

13 May 2022

File No: NTH22/00214/01 and HTR03/00267/18
Your Ref: SSI-22338205

The Manager
Energy and Resource Assessments
Department of Planning and Environment
Locked Bag 5022
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Attention: Mandana Mazaheri, Team Leader

SSI-22338205, KURRI KURRI LATERAL PIPELINE PROJECT, ENVIRONMENTAL IMPACT STATEMENT (EIS); LOT: 51 DP: 1158920 AND OTHERS, M1 PACIFIC MOTORWAY, JOHN RENSHAW DRIVE AND CESSNOCK ROAD

I refer to the Environmental Impact Statement (EIS) and supporting documents for the Kurri Kurri Lateral Pipeline (KKLP) Critical State Significant Infrastructure proposal (SSI-22338205) referred to Transport for NSW (TfNSW) by the Department (DPE) on 7 April 2022.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

The application is Critical State Significant Infrastructure (CSSI) under Division 5.2 of the *EP&A Act*. At this time, it is understood Roads Act s. 138 consent for work within the M1 Motorway must be obtained from TfNSW as the roads authority. Additionally, concurrence is to be obtained from TfNSW under s. 138 prior to works within other classified roads. *EP&A Act* s. 5.24(1)(f) also provides that a Roads Act s. 138 consent must be substantially consistent with any CSSI approval.

The M1 Pacific Motorway (road #6003), John Renshaw Drive (MR588) and Cessnock / Main Road (MR195) are classified State Roads. TfNSW is the roads authority for the M1 Motorway, and Council is generally the roads authority for other classified and unclassified public roads affected by the CSSI project, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has been working closely with the proponent APA Group since prior to issue of the Secretary's Environmental Assessment Requirements (SEARs) in mid-2021, to facilitate a design for the KKLP which is responsive to the long-term construction and operational needs of several nationally and regionally significant road and rail corridors and projects in this area.

TfNSW provides the following advice and requests further information for consideration as part of the Response to Submissions (RtS) assessment phase. The methodology and infrastructure alignment generally appear to be capable of compatibility with transport requirements.

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General

- Review of the KKLP detailed design drawings by TfNSW in relation to public rail and State Road corridor crossings is to be initiated by the proponent and substantially concluded as soon as practicable prior to any Pipeline Licence determination. The applicant may submit to TfNSW under s. 138 of the *Roads Act 1993* separate detailed designs for each of the crossings of classified road or rail corridors, to enable review and approval / concurrence outside of the KKLP project's critical path. Given the compressed schedule for approvals and construction of the KKLP, TfNSW requests detailed designs be provided as soon as practicable. Designs can be submitted for interim or progressive review (e.g. at 50% and 100%) prior to CSSI approval, further amendments can be made to approved designs upon request, and there is no application fee for each TfNSW review.
- All public rail and State Road corridor crossings are to be by trenchless methods (e.g. thrust boring or directional drilling). Open trenching as a contingency would pose adverse impacts for high-risk, high-speed traffic operations and road infrastructure asset integrity along the State Roads affected by this application. All such crossings are to be encased in an outer sleeve pipe. For long term durability and operational requirements any annular voids between the soil and sleeve, or the sleeve and main carrier pipe, shall be filled with non-shrink grout unless otherwise accepted by TfNSW as part of the detailed design review for operational, renewal or decommissioning reasons.
- TfNSW may specify construction verification, surveillance and administrative processes such as retention of bond securities to guarantee construction performance in line with the design plans and the parties' agreements. These processes may be administered under a separate Works Authorisation Deed (WAD) between TfNSW and the applicant for the duration of the construction phase and any applicable Defects Liability and Maintenance Period (DLMP). The current bond policy is generally 50% of the value of works within State Roads or the cost to mitigate risk exposure as otherwise agreed by TfNSW. The bond is normally partly refundable upon practical completion, and the remainder fully refundable upon performance and completion of the DLMP period.
- To clarify long term operational and decommissioning rights and responsibilities in relation to sections of the KKLP within or adjacent to State Road reserves, TfNSW would require the applicant to enter into an Infrastructure Deed as a standard requirement for operating pipelines of this type. Registered easements over public classified road reserves will not be supported and are not necessary. Agreement preparation costs are to be fully funded by the applicant if required by TfNSW and further guidance on a Draft Deed will be provided shortly. The Deed is to deal with matters including:
 - Work procedures for the operational KKLP (to satisfy TfNSW requirements),
 - Work procedures for the operational M1 and LHFC corridors (to satisfy the KKLP operator's requirements),
 - End of life renewal and decommissioning requirements for the pipeline including the trenchless sections.
 - TfNSW is to be satisfied that its ability to upgrade or maintain its assets and respond to traffic operational incidents is not impacted by the long-term operational requirements for the pipeline, which is to be located at sufficient depth that KKLP approval processes (such as work permits, gas protection officers etc.) are not required in normal work circumstances (which are to be clarified).

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TfNSW Lower Hunter Freight Corridor (LHFC) and M1 Pacific Motorway

- The EIS describes at s. 5.3.1.2 (pg 118 onwards) alignment alternatives near the LHFC under consideration. TfNSW notes the preferred KKLP alignment Option 2 along the western side of the publicly exhibited LHFC and existing M1 Motorway corridor with an oblique crossing of both corridors by trenchless construction method at a significant depth below surface. The following site-specific advice is offered:
 - The KKLP detailed design and geotechnical investigations may reveal conflicts or constraints with transport infrastructure on the Option 2 alignment. As such it is important any CSSI approval retains flexibility for the proponent to amend the final alignment crossing these transport corridors as part of the detailed design without significantly delaying the KKLP timeline, and in accordance with any requirements of DPE and TfNSW.
 - The alignment crosses under areas of the LHFC where the landform is expected to be subject to significant changes in level. The applicant is to demonstrate the detailed design will achieve adequate cover beneath the likely future LHFC infrastructure, both for LHFC construction and operational requirements, and that of the KKLP itself. Embankment and foundation construction and the passage of trains as part of the LHFC may result in soil consolidation, vibration and surcharge loads and the applicant is to demonstrate (through suitable geotechnical observations, advice and modelling) the pipeline will be capable of sustaining these without compromising operational or safety requirements.
 - The alignment passes under the Black Hill interchange road overpass. The applicant is to demonstrate (again with geotechnical observations, advice and modelling) the pipeline will not be affected by, and will not affect, the structural loading, integrity, serviceability or durability of the bridge abutments, piers, footings and piles. The applicant has been provided with bridge as-built details.
 - The absolute minimum cover requirement for the M1 Motorway is 3m from top of pipeline to the existing or future surface (whichever is lower in level). However, design cover shall be increased as necessary to address the above points to the satisfaction of TfNSW.

John Renshaw Drive (MR588)

- Trenchless construction method and location is to be subject to detailed design review and concurrence (e.g. under *Roads Act* s. 138), with no less than absolute minimum cover of 1.5m including the encasing pipe (or such greater depth as is required for TfNSW asset operational reasons). The crossing is to be made perpendicular to the road centreline. Also consult with Council as the roads authority under s. 7 of that Act.
- The M1 to Raymond Terrace (M12RT) extension project is underway immediately north of the proposed KKLP along the M1 Motorway and east along John Renshaw Drive. Project interactions are at this stage expected to be limited to possible construction scheduling and traffic management coordination, subject to the detailed design review phase. The applicant is to work with the M12RT project if required to minimise impacts on State Road traffic and construction operations.

Cessnock Road / Main Road (MR195) TfNSW Testers Hollow Upgrade

- The requirements are generally the same as with MR588 above. Trenchless construction method and location is to be subject to detailed design review and concurrence. Also consult with Council as the roads authority under s. 7 of that Act.

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- It is noted the crossing is within the TfNSW Testers Hollow upgrade footprint. The project will have undergone an embankment consolidation phase, and construction of embankment, pavements and related road works by TfNSW will be underway in late 2022. The TfNSW upgrade design is to be considered in the detailed design review and construction scheduling may need coordination between the parties.

Construction Traffic Management Plan

- Prior to the commencement of works a Construction Traffic Management Plan (CTMP) including Driver Code of Conduct is to be prepared, maintained as current, and implemented by the applicant. Major revisions are to include consultation with relevant authorities (including TfNSW, Councils and DPE). Any temporary State Road works or operational impacts are to be to the satisfaction of TfNSW through its Roads Act s. 138 and Road Occupancy Licence (ROL) consent / concurrence processes as applicable. The CTMP and Driver Code of Conduct are to be communicated at induction and applied to all staff and contractors.
- A draft / preliminary CTMP should be provided as soon as practicable (e.g. prior to or as part of the Response to Submissions) to facilitate more rapid TfNSW review closeout.
- The CTMP is to outline management measures to address (but is not to be limited to) the following matters affecting public roads:
 - Scope to include all workforce commuters to and from site, deliveries, construction and commissioning activities.
 - Outline construction phases, stages and schedules for traffic management purpose
 - Outline the schedule overlaps and consideration of interactions with nearby major projects in vicinity of the project worksites, including TfNSW projects mentioned in this letter above.
 - Specific commitments for the provision and use of buses and car-pooling during construction to limit peak hourly traffic in accordance with the approved Environmental Impact Statement (EIS) and conditions of consent. Plans and measures to manage the impacts of personal vehicle parking at pickup points (e.g. in towns) are to be detailed.
 - Enforceable policy for staff and contractors to avoid sensitive road routes (e.g. on noise, safety or road maintenance grounds), where the journey is not unreasonably lengthened, and in accordance with any SSI approval conditions and the EIS and RTS.
 - General details of material haulage origins, destinations, quantities, sizes and frequencies of vehicle movements, designated haul routes and site access/egress locations. Sub-plans may be used to maintain currency as the work front moves forward.
 - Details of Hazardous Materials and Over Size Over Mass (OSOM) vehicle movement phases, loads and approved routes, in accordance with relevant transport codes. OSOM movements are to be subject to all required permits under the National Heavy Vehicle Regulation (NHVR) scheme.

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- Scheduling of shift times and 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.
- Active communication procedures for traffic on at-risk road routes or with traffic such as school buses or haulage vehicles from industry or quarry developments.
- Mitigation in response to local climate conditions that may affect road safety for vehicles (e.g. scheduling during daylight hours, or outside of fog, wet weather or frost/ice).
- High-level consultation principles or outcomes, giving of notice, and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- Dust suppression and mitigation measures on public roads, and within the site boundaries where public roads may be impacted. 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.
- 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.
- Incident reporting and toolbox meetings to facilitate continuous improvement initiatives and awareness.

TfNSW will continue to work with the applicant to expedite the relevant Infrastructure Deed(s) and technical reviews. Please forward a copy of the Response to Submissions to TfNSW for consideration prior to CSSI determination and subsequent *Roads Act* s. 138 consent and concurrence. Should you wish to discuss further please contact Bevan Crofts, Development Services Case Officer, on 1300 207 783 or 0491 134 428 or by emailing development.north@transport.nsw.gov.au

Yours faithfully



Damien Pfeiffer
Director Development Services
Community & Place
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