

*Our Reference: 12440#57*

Nathan Heath  
Planning Officer  
Department of Planning, Industry and Environment  
[c/o Major Projects Planning Portal](#)

17<sup>th</sup> November 2021

Dear Mr Heath,

**ENVIRONMENTAL IMPACT STATEMENT FOR THE UPPER SOUTH CREEK ADVANCED WATER RECYCLING CENTRE PROJECT**

Thank you for the opportunity to provide comment on the Environmental Impact Statement (EIS) for the Upper South Creek Advanced Water Recycling Centre Project (the Project). The briefing provided to Council staff as part of consultation associated with the Project Application has been appreciated.

The broad purpose of the Project is understood to be the provision of a wastewater services that produces treated water suitable for reuse and discharge (proposed immediately downstream of the discharge point at Warragamba Dam). The complexity of the Project and timeframe for provision of comments has prevented the adoption of a formal Council position as well as provision of a comprehensive submission. A broad informal Council position within this context is that the overall objectives and outcomes is supported but concerns exist over level of definitive commitments regarding this usage based on wording within the document and direct and indirect outcomes for properties in close proximity to proposed project infrastructure

The direct relevance of the Project to the Wollondilly Local Government Area is viewed as being the construction of the pipeline to the discharge point near Warragamba Dam and potential implications to the downstream ecological health from discharges as part of its operation. A review of documentation by staff with expertise in Council's responsibilities regarding Environment, Engineering, Compliance and growth management within this context have identified the following key issues in regard to these components of the Project:

- Consistency with Council's Integrated Water Policy and Water Strategy in terms of water recycling and impacts to waterways
- Consistency with Council's Local Strategic Planning Statement and its response to growth in the area covered by the Project
- Adequacy of mitigation measures for impacts to terrestrial and aquatic biodiversity.
- Management of impacts to surface waters during the construction and operational phase of the Project.
- Noise and vibration impacts during construction

A description of the considered adequacy of the EIS in relation to the above matters and recommended response by DPIE to address identified concerns and considered shortcomings is attached to this correspondence. A response to the issues raised and

recommendations detailed this attachment prior to the issuing of any approval would be appreciated.

The consultation that has occurred with both Council and the community during the preparation of the EIS and a requirement for the continuation of this consultation during the implementation of the Project is requested. In addition, there is concern over the level of consultation with Aboriginal groups undertaken given the level of impact to Aboriginal heritage in the findings within the EIS. The DPIE is consequently requested to require consultation be specifically carried out with both the Gundungarra and Darug people prior to the issuing of any Project Determination.

The comments in the attachment are specifically directed at the South Creek Project of relevance to the Wollondilly LGA and applicable Council responsibilities. However, the DPIE is requested to note and provide an appropriate response to the following views of Council senior management have been expressed in a range of representations to Sydney Water senior management including the Briefing regarding the Upper South Creek Project:

- The Upper South Creek Project is being planned, delivered and accelerated at a significantly higher level than other development already occurring at the Wilton Priority Growth Area without any commitment for a similar type of scheme detailed in the EIS commitment.
- There is considered inconsistencies with nutrient loads and impacts on waterways with the Project in comparison to loads and restrictions applied to Picton treatment plant (which is currently at capacity). A level of concurrency and transparency in the framework applying to the South Creek Catchment and other areas covered by the Western City District Plan is viewed as needed.

Please contact Council's Environmental Services Team Leader, David Henry, on (02) 4677 9687 or via e-mail [david.henry@wollondilly.nsw.gov.au](mailto:david.henry@wollondilly.nsw.gov.au) for any enquiries.

Yours faithfully



Bianca Klein  
Acting Manager Waste & Environmental Services

## Attachment 1

### **1) Consistency with Council's Integrated Water Management Policy and Strategy in terms of water recycling and impacts to waterways**

There are sensitivities around utilising wastewater for purification to supplement the water supply. Studies have shown that there is a direct correlation between water literacy and acceptance of wastewater recycling and reuse. During the preparation of its Integrated Water Management Strategy, Council engaged with a wide range of stakeholders including undertaking a survey to better understand community perceptions, attitudes, and levels of acceptance regarding the opportunities and issues associated with recycling waste water. Overall, the responses to the survey we received indicated support for recycling wastewater and an interest in the holistic management of water. Specifically, responses showed that there was strong support for using treated recycled wastewater in industry, agriculture and other irrigation.

The strategy is available here <https://www.wollondilly.nsw.gov.au/environment-biodiversity-and-sustainability/water-management/integrated-water-management/>. Its broad purpose is *"To deliver an integrated water solution for Wollondilly that protects the pristine waterways, endangered species, maintains and improves the condition of waterways, in the context of a growing population and changing land use"*.

Council understands that the quality of water proposed to be discharged into a major waterway, the Nepean River, will be highly treated and is not likely to impact water quality of the receiving waterway. However, Council strongly advocates for the minimisation of wastewater discharge into waterways as part of the design and operation of the Project. It consequently seeks and supports the exploration of alternative, more sustainable uses of wastewater.

### **2) Consistency with Council's Local Strategic Planning Statement and its response to growth in the area covered by the Project**

Section 2 of Volume 2 of the EIS is viewed as not containing any reference to Council's Local Strategic Planning Statement, its Local Environment Plan or any current strategic studies of relevance to growth within the Wollondilly LGA. It is requested that the DPIE require the amendment of the EIS to include an appropriate description regarding these documents prior to any issuing of an approval. Council's Local Strategic Planning Statement can be viewed on its website at <https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/>.

This Section of the EIS is also viewed as having shortcomings in providing a strategic framework for the interaction of the Project and opportunities to Wollondilly Council as part of its implementation in terms of matters such as Agribusiness and Agri tourism. The DPIE is requested to require Sydney Water consult with Council over these matters during the finalisation of the Project.

In addition, Council's LSPS and traffic studies indicate a need for either a second crossing or duplication of the Blaxland Crossing Bridge over the Nepean River in the future. There is concern whether the South Creek Project will restrict the ability for this vital link that has been identified as necessary to achieve resilience from natural and man-made hazards as well as provide service to residential growth at Silverdale and Warragamba. The inclusion of a requirement for Sydney Water to consult with Council with the alignment of this crossing is requested.

### **3) Adequacy of identification and mitigation of impacts to terrestrial and aquatic biodiversity**

#### *(i) Terrestrial Biodiversity*

The project is noted to involve the removal of approximately 7 hectares of the threatened ecological community River Flat Eucalypt Forest as part of the installation of the underground pipe to the Warragamba discharge on the western (within Wollondilly LGA)

and eastern side of the Nepean River as well as impact a number of threatened species. The Biodiversity Assessment is viewed as adequately identifying such impacts of the development to biodiversity and providing offsets in accordance with the Biodiversity Assessment Methodology 2020. While recognised as being limited scope, it is suggested that Sydney Water be required to minimise the area of River Flat Eucalypt Forest in the development footprint associated with this section of the pipeline.

The Biodiversity Assessment is also viewed as largely considered consistent with the applicable legislative and policy framework. However, the applicable version of the State Environmental Planning Policy (Koala Habitat Protection) referenced is requested to be clarified and additional assessment considered if required. Koala SEPP 2020 is referred to in the assessment however based on the date of publication of the EIS (October 2021), the applicable SEPP to the Project is Koala SEPP 2021. It is noted that neither the Koala SEPP 2020 nor the Koala SEPP 2021 applies to developments assessed under Part 5 of the *NSW Environmental Planning and Assessment Act 1979*, therefore further consideration of impacts to koala is not required. However, based on the date of publication of the SEARs (January 2021), the Koala SEPP 44 would be applicable based on legal advice received by Council and may require additional consideration of koala habitat.

The listed mitigation measures within the Biodiversity Assessment and intended preparation of a Construction Environmental Management Plan (CEMP) to provide a framework for the implementation of these measures are agreed with in principle. Council would expect that such measures involve activities to minimise/mitigate impacts to biodiversity from such impacts to enable adequate carrying out of the responsibilities of the consent authority under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Council would consequently also expect that the CEMP require detailed pre-clearance surveys and appropriate measures to minimise impacts of any identified threatened species as well as appropriately offsetting any identified hollows in trees for removal.

#### *(ii) Aquatic Biodiversity*

The recognition of the potential for discharges associated with the Project to impact downstream aquatic biodiversity and utilisation of existing Sydney Water monitoring sites and numerical modelling to identify the likelihood and extent of such impacts is supported. The recognition of potential cumulative impacts to aquatic biodiversity in relation to discharges associated with the concurrent project application for the raising of the Warragamba Dam wall is also supported.

In regard to the modelling, the limitations section of the Aquatic Assessment is noted to indicate the adequacy of the modelling is constrained by the availability of data upon which it is based. This expressed constraint is consistent with previous related specialist advice provided to Council staff that numerical modelling of a natural system needs to be supported by commensurate baseline data. It is consequently recommended that the DPIE require the provision of an appropriate on-going aquatic biodiversity monitoring program as a condition of consent to support the numerical modelling and existing Sydney Water monitoring sites.

#### **4) Management of impacts to surface waters during the construction and operational phase of the Project**

The aim of Stormwater Assessment to provide guidance on ways of mitigating and managing the potential impacts on waterway health and protect environmental values in downstream waterways in this regard is welcomed. However, the Assessment is viewed as having shortcomings in describing potential impacts of these activities to surface waters in accordance with this aim. In particular, there is concern that the statement in the Executive Summary that “*Overall, with the implementation of the proposed mitigation measures, the impacts of stormwater discharges associated with Project would be acceptable during both the construction and operation phases*” infers a contravention of

the requirements of the *Protection of the Environment Operations Act 1997*. The provision of a prompt response by DPIE giving its viewpoint on this matter is requested.

Impacts to the condition of watercourses attributable to stormwater flow originating from the installation of the pipelines and associated earthworks when underboring the Nepean River is the most relevant to the Wollondilly LGA. While the Assessment contains a description of a variety of potential impacts, the description of likelihood of such impacts to waterway health and their intended management is considered generic in nature such as the following examples:

- *With the exception of South Creek, all of the watercourses to be crossed using trenching methods have been historically subjected to periods of ponding close to the crossing location during the dry season. Any impacts are expected to be temporary in nature*
- *To ensure suspended solids concentrations are reduced to acceptable levels it is expected that stormwater management basins would be utilised as sedimentation basins to capture and contain runoff and facilitate sediment removal*

The intention to prepare a Soil and Water Management Plan and develop a water quality monitoring program as part of a Construction Management Environmental Management Plan is supported in principle. It is requested that DPIE require that such Plans be required to have a demonstrated outcome of negligible impacts to watercourses, (at a minimum) as well as appropriately worded definitive actions with associated measurable performance indicators. It is further requested that DPIE require such Plans be received and be satisfactory prior to the commencement of any work.

#### **5) Noise and vibration assessment**

It is noted in the Noise and Vibration Impact Assessment that drilling is intended to take place along C1 Warragamba River and C2 Bents Basin Road, residential receivers, for the environmental flows pipeline. Noise is expected to be in exceedence of the NMLs for 24/7 drilling construction works at both of these areas, for a period of 6 months.

Recommendations include a Construction Noise and Vibration Management Plan, hoarding enclosures and possible alternative accommodation for out of hours construction works.

Council raise concerns relating to the potential noise impacts at these receivers and where possible, works should be carried out within daylight hours only.

#### **6) Contamination comment**

With regard to Wollondilly LGA, asbestos impacted soils located at Warragamba Viewing Platform and Eighteenth Street have been considered in the Soils and Contamination Impact Assessment report.

Existing contamination risks and soil quality are not considered to be a constraint to the pipelines construction and operation in this location. Potential impacts and proposed mitigation measures have been clearly outlined and further site specific investigations are proposed prior to the commencement of construction.