

14 October 2022

File No: NTH22/00214/04 and HTR03/00267  
Your Ref: SSI-22338205; PAE-48990215

The Manager  
Energy and Resource Assessments  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

**Attention: Jack Turner, Senior Environmental Assessment Officer**

**SSI-22338205, KURRI KURRI LATERAL PIPELINE PROJECT, RESPONSE TO SUBMISSIONS REPORT; LOT: 51 DP: 1158920 AND OTHERS, M1 PACIFIC MOTORWAY, JOHN RENSHAW DRIVE AND CESSNOCK MAIN ROAD**

I refer to the Critical State Significant Infrastructure (SSI-22338205) assessment for the Kurri Kurri Lateral Pipeline (KKLP, 'pipeline') and the latest Submissions Report referred to Transport for NSW (TfNSW) on 04 October 2022 for comment.

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*.

TfNSW has been working closely with the proponent to ensure project interactions with nationally significant road and rail corridors are designed and managed to mitigate the risk of adverse impacts over the entire pipeline project lifecycle. TfNSW confirms that based on the available information, potential impacts of the pipeline project can be satisfactorily managed, subject to the advice and recommended consent conditions at **Attachment A** to this letter.

Please forward the Project Approval to TfNSW for our records. Should you wish to discuss, please contact Bevan Crofts, Development Services Case Officer by email to [development.north@transport.nsw.gov.au](mailto:development.north@transport.nsw.gov.au) or phone 1300 207 783 or 0431 052 001.

Yours faithfully



**Holly Taylor**  
A/Team Leader Development Services  
North Region | Community & Place  
Regional & Outer Metropolitan

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## Attachment A

### TfNSW advice and conditions – Kurri Kurri Lateral Pipeline SSI-22338205

#### Advice

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*.

TfNSW was identified as a key affected stakeholder as part of the Secretary's Environmental Assessment Requirements (EARs) for the project.

In addition to broader transport and freight impact assessment, the proposed CSSI would be situated on land comprising the following road and rail corridors in which TfNSW has statutory interests:

- The M1 Pacific Motorway (classified Freeway and State Road 6003) at Black Hill – for which TfNSW is the Roads Authority.
- The Lower Hunter Freight Corridor at Black Hill which includes M1 Motorway dedicated reserve land and is the subject of a current amendment to the *SEPP (Major Infrastructure Corridors)*, with the corridor to be rezoned to SP2 Infrastructure.
- John Renshaw Drive (classified State Road MR588) at Black Hill.
- Maitland – Kurri Kurri Main Road (classified State Road MR195) at Cliftleigh and Gillieston Heights, including land owned by TfNSW (Lot 4 DP 1249763 and others) with construction of the Testers Hollow Flood Mitigation roadworks project by TfNSW currently underway.

The relevant Councils (Cessnock City and Maitland City) are the roads authorities for the State roads John Renshaw Drive and Cessnock Main Road, and other public roads generally in the area other than the Motorway, in accordance with Section 7 of the *Roads Act 1993*. However, TfNSW has operational and financial responsibility for the State Road carriageways, and as such would use its power under s. 64 of the *Roads Act* to exercise the functions of the roads authority with respect to the detailed requirements for each pipeline crossing or traversal of State Roads.

It is critical that conditions are included in any SSI consent to ensure the current and future operational requirements of the Lower Hunter Freight Corridor, the M1 Motorway, John Renshaw Drive and Main Road are not compromised by the design, operation, maintenance and decommissioning of the pipeline project. Such requirements may include significant heavy construction works over the pipeline for the future Freight Corridor and upgrading the capacity of State Roads.

Collaboration between TfNSW and APA to achieve these outcomes has been productive and is ongoing. A draft Infrastructure Deed has recently been provided to APA for review and would set out the detailed rights and responsibilities of the parties in relation to interactions between the project and TfNSW land and assets. However, it is noted at this time that:

- An Infrastructure Deed has not been executed by the parties; and

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- Final detailed designs have not been provided to TfNSW by APA for the John Renshaw Drive or Maitland – Kurri Kurri Main Road crossings. These are anticipated shortly.

## Conditions

TfNSW requests the following conditions form part of any SSI consent:

- Prior to any Pipeline Licence approval, the consent holder shall enter into an Infrastructure Deed with TfNSW, substantially in accordance with the draft Deed transmitted to APA on 13 October 2022.
- Prior to any Pipeline Licence approval, TfNSW and the consent holder shall agree on the form and terms of an easement in gross to be registered over the State Road reserves and other TfNSW-controlled land in favour of the pipeline, to expressly embody the land rights vested in the pipeline operator under the Pipelines Act. The easement shall be registered with the NSW Land Registry Services within a reasonable time after granting of the Pipeline Licence, and prior to TfNSW acknowledgement of Practical Completion of the works.
- In regard to the four (4) crossings of State Roads / Lower Hunter Freight Corridor:
  - The crossings are to be by Horizontal Directional Drilling or Thrust Boring (trenchless) methodology unless otherwise agreed in writing from TfNSW.
  - Prior to commencing construction, the detailed designs and any required supporting documents for all works within the zone of influence of State Road reserves and TfNSW land interests (as set out in the Deed) are to be approved by TfNSW.
  - Unless otherwise agreed in writing from TfNSW, the crossing locations and depths are to be generally to be in accordance with (but without limiting requirements):
    - SSI Amendment Report (Umwelt, September 2022) Appendix A Figure 2.1A (M1 Motorway and Lower Hunter Freight Corridor), Figure 2.1B (John Renshaw Drive), and Figure 2.1E (Main Road); and
    - APA project 21159 drawing 'KUR.2373-DWG-L-0001.01' revision 0.6 titled 'DN350 KURRI KURRI LATERAL PIPELINE – HDD CROSSING M1 PACIFIC MOTORWAY'.

(Note: at the time of this letter final detailed designs for John Renshaw Drive and Main Road crossings had not been received by TfNSW).
  - Prior to commencing construction, suitable evidence in the form of geotechnical observations, advice and modelling must be prepared to demonstrate the pipeline is capable of sustaining soil consolidation, vibration and surcharge loads caused by the passage of trains associated with the Lower Hunter Freight Corridor without compromising pipeline and railway operational and safety requirement to the satisfaction of TfNSW.
  - Prior to commencing construction, suitable evidence in the form of geotechnical observations, advice and modelling must be prepared to demonstrate pipeline installation under the Black Hill interchange road overpass will not be affected by, and will not affect, the structural loading,

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integrity, serviceability or durability of the bridge abutments, piers, footings and piles to the satisfaction of TfNSW.

- Prior to commencing construction, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of infrastructure where the pipeline crosses the Lower Hunter Freight Corridor and State Roads to the satisfaction of TfNSW.
  - Prior to acknowledgement of Practical Completion, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of infrastructure where the pipeline crosses the Lower Hunter Freight Corridor and State Roads to the satisfaction of TfNSW.
  - Before undertaking any activity with potential to affect traffic flow on a State Road, or with potential to affect operation of any traffic signal on any road, the proponent must obtain a Road Occupancy Licence (ROL) from TfNSW.
    - Proponents must allow a minimum 10 working days for processing from the date of receipt by TfNSW of all required supporting documentation. As a minimum, applications must be submitted with a Traffic Management Plan (TMP) including applicable Traffic Guidance Schemes (TGS).
    - The TMP and TGS must comply with AS 1742.3 and be prepared by a qualified person who holds the Prepare Work Zone Traffic Management Plan SafeWork accreditation (PWZTMP).
    - The plan must address an activity's impact on traffic flow. The TMP describes the activities being proposed, their impact on the general area (including public transport passengers, cyclists, pedestrians, motorists and commercial operations), and how these impacts, including identified risks will be addressed.
- Further information on ROLs and access to the OPLINC online application system is available at:
- <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>
- Quote your TfNSW asset number where prompted on the OPLINC form: NTH22/00214
  - Prior to the commencement of works a Construction Traffic Management Plan (CTMP) is to be prepared, maintained as current, and implemented by the consent holder.
  - Abandonment or decommissioning of any section of the pipeline (with the exception of the temporary suspension of pipelines) within the Lower Hunter Freight Corridor or State Roads shall be in accordance with any requirements of the Deed, by insertion of an inert substance which takes a solid state with long term stability such as high strength non-shrink cement grout into all void spaces, or otherwise as accepted by a TfNSW authorised delegate in writing. This clause does not apply to temporary suspension of the pipeline as described in the EIS.

(End of Attachment A)

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