



Ms. Natasha Homsey
Environmental Assessment Officer
Resource and Energy Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms. Homsey

Maryvale Solar Farm (SSD 8777) – EIS Exhibition

Thank you for your correspondence dated 20 March 2019 inviting Transport for NSW (TfNSW) comment on the subject State Significant Development Application (SSD 8777).

The proposal seeks approval for construction, operation and decommissioning photovoltaic (PV) solar farm (Proposal) which will be located within Lot 2 DP 573426, Lot 1 DP 1095725, Lot 2 DP 1095725, Lot 1 DP 1006557, part of Lot 182 and Lot 122 DP 754318 (the Subject Site).

The Subject Site is immediately adjacent to the non-operational Gulgong to Combo rail corridor (the non-operational corridor) to the north of the site and is also in close proximity to the operational Orange Junction to Dubbo rail corridor (the operational corridor) to the west of the site. Both rail corridors form part of the Country Regional Network, which John Holland Rail (JHR) has currently been appointed to manage.

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)
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Manuals-and-guides/development-near-rail-corridors-and-busy-roads-interim-guideline-2008.pdf?la=en>.

Comments regarding the subject development have been provided in **TAB A**. In addition, if the development is to be approved, it is recommended that the 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



11/4/2019

Mark Ozinga

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

Objective Reference: CD19/02415

TAB A – Detailed Comments on State Significant Application SSD 8777

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 while extensive earthworks are not proposed, the installation of the piles supporting the solar panels would be driven into the ground to a depth potentially ranging from 1.6m to 4m below ground level according to the EIS.

Recommendation

As the Subject Site is immediately adjacent to the non-operational corridor, The Response to Submissions (RtS) should outline any proposed excavation which is to take place within 25m of the non-operational 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 while the EIS indicates the use of mobile cranes during construction, it does not provide details whether the cranes will be used in the air space above the rail corridors.

Recommendation

The RtS should outline whether mobile cranes will be used in the air space above the rail corridors.

In the event that cranes are required to be used in air space above the operational 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-](http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms)

[operations-access/network-rules-procedures-forms](#)). Also, 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*.

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

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 Subject Site is immediately adjacent to the non-operational corridor, the RtS must confirm the Proposal will not be adversely affected by rail noise, vibration and air quality should the rail corridor become operational in the future.

Access to the rail corridor and Work Access & Possessions

Issue

The EIS does not contain information as to whether or not the Proposal requires access to the rail corridors. Nor do our records indicate that JHR have received applications to access the respective rail corridors.

Recommendation

The RtS should outline whether the Proposal requires access to the operational and the non-operational rail corridors. In the event that the Proposal requires access to part of the rail corridors, approval to work, access and track possession of the rail 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) considers the likely impacts of the Proposal on the surroundings including road users, residences, adjoining farms and air traffic and considers any mitigation measures. However, the VIA does not contain information regarding any visual impacts of the Proposal on the non-operational and operational rail corridors.

Recommendation

The RtS should confirm 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 the operational rail corridors. In addition, the RtS should also confirm that glare from solar array facilities would not have any adverse impacts

on the non-operational rail corridor due to its location adjoining the rail corridor should train operations re-commence in the future. Finally, the Rts should confirm that red and green lights will not be used in all signs, lighting building colour schemes on any part of a building which will face the operational rail corridor.

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.

The EIS states that water flows are directed into the waterways via culverts through the disused rail embankment immediately to the north of the Site.

Recommendation

The proposed stormwater management should not increase the flow of stormwater into the rail corridor. As such, the RtS should demonstrate that there will be no increase in the flow of stormwater into the rail corridor during the course and continuation of the Proposal.

TAB B – Recommended Draft Conditions of Approval

The following draft conditions, prepared by JHR, should be considered if the proposed development is to be approved. Please note that TfNSW are the rail authority for those sections of railway lines, however, JHR are responsible for the safe operation of the network and will also be responsible for the review of the following conditions.

Demolition and Construction impacts

Issue

As the Subject Site is immediately adjacent to the non-operational rail corridor which may become operational in the future, it is vital for both TfNSW and JHR to be satisfied that the Proposal does not have any adverse impacts on the rail corridor and the existing rail infrastructure during construction and operation.

In addition, EIS states that the solar farm would either be decommissioned removing all infrastructure and returning the site to its existing land capability, or the PV infrastructure would be upgraded, and the site would continue to operate as a solar farm after the initial 25 year operating period.

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 non-operational rail corridor for each stage including construction, operation and/or decommissioning.

Traffic Management

Issue

The Traffic Impact Assessment (TIA) states that the intersection of Maryvale Road and Mitchell Highway is considered unsuitable for use by traffic associated with the project site for entry or exit movements and further states that a passive level crossing located within 60 metres of Mitchell Highway will not be used.

In addition, the TIA includes the designated heavy vehicle route to the project site which may increase the use of an active level crossing at Cobbora Road.

Recommended Condition

The passive level crossing located within 60 metres of Mitchell Highway should not be used for the vehicles associated with the project as proposed by the Proponent.

Furthermore, 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 crossing at Cobbora 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 the use, the Proponent may be requested to upgrade to a grade separated crossing such as an overbridge and Dubbo Regional Council will also be requested to update the current Road Rail Interface Agreement to reflect the change to the level crossing in accordance with the Rail Safety National Law 2012.

Fencing

Issue

The EIS states that perimeter security fencing will be installed as part of key features of the Proposal.

As the Subject Site is immediately adjacent to the non-operational corridor to the north, the security of fencing along the rail corridor is essential to prevent unauthorised entry.

Recommended Condition

The boundary fences along the non-operational 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/>.

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

As the Project site is in close proximity to the operational rail corridor, 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 access to the project site is via Seatonville Road during construction as well as operation.

Recommended Condition

Access to the operational rail corridor as well as to the non-operational rail corridor at any time is prohibited unless otherwise permitted in writing.