

Andrew Rode
Senior Environmental Assessment Officer
Resource & Energy Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr. Rode,

Lidsdale Siding Coal Loader – infrastructure upgrades (MP 08_0223 MOD 1)

Thank you for your email dated 4 July 2019 inviting Transport for NSW (TfNSW) review the subject application lodged by Ivanhoe Coal Pty Ltd (Proponent). TfNSW, in consultation with John Holland Rail (JHR), who has been appointed by TfNSW to manage the Country Regional Network (CRN), reviewed the Environmental Assessment (EA) in support of the subject application and provide the following response.

The application seeks approval for modification to conditions 7 and 8 of Schedule 2 of the development approval dated 3 May 2013 to allow for:

- Receiving and unloading of one additional coal laden train (normal net tonnage of up to 3,900 tonnes per train) each day (Monday to Saturday between 7:00 am and 6:00 pm and Sunday between 8:00 am to 6:00 pm); and
- Transfer of coal received via rail to the overland conveyor for dispatch to the Western Coal Services.

The EA stated that the proposal is not required to obtain the landowner's consent pursuant to Clause 49(2) of the Environmental Planning and Assessment Regulation 2000. It is noted in JHR's record that Lots 1 & 2 DP 252472 being part of the project site is owned by Rail Corporation New South Wales (RailCorp) and is currently leased to the Proponent in accordance with Deed of Assignment dated 24 September 2004. Such assignment to the Proponent was approved by State Rail Authority of NSW, being the predecessor in title of RailCorp that the Proponent duly performs the terms of Registered Lease Q596012, in particular, that the Lessee must obtain the Lessor's approval prior to any works in relation to alteration, addition or removal or replacement of any building structure fixture or improvement. Accordingly, TfNSW will seek to uphold that the subject application must be reviewed and approved by RailCorp as the Lessor.

The project site is bounded on the north and south by the operational rail corridors, one of which is for the Wallerawang colliery railway line, the other is the Bowenfels to Wallerawang railway line. Considering the project site is adjacent to the rail corridors for the purpose of Clause 85 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), the subject application might trigger the need for concurrence in accordance with Clause 86 pf the ISEPP subject to the extent of the proposed excavation works. In addition, the proposed works of the subject application might involve increase in the total number of vehicles or the number of trucks using a level crossing for concurrence in accordance with Clause 84 pf the ISEPP. As the subject application is being assessed under Part 4.1 of the Environmental Planning & Assessment Act, formal concurrence does not strictly apply. Nevertheless, TfNSW in consultation with JHR has taken into account the statutory requirements under these provisions in its assessment of the proposed works.

Comments regarding the subject application are provided in **Attachment A**. TfNSW will

review and provide further comments to those issues that require further information be provided by the Proponent.

In addition, if the development is to be approved, it is requested that the Department includes the conditions of consent as provided in **Attachment B**.

Thank you again for the opportunity of providing advice for the above development application. If you require any further information, please don't hesitate to contact Billy Yung, Senior Transport Planner, via email at billy.yung@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



29/7/2019

Mark Ozinga

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

CD19/05650

Construction impacts

Comment:

The EA states that the construction activities associated with the proposed changes include the following:

- Minor excavation and levelling associated with footings/pads to support conveyors and stackers;
- Assembly of nominally:
 - Pre-fabricated conveyors including two radial stackers;
 - Two hopper-feeders at the existing under-rail sump at the train loading area; and
 - Three to four tunnel reclaimers with vibrating feeders.

Recommendation:

It is requested that a Response to Submission (RtS) be prepared by the Proponent to outline construction and demolition activities (if any) in detail relating to any work within the rail corridor and should also include the submission to JHR a Major Works Package, Risk Assessment/Management Plan and detailed Safe Work Method Statements for its review and/or comment in respect of each separable stage.

Note: TfNSW will suggest relevant condition following the review of any additional material prepared by the Proponent in responding to the above matter.

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.

The EA states that minor excavation and levelling associated with footings/pads will be conducted to support construction for conveyors and stackers. However, it does not contain information detailing excavation in respect of the works proposed.

Recommendation:

The RtS should include detailed information of excavation in respect of the proposed works.

Note: If any construction activities involve 2 m below ground level within 25m from of the rail corridor, TfNSW will suggest a condition following the review of any material prepared as part of the RtS in accordance with Clause 86 of the ISEPP.

Impact on level crossings

Comment:

Clause 84 of the ISEPP 2007 states that the consent authority must not grant consent to development without the concurrence of the rail authority for the rail corridor if the development involves a likely significant increase in the total number of vehicles or the number of trucks using a level crossing.

The EA does not contain information regarding the construction traffic in terms of its volume and its impact on the level crossings at Main Street and Brays Lane.

Attachment A – Detailed comments on MP08_0223 MOD 1

In addition, the EA states that the Wallerawang Lidsdale Progress Association (WLPA) was briefed on this modification development on 7 May 2019 and raised its concerns regarding potential trains blocking Main Street and the current road condition of the level crossing at Main Street. The EA further states that notification boards are to be installed in response to the concerns raised by the WLPA.

Recommendation:

It is requested that the Proponent must prepare and provide JHR, as part of the RtS, with an assessment based upon the Australian Level Crossing Assessment Model in order to identify key potential risks regarding the level crossings at Main Street and Brays Lane respectively during construction and operation. In the event that such assessment identifies significant increases in the use of those level crossings, the Proponent may be conditioned to upgrade those level crossings in accordance with JHR's engineering standards in accordance with Clause 84 of the ISEPP. In addition, the relevant 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.

In respect of the WLPA's concerns as stated above, neither JHR nor TfNSW is a member of the WLPA. In addition, it is not evident that neither JHR nor TfNSW were previously consulted on this modification application. JHR advises that the notification boards do not exist within the CRN Standards, nor would such boards have any legitimacy under the CRN Network Rules and Procedures. JHR further advises that an external organisation cannot unilaterally determine an installation of the notification boards within the CRN rail land unless otherwise permitted in writing by the rail authority.

Cranes and Equipment

Comment:

Clause 85 of the ISEPP 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. As refer to the relevant standard and guideline (*TfNSW Standard – External Developments T HR CI 12080ST and Department of Planning – Development near Rail Corridors and Busy Roads Interim Guidelines*), it must be noted that crane, concrete pump or other equipment must not be used in airspace over the rail corridor when the equipment is in operation. When not in operation, cranes are permitted to 'weathervane' into the rail corridor subject to approval of the rail authority.

Recommendations:

The RtS should outline whether mobile cranes will be used in the airspace above the rail corridor during construction. The Proponent should be made aware of the use of cranes or 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 corridors' airspace, TfNSW will suggest relevant condition following the review of any material prepared as part of the RtS.

Stormwater management

Comment:

The EA states that new conveyors and the additional stockpile are within the existing operational areas that are serviced by the water management system under the approved water management plan and the system includes culverts that capture dirty water from the

operational area of the site and divert it to a dirty water dam. As such, it appears that the modification development will not result in changes to the exiting water management system. However, it appears that the water management system does not contain information whether the existing water management system has adverse impacts on the rail land and rail infrastructure.

Recommendations:

The RtS should outline whether the existing stormwater management has adverse impacts on the rail corridor land and the rail infrastructure. It is requested that the Proponent to submit to JHR with a stormwater plan for review.

Environmental Protection Licence

Comment:

The EA states that the Lidsdale facility has operated under Environmental Protection Licence (EPL) 5129 which also regulates air quality and noise limits and monitoring requirements. It further states that the proposed modification does not require an amendment to the current EPL.

Recommendations:

The subject railway line is currently covered under JHR's EPL. As such, the Proponent should ensure that its proposed modification does not have any adverse impacts on the JHR's EPL during construction and operation.

Network Rules and Procedures

Comment:

The modification seeks approval to allow for receiving and unloading of one coal laden train (normal net tonnage of up to 3,900 tonnes per train) each day (Monday to Saturday between 7:00 am and 6:00 pm and Sunday between 8:00 am to 6:00 pm). As it appears that neither JHR nor TfNSW have been previously consulted in respect of this modification development, it is important that the proposed operations of the coal laden trains are in accordance with the JHR's Network Rules and Procedures.

Recommendations:

It is requested that the Proponent be conditioned to obtain from JHR and TfNSW that the proposed train operations are in accordance with JHR's Network Rules and Procedures.

Attachment B – Recommended Conditions of Consent

TfNSW, in consultation with JHR, requests that the Department to consider imposing the following conditions if the proposed development is to be approved.

Construction Impact

Prior to the issue of Construction Certificate, the Proponent must liaise with the relevant rail authority and JHR (TfNSW's agent for managing the CRN) and obtain approval with respect to the proposed works by way of submitting construction and demolition activities, if any, in detail relating to each work and the submission to JHR a Major Works Package, Risk Assessment/Management Plan and detailed Safe Work Method Statements for its review and/or comment in respect of each separable stage.

Excavation in, above, below or adjacent to rail corridors

Prior to any excavation works on site, the Proponent must provide details of excavation in relation to the proposed works to the relevant rail authority and JHR (TfNSW's agent for managing the CRN) for its assessment.

Network Rules and Procedures

Prior to the proposed additional train operation, the Proponent must obtain approval from JHR and TfNSW in respect of the proposed train operations.