

Scott Jefferies  
Major Infrastructure Assessments  
Department of Planning  
GPO Box 39  
Sydney NSW 2001  
NSW



Attention: Ingrid Illias

Dear Scott

**Re: Modifications to Minister's approval for the Western Sydney Recycled Water Initiative - Replacement Flows Project**

The purpose of this letter is twofold. One purpose is to advise the Department of Planning that Sydney Water may seek a modification to the Minister's Approval for the Western Sydney Recycled Water Initiative – Replacement Flows Project under Section 75W of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The potential modification would relate to Condition of Approval 2.11, which deals with the impacts on Cumberland Plain Woodland. Sydney Water would appreciate the Director-General's advice on any specific environmental assessment requirements relating to the possible modification of this condition.

The other purpose of this letter is to request the Minister's approval for a modification to Condition of Approval 3.1, which outlines the timing for submission of aquatic monitoring reports.

The Replacement Flows Project (RFP) was approved by the Minister for Planning on 2<sup>nd</sup> June 2007, subject to Conditions of Approval. The contract for the design and construction for the RFP was awarded to the Derrubin Water Futures (DWF) consortium in late 2007. The Project is currently in the detailed design phase and construction is expected to commence in April 2008.

**Cumberland Plain Woodland – Condition of Approval 2.11**

As part of the Environmental Assessment (EA) prepared for the RFP, a flora and fauna assessment was undertaken for the entire pipeline route in October 2006. The flora and fauna report included an assessment of the potential impacts on an area of Cumberland Plain Woodland which is located to the northwest of Penrith STP in the vicinity of Ray Place, Landy Avenue and Echo Place, Penrith (refer to attached Figure 8.1a from the EA).

At the time the EA was prepared the preferred route for the pipeline followed an existing sealed pathway through the Cumberland Plain Woodland and therefore no direct impacts were identified in the flora and fauna report. The flora and fauna report was the basis for a referral to the then Department of Environment and Heritage (DEH) under the *Environmental Protection and Biodiversity Conservation Act 1999*. The DEH did not consider that the proposal as described in the referral constituted a 'controlled action' provided the mitigation measures specified in the EA and associated specialist studies were implemented.

As a result of reviewing the detailed design of the pipeline in this area, it has become apparent that the original alignment through the Cumberland Plain Woodland is unlikely to be feasible, without the need to remove some trees adjacent to the sealed pathway. A re-alignment is now proposed which could utilise an existing disturbed sewer corridor through the Cumberland Plain Woodland. This re-alignment would be shorter and straighter. As such, construction techniques would cause less impact because a narrower trench would be possible and no additional excavation would be needed for thrust blocks and bends.

An arborist has advised that it is likely that no large trees would need to be removed along the proposed re-alignment, although some hand excavation or underboring may be required around one particular tree. The original alignment was adjacent to a wetland area and some groundwater issues would have needed to be managed during design and construction. The proposed re-alignment is located approximately 150m to the north of the wetland area and would avoid any groundwater issues and potential indirect impacts to the wetland area.

Condition of Approval 2.11 requires that the Project avoid direct impact to Cumberland Plain Woodland. Although tree removal may not be required, the disturbed sewer corridor may contain Cumberland Plain Woodland regrowth. SWC is therefore assessing this re-alignment for potential flora and fauna impacts. This assessment will also advise on whether a re-referral to the Department of the Environment, Water, Heritage and the Arts is also required.

SWC may therefore need to request a modification to CoA 2.11 to allow minor direct impacts to the Cumberland Plain Woodland in this area.

### **Timing of Aquatic Monitoring Reports – Condition of Approval 3.1**

Condition of Approval 3.1 requires that Sydney Water develop a Water Quality and Aquatic Monitoring Program to monitor any potential impacts of the RFP on the Hawkesbury Nepean River. SWC is currently developing the program, which includes a baseline monitoring program, in consultation with DECC, DPI (Fisheries) and NSW Health). In relation to the timing of this report, Condition of Approval 3.1 states:

*A report providing the results of the monitoring program and any additional mitigation measures being implemented by the Proponent shall be submitted to the Director-General within the following timeframes:*

- (a) once baseline conditions are determined and prior to commissioning of the project;*
- (b) within 12 months of operations and once a year for every year thereafter for the life of the monitoring program or as otherwise agreed with the Director-General.*

Sydney Water would like to defer the submission of the baseline report to the Director-General to allow for a longer period of baseline data collection. Baseline monitoring is expected to commence in April 2008, following finalisation of the design of the Aquatic Environmental Assessment Program. SWC would like to continue collecting baseline monitoring data up until project commissioning, which is currently scheduled to occur in November 2009. This would allow for approximately 18 months of data collection, which would provide more robust baseline data including at least two (2) extra seasons. Following this data collection period, statistical analysis and preparation of the technical reports may take a further four (4) months, after which time the final baseline aquatic monitoring report would be submitted to

the Director-General in early 2010. Given that the baseline report will present information on the existing conditions, these findings and the submission of the report will not prevent the commencement of project commissioning.

SWC would also like to defer the submission of the first operational report to allow for a full 12 month period of data collection during the first year of operation. Condition 3.1 currently requires the post operational monitoring report be submitted *within 12 months of operations*. Given that data analysis and report preparation would take up to four (4) months, SWC would need to stop collecting operational data after only eight (8) months of operation to meet the current timeframe specified in the condition. This would not provide for a full 12 months of operational data and would therefore not take into consideration a full four (4) seasons of data. SWC would prefer to submit this report within four (4) months after collection of at least 12 months of data following the commencement of project operation.

Sydney Water therefore requests the Minister's approval for the following modification to Condition 3.1 with respect to the timing for submission of aquatic monitoring reports:

*A report providing the results of the monitoring program and any additional mitigation measures being implemented by the Proponent shall be submitted to the Director-General within the following timeframes:*

- (a) **within four (4) months of baseline conditions being determined;***
- (b) **within four (4) months after collection of 12 months of operational data** and once a year for every year thereafter for the life of the monitoring program or as otherwise agreed with the Director-General.*

Sydney Water would appreciate your early consideration of the above requests for specific requirements for the environmental assessment of the proposed re-alignment through the Cumberland Plain Woodland and for a modification to the Minister's requirement for the timing of aquatic monitoring reports.

If you require further information or would like to discuss this matter further, please contact Sue Bowen on 9350 4507. Sydney Water would be happy to meet with you to discuss these matters. 4579.

Yours sincerely

 26.2.08

Dr Sue Bowen A/ Environmental Program Manager

#### Attachments

- **Figure 1 – Replacement Flows Project, Potential Modification, Cumberland Plain Woodland near Penrith STP**
- **Figure 8.1a High Value Conservation Areas (extract from Environmental Assessment for Replacement Flows Project)**



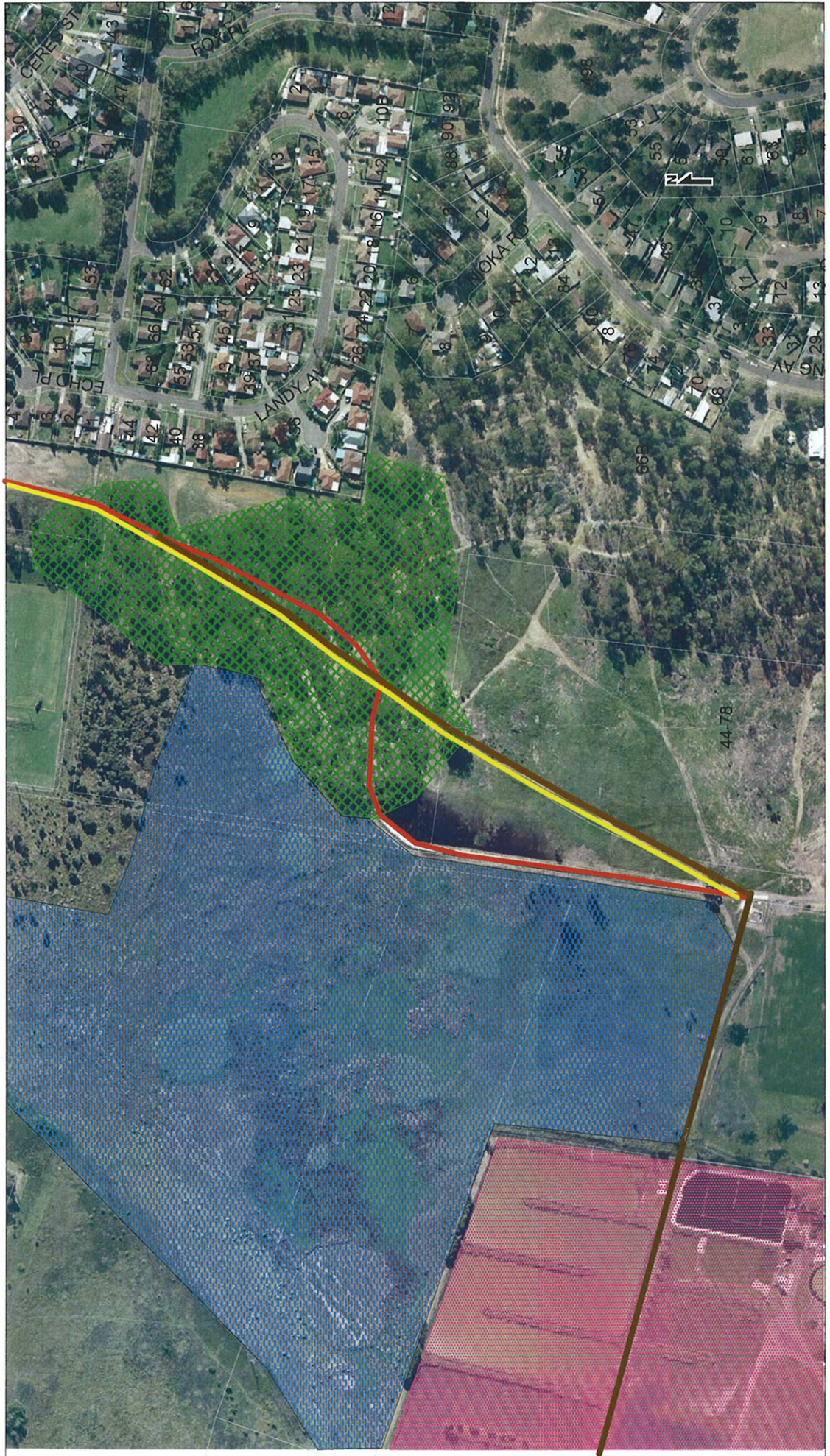


Figure 1 - Replacement Flows Project, Potential Modification  
Cumberland Plain Woodland, near Penrith STP

- Original Alignment (in Environmental Assessment)  
- refer to Figure 8.1a attached
- Proposed Re-alignment (following existing sewer main)
- Penrith STP
- Cumberland Plain Woodland
- Wetland Area
- Existing Sewer Infrastructure



