



24 November 2008

Mr Scott Jeffries
Director, Major Infrastructure Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Neville Osborne

Dear Mr Jeffries *Scott,*

Request for Modifications to Minister's approvals for the Jamberoo; Mulgoa, Wallacia and Silverdale, and Picton Sewerage Schemes

Following liaison with the Department of Planning, Sydney Water is seeking modifications to approvals granted by the Minister for Planning for the above three projects under section 75W of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The modifications are aimed at enabling Sydney Water to connect existing residences and/or approved developments located beyond the service area boundary identified in the relevant Environmental Impact Statement in circumstances where uncommitted spare capacity has been or may be identified and certain other criteria are met. Attachment A details the modifications sought.

In the case of the Mulgoa, Wallacia and Silverdale Sewerage Scheme, Sydney Water also seeks a minor modification to the service area boundary to enable the connection of council-operated public facilities and amenities at Mulgoa Park. The Environmental Assessment for Mulgoa Park is at Attachment B.

It is considered that the proposed modifications would be within the system capacities assessed as part of the original assessment and approval processes. The proposed modifications may also help to avoid the need for case-by-case modifications to be sought for individual properties not yet known to Sydney Water.

Please advise whether the Department has any further environmental assessment requirements to those addressed in Attachment A or fee associated with the modification.

Should you like to discuss this matter further, please contact Dr Sue Bowen on 9350 4579.

Yours sincerely

Judi Hansen
Judi Hansen
General Manager Sustainability

Attachments
Attachment A – Details of Modifications
Attachment B - EA for Mulgoa Park Reticulation Extension

Winner of 2006



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3. Picton Sewerage Scheme

Minister for Urban Affairs and Planning's approval issued on 15 January 1997, as modified in March 1999.

Original Modified Proposal

The purpose of the Picton Sewerage Scheme was to service the existing urban-zoned areas of Picton, Thirlmere and Tahmoor (EIS p. 2.1). This meant that a point of connection was to be provided to all lots zoned for residential, commercial, industrial and special uses in the Wollondilly LEP 1991 (EIS p. 10.2).

Consistent with this statement, Figure 10.1 of the EIS showed the scheme boundary as a black line although this boundary was not referred to in the EIS.

The STP was to be designed to treat an average dry weather flow of 2.7 ML/day (EIS p.10.10).

Issue

A number of established property owners have made representations to Sydney Water for a connection to the Picton system. These include retirement villages, Wollondilly Council, a resort, a memorial home, a poultry processor and individuals. These properties are located outside the Picton servicing area.

Sydney Water previously sought approval to connect properties outside the scheme area in the Modifications to Scheme Representations Report (Mod. to Scheme Reps Report p.40). The request covered a proposed tourist resort, Queen Victoria Hospital and neighbouring rural residential lots. The Director General's Modification to Scheme Assessment Report recommended that this request not be approved because issues such as the impact of the additional connections, whether additional treatment facilities would be required at the hospital, financial contributions and subsidies and the consequences of using the capacity of the existing scheme had not been addressed (DG's Report p. 30). In addition, formal public comments had not been sought. The Director General's Assessment Report indicates that these matters would need to be addressed for any proposed scheme expansion. The change was not approved.

Since then, Wollondilly Council has also approached Sydney Water about the provision of sewerage services to its urban development proposals for Picton, Thirlmere and Tahmoor.

As advised on 24 August 2007, Sydney Water has identified that there is a small amount of spare capacity within the STP and reuse farm components of the existing Scheme for customers outside the existing Scheme area. This capacity is within the approved scheme's capacity.

The uncommitted spare capacity is sufficient to allow the connection of infill development within the existing boundary and a small number of established properties that have been seeking connection. As subsequently advised on 10 July 2008, three properties were identified as meeting the connection criteria developed by Sydney Water, in consultation with Wollondilly Council. The owners of the two retirement villages and Wollondilly Council were then provided with information on how they could connect to the system at their cost.

Description of Proposed Modification

A modification is requested for this scheme to allow additional connections to the Picton Sewerage Scheme where the following criteria, as suggested by Sydney Water, in consultation with Wollondilly Council, are met:

- Sydney Water has identified uncommitted spare capacity within the Picton STP and reuse farm to take the extras flows identified but where total flows remain within the approved scheme's capacity
- the property owner/developer is prepared to pay the full cost of connection
- the property owner/developer is prepared to comply with Sydney Water's connection requirements
- the property owner/developer has obtained the relevant planning approval under the EP&A Act for residential and community-related land uses.
- the spare capacity has been reasonably and equitably distributed between applicants such that no single property owner is allocated more than 20 per cent of the total spare capacity potentially available at the STP.

Sydney Water suggests that a new condition of approval allowing servicing beyond the boundary subject to the above criteria being met would be appropriate for this modification.

Environmental Impacts of Proposed Modification

The physical works associated with the proposed additional connections (and any environmental impacts of these additional connections) would be assessed through separate assessment and approval processes associated with the new developments (ie an assessment under Part 4 or Part 5 of the EP&A Act, as appropriate).

Justification

Sydney Water considers that the proposed modification is justified on the basis that:

- some capacity is available for additional connections within the approved scheme's capacity based on hydraulic model studies gauging
- the development of sites outside Picton within the applicable and lawful planning framework is a matter for the relevant planning authorities and not a matter for Sydney Water to determine
- it is more efficient and effective than seeking a case by case modification to the service area boundary meaning that Sydney Water could respond more timely and certainly to requests for connection to the system
- the property owner/developer is to pay the full cost of the connection.
- the environmental impacts of the physical works associated with the additional connections would be assessed through separate assessment and approval processes under Part 4 or Part 5 of the EP&A Act as appropriate, and
- the spare capacity will be reasonably and equitably distributed between applicants such that no single property owner is allocated more than 20 per cent of the total spare capacity potentially available at the STP.