee, obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor to perform maintenance on the rail infrastructure (e.g. engaging rail protection officers) etc. The licence will require the Proponent to hold relevant levels of insurance, bank guarantees etc. Further information can be found at <http://www.jhrcrn.com.au/what-we-do/property-services/third-party-work-enquiries/>.
  - Any changes/damage to the rail infrastructure must be reported immediately to the relevant Maintenance Superintendent. Any costs associated with repairs should be fully borne by the Proponent.
  - Each blasting operation must be assessed in accordance with the JHR's Blasting Guideline on a case by case.

### *Reason for Condition*

*In response to TfNSW's request to outline details and locations of each blasting operation and its associated blasting assessment, the Proponent provided its confirmation that the blasting activities will have no impacts on the CRN considering the low vibration level. It is essential for JHR and TfNSW to assess each blasting operation in accordance with JHR's Blasting Guideline. As such, the Department is requested to impose a condition requiring the Proponent to comply with JHR's*

*requirements in respect of the above. For avoidance of doubt, this letter does not constitute an approval from TfNSW in respect of any blasting operations.*

#### Construction of an over bridge

- Prior to issue of a construction certificate (or equivalent approval to construction) by the relevant authority,
  - The proposed bridge engineering designs and specifications must be completed by personnel with appropriate engineering authority on behalf of the applicant/owner and endorsed by JHR Holland Rail on behalf of Transport for NSW.
  - The Review of Environmental Factors must be prepared and approved by JHR;
  - The Proponent must comply with all reasonable requirements made by JHR and TfNSW in obtaining approval to a construction application for the over bridge from TfNSW to be submitted to JHR and TfNSW.
- Prior to the commencement of any bridge construction works, the Proponent must comply with the terms and conditions of John Holland Rail's letter dated 23 March 2021 (as amended by JHR or TfNSW from time to time) and the pre-construction and construction provisions of any subsequent license agreement issued by JHR relating to the proposed bridge construction.

#### *Reason for Condition*

*Our current records indicate that JHR has provided its Approval in Principle letter dated 23 March 2021 (further updated) to the Proponent. It is essential for the applicant to submit a construction application to JHR for its endorsement and for TfNSW's approval, to enter into a license agreement for construction and maintenance prior to commencement of such construction.*

Please forward a copy of Councils determination to TfNSW at [development.western@rms.nsw.gov.au](mailto:development.western@rms.nsw.gov.au) when it is sent to the applicant. If you wish to discuss this matter further, please contact Alexandra Power on 02 6861 1449.

Yours faithfully



**Andrew McIntyre**  
**Manager Development Services West**  
**Regional and Outer Metropolitan**

## **TMP Annexure: Traffic Management Plan and Driver Code of Conduct**

The Traffic Management Plan (TMP) and Driver Code of Conduct is to outline measures to manage traffic related issues associated with all phases of the development (e.g. deliveries, construction, operation, maintenance, decommissioning), any construction or excavated materials, machinery and personnel involved. The TMP is to detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. The TMP is to address (but not be limited to):

- a. Specific commitments for the provision and use of buses and car-pooling during construction to limit peak hourly traffic. Plans and measures to manage the impacts of personal vehicle parking at pickup points (e.g. in towns) are to be detailed.
- b. An enforceable policy for staff and contractors to use the designated commuter route in preference to back roads, where the journey is not unreasonably lengthened, as detailed in the approved EIS.
- c. Details of origin, destination, quantity, size and frequency of vehicle movements associated with the development including those accessing and egressing the site.
- d. Timings and staging of construction and operation of the development.
- e. Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.
- f. Loads, weights, lengths and number of movements of haulage and construction related vehicles including Over Size Over Mass (OSOM) loads.
- g. The management and coordination of construction and staff vehicle movements to the site and measures to limit disruption to other motorists, including special OSOM management measures.
- h. Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours.
- i. Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
- j. Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
- k. Consideration to minimise the route length for road transport, particularly for OSOM loads.
- l. Any OSOM will be the subject of separate permits through the National Heavy Vehicle Regulator.
- m. Mitigation of local climate conditions that may affect road safety for vehicles used during construction, operation and decommissioning of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).
- n. Transport of hazardous materials in accordance with the relevant transport codes.
- o. Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of on-site construction unless specifically approved otherwise in the conditions of consent.

- p. Consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- q. Policies and procedures for addressing concerns raised by the community on project related matters.
- r. Dust suppression and mitigation measures on public roads and within the site boundaries.
- s. Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
- t. Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
- u. Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

(End of TMP Annexure)