

Rob Beckett
Environmental Assessment Officer
Resource & Energy Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr. Beckett

SSD 10288 Culcairn Solar Farm

Thank you for your correspondence via Major Projects Planning portal (ref: PAE-1914) on 24 January 2020, requesting Transport for NSW (TfNSW) to review and comment on the subject State Significant Development (SSD) Application.

Legislation has come into effect on 1 December 2019 that bring the former Roads and Maritime Services and TfNSW into a one organisation. A submission (our reference SWT19/00054) was provided to your Department on 20 February 2020 and this letter is supplementary to our aforesaid submission.

John Holland Rail (JHR) has been appointed as the Rail Infrastructure Manager since 15 January 2012 to manage the Country Regional Network (CRN). TfNSW, in consultation with JHR, has reviewed the subject proposal. It is noted that part of the development land, to which the subject proposal is related, is immediately adjacent to the rail corridor from Culcairn to Corowa. As the subject proposal is being assessed under Part 4.1 of the Environmental Planning & Assessment Act, formal concurrence in relation to the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) does not strictly apply. Nevertheless, an assessment of the proposed development and its associated works has been undertaken taking into account the considerations under the relevant ISEPP provisions for protecting the rail corridor.

Comments regarding the subject development have been provided in **TAB A**. In addition, if the development is to be approved, it is requested that the conditions of consent as outlined in **TAB B** be imposed for protection of the CRN.

Thank you again for the opportunity of providing advice for the above development application. If you require further information, please contact Billy Yung, Senior Transport Planner, at billy.yung@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



26/2/2020

Mark Ozinga
Principal Manager Land Use Planning & Development
Customer Strategy & Technology

CD20/00838

TAB A – Comments on SSD 10288

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 penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor.

The EIS indicates that installation of the piles supporting the solar panels, which would be driven or screwed into the ground to a depth of 1.5 to 3m.

Recommendation

The Response to Submission (RtS) should provide the details regarding the location of installing the piles on Lot 1 DP 945904, which is immediately adjacent to the rail corridor. Further information should also be provided on whether the proposed works will be carried out within 25m of the boundary lines of the rail corridor and involving penetration into the ground level in excess of 2m.

Subject to the review of further information prepared as part of the RtS, TfNSW would provide relevant conditions with consideration of the statutory requirements under the provisions of Clause 86 of the ISEPP.

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 referenced 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 cranes, concrete pumps 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.

The EIS indicates the use of mobile cranes including 50T mobile cranes during construction, however, it does not provide details whether the cranes will be used in the air space above the rail corridor.

Recommendation

The Proponent should outline in the RtS as to whether mobile cranes will be used in the air space above the rail corridor.

The use of mobile cranes 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*.

Subject to the further information prepared as part of the RtS, TfNSW would provide a condition if there is any intended use of cranes.

Stormwater management

Comment

As referenced 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 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 Proponent should outline in the RtS as to whether the proposed stormwater management has adverse impacts on the rail corridor by way of its discharge from the site into the rail corridor. If so, the Proponent must provide JHR with written evidence permitting the discharge into the rail corridor.

Access to the rail corridor

Issue

The EIS includes a proposal to carry out works on the location and form of the access road intersection to provide adequate sightlines for vehicles entering and exiting the site. The swept path assessment also demonstrates that Weeamera Road will need to be widened in the proximity to a level crossing at Weeamera road to allow simultaneous two-way movement. The Proposal also highlights potential issues ranging from Council's involvement in entering into licence, Ministerial approval for a closure of the level crossing and the Proponent's involvement in carrying out the works.

Although there is no final design made available at present, the works proposed regarding the access road intersection and widening of Weeamera Road would appear to require changes to the rail corridor and the level crossing at Weeamera Road. The proposed works may require access to the rail corridor, which would then require approval from TfNSW on behalf of RailCorp (as the landowner).

Please be advised of the approval process requiring access to the rail corridor as follows:

- a. Greater Hume Shire Council (Council) as a road manager of Weeamera Road will be required to submit an application to JHR for endorsement and for TfNSW approval with or without conditions /non-approval;
- b. Once approval is obtained, Council will be required to enter into an appropriate licence with RailCorp (as landowner) on suitable terms. The licence will relate to the works being performed and remaining on the rail corridor. The terms of the licence would include provisions that allow RailCorp to terminate the licence and remove the works at any time, will require the licensee to pay an annual licence fee, and obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor. The licence will require Council to hold relevant levels of insurance, bank guarantees.
- c. Council must bear the costs including but not limited to costs associated with obtaining approvals from TfNSW and complying with JHR's requirements.
- d. Council will be required to carry out the construction in compliant with JHR's Safety Management System.
- e. The works are to be carried out in accordance with JHR's Engineering Standards as updated from time to time, once completed, a built-in data survey should be provided to JHR for its consideration.

Should the Proponent wish to make further requires regarding the application process, please contact JHR at CRN.3rdpartyworks@jhq.com.au.

Please note that this letter does not constitute an approval from JHR, RailCorp or TfNSW in respect of the proposed works.

In addition, the works may or may not be involved in a formal closure of the relevant level crossing which requires Ministerial approval under the Transport Administration Act 1988. Please refer to <https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/level-crossing-closures-policy.pdf> for the Level Crossing Closures Policy for your information.

Recommendation

In order for TfNSW and JHR to gain a clear appreciation for issues involved in the greater context of the Proposal, it is requested that a condition be imposed requiring the final design for the proposed works be submitted to and approved by JHR and TfNSW prior to issue of the relevant Construction Certificate.

Access to the Land

Comment

It is noted that access to the development land will be via Weeamera Road to the south-eastern boundary.

Recommendation

It is requested that the Proponent be made aware of the access to the rail corridor is strictly prohibited during construction and operation unless otherwise approved in writing by TfNSW or JHR who manages the CRN in advance.

TAB B – Conditions of Consent required for Protection of Rail Infrastructure

Access to the rail corridor

Prior to issue of relevant Construction Certificate, the applicant must submit the final design of the proposed works on Weeamera Road in the vicinity of the level crossing to TfNSW and JHR who manages the CRN for approval.

Reason for condition

The proposal highlights potential issues ranging from Council's involvement in entering into licence, Ministerial approval for a closure of the level crossing and the Proponent's involvement in carrying out the works. It is necessary for TfNSW and John Holland Rail to have a clear appreciation for the issues in relation to the rail infrastructure.