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Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr. Davies,

New England Solar Farm (SSD 9255) - EIS Exhibition

Thank you for your correspondence dated 20 February 2019 inviting Transport for NSW (TfNSW) comment on the subject State Significant Development (SSD) Application.

The Proposal seeks approval for the development of significant grid-connected solar farm and battery storage system (BESS) along with associated infrastructure, approximately 6 kilometres east of the Uralla township.

It is noted the project is to be developed across three separate arrays (northern, southern and central) of the photovoltaic modules. The proposed northern arrays are adjacent to the operational West Tamworth to Armidale rail corridor forming part of the Country Regional Network (CRN), which is currently managed by John Holland Rail (JHR).

On this note, the exhibited documents have been reviewed by JHR in accordance with the:

- *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* (the ISEPP); and
- *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* (the Guideline)

<http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf>.

Comments regarding the subject development have been provided in **TAB A**. In addition, if the development is to be approved, it is recommended that DP&E include the conditions of consent provided in **TAB B**

If you require clarification of the above, please do not hesitate to contact Ken Ho, Transport Planner, via email at ken.ho@transport.nsw.gov.au.

Yours sincerely



28/3/2019

Mark Ozinga
**Principal Manager, Land Use Planning & Development
Freight, Strategy & Planning**

Objective Reference: CD19/01755

TAB A – Detailed Comments on State Significant Application SSD 9255

The following comments have been provided based on the review of the exhibited Environmental Impact Statement (EIS).

Excavation in, above, below or adjacent to rail corridors

Comment

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.

It is noted that the EIS does not contain details of excavation of the Proposal.

Recommendation

The Response to Submissions (RtS) should outline any proposed excavation in proximity to the rail corridor. If there is any such excavation, the proponent should undertake further analysis including a geotechnical and structural engineering assessment outlining the risks and mitigation strategies for all phases of the project (construction, operation and decommissioning) demonstrating that there will be no adverse impact on the stability and integrity of the rail corridor land and rail infrastructure.

Note: If there is any such excavation, TfNSW will suggest a condition following the review of any material prepared as part of the RtS.

Cranes

Comment

Clause 85 of the ISEPP 2007 states that if the development involves the use of a crane in the air space above the rail corridor, the consent authority must take into consideration any response from the rail authority. Furthermore, the Guideline provides that a crane, concrete pump or other equipment (**Equipment**) must not be used in airspace over the rail corridor without approval in writing from the rail authority.

It is noted the EIS does not provide details of whether the development will involve the use of cranes in the air space above the corridor.

Recommendation

The RtS should outline whether the development involves the use of a crane in the air space above the rail corridor. In the event that cranes are required to be used in air space above the rail corridor, the Proponent should provide a safety assessment of the works necessary for the Proposal assessing any potential impact or intrusion on the Danger Zone (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>).

It is noted that any works must be undertaken by a qualified Protection Officer (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>). Also, the use of 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*.

Note: If there is use of cranes above the rail corridor's airspace, TfNSW will suggest a condition following the review of any material prepared as part of the RtS.

Stormwater management

Comment

The Guideline provides that discharge of stormwater from a development during and after construction should be designed to ensure that no adverse effects will be had on the existing watercourse and drain infrastructure system.

Recommendation

The RtS should confirm that the Proposal including construction, operation and decommission of the project will have no adverse effect on the existing watercourse.

Noise, vibration & air quality

Comment

The Guideline provides that for development that is in or immediately adjacent to a rail corridor the consent authority must be satisfied that the development would not be adversely affected by rail noise, vibration or air quality due to the volume of traffic the rail line carries.

Recommendation

As the Land is immediately adjacent to the rail corridor, the response to submissions must confirm the Proposal will not be adversely affected by rail noise, vibration and air quality due to the volume and frequency of rail traffic.

TAB B – Recommended Conditions of Approval

The following draft conditions, prepared by JHR, should be considered if the proposed development is to be approved.

Demolition and Construction impacts

Issue

The northern array area is immediately adjacent to the rail corridor which contains the railway line currently in operation. It is vital for both TfNSW and JHR to be satisfied that the Proposal does not have any adverse impact on safe operation of the rail corridor and the existing rail infrastructure during construction and operation. In addition, the Environmental Impact Statement (EIS) states that once the project reaches the end of its investment and operational life, the project infrastructure will be decommissioned and all above ground facilities will be removed only during decommissioning.

Recommended Condition

The Proponent must submit to TfNSW, or its agent JHR, a Risk Assessment/Management Plan and Safe Work Method Statements detailing any impact on the rail corridor for each stage including construction, operation and decommissioning.

Traffic Management

Issue

The EIS demonstrates that the Proponent had previously discussed with JHR regarding consequential impacts of the Proposal on the level crossings as part of preparation of TIA and had subsequently obtained relevant advice from JHR.

However, the EIS contains statements regarding JHR's previous advice which appear to be contradictory as Table 4.12 of the EIS seems to indicate that JHR advised of potential upgrades to the level crossings while Page 193 of the EIS states that JHR required no alterations to any of the level crossings.

Please note that there are three (3) existing level crossings, two of which are identified as active level crossings with flashing lights at Barleyfields Road and Thunderbolts Way, one of which at Gostwyck Road is identified as a passive crossing with stop signs in the vicinity of the Land.

In addition, the EIS indicates that the Proposal will result in the use of heavy construction machinery during the construction phase, which may also impact the level crossings.

Recommended Condition

The Proponent must bear the costs of upgrading the passive level crossing (or implement appropriate risk mitigation e.g. engagement of protection officers during the construction phase) at Gostwyck Road if TfNSW and JHR are of the view that it is necessary to upgrade the passive level crossing to accommodate the increased traffic during construction and/or operation.

The Proponent must prepare and provide JHR with an assessment based upon the Australian Level Crossing Assessment Model in order to identify key potential risks regarding the level crossings at Barleyfields Road, Thunderbolt Way and Gostwyck Road, as a result

of the increased use of the heavy machinery. In the event that such assessment finds that there will be significant increases in their use, Uralla Shire Council will also be requested to update the current Road Rail Interface Agreement to reflect the change to those level crossings in accordance with the Rail Safety National Law 2012.

Fencing

Issue

The EIS states that the exact alignment of security fencing with respect to the development footprint will be determined by the Proponent in close consultation with each of the project landholders.

As the northern array area is immediately adjacent to the rail corridor, the security of fencing along the rail corridor is essential to prevent unauthorised entry.

Recommended Condition

The boundary fences along the rail corridor should be installed and remain installed during construction and operation of the facility in accordance with JHR's engineering standards which is available at <http://jhrcrn.com.au/media/2071/crn-cp-511-v1-1.pdf>.

The Proponent must submit an application to access the rail corridor in order to install the boundary fences to JHR for its endorsement and for TfNSW's approval / approval with conditions. Please refer the Proponent to JHR website <http://www.jhrcrn.com.au/what-we-do/property-services/third-party-work-enquiries/>.

The Proponent must obtain approval for a track possession in order to install the boundary fences.

Access to the rail corridor and Work Access & Possessions

Issue

As mentioned above, the development would require work access to the rail corridor.

Recommended Condition

Approval to work, access and track possession of the railway corridor or part thereof (or air space) must be assessed and endorsed 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 approval sought by the Proponent for TfNSW's approval / approval with conditions or no approval.

Visual Impacts

Issue

It is noted that Visual Impact Assessment (VIA) was undertaken to consider the likely impacts of the Proposal on surroundings including residences, heritage items, air traffic and road corridors and to consider any mitigation measures. However, the VIA does not contain information regarding any potential impact of the Proposal on the rail operation.

Recommended Condition

The Proponent must prepare and provide to JHR a statement confirming that the level of reflectivity and glare produced by any materials, lighting and external finishes of infrastructure necessarily required for the Proposal will not blind or cause distraction to train drivers for NP 24 services (up trains).

The Proponent must avoid the use of red and green lights in all signs, lighting building colour schemes on any part of a building which will face the rail corridor.

Derailment protection and other potential impacts of adjacent development on railway

Issue

The Guideline provides information regarding the potential risks from a possible derailment in the context of design of buildings and structure.

Recommended Condition

The Proponent must provide JHR with a risk assessment addressing the potential risks of the derailment including considerations of the characteristics of the site, the type of structure to be erected and track speed and whether this represents a risk to the integrity of the structure and demonstrating compliance with JHR Engineering Standards being [CRN CS 320](http://www.jhrcrn.com.au/what-we-do/engineering-standards/civil-standards/), which then references AS 5100 which is available at <http://www.jhrcrn.com.au/what-we-do/engineering-standards/civil-standards/>.

Access to the Land

Issue

It is noted that there are several access points to each array via local roads. The Minister for Planning is requested to ensure that access to the rail corridor is strictly prohibited unless otherwise permitted in writing. In the meantime, the EIS states that the locations of emergency access points will be determined during detailed design.

Recommended Condition

The Proponent must consult with JHR and TfNSW in respect of the prospective locations of emergency access points to consider any potential impacts on the operations of the current and future rail operations.