

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 dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Marcus Ray
Acting Deputy Director General
Development Assessment & Systems Performance

Sydney 12 October 2011

SCHEDULE 1

- Project Approval:** MP 10_0177 granted by the Planning Assessment Commission on 18 January 2011.
- For the following:** Stage 1 Project Approval for demolition of the existing buildings and structures on site, tree removal, excavation, earthworks, flood mitigation works, construction of 7 residential buildings, basement parking, childcare centre, external road works, internal public access roads, public pedestrian and cycle way, Asset Protection Zone, environmental buffer areas, ecological rehabilitation and landscaping works.
- At:** 14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979).
- Proposed Modification:** MP 10_0177 MOD 2: Modification includes an amendment to Condition C19 and addition of Conditions C21 and G5 to allow for the installation of a pumping system to discharge water from the basement.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition C19 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out words/numbers~~ as follows;

C19 Ground water

- a. ~~The design and construction of the structure must preclude the need for permanent dewatering~~ **The design and construction of the structure shall permit a permanent pumping system, to operate intermittently, to be installed and maintained to ensure that the basement is free of excess stormwater and groundwater infiltration.**
- b. ~~The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that~~ **shall have** a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation ~~be provided~~). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to commencement of dewatering,) and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- g. Discharge of any contaminated pumped water (tailwater) that is reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - i. The treatment to be applied to the pumped water (tailwater) to remove any contamination.

- ii. The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - iii. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
 - iv. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
 - h. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - i. Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - j. Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - k. Locations of settlement monitoring points, and schedules of measurement".
- b) Condition C21 to be added by the insertion of the **bold and underlined** words as follows;

C21 Basement Pumping system

Prior to issue of a Construction Certificate, the Pump Out Water Management Plan prepared by Hayes Environmental Consulting Pty Ltd (Report No. MP130 AC dated 28 July 2011) shall be amended to address the following:

- i. **the plan shall nominate an appropriately qualified environmental consultant responsible for inspection and monitoring of the pump out pits and sampling and analysis of water quality samples;**
- ii. **monthly inspections and monitoring of the pump out pits shall be undertaken until the Department approves a review of the inspections and monitoring program ie. for a minimum of 1 year after the issue of an Occupation Certificate for the development;**
- iii. **monthly water sampling and analysis shall be undertaken until the Department approves a review to the water sampling and analysis program ie. a minimum of 1 year after the issue of an Occupation Certificate for the development;**
- iv. **inspections of the pump out pits should include visual observations in addition to odour and visual sheens which may indicate contamination by petroleum hydrocarbons;**
- v. **the plan shall clearly set out response criteria for water quality (DAL) exceedence events which shall include immediate cessation of basement water discharge and notification in writing to Pittwater Council.**

The revised Pump Out Water Management Plan shall be submitted to the Department in consultation with Pittwater Council for approval prior to issue of the relevant Construction Certificate and recommendations implemented.

- c) Condition G5 to be added by the insertion of the **bold and underlined** words as follows;

G5 *On-going Monitoring of the Basement Pumping system*

- a. The inspection and monitoring of pump out pits and water sampling and analysis program shall be undertaken in accordance with the revised Pump Out Water Management Plan approved by Condition C21.
- b. A review of the inspection and monitoring of pump out pits and water sampling and analysis program shall be undertaken no earlier than 1 year and no later than 2 years after the issue of an Occupation Certificate for the development.

This review shall be undertaken by an appropriately qualified environmental consultant in consultation with the NSW Office of Water and Office of Environment & Heritage and submitted to the Department for approval.

The recommendations for on-going inspection/monitoring of pump out pits and water sampling/analysis program shall be implemented.

- c. The discharge acceptance levels shall be reviewed no earlier than 1 year and no later than 2 years after the issue of an Occupation Certificate for the development.

This review shall be undertaken by an appropriately qualified environmental consultant in consultation with the NSW Office of Water and Office of Environment & Heritage and submitted to the Department for approval.

- d. Any non-compliance with the revised Pump Out Water Management Plan submitted and approved in accordance with Condition C21 of this approval shall be rectified in accordance with the Plan and Pittwater Council shall be notified within 24 hours of the non-compliance occurring.

END OF MODIFICATIONS TO MP 10_0177