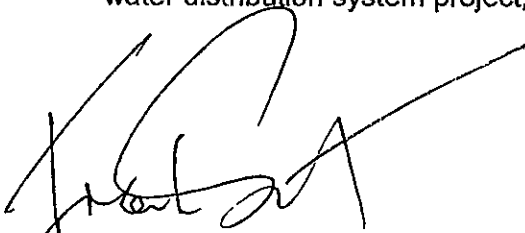


# Concept Approval

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

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the desalination plant project requires no further environmental assessment;
- c) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the seawater intake and discharge system project requires no further environmental assessment; and
- d) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the desalinated water distribution system project, as detailed in Schedule 2.



Frank Sartor MP  
Minister for Planning

Sydney

16 / 11 / 2006

File No: 9039739

## SCHEDULE 1

**Application No:** 05\_0082

**Proponent:** Sydney Water Corporation

**Approval Authority:** Minister for Planning

**Land:** Kurnell Peninsula and other land required for the construction and operation of the seawater intake and concentrate discharge structures, the desalination plant, and associated potable water distribution. Lands comprising the bed of Botany Bay for potable water distribution and State coastal waters to the east of Kurnell Peninsula for seawater intake and concentrate discharge structures.

**Proposal:** Construction and operation of a desalination plant on the Kurnell Peninsula and associated infrastructure for the supply of an annual daily average production of up to 500 megalitres of drinking water per day, including:

- a) intake and outlet pipelines to draw raw seawater into the plant and return seawater concentrate to the ocean (including tunnelling under Botany Bay National Park);

- b) pipelines and/ or tunnels from the plant across Botany Bay to the Sydney Water Corporation water supply system for the distribution of drinking water;
- c) connection of the plant to the electricity grid; and
- d) temporary laydown areas for construction use.

**Major Project:**

On 25 October 2005, the Minister for Planning formed the opinion pursuant to clause 6 of *State Environmental Planning Policy (Major Projects) 2005* that the proposal is for the purpose of development described in Schedule 1 to that Policy (clause 25(2) – development for the purpose of a desalination plant for drinking water supply with capital investment in excess of \$10 million). The proposal is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies.

**Concept Plan Authorisation:**

On 16 November 2005, the Minister for Planning authorised the submission of a concept plan for the proposal.

**Critical Infrastructure:**

On 16 November 2005, the Minister for Planning formed the opinion pursuant to clause 6A of the *State Environmental Planning Policy (Major Projects) 2005* that the proposal is for the purpose of development described in Schedule 5 to that Policy (clause 1 – Kurnell desalination project). The proposal is thus declared to be a critical infrastructure project within the meaning of section 75C of the Act.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>DEC</b>	Department of Environment and Conservation
<b>Department, the</b>	Department of Planning.
<b>desalination plant project</b>	the construction and operation of a reverse osmosis desalination plant
<b>desalinated water distribution system project</b>	the construction and operation of pipeline(s) and/ or tunnel(s) for the supply of desalinated water across Botany Bay and into Sydney's water supply network
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate)
<b>DNR</b>	Department of Natural Resources
<b>DPI</b>	Department of Primary Industries
<b>EA</b>	<i>Environmental Assessment of the Concept Plan for Sydney's Desalination Project</i> , dated November 2005, and prepared by Sydney Water Corporation
<b>EPA</b>	Environment Protection Authority as part of the Department of Environment and Conservation
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
<b>Minister, the</b>	Minister for Planning
<b>Proponent</b>	Sydney Water Corporation, or any party acting under authorisation from and on behalf of the Sydney Water Corporation
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
<b>seawater intake and discharge system project</b>	the construction and operation of all infrastructure from the Tasman Sea off the Kurnell Peninsula to the desalination plant for the supply of seawater to the desalination plant and discharge of concentrated seawater to the ocean
<b>Site</b>	Land to which Major Project Application 05_0082 applies

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Concept Approval

- 1.1 The Proponent shall carry out the concept plan and all related projects generally in accordance with the:
  - a) Major Project Application 05\_0082;
  - b) *Environmental Assessment of the Concept Plan for Sydney's Desalination Project*, dated November 2005, and prepared by Sydney Water Corporation;
  - c) *Sydney's Desalination Project: Preferred Project Report*, dated August 2006, and prepared by Sydney Water Corporation; and
  - 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 If there is any inconsistency between this concept plan approval and any project approval, this concept plan approval shall prevail to the extent of the inconsistency.
- 1.4 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

- 1.5 This concept approval shall lapse on 31 December 2015, unless works the subject of any related project approval are physically commenced on or before that date. The Director-General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director-General that the desalination plant technology remains current, appropriate and reflective of best practice at the date the approval would otherwise lapse.
- 1.6 Under this concept approval, an annual daily average production of up to 500 megalitres of potable drinking water shall be produced per day.
- 1.7 To avoid any doubt, this concept approval excludes the construction of pipelines for the connection of the desalination plant to the existing water supply network at Miranda/Caringbah.

<p>Note: Notwithstanding any condition of this approval, the Government has adopted a policy that the proposed desalination plant and associated infrastructure will only proceed to implementation as a contingency in the event of extreme drought conditions.</p>
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## 2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

### Desalinated Water Distribution System

- 2.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply with respect to the desalinated water supply system project:
  - a) details of the project, including route, capacity and proposed construction methods;
  - b) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the Kurnell Desalination Plant concept plan, with a clear indication of any new or amended commitments relating to the project;

- c) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
- d) a demonstration that the project has been designed to take into account and, where relevant, mitigate against, the impacts of wave action and coastal processes both on project integrity and as a result of the project on surrounding areas;
- e) a demonstration that the project has been designed to minimise the loss of seagrasses during the construction and operation of the project;
- f) a framework **Compensatory Seagrass Package**, developed in consultation with the DPI, detailing a framework for how any loss of seagrass associated with the project will be offset. The Package shall include consideration of new and/ or protected seagrass areas, or other compensatory measures agreed by the DPI, commensurate with the extent of seagrass impacts. The Package shall also consider how the compensatory measures will be implemented, timing for any proposed works, responsibilities for on-going maintenance and monitoring and funding arrangements;
- g) a demonstration that the project has been designed to minimise water quality impacts, particularly turbidity in Botany Bay;
- h) a comprehensive water quality impact assessment for the project, undertaken in consultation with the DEC and DPI, considering how the project will be constructed and operated to meet the outcomes specified in *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC & ARMCANZ, 2000) and to contribute to the achievement of the objectives in *Marine Water Quality Objectives for NSW Ocean Waters* (DEC, 2006). The assessment shall make specific references to the prevention of adverse impacts on the Towra Point Reserve and commercial and recreational fishing activities in and around Botany Bay; and
- i) an assessment of potential noise and vibration impacts associated with construction of the project, and how these impacts will be mitigated, monitored and managed.

### 3. COMPLIANCE MONITORING AND TRACKING

#### Compliance Tracking Program

- 3.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this concept approval and all related project approvals. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the development and each of its project components;
  - b) provisions for periodic reporting of compliance status to the Director-General;
  - c) a program for independent environmental auditing at least annually, from the commencement of construction of any project related to this concept approval, or as otherwise agreed by the Director-General; and
  - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

### 4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

#### Provision of Electronic Information

- 4.1 Prior to the commencement of construction of any project related to this concept approval, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website, for the provision of electronic information associated with the development. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this concept approval or related project approvals that may be granted from time to time, or details of a location at which these documents may be inspected by the public;
  - b) a copy of this concept approval and all related project approvals;
  - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;

- d) a copy of each current strategy, plan and program required under this concept approval or any related project approval, or details of a location at which these documents may be inspected by the public;
- e) information on, or links to information on, water use, minimisation and demand management;
- f) details on the operation of the projects associated with this concept plan, including information on operating hours, volume of desalinated water produced and equivalent emissions of carbon dioxide associated with operation; and
- g) the outcomes of compliance tracking in accordance with condition 3.1 of this approval.

### **Complaints Procedure**

- 4.2 Prior to the commencement of construction of any project associated with this concept approval, the Proponent shall ensure that the following are available for community complaints for the life of each of the projects:
- a) a telephone number on which complaints about construction and operational activities 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 Proponent shall make provision for notification of the telephone number, postal address and email address on the website/ dedicated pages referred to under condition 4.1 and at a prominent location for each project construction/ operation site.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in the Proponent's existing complaints management system.

## **5. ENVIRONMENTAL MANAGEMENT**

### **Construction Environmental Management System**

- 5.1 The Proponent shall develop a **Construction Environmental Management System** to outline the general environmental management practices and procedures to be followed during the construction of each project associated with this concept approval. The System shall be prepared in accordance with *ISO14001:2004 – Environmental Management Systems* and shall aim to provide a single, consistent environmental management framework to be applied to each project and across projects.
- 5.2 The Construction Environmental Management System required under condition 5.1 of this concept approval shall be supplemented with specific Construction Environmental Management Plans for each project to meet the requirements of each project approval.

### **Spoil Management and Disposal Strategy**

- 5.3 Prior to the commencement of any bulk excavation works for any project associated with this concept approval, the Proponent shall develop and implement a **Spoil Management and Disposal Strategy** to provide a framework for strategic planning of excavation works and spoil management. The Program shall include, but not necessarily limited to:
- a) a phased work program for undertaking excavation works for each relevant project, with timeframes for each phase of the works;
  - b) a schedule of quantities of materials to be excavated during each phase of the works, including details of the quality of the materials in the context of likely disposal/ reuse routes (ie clean fill, landfill disposal, beneficial reuse);
  - c) a schedule of identified potential destinations for materials from each phase of the works for each project, with details of required approvals for each destination, including development consents, environment protection licences and landowners' approvals, as relevant;
  - d) a strategic program to ensure planning for and delivery of the necessary approvals referred to under c), for each of the phase and material combination under a) and b);

- e) methods for the classification of spoil in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Waste* (EPA, 1999);
- f) methods for the identification of acid sulfate soils in accordance with *Acid Sulphate Soil Manual* (Acid Sulphate Soil Management Advisory Committee, 1998);
- g) an assessment framework to identify appropriate disposal or management locations for contaminated spoil or acid sulfate soils;
- h) a framework for the management of traffic impacts associated with spoil reuse and disposal, including scheduling of works to avoid peak periods where possible, route selection, road safety requirements and minimisation of conflicts with other road users, particularly sensitive road users (schools, hospitals etc) and public transport;
- i) a framework for the management of traffic noise impacts associated with spoil reuse and disposal; and
- j) management principles for spoil, focusing on preferential reuse of spoil wherever practicable.

The Program shall be kept up-to-date and shall reflect changes in the timing of projects or availability of disposal/ reuse options that may occur from time to time.

### **Operational Environmental Management System**

- 5.4 The Proponent shall develop an **Operational Environmental Management System** to outline the general environmental management practices and procedures to be followed during the operation of each project associated with this concept approval. The System shall be prepared in accordance with *ISO14001:2004 – Environmental Management Systems* and shall aim to provide a single, consistent environmental management framework to be applied to each project and across projects.
  - 5.5 The Operational Environmental Management System required under condition 5.4 of this concept approval shall be supplemented with specific Operational Environmental Management Plans for each project to meet the requirements of each project approval.
  - 5.6 Nothing in this approval precludes the Proponent from developing a single environmental management system for both construction and operation.
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