

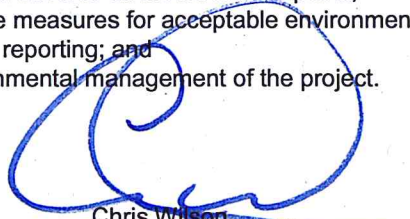
# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010, I approve the project application referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Chris Wilson  
A/Deputy Director-General  
Development Assessment & Systems Performance

Sydney *IP DeForce* 2011

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### SCHEDULE 1

<b>Application No.:</b>	MP10_0197
<b>Proponent:</b>	Sydney Water Corporation
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Water and wastewater lead-in infrastructure to service the West Horsley Precinct.
<b>Project:</b>	Early Release Lead-in Works for West Horsley, including: <ul style="list-style-type: none"><li>• 1.5 kilometre water pipeline and connection to existing water supply network at Shone Avenue and Bong Bong Road, Horsley;</li><li>• 2 kilometre wastewater pipeline and connection to existing wastewater pumping station (SPS 1012) at Fairwater Drive, Horsley;</li><li>• upgrade to the storage facilities at the exiting wastewater pumping station (SPS 1012) at Fairwater Drive, Horsley; and</li><li>• other assets such as vent shafts and air release valves.</li></ul>

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## DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project
<b>Construction</b>	All pre-operation activities associated with the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys or other activities determined by the Environmental Representative to have minimal environmental impact such as minor access roads, minor adjustments to services/utilities, establishing temporary construction sites (in accordance with the requirements of this project approval), or minor clearing (except where threatened species, populations or ecological communities would be affected).
<b>DPI</b>	Department of Primary Industries formerly Industry and Investment NSW
<b>Department, the</b>	Department of Planning and Infrastructure, formerly the Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning and Infrastructure (or delegate).
<b>Director-General's Approval</b>	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.
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>Dust</b>	Any solid material that may become suspended in air or deposited.
<b>EA</b>	<i>Early Release Lead-in Works for West Horsley Environmental Assessment</i> prepared by Sydney Water Corporation February 2011.
<b>EEC</b>	Endangered Ecological Community
<b>Minister, the</b>	Minister for Planning and Infrastructure
<b>NOW</b>	NSW Office of Water
<b>OEH</b>	Office of Environment and Heritage, formerly the Department of Environment, Climate Change and Water
<b>OEMP</b>	Operation Environmental Management Plan
<b>Pipeline</b>	The water or wastewater pipeline proposed in the Early Release Lead-in Works Environmental Assessment February 2011 and the Submissions Report dated June 2011.
<b>Submissions Report</b>	<i>Early Release Lead-in Works for West Horsley Submissions Report</i> prepared by Sydney Water Corporation June 2011 and email dated 15 September 2011 from Sydney Water to the Department.
<b>Proponent</b>	Sydney Water Corporation
<b>Project</b>	Development to which Major Projects Application 10_0197 applies.
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Reasonable and feasible</b>	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the New South Wales and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
<b>Site</b>	The land to which this approval applies, shown in the figure in Appendix 1.

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## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### TERMS OF APPROVAL

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) Major Project Application 10\_0197;
  - (b) EA;
  - (c) Submissions Report; and
  - (d) conditions of this approval.
- A2. In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition A1(a) to A1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - (b) any document listed from condition A1(a) to A1(c) inclusive, and any other document listed from condition A1(a) to A1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- A3. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

#### LIMITS OF APPROVAL

- A4. This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval have been commenced before that time.

#### STATUTORY REQUIREMENTS

- A5. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.
- A6. Nothing in these conditions shall be interpreted as preventing compliance with any Condition of Approval for a separate section of the Project where the appropriate documentation/approvals have been obtained for a specific construction work site or section but not necessarily the entire project.

#### STAGING REPORT

- A7. The Proponent may elect to construct and/or operate the project in stages provided construction/operation is consistent with the conditions of this approval. Prior to the commencement of relevant construction or operation activities, the Proponent shall provide advice to the Director General which:
- (a) describes the stages; and
  - (b) identifies the relevant conditions of approval for each stage and how these will be addressed across and between the stages of the project.



## **PART B – PRIOR TO CONSTRUCTION**

### **TRAFFIC AND TRANSPORT IMPACTS**

- B1. Prior to the commencement of construction of the project, the Proponent shall consult with the relevant roads authority regarding the assessment of the condition of roads and footpaths which may be potentially impacted by construction of the project (including over-mass or over-dimensional vehicles).

### **COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

- B2. Subject to reasonable confidentiality requirements, the Proponent shall make all documents required under this approval available for public inspection on request.

#### **Provision of Electronic Information**

- B3. Prior to the commencement of construction, the Proponent shall establish and maintain up-to-date information on its website including, but not necessarily limited to:
- (a) the status of the project;
  - (b) a copy of this approval and any future modification to this approval;
  - (c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
  - (d) a copy of the Construction Environmental Management Plan required by this approval; and
  - (e) details of the outcomes of compliance reviews and audits of the project.

*Note: the Proponent may provide links to other websites which contain this information.*

#### **Community Information Plan**

- B4. Prior to the commencement of construction, the Proponent shall prepare and implement a Community Information Plan which sets out the community communication and consultation processes to be implemented during construction of the project. The Plan shall include but not be limited to:
- (a) procedures to inform the local community of planned investigations and construction activities, construction traffic routes and any potential disruptions to traffic flows and amenity impacts;
  - (b) procedures to receive and manage complaints;
  - (c) procedures to inform the community where work outside the construction hours specified in Condition C3, in particular noisy activities, has been approved; and
  - (d) procedures to inform and consult with affected landowners to rehabilitate impacted land.

#### **Complaints Procedure**

- B5. Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation) or as otherwise agreed by the Director-General:
- (a) a 24 hour telephone number on which complaints about construction and operational activities at the site may be registered;
  - (b) a postal address to which written complaints may be sent; and
  - (c) an email address to which electronic complaints may be transmitted.

The above details shall be disseminated to the community prior to the commencement of construction. These details shall also be provided on the Proponent's internet site required by condition B3. The telephone number, the postal address and the email



address shall be displayed on a sign near the entrance to the site(s), in a position that is clearly visible to the public.

- B6. The Proponent shall respond to, and record details of, all complaints received in relation to the project in an up-to-date complaints management system. Details of complaints received shall be made available for inspection by the Director-General upon request.

## **COMPLIANCE TRACKING PROGRAM**

- B7. Prior to the commencement of construction, the Proponent shall develop and implement a Compliance Tracking Program, to track compliance with the requirements of this approval. The program shall include, but not necessarily be limited to:
- (a) provisions for reporting of compliance status to the Director-General including at least prior to the commencement of construction of the project, once during construction and within 12 months of completion of construction;
  - (b) a program for environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
  - (c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
  - (d) mechanisms for recording environmental incidents and actions taken in response to those incidents;
  - (e) provisions for reporting environmental incidents to the Director-General during construction and operation; and
  - (f) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

## **ENVIRONMENTAL MANAGEMENT**

### **Construction Environmental Management Plan**

- B8. The Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004 or its latest revision) and shall include, but not necessarily be limited to:
- (a) a description of all relevant activities to be undertaken on the site during construction, including an indication of stages of construction where relevant;
  - (b) coordination with other construction activities occurring in the vicinity and how any potential cumulative impacts would be managed;
  - (c) details of mitigation, monitoring, management and rehabilitation measures specific to the site that would be implemented, including but not limited to the requirements identified in the documents referred to under conditions A1(b) and A1(c) of this approval;
  - (d) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - (e) a description of the roles and responsibilities of the project environmental representative (independent of the design, construction and operation personnel) to monitor the environmental performance of the project against the CEMP and conditions of this approval;
  - (f) a description of the roles and responsibilities for all relevant employees and contractors involved in the construction and environmental management of the project;



- (g) a description of relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- (h) details of actions to be taken to address identified potential adverse environmental impacts; and
- (i) a complaints handling procedure during construction as identified in conditions B5 to B6.

The Construction Environmental Management Plan shall be submitted for the approval of the Director-General one month prior to the commencement of any relevant construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

### **Work Method Statements**

- B9. As part of the Construction Environmental Management Plan required under condition B8 of this approval, the Proponent shall prepare and implement work method statements to manage potential adverse impacts, including measures to:
- (a) identify sensitive areas to be avoided;
  - (b) prevent and/or manage impacts on flora and fauna species and their habitat which may be directly or indirectly affected by the project, such as depth of under boring to avoid roots of trees, location of fencing to prevent disturbance, procedures for vegetation clearing, soil removal/stockpiling, removing hollow-bearing trees and managing weeds;
  - (c) minimise and monitor soil erosion during construction, including the identification of areas where there is a high risk of erosion;
  - (d) manage groundwater/dewatering if required;
  - (e) manage noise impacts during construction, including details of all potentially affected receivers, construction activities that have the potential to generate noise impacts on those receivers and procedures for notifying residents of construction activities that are likely to affect their noise amenity;
  - (f) monitor and manage dust emissions, including wind-blown and traffic generated dust;
  - (g) ensure waste generated by the project is beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials, and in accordance with the OEH Waste Classification Guidelines;
  - (h) ensure the progressive rehabilitation of disturbed areas and ongoing maintenance of rehabilitated areas, including the identification of rehabilitation objectives such as species to be used and success criteria; and
  - (i) minimise traffic impacts, developed in consultation with Wollongong City Council, including, but not limited to:
    - (i) details of traffic routes for heavy vehicles;
    - (ii) route or timing restrictions for oversized loads;
    - (iii) details of measures to minimise interactions between the project and other users of the roads such as the use of fencing, lights, barriers, traffic diversions and speed limits;
    - (iv) informing the public where any road access will be restricted as a result of the project; and
    - (v) demonstration that the requirements of the relevant road authority have been met.



## **PART C – DURING CONSTRUCTION**

### **FLORA AND FAUNA**

- C1. No areas containing EEC are to be directly or indirectly impacted by the Project. Where the pipeline route passes through areas of EEC, the Proponent shall ensure the pipeline is underbored to a sufficient depth to avoid damaging the roots of trees.

### **NOISE IMPACTS**

#### **Construction Hours**

- C2. The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receptor during the following hours:
- (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - (b) 8:00 am to 1:00 pm on Saturdays; and
  - (c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

- C3. Construction outside of these hours specified in condition C2 may be varied for works as approved by the Director-General. Any request to alter the hours of construction shall:
- (a) be considered on a case-by-case basis;
  - (b) be accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site; and
  - (c) include a commitment that affected residential receivers are informed of the timing and duration of any construction activities approved under this condition at least 48 hours before that work commences.

#### **Work generating high noise impact**

- C4. Any work generating high noise levels that has impulsive, intermittent, low frequency or tonal characteristics, including jack hammering, line drilling, pile driving, rock hammering, rock breaking, saw cutting, sheet piling, vibratory rolling but excluding blasting, which exceeds 75 dBA at any sensitive receiver, must only be undertaken:
- (a) between the hours of 9:00am and 5:00pm Monday to Friday;
  - (b) between the hours of 9:00am and 1:00pm Saturday; and
  - (c) in continuous blocks of no more than three hours, with at least a one hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers;
- except as otherwise approved by the Director-General. For the purposes of this Condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this Condition.

#### **Construction Noise**

- C5. The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the



*Interim Construction Noise Guideline* (DECC, July 2009), including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

## HERITAGE IMPACTS

- C6. If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *NSW Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Director-General advising otherwise is received by the Proponent.
- C7. If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the Director-General advising otherwise is received by the Proponent.

## SOIL AND WATER QUALITY IMPACTS

- C8. Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with:
- (a) *Managing Urban Stormwater: Soils and Conservation* (Landcom, 2004); and
  - (b) *Managing Stormwater: Urban Soils and Construction 2A Installation of Services* (DECC 2008).

## REHABILITATION

- C9. The Proponent shall ensure that all rehabilitation measures are implemented progressively where possible and in all cases within one month of the cessation of construction activities at the relevant area, in accordance with the approved CEMP.
- C10. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified as meeting the success criteria set in the CEMP.
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## **PART D – PRIOR TO OPERATION**

### **TRAFFIC AND TRANSPORT IMPACTS**

- D1. Prior to the commencement of operation of the project, the Proponent shall assess the condition of all public roads and footpaths on which construction has occurred and which has been traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles), in consultation with Council.

Should this assessment identify any damage to roads or footpaths attributable to the project, the Proponent shall repair the damage to the satisfaction of the Council. Prior to the commencement of operation, the Proponent shall submit to the Director-General details of recommendations made by the Council and how these have been addressed.

### **OPERATION ENVIRONMENTAL MANAGEMENT**

- D2. Prior to the commencement of operation of the project, the Proponent shall prepare and implement Operation Environmental Management Procedures including, but not necessarily limited to:
- (a) procedures to periodically monitor, review and improve (where appropriate) environmental performance of the project, including management of potential odour impacts and easement areas, management of vegetation, soil erosion, weed control and rehabilitation;
  - (b) all statutory and other obligations that the Proponent is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations;
  - (c) procedures for actions to be taken in response to the identification of non-compliance with the requirements of this approval;
  - (d) procedures to receive and respond to complaints.

A summary of these procedures shall be submitted for the approval of the Director-General no later than one month prior to the commencement of Operation of the project, or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

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