

Notice of Decision

Mandalong Southern Extension Project – Modification 6 - Temporary Water Discharge

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD 5144 MOD 6 Mandalong Southern Extension Project Modification 6 – Temporary Water Discharge
Applicant	Centennial Mandalong Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director – Resource Assessments and Compliance under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/11401>.

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/11401>.

Date of decision

15 April 2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- Benefits - the modification would reduce the risk of uncontrolled discharges of untreated water from the sediment dam. It would also avoid traffic impacts associated with trucking excess water to other locations for reuse or disposal;
- Consistent with NSW Government Policy - the modification is permissible with consent, and is consistent with NSW Government policies;
- Impacts can be managed - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. This includes ensuring that discharge of water is minimised and complies with water quality parameters as outlined Centennial Mandalong's Environment Protection Licence;

- Community views considered - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent and Centennial's Statement of Commitments; and
- Public interest – weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 2 to 16 November 2018 (14 days) and received nine submissions from public authorities, principally NSW Government agencies and Lake Macquarie City Council. The Department received two submissions from members of the public, including one objection from a resident living adjacent to the project site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include water quality and stream flow and potential biodiversity impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Water quality and biodiversity</i> <ul style="list-style-type: none"> • water discharges from sediment dam impacting the environment (including biodiversity) and potentially releasing chemicals 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered that any water quality or biodiversity impacts would be negligible. The discharges would be within the range that is generally considered acceptable for agricultural irrigation purposes. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • Discharges will need to comply with water quality parameters outlined in Centennial Mandalong's Environment Protection Licence; • Discharges will be prohibited after 30 June 2021; • Centennial Mandalong will need to ensure that reasonable water reuse measures are applied, prior to discharge; and • Any potential biodiversity impacts would need to be offset.
<i>Water flow and erosion</i> <ul style="list-style-type: none"> • risk of scour downstream of water discharge point 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered that erosion, scour or flooding impacts would be negligible. Peak flows and velocities of water discharged from the sediment dam would be less than the pre-development 'natural flow' conditions. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • No new conditions applied, however Centennial Mandalong's Statement of Commitments commits to undertaking six-monthly visual and photographic inspections of the creek downstream of the discharge point to assess evidence of scour, with mitigation measures to be applied if scour is observed.