

ASSESSMENT REPORT

Picton Regional Sewerage Scheme (DA 1997-01-15 MOD 5)

1. INTRODUCTION

This report is an assessment of a request to modify the Minister's Approval for the Picton Regional Sewerage Scheme (the project) in the Wollondilly Shire local government area (LGA).

The request has been lodged by Sydney Water pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to enable Sydney Water to adopt its certified systems (Environmental Management System (EMS) and Integrated Management System (IMS)) in lieu of project specific Operational Environmental Management Plans (OEMPs) for the project.

2. SUBJECT SITE

The subject site is located in the Wollondilly LGA. The site is shown in **Figure 1**.



Figure 1: Site context showing the existing scheme boundary (black line), Picton plant and farm boundary (green line) and the existing SPS (brown circle) (Source: Proponent's original application).

3. APPROVAL HISTORY

On 15 January 1997, the Minister for Planning granted approval under Division 4 of Part 5 of the EP&A Act for Stage 1 of the Picton Regional Sewerage Scheme. The project has since been modified on four occasions, as follows:

- **Modification 1** approved on 5 March 1999, to allow for the relocation of the plant, and increase in the irrigation area and construction of an effluent main from the plant to Picton.
- **Modification 2** approved on 30 March 2009, to allow for the extension of the approved Service Area Boundary.
- **Modification 3** approved on 24 January 2013, to allow for additional connections from future growth areas identified for Picton, Tahmoor and Thirlmere within the current capacity of the plant.
- **Modification 4** approved on 9 June 2015, to allow for the amplification of the Picton Water Recycling Plant to provide additional capacity to treat increased effluent.

4. PROPOSED MODIFICATION

On 28 April 2017, the Proponent lodged a section 75W modification application seeking approval to insert a new condition allowing Sydney Water to adopt its certified management systems (EMS and IMS), in lieu of project specific OEMPs to manage environmental risks.

The proposed condition would read, as follows:

Notwithstanding Conditions 13 and 14, if an existing environmental management system that is administered by the Proponent and prepared in accordance with the AS/NZS ISO 14000 Environmental Management System (EMS) series, or similar certified system, which addresses and is applicable to this project, then that EMS may be submitted in lieu of the OEMP. Details of the existing EMS must be provided to the Secretary demonstrating its application to this project.

The Proponent submitted a OEM "Roadmap" to demonstrate how the EMS would potentially work in lieu of the OEMP. This will provide the Proponent an alternative mechanism to manage environmental risks associated with the project.

Details of the EMS would still need to be submitted to, and approved by, the Department as a post approval document. Until that time, the Proponent would continue to rely on its approved OEMP and the condition as currently worded.

The application also seeks to modify Condition 15 by deleting the requirement for the Proponent's environmental impact prediction verification report to assess compliance with the OEMP. The proposed condition would read as follows:

*An environmental impact prediction verification report shall be submitted to the ~~Director-General~~ **Secretary**, the EPA and upon request to any other relevant government agency at 6 and 12 months, and 5, and 10 and 15 years after the commissioning of the project and at any additional periods as the ~~Director-General~~ **Secretary** may require. The report shall be prepared at the Proponent's expense and shall assess the key impact predictions made in the EIS and any supplementary studies and detail the extent to which actual impacts reflect the predictions. Suitability of implemented mitigation measures and safeguards shall also be assessed. ~~It shall also assess compliance with the Environmental Management Plan (Operation stage).~~*

*The report shall also discuss results of consultation with the local community in terms of feedback on the project and any issues of concern raised. The Proponent shall comply with all reasonable requirements of the ~~Director-General~~ **Secretary** and the EPA or any relevant authority with respect to any measure arising from, or recommendations in the report.*

Details of the environmental impact prediction verification report have been submitted to the Department as part of the post approval requirement. The Department has reviewed it and considers it satisfactory.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

The modification request relates to a project approved under Division 4 of Part 5 of the EP&A Act before its repeal in 2005. In accordance with clause 88(3), Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (ST&OP) Regulation), the approval is taken to be an approval under Part 3A of the Act. Part 3A of the Act was repealed in 2011, but certain provisions, including the power to modify existing Part 3A projects under section 75W of the Act, were preserved under Schedule 2 to the EP&A (ST&OP) Regulation.

The power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011, is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) of the EP&A (ST&OP) Regulation continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Director, Regional Assessments, may determine the request under delegation as:

- the relevant council has not made an objection, and
- a political disclosure statement has not been made, and
- there were no public submissions in the nature of objections.

6. CONSULTATION

The modification request was made publicly available on the Department’s website and referred to Wollondilly Shire Council (Council), the Office of Environment and Heritage, Environment Protection Authority, Department of Primary Industries and the Department of Industry (the agencies) for comment.

Council and the agencies raised no objections to the proposed modification.

7. ASSESSMENT

The Proponent seeks to modify the approval to allow it to adopt its EMS and IMS in lieu of implementing a specific OEMP, to manage the potential operational impacts associated with the project.

The modification is sought to remove duplication between the OEMP requirements of Conditions 13 and 15 and Sydney Water’s existing procedures and processes, improve efficiency, and provide a consistent approach to Sydney Water’s operational management.

Sydney Water has prepared an OEM “Roadmap” to demonstrate how it could implement its existing procedures and processes to meet the requirements the OEMP.

The Department considers the proposed modification permitting Sydney Water to use its existing EMS and IMS systems is acceptable for the following reasons:

- the intent of Condition 13 would still be met as the proposed condition would require Sydney Water to demonstrate that all operational management measures have been addressed before utilising its EMS and IMS
- site specific operational issues would still need to be addressed under Sydney Water's EMS and IMS systems
- it would remove duplication between the OEMP requirements and Sydney Water's existing management system and provide a consistent approach to managing its assets
- the Department has imposed the condition on other Sydney Water approvals allowing it to use EMS and IMS management systems in lieu of an OEMP.

The Department also notes that the Proponent seeks to amend Condition 15 by deleting a requirement to verify compliance with the OEMP. The Department notes the Proponent has previously met this requirement and, if approved, the Proponent's EMS includes an audit schedule and procedure to verify compliance with its EMS. On this basis, the Department is satisfied that removing the requirement is acceptable.

The Department's assessment therefore, concludes the proposal to allow Sydney Water to use its EMS and IMS management systems instead of an OEMP is acceptable, subject to the recommended condition.


8. RECOMMENDATION

It is recommended that the Director, Regional Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendation of this report
- **determine** that the request (DA 1997-01-15 MOD 5) falls within the scope of section 75W of the EP&A Act
- **modify** the approval (DA 1997-01-15 MOD 5)
- **sign** the attached approval of the modification (**Appendix A**).

Recommended by:

Recommended by:

 17/12/2018

Jane Flanagan
Senior Planner
Regional Assessments

 17/12/18

Michelle Niles
A/Team Leader
Regional Assessments

DECISION

The recommendation is approved by:

 18/12/18

Anthony Witherdin
Director
Regional Assessments
as delegate of the Minister for Planning

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8422

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website, as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8422

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8422