



Ms. Tatsiana Bandaruk  
Environmental Assessment Officer  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms. Bandaruk,

**RE: Modification Pipers Flat Rail Coal Unloader - MP06\_0271 MOD 1**

Thank you for your correspondence dated 26 September 2018 requesting Transport for NSW (TfNSW) review and comment on the proposed modification of the subject project approval.

The proposed modification amends design elements of the approved rail loop and coal unloader as required to enhance constructability, operational efficiencies and improve environmental outcomes. The proposal seeks a three year extension to the lapsing date of the Project Approval and clarifications to the conditions of approval and statement of commitments.

TfNSW is the land owner of the Country Regional Network (CRN) railway lines across NSW. As of 15 January 2012, John Holland Rail (JHR) has been appointed to manage the CRN. As such, JHR have provided advice dated 9 October 2018 regarding the subject modification on behalf of TfNSW.

In addition to the response from JHR, it is requested that the consent authority also impose the conditions of consent outlined in **Attachment A**, should the modification be approved.

Thank you again for requesting TfNSW comment on this proposal. If you have any further questions, please do not hesitate to contact the undersigned, at [mark.ozinga@transport.nsw.gov.au](mailto:mark.ozinga@transport.nsw.gov.au).

Yours sincerely

25/10/2018

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

CD18/08756

## **Attachment A:**

### **Proposed Conditions of Consent**

**Please note:** TfNSW is the rail authority for this section of rail, however, JHR are responsible for the operation of the infrastructure and will take responsible for the review and approval of the following Conditions. Additional conditions of consent have been provided by JHR on behalf of TfNSW in a response dated 9 October 2018.

It should also be noted that a significant amount of rail infrastructure is proposed to be installed within TfNSW rail corridor

#### ***1. Infrastructure within the rail corridor***

The proponent shall enter into a licence on terms suitable to TfNSW in relation to the rail infrastructure being installed on TfNSW land. The licence will relate to the works being performed on the land and for the infrastructure to remain on the land. Terms of the licence may include provisions which allow TfNSW to terminate the agreement and remove the rail infrastructure at any time, require the Licensee to pay an annual licence fee, obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor to perform maintenance on the rail infrastructure (e.g. engaging rail protection officers) etc. The licence for the works will require the applicant to hold relevant levels of insurance, and bank guarantees.