

23 May 2022

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

**Attention: Andy Nixey**

Dear Mr. Nixey,

**RESPONSE TO SUBMISSION  
SSD-14540514 – WALLERAWANG BATTERY ENERGY STORAGE SYSTEM**

Thank you for requesting Transport for NSW (TfNSW) to comment via NSW Major Projects Portal on 4 May 2022 as part of the Response to Submissions (RtS) for the Wallerawang Battery Energy Storage System (BESS) proposal that requires TfNSW's comments pursuant to Section 2.97 of the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021* (T&ISEPP).

Transport for NSW is the rail authority of the Country Regional Network (CRN) across NSW. Transport Asset Holding Entity of New South Wales (TAHE) is a State-owned corporation that holds rail property assets and rail infrastructure, including the CRN. As of 29 January 2022, UGLRL has commenced management and operations of the CRN. As such UGLRL are responsible for reviewing this DA to ensure that potential impacts to rail operations (current and future) are considered and addressed.

The SSD seeks approval for construction and operation of a battery energy storage system at Wallerawang on Lot 3 DP 1018958, Lot 4 DP 1016725, Lot 3 DP 1181412, Lot 3 DP 1226927 and Lot 4 DP 1226927 which are immediately adjacent to the operational rail corridor from Bowenfels to Wallerawang. Recommended conditions of consent related to protecting the rail corridor is provided under **TAB A** and comments for consideration under **TAB B**.

If you require further information, please contact Serena Li, Transport Planner via email at [development@transport.nsw.gov.au](mailto:development@transport.nsw.gov.au) for assistance.

Yours sincerely,



**Mark Ozinga**  
Senior Manager Land Use Planning & Development  
Customer Strategy & Technology  
Customer Strategy and Technology

CD22/02726

**TAB A Recommended Conditions of Consent for Rail on SSD-14540514**

**Prior to issue of a Construction Certificate**

**Survey**

Comment

It is essential for UGLRL on behalf of TfNSW to obtain a survey to confirm that the development does not encroach onto the rail land.

Recommended Condition

Prior to the issue of a Construction Certificate a Registered Surveyor shall peg-out the common property boundary between the development site and Transport Asset Holding Entity (TAHE) land and easements. A copy of the survey report indicating the location of pegs and each item to be installed and constructed must be provided to UGL Regional Linx on behalf of TfNSW prior to the commencement of works.

**Cranes and Equipment**

Comment

The RtS report indicates that installation of towers would be craned in sections onto the footings and secured with holding down bolts in terms of construction of the overhead transmission line connection.

Recommended Condition

1. In the event that that equipment will be used in the air space over the rail corridor, the Applicant must submit an application to UGLRL for approval of TAHE prior to any use of cranes and equipment (Equipment) in the air space over the rail corridor.
2. The Applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the UGLRL Network Rules and Procedures and that any works are undertaken by a qualified Protection Officer.

The Applicant is advised to contact UGLR's Third party works team via [thirdpartyworks@uglregionallinx.com.au](mailto:thirdpartyworks@uglregionallinx.com.au) for more information

**Stormwater Management**

Comment

The RtS report does not have information as to where excess stormwater run-off will be discharged; although there is a reference to the effect that stormwater run-off will use grassed swales, bioretention basins and gross pollutant traps. As such, it is essential for TfNSW to be satisfied that the proposal does not have any adverse impacts on the rail land and the rail corridor for rail operations.

Recommended Condition

Prior to commencing works, the Applicant must provide UGLRL on behalf of TfNSW with a stormwater concept plan confirming that stormwater from the development site does not discharge into the rail corridor. The Applicant is advised to contact UGLRL's Third party works team via [thirdpartyworks@uglregionallinx.com.au](mailto:thirdpartyworks@uglregionallinx.com.au) for more information.

### **Access to the Rail Corridor**

#### Comment

The project site is immediately adjacent to the rail corridor. Access to the rail corridor is generally prohibited unless otherwise agreed in advance.

#### Recommended Condition

No work is permitted within the rail corridor, or any easements which benefit TfNSW/TAHE, at any time, unless the prior approval of, or an agreement with, TfNSW/TAHE has been obtained by the Applicant.

### **Prior to commencement of works**

### **Construction Methodology**

#### Comment

The locations of the overhead transmission line on Lot 3 DP 1181412 and TransGrid 330K Substation on Lot 91 DP 1043967 are in close proximity of the operational rail corridor. It is important for UGLRL and TfNSW to be satisfied that the development does not have any adverse impacts on the operation of the rail corridor and the rail infrastructure during construction and operation as the railway line is currently in operation.

#### Recommended Condition

If required by UGLRL on behalf of TfNSW, prior to commencing any works, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to UGLRL for review and comment on the impacts on rail corridor.

### **Fencing**

#### Comment

The site is immediately adjacent to the operational rail corridor from Bowenfels to Wallerawang that is part of the Country Regional Network. The security of fencing along the rail corridor is essential to prevent unauthorised entry and ensure safety.

#### Recommended Condition

Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access at all times. Details of the type of fencing and the method of erection are to be to the satisfaction of UGLRL on behalf of TfNSW prior to the fencing work being undertaken. The Applicant is advised to contact UGLRL's Third party works team via [thirdpartyworks@uglregionallinx.com.au](mailto:thirdpartyworks@uglregionallinx.com.au) for more information.

## **Construction Traffic Management**

### Comment

The RtS report does not contain information regarding the traffic route that includes rail crossings surrounding the development site. The RtS report indicates construction traffic of up to 100 two-way light vehicle movements, up to 20 two-way heavy vehicle movements per day and up to 36 over sized over mass (OSOM) movements across for the duration of the construction period. A safety assessment of the increase in construction related vehicle movements has not been undertaken.

### Recommended Condition

Prior to commencing any works, the Applicant must provide UGLRL on behalf of TfNSW with ALCALM assessments on public crossings at Main Street and Pipers Flat Road confirming that it is safe and suitable to accommodate the expected type and volume of vehicles to be used during construction.

## **Over Size Over Mass (OSOM) assessment**

### Comment

The RtS Report indicates that the development would generate up to 36 OSOM movements during construction. It is important for UGLRL and TfNSW to confirm that the increased OSOM movements do not have any adverse impacts on the over bridges in close proximity to the development site.

### Recommended Condition

The Applicant must obtain OSOM assessment/approval from UGLRL on behalf of TfNSW for OSOM movements on existing over bridges on the rail corridor. The Applicant is advised to contact UGLRL's third party works team via [thirdpartyworks@uglregionallinx.com.au](mailto:thirdpartyworks@uglregionallinx.com.au)

## **Lighting, external finishes and design**

### Comment

It is important that the development 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.

### Recommended Condition

Prior to commencing any works described in the development, 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 UGLRL on behalf of TfNSW.

**TAB B Comments for Consideration on SSD-14540514**

**Contamination of Rail Land**

Comment

TfNSW is currently conducting an environmental assessment to identify contamination on the CRN. All railway corridors are generally deemed to be contaminated unless proven otherwise by sample testing. Contamination risk arises from both the construction (e.g. unknown fill used in rail construction) and operations (e.g. transportation of contaminated material, spills) of the railway. Potential contaminants could include, but are not limited to, heavy metals, PAHs, phenolics (boiler ash), Organochlorine Pesticides (OCPs) and Organophosphorus Pesticides (OPPs). Although our records indicate that there are known contaminated sites in the rail corridor, TfNSW is not aware whether there are contaminants found on the common boundaries with the development site.

Recommendation

In accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021*-Section 4.6 'Contamination and remediation to be considered in determining development application' (Previously State Environmental Planning Policy No. 55 – Remediation of Land) the consent authority must consider whether the land is contaminated.