17/08/2021

SF2016/095761 | WST16/00050/20

The Manager
Resource Assessment
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Rose-Anne Hawkeswood

Dear Ms Hawkeswood

DA 374-11-00 MOD 7: Various Lots; Wilmatha Road, Fifield; Sunrise Mine

Thank you for your email on 22 July 2021 referring a modification to DA374-11-00 to Transport for NSW (TfNSW) for comment. Reference is made to Roads and Maritime's previous submissions regarding DA 374-11-00.

TfNSW notes the proposal seeks to modify approved mine and processing facility, accommodation camp, rail siding and road transport activities.

TfNSW has reviewed the submitted documentation, and in particular, the Sunrise Project – Project Execution Plan Modification - Appendix D Road Transport Assessment. TfNSW does not object to the modification however, due to the changes to the rail siding and traffic impacts of the modification, provides the following comments and recommended conditions for inclusion in any modified consent issued by the Department. Please note that all previous comments made in relation to this project stand, except where varied by the below recommendations:

- The Transport Management Plan (TMP) is to be updated to take into account the alterations to the development and road transport impacts as a result of the modification to the development in consultation with Lachlan and Parkes Shire Councils and Transport for NSW, for each phase and/or stage of mining operations.

  The TMP is to include an analysis of the impacts of mine related commuter and haulage traffic and identify the risks of driver fatigue and poor driver behaviour. The TMP is to identify and address the risks of driver fatigue and behaviour and include measures and incentives to be employed to enforce, or at least encourage, mine staff to travel to and from work safely and/or reduce the exposure of mine staff to risks by

Transport for NSW
Level 1, 51-55 Currajong Street, Parkes NSW, 2870 | PO Box 334, Parkes NSW 2870 | DX20256
W transport.nsw.gov.au | **E** development.western@transport.nsw.gov.au | ABN 18 804 239 602

minimising travel or providing safe travel options. The TMP is to demonstrate how safe interaction between mine related traffic and others road users on the public road network will be achieved.

- The Road Transport Protocol (RTP) is to be updated to take into account alterations to the development and road transport impacts as a result of the modification.

  The RTP is to include details of measures and programs to be employed by the proponent to achieve the transport impact mitigation measures proposed set out in Sunrise Project – Project Execution Plan Modification - Appendix D Road Transport Assessment and as required by conditions of consent.

  The RTP is to include details of measures and programs to encourage and enforce mine staff and contractors to travel to and from work safely and/or reduce the exposure of mine staff to risks by minimising travel or providing safe travel options.

  The proponent is to provide details of compliance with this requirement in the Annual Reviews.

- A level crossing feasibility study, including a safety assessment, using ALCAM as well as other guides and tools including: Austroads Guides, Australian Standard 1742.7 and Railway Crossing Safety Series 2011, Plan: Establishing a Railway Crossing Safety Management Plan (NSW Roads and Traffic Authority, 2011) and Safe System Assessment is to be carried out by the proponent.

  The safety assessment is to consider the operation of each level crossing on the transport routes for the development and ensure compliance with Australian Standards 1742.7 and the RTA's Establishing a Railway Crossing Safety Management Plan https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/traffic-management/railway-crossing-safety/the-documents.html

John Holland Rail, in it's role as the Rail Infrastructure Manager (RIM), has reviewed the proposed modification and provides conditions contained in Attachment A for the consent authority to consider for inclusion in any modified consent issued by the Department.

Please forward a copy of the Department's determination to TfNSW at development.western@transport.nsw.gov.au when it is sent to the applicant. If you wish to discuss this matter further, please contact Howard Orr on 02 6861 1530.

Yours faithfully

Howard Orr
Team Leader
Development Services West
Regional and Outer Metropolitan

Attachment A.

- **Construction impacts**

Prior to commencing construction of a new rail spur, any structures and infrastructure within the modified rail siding area, the applicant must provide JHR with a Major Works Package, a Risk Assessment/Management Plan and detailed Safe Work Method Statements for its review and approval.

Reason for condition

The Modification proposes relocation of the rail siding which is proposed within and adjacent to the rail land. In addition, it also proposes construction of an ammonium sulphate storage and distribution facility and various structures in the modified rail siding area which is immediately adjacent to the rail corridor. As such, it is vital for JHR and TfNSW to be satisfied that construction activities associated with the major works including a new rail spur, container storage, a stormwater basin, a clean water diversion drain system and associated construction activities do not have any adverse impacts on the rail corridor and the existing rail infrastructure during construction and operation as the rail corridor is currently in operation.

- **Construction of a new rail spur and Work Access & Possessions**

In the event that the applicant may elect to carry out the proposed construction of a new rail spur and its connection to the main railway line (**Works**), the following conditions need to be imposed:

a. The applicant is required to submit an application to JHR for approval in principle (**AIP**) for JHR's endorsement and for TfNSW's approval/non-approval;

b. Once AIP is obtained, the applicant is required to submit an application for construction for JHR's endorsement and for TfNSW's approval/non-approval;

c. Once the application for construction is approved, the applicant is required to enter into a siding connection licence with TAHE on terms suitable to TAHE in relation to construction of a new siding. The licence will relate to the works being performed on the rail land and for the turnouts to remain on the rail land. Terms of the licence may include provisions which allow TAHE to terminate the agreement and remove the rail infrastructure 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 to construct the Works will require the applicant to hold relevant levels of insurance, bank guarantees etc.

d. The applicant is required to enter into Safety Interface Agreement for each connection line with JHR in accordance with the Rail Safety National Law 2002.

e. The applicant is advised to carry out its Works in compliant with JHR's Safety Management System, Rail Infrastructure Manager Accreditation requirements as determined by JHR, as the RIM of the CRN at the applicant's costs should costs be associated with complying with JHR's requirements.

f. The applicant must submit an application to take possession of the railway corridor or part thereof (or air space) for assessment and endorsement by JHR prior to the actual proposed access in accordance with JHR's Network Rules and Procedures and the JHR

Possession Manual. This information can be found at http://jhrcrn.com.au/what-we-do/network-operations-access/network-access-planning-performance/. Once assessed and endorsed, JHR will submit the application for TfNSW's approval / approval with conditions or no approval.

Reason for condition

It is noted that the Modification contains the proposed Works currently managed by JHR. The applicant may request TfNSW to carry out the Works at the applicant's costs subject to appropriate legal documents in place. Alternatively, the applicant may elect to carry out the Works by itself in which case, the above condition must be imposed and added to existing conditions of consent. Should the applicant require more information regarding this issue, the applicant can contact JHR's Third Party Works Team via CRN.3rdpartyworks@jhg.com.au.

In addition, our records indicate that we have not received an application for AIP from the applicant whether it is related to the approved rail siding or the modified rail siding. Please note that this letter does not constitute an approval from TfNSW in respect of construction of the rail infrastructure.

- **Excavation in, above, below or adjacent to rail corridors**

a. Prior to commencing any construction works involving works penetration of ground to a depth of at least 2m below ground level (existing) on land in, above or adjacent to (within 25m measured horizontally) the relevant rail corridor, the applicant shall consult with TfNSW and provide the relevant documentation to JHR and TfNSW as required from time to time and obtain written approval from TfNSW for the relevant construction stage. A summary report for the relevant construction stage shall also be provided to TfNSW to demonstrate that the submitted documentation has satisfied the relevant conditions.

b. Prior to commencing any construction works, the applicant must provide with TfNSW for its review and endorsement the following:
    - Final geotechnical and structural report drawings. Geotechnical reports should include any potential impacts on the rail corridor;
    - Details on the design of the retaining wall;
    - Final construction methodology for any staging of the works including but not limited to the excavations and retaining wall, with construction details pertaining to structural support during excavation or ground penetration;
    - Details of the vibration and movement monitoring system that will be in place before excavation commences; and
    - Detailed survey plan.

c. Prior to commencing any construction works, the applicant must provide TfNSW with an assessment on the potential impacts on the railway infrastructure for the duration of the excavations and the retaining wall construction for its approval.

d. Subject to the assessment stated in Item No. C. a track monitoring plan must be developed and agreed to by JHR's Principal Track and Civil Engineer. Although the guidelines in CRN CM 541 are not specific to excavation works, it can be used as requirements for track monitoring for excavation adjacent to the rail corridor.

e. Prior to commencing any construction works, the applicant must undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have an impact on rail services and

signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW as to whether these services could be affected by the works proposed or if they are to be relocated or incorporated within the site.

Reason for condition

It is noted that major earthworks for the rail line loop and excavation are not provided in the Modification. Clause 86 of the ISEPP stipulates that the consent authority must not grant consent without consulting with the rail authority and obtaining concurrence consistent with clauses 86(2) – (5) in the event that the development involves the penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor. Please be advised that the extent of the proposed excavation must be assessed ***now*** in terms of its adverse impact on the rail corridor as the rail corridor is currently in operation.

- **Impacts on a public level crossing at Scotson Lane**

a. A public level crossing at Scotson Lane circled in purple in GIS Snapshot in TAB B must be upgraded to active protection at the costs of the applicant as it is to be implemented in the Project.

b. The relevant council will need to update the current Road Rail Interface Agreement to reflect the change to the level crossing in accordance with the Rail Safety National Law 2012.

Reason for condition

The Modification Report states that the relocation of the rail siding would minimise rail and road traffic at the rail crossing at Scotson Lane in the vicinity of the approved rail siding. If a train is stabled in the proposed loop that is to be constructed on the Up side of Scotson Lane, then the Scotson Lane level crossing must be upgraded to active protection because the sighting distance available to road vehicles travelling west for trains travelling in the Down direction would be insufficient to meet AS1742.7 requirements. As such the level crossing must be upgraded to the satisfaction of TfNSW in order to accommodate the rail siding regardless of an unlikely significant increase in the total number of vehicles using the level crossing.

- **Cranes and Equipment**

1. The applicant must submit an application to John Holland Rail for approval of TAHE prior to any use of cranes and equipment in the air space over the rail corridor.
2. The use of cranes and equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.

Reason for condition

The Modification Report does not contain information regarding use of a crane in the air space above the rail corridor. As such, should such equipment be required to be used in the air space over the rail corridor at any time, the applicant must submit an application to JHR for its endorsement and TAHE's approval in advance. The applicant is advised to contact JHR's Third party works team via CRN.3rdpartyworks@jhg.com.au for more information in this regard.

- **Fencing**

Prior to commencing any works on the modified rail siding area, the boundary fencing along the rail corridor must be installed and maintained at all times by the applicant at its costs in accordance with JHR's engineering standards which are available at http://jhrcrn.com.au/media/2071/crn-cp-511-v1-1.pdf , if required to do so.

Reason for condition

Once the siding connection licence is agreed and executed by the applicant and TAHE, the boundary fencing between the licensed area and the remaining rail corridor must be installed and maintained by the applicant, if required to do so by TfNSW. Such installation of the fencing must be done prior to commencing any works. Prior to installation, the applicant will be required to submit an application to JHR for its endorsement and for TAHE's approval. Please advise the applicant to contact our Third party works team via CRN.3rdpartyworks@jhg.com.au for more information and also refer the applicant to JHR website http://www.jhrcrn.com.au/what-we-do/property-services/third-party-work-enquiries/.

- **Stormwater management**

Prior to commencing any construction activities in the modified rail siding area, the applicant must obtain written approval from JHR and TfNSW to its stormwater management documents including but not limited to a final stormwater drainage design and associated hydrology report evidencing the pre and post development flows.

Reason for condition

The Modification Report states that sediment dams would be constructed within the footprint of the rail siding to collect rainfall runoff from hardstand and infrastructure areas and the sediment dams would be designed, constructed and operated in accordance with the relevant requirements of Managing Urban Stormwater; Soils and Construction – Volume 1 (Landcom, 2004). However, it does not have any information where the excessive stormwater from the dam and stormwater basins would eventually be discharged into. As such, it is important for JHR and TfNSW to be satisfied with the stormwater management for the rail siding area.

- **Environmental Protection Licence**

The applicant must provide to JHR a separate EPL for the construction and operational phase in accordance with Draft Amendments to Protection of Environmental Operations Regulations (Scheduled Activities) 2016 so that construction of the new rail siding has no adverse impact on JHR's EPL licence.

Reason for condition

JHR note that the subject railway line is currently covered under JHR's Environmental Protection Licence (**EPL**). It is important for the applicant to have its own Environmental Protection Licence for the purpose of construction of a new rail siding.

- **Access to the rail land**

The applicant must not, and must ensure its employees and all other persons do not, enter any parts of the rail land during construction and operation of the rail siding unless otherwise permitted in writing in advance.

Reason for condition

It is noted that the proposed access to the rail siding area is via a new access road on Scotson Lane. The applicant must not access to any parts of the rail corridor unless otherwise permitted in writing in advance.

- **Lighting, external finishes and design**

Prior to commencing any works described in this Modification, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of TfNSW and JHR.

Reason for condition

The Guideline provides information regarding lighting and external finishes of buildings which may have potential impacts on the rail corridor.

It is important that lighting and external finishes of buildings do not temporarily blind or cause distraction to the railway corridor. In addition, the use of red and green lights must be avoided in all signs, lighting and building colour schemes on any part of a building which faces the rail corridor.

- **Rehabilitation of the rail siding area and decommissioning of the rail siding**

Condition 55 of Schedule 3 of the development consent must be amended to reflect that the modified rail siding would be rehabilitated and decommissioned to the satisfaction of the rail authority as well as the secretary of the DPIE.

Reason for condition

The Modification Reports states that consistent with condition 55 of schedule 3 of the DA consent, the modified rail siding would be rehabilitated to the satisfaction of the secretary of the DPIE requiring decommission of the rail siding infrastructure and rehabilitate the area to its former land use or transfer ownership of the rail siding to landholders with the rail siding reminding in a working condition and the decommission and land use options for the modified rail siding would be determined in consultation with landowners and PSC and be subject to the agreement of the secretary of the DPIE.

It is noted that the rail siding connection licence would likely be entered into between the applicant and TAHE. The licence would most likely contain a clause requiring the rail siding to be decommissioned and removed to the satisfaction of the rail authority upon expiry. As such, it is important that the rail authority must be included as a determining authority in order to decommission and rehabilitate the rail siding area.