

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Mod 1 shown in blue

The Hon. Kristina Keneally MP
Minister for Planning

Sydney

2008

File No: S07/01293

SCHEDULE 1

Application No:	07_0125
Proponent:	Sydney Water Corporation
Approval Authority:	Minister for Planning
Land:	Land required for the construction and operation of the proposal, generally within Parklea, North Kellyville, Riverstone, Riverstone West, Alex Avenue, Area 20, Quakers Hills, Schofields, Beaumont Hills and Oakville.
Project:	Construction and operation of water related services for the North West Growth Centre First Release Precincts, consisting of: <ul style="list-style-type: none">• drinking water, recycled water, and wastewater pipelines;• drinking water and recycled water storage reservoirs;• drinking water, recycled water, and wastewater pumping stations;• chlorine dosing facility;• recycled water plant;• upgrade of existing sewage pumping station; and• upgrade of existing sewage treatment plant.
Major Project:	The project is a project to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> applies by virtue of an order made by the Minister for Planning under section 75B of that Act on 29 July 2005.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979.</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Councils	Baulkham Hills Shire Council, Blacktown City Council and Hawkesbury City Council.
DECC	Department of Environment and Climate Change.
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate) where the Director-General's Approval is required under a condition. The Director-General may ask for additional information if the approval request is considered incomplete.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
Dust	any solid material that may become suspended in air or deposited
EA	<i>North West Growth Centre water related services for first release precincts, Environmental Assessment</i> , prepared by Sydney Water Corporation and Sinclair Knight Merz and dated 13 February 2008.
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Pipelines	The drinking water, recycled water and wastewater pipelines proposed in the EA.
Minister, the	Minister for Planning
Proponent	Sydney Water Corporation
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Site	Land to which Major Projects Application 07_0125 applies.
Preferred Project Report	<i>North West Growth Centre water related services for first release precincts</i> , prepared by Sydney Water Corporation and dated July 2008.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Project Application 07_0125;
 - b) the EA;
 - c) the Preferred Project Report;
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

- 1.4 This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically commenced on or before that time.

Statutory Requirements

- 1.5 The Proponent shall ensure that all applicable licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Noise Impacts

Construction Noise

- 2.1 Unless otherwise specified in an approved Construction Noise and Vibration Management Plan for the Project prepared in accordance with condition 6.2(b) of this Approval, the Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receivers during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent environmental harm or risk to life.

Operation Noise and Vibration

- 2.2 The Proponent shall take all reasonable measures to minimise noise emissions and vibration from all plant and equipment operated on the site such that they do not exceed noise and vibration criteria derived by application of the *NSW Industrial Noise Policy* (DECC, 2000) and *Assessing Vibration: A Technical Guideline* (DECC, 2006).

Air Quality Impacts

Dust Generation

- 2.3 The Proponent shall construct and operate the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Odour

- 2.4 The Proponent shall not cause or permit the emission of offensive odours from the site in accordance with the provisions of Section 129 of the *Protection of the Environment Operations Act 1997*.

Traffic and Transport Impacts

- 2.5 Where directional drilling/boring is proposed under roads or where trenching is proposed to cross roads or where trenching is proposed to occur within the road reserve in close proximity to the road pavement, prior to the commencement of construction of pipelines, the Proponent shall prepare a report which shall address to the reasonable satisfaction of the relevant road authority, the following matters:
- a) detailed plans of the pipeline including vertical and horizontal alignment;
 - b) plant and equipment proposed to be used and construction compound locations;
 - c) construction schedule and hours of construction;
 - d) mitigation measures proposed to reduce impacts to traffic and pedestrian safety; and
 - e) indicative maintenance arrangements during operation.

A separate report may be prepared for each stage of the Project.

- 2.6 The Proponent shall ensure that all pipeline crossings of roads are constructed using construction methods and depth cover determined in consultation with the relevant road authority.
- 2.7 The Proponent shall ensure that any measures to restore roads are undertaken in a timely manner, in accordance with the requirements and to the satisfaction of the relevant road authority and at the full expense of the Proponent.

Ecological Impacts

- 2.8 Prior to the commencement of construction, the Proponent shall offset vegetation impacted by the project in accordance with the EA and the Preferred Project Report, to the satisfaction of the DECC. Details of the offset arrangements, including evidence of DECC's satisfaction with the arrangements, shall be submitted to the Director-General prior to the commencement of construction.

Heritage Impacts

- 2.9 The Proponent shall prepare a report which investigates options for the relocation of the Project to avoid any adverse impact on the A7 archaeological complex identified in the EA. The report must include a preferred option with appropriate justification and evidence of consultation with the DECC. The report must be submitted for the approval of the Director-General at least one month prior to the commencement of construction of the First Ponds Creek Carrier as described in the documents listed under condition 1.1 of this approval.

Soil and Water Quality Impacts

- 2.10 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

Waste Generation and Management

- 2.11 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.12 The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.
- 2.13 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.14 The Proponent shall ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004), or any future guideline that may supersede that document.

3. ENVIRONMENTAL MONITORING AND AUDITING

Noise Monitoring

- 3.1 Within 90 days of the commencement of operation of the pumping stations and the Cudgegong Road Reservoir Site, or as may be otherwise agreed by the Director-General, and during a period in which the pumping stations and the Cudgegong Road Reservoir Site are operating under design loads and normal operating conditions, the Proponent shall review the noise emission performance of the pumping stations and the Cudgegong Road Reservoir Site. The review shall include, but not necessarily be limited to:
- a) methodologies for noise monitoring;
 - b) location of noise monitoring;
 - c) frequency of noise monitoring;
 - d) identification of monitoring sites at which pre-operational and operational noise levels can be ascertained; and
 - e) details of any entries in the Complaints Register (condition 5.3 of this approval) relating to noise impacts.

A report providing the results of the program shall be submitted to the Director-General and the DECC with 28 days of completion of the testing required under this condition.

- 3.2 In the event that the program undertaken to satisfy condition 3.1 of the approval indicates that the operation of the pumping stations and Cudgegong Road Reservoir Site, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 2.2 of this approval, then the Proponent shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DECC is satisfied that the remedial measures are acceptable.

4. COMPLIANCE TRACKING

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;
 - b) provisions for periodic reporting of compliance status to the Director-General;
 - c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and

- d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

5. COMMUNITY CONSULTATION

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints Procedure

- 5.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
 - a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be published in a local newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the Proponent's website.

- 5.3 The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
 - a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

6. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- 6.1 The Proponent shall prepare and implement a **Construction Environmental Management Plan** (CEMP) to outline environmental management practices and procedures to be followed during construction of the project. The CEMP shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall include, but not necessarily be limited to:
 - a) a description of all relevant activities to be undertaken on the site during construction;
 - b) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
 - iii) measures to monitor and control noise emissions during construction works;
 - iv) measures to minimise the impact of construction on local flora and fauna;

- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
- e) the additional studies listed under condition 6.2 of this approval; and
- f) complaints handling procedures during construction.

A separate CEMP may be prepared for each stage of the project. The relevant CEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any relevant construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

- 6.2 As part of the Construction Environmental Management Plan required under condition 6.1 of this approval, the Proponent shall prepare and implement the following:
- a) a **Flora and Fauna Management Plan** to manage flora and fauna impacts during construction. The Plan shall be prepared in consultation with the DECC and shall include, but not necessarily be limited to:
 - i) details of all potentially affected threatened flora and fauna species;
 - ii) specific management procedures for the Cumberland Plain Land Snail, Eastern Freetail-bat, Yellow-bellied Sheathtail-bat, Eastern False Pipistrelle, and Little Bentwing-bat; and
 - iii) general management procedures for the construction of pipelines within vegetated corridors, and the rehabilitation of any disturbed vegetation.
 - b) a **Construction Noise and Vibration Management Plan** to manage noise and vibration impacts during construction and to identify all feasible and reasonable noise and vibration mitigation measures. The Plan shall include, but not necessarily limited to:
 - i) details of all potentially affected sensitive receivers;
 - ii) the construction noise and vibration objectives identified in the EA for construction periods greater than 26 weeks;
 - iii) where the objectives are predicted to be exceeded, an analysis of feasible and reasonable noise and vibration mitigation measures that will be implemented to reduce construction noise and vibration impacts; and
 - iv) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.
 - c) a **Traffic Management Plan** to manage traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of the relevant road authority and shall include, but not necessarily be limited to:
 - i) details of how construction of the project will be managed in proximity to local and regional roads;
 - ii) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads; and
 - iii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.
 - d) a **Heritage Management Plan** to manage impacts on Aboriginal Heritage during construction. The Plan shall include, but not necessarily be limited to:
 - i) details of pre-construction consultation with relevant Aboriginal communities, the results of this consultation, and the procedures for ongoing consultation during construction; and
 - ii) details of heritage management procedures during construction.
 - e) a **Soil and Water Management Plan** to manage soil and water impacts, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/or waters during construction, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

Operation Environmental Management Plan

- 6.3 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The OEMP shall be consistent with *Guideline for the*

Preparation of Environmental Management Plans (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) identification of all relevant statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all relevant approvals, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;
- c) overall environmental policies and principles to be applied to the operation of the project;
- d) relevant standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval; and
- f) the additional studies listed under condition 6.4 of this approval.

A separate Operation Environmental Management Plan (OEMP) may be prepared for each stage of the project. The relevant OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

6.4 As part of the Operation Environmental Management Plan required under condition 6.3 of this approval, the Proponent shall prepare and implement the following:

- a) an **Odour Management Plan** to outline measures to minimise impacts from the project on local and regional air quality. The Plan shall include, but not necessarily be limited to:
 - i) identification of all major sources of odour that may be emitted from the project;
 - ii) monitoring for odour emissions from the project, in accordance with any requirements of the DECC;
 - iii) pro-active management and response mechanisms for odour emissions, with specific reference to measures to be implemented and actions to be taken to minimise and (where practicable) prevent potential odour impacts on surrounding land uses as a consequence of meteorological conditions, upsets within the project, or the mode of operation of the project;
 - iv) provision for review of air quality monitoring data, with comparison of monitoring data with that assumed and predicted in the documents listed under condition 1.1 of this approval, including verification of air quality modelling and predictions, as may be relevant;
 - v) plans for regular maintenance of process equipment to minimise the potential for odour emissions; and
 - vi) a contingency plan should an incident, process upset or other initiating factor lead to elevated odour impacts, whether above normal operating conditions or environmental performance goals/ limits.
- b) a **Noise Management Plan** to detail measures to mitigate and manage noise during operation of the pumping stations and Cudgegong Road Reservoir Site. The Plan shall include, but not necessarily be limited to:
 - i) identification of noise-generating activities and/or sources in relation to the pumping stations and Cudgegong Road Reservoir Site;
 - ii) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits referred to in condition 2.3 of this approval;
 - iii) procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the pumping stations and Cudgegong Road Reservoir Site; and
 - iv) procedures to generate suitable documentation for environmental auditing, that demonstrates that best practice noise control operations are being implemented.

7. ENVIRONMENTAL REPORTING

Incident Reporting

- 7.1 Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident.

The Proponent shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the Director-General.

- 7.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 7.1 of this approval, within such period as the Director-General may require.
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