

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



A/Director
Infrastructure Projects

Sydney 10 September 2012

SCHEDULE 1

Project Approval:

07_0125 granted by the Minister for Planning and Infrastructure on 18 November 2008

For the following:

Water Related Services for Stage One Precincts

Modification:

07_0125 Mod3: Changes to the alignment of wastewater and water pipelines, relocation of a sewage pumping station and changes to the Statement of Commitments.

SCHEDULE 2

1. Delete table of definitions and replace with the following:

Act, the	<i>Environmental Planning and Assessment Act, 1979.</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Councils	Baulkham Hills Shire Council, Blacktown City Council and Hawkesbury City Council.
DECC	Department of Environment and Climate Change, now OEH or EPA.
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or his nominee).
Director-General's Approval	A written approval from the Director-General (or delegate) where the Director-General's Approval is required under a condition. The Director-General may ask for additional information if the approval request is considered incomplete.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
Dust	any solid material that may become suspended in air or deposited
EA	<i>North West Growth Centre water related services for first release precincts, Environmental Assessment</i> , prepared by Sydney Water Corporation and Sinclair Knight Merz and dated 13 February 2008.
EPA	Environment Protection Authority, formerly DECC.
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Minister, the	Minister for Planning
OEH	Office of Environment and Heritage, formerly DECC.
Pipelines	The drinking water, recycled water and wastewater pipelines proposed in the EA, Preferred Project Report and modifications listed in condition 1.1.
Preferred Project Report	<i>North West Growth Centre water related services for first release precincts</i> , prepared by Sydney Water Corporation and dated July 2008.
Proponent	Sydney Water Corporation
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Site	Land to which Major Projects Application 07_0125 applies.

CONDITIONS

2. Delete conditions 1.1 and 1.2 and replace with the following:

- 1.1 The Proponent shall carry out the project generally in accordance with:
- a) Major Project Application 07_0125;
 - b) the EA;
 - c) the Preferred Project Report;
 - d) the letter from Sydney Water Corporation to the Department of Planning, dated 15 March, 2010, titled *Project Number 07_0125 Modification to North West Growth Centre water related services for first release precincts: request for modification*, and associated documents including modification application 07_0125 MOD 2 and Reed NWGC First Release Precincts – Package 1 Works Consistency Assessment WL 11 – INLET MAIN – Sunnyholt Rd to Newbury Avenue, Stanhope Gardens;
 - e) *North West Growth Centre Water Related Services for First Release Precincts Modification Assessment Report April 2012*;
 - f) *North West Growth Centre Water Related Services for First Release Precincts Modification Assessment Report Response to Submissions July 2012*; and
 - g) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1f) inclusive, and any other document listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Insert the following condition after condition 2.1:

- 2.1a The project shall be constructed with the aim of achieving the following construction vibration goals:
- (a) for damage to heritage structures, the vibration limits set out in the German Standard DIN 4150-3:1999 Structural Vibration Part 3 – *Effects of vibration on structures*;
 - (b) for damage to other buildings and/or structures, the vibration limits set out in the British Standard BS 7385-1:1990 – *Evaluation and measurement for vibration in buildings. Guide for measurement of vibration and evaluation of their effects on buildings*; and
 - (c) for human comfort, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

4. Insert the following condition after condition 2.8

Biodiversity Offset Package

2.8a Prior to the commencement of construction and for impacts related to modification number 3 as identified in the documents referenced in condition 1.1e) and 1.1f), the Proponent shall develop a Biodiversity Offset Package in consultation with the OEH and Department (Strategies and Land Release). The Package shall:

- a) identify the extent and types of habitat that would be lost or degraded (i.e. direct and indirect impacts) as a result of the final design of the project;
- b) define the objectives and outcomes necessary to address impacts on all native flora and fauna species and vegetation communities, located in the North West Growth Centre but not certified under the Biodiversity Certification Order;
- c) describe the methodology, including the decision-making framework, for selecting the priority ranking of biodiversity offset measures;
- d) detail the biodiversity offset measures available to achieve the objectives and outcomes identified in 2.8a(b); and
- e) describe and detail the preferred biodiversity offset measures. In cases where the Biodiversity Banking and Offsets Scheme is not used, the following shall be included in the description:
 - i. specific offset sites to be protected and/or restored;
 - ii. responsibilities and timing for delivery and implementation;
 - iii. arrangements for the management and monitoring of offset sites; and
 - iv. annual reporting arrangements.

Offset measures, in relation to the areas of non-certified ENV within the North West Growth Centre, must be consistent with the Growth Centres Biodiversity Certification Order (December 2007). Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

The Package shall be submitted to the Director-General for approval, and approval obtained and biodiversity offsets secured, as identified in the approved Biodiversity Offset Package, prior to the clearing of any vegetation that is required to be offset.

Where monitoring referred to in condition 2.8a(e)(iii) indicates biodiversity outcomes are not being achieved, remedial actions, (such as improved land management measures or changes to the size and/or location of the offset area), shall be developed in consultation with OEH and the Department (Strategies and Land Release). Such remedial actions shall be documented under an addendum to the Biodiversity Offset Package and the addendum be submitted for the approval of the Director-General, prior to the implementation of that addendum.

2.8b The indirect impacts of the proposal referred to under condition 2.8a(a) include Indirect Losses of ENV, including the fragmentation of ENV, where a patch of ENV is reduced in size to below the 0.5 ha threshold. Any unavoidable Indirect Losses of ENV shall be offset in accordance with the Growth Centres Biodiversity Certification Order (December 2007).

5. Delete condition 3.2 and replace with the following:

- 3.2 In the event that the program undertaken to satisfy condition 3.1 of the approval indicates that the operation of the pumping stations and/or Cudgegong Road Reservoir Site, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 2.2 of this approval, then the Proponent shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DECC is satisfied that the remedial measures are acceptable.

6. Insert the following condition after condition 2.14:

Visual and Landscape Impacts

- 2.15 A Landscape Plan shall be prepared and implemented for sewage pumping station SP 1154. The Plan, in addition to the commitments in Statement of Commitment 72, shall be prepared in consultation with affected receivers and shall include, but not necessarily be limited to:
- a) design features, built elements, lighting and building materials;
 - b) details of the location of existing vegetation and proposed landscaping. Details of species to be replanted/ revegetated shall be provided, including their appropriateness to the area; and
 - c) monitoring and maintenance procedures for the built elements, rehabilitated vegetation and landscaping (including weed control) including contingencies where rehabilitation of vegetation and landscaping measures fail.

Where receivers have been identified as likely to experience high visual impact as a result of the pumping station and high residual impacts are likely to remain, the Proponent shall, in consultation with the affected receivers, identify opportunities for providing at-receiver landscaping to further screen views the pumping station. Where agreed to with the landowner, these measures shall be implemented during the construction.

The Plan shall be submitted for the approval of the Director General prior to the commencement of permanent built works (including earthworks), unless otherwise agreed by the Director General.