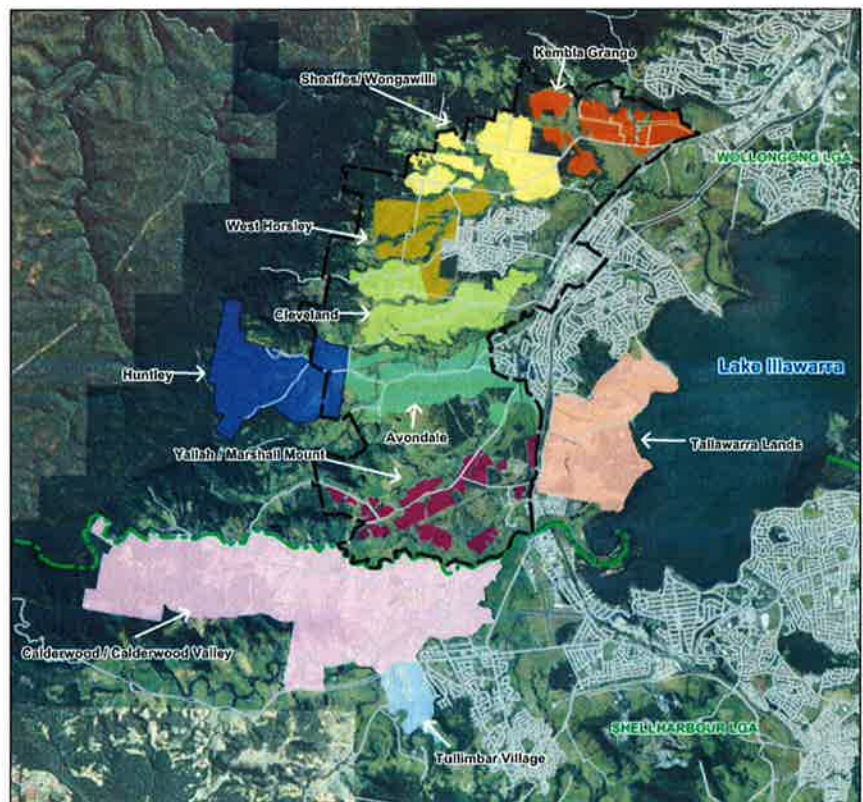


**MODIFICATION REQUEST:
Water and Wastewater Servicing
West Dapto Urban Release Area and
Adjacent Growth Areas – Concept Plan**

MP09_0189 MOD 1



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979
December 2015

1. INTRODUCTION

This report is an assessment of a request to modify the Concept Plan Approval for the West Dapto Urban Release Area water and wastewater servicing (MP 09_0189). The Concept Plan approval covers land in both the Shellharbour and Wollongong local government areas.

The request has been lodged by the Proponent pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

The application (MOD 1) seeks to modify the Concept Plan approval so that it aligns with the Project Approval for the first stage of the works and remove any equivalent or duplicated requirements. The reason for this modification is that the forecast demand for infrastructure has declined significantly since the time that the Concept Plan was approved. Therefore any future works (if required) may be dealt with under Part 5 of the Act.

2. SUBJECT SITE

The site is located approximately 15km south west of Wollongong and is bound by the suburbs of Farmborough Heights in the north, Tullimbar Village in the south, Lake Illawarra to the east and the Illawarra Escarpment to the west (refer **Figure 1** and **Figure 2**).

The site is located on the eastern side of the Illawarra escarpment within a primarily non-urban area consisting of a mix of residential, rural residential, industrial, commercial and agricultural land uses. Key transport corridors in the area include the Princes Highway, M1 Motorway and the Illawarra Railway Line.

The site includes watercourses within the Lake Illawarra Catchment including Dapto Creek, Mullet Creek, Reed Creek, Robins Creek and Macquarie Rivulet.



Figure 1 – Location of site in context with Sydney CDB (Source Google Maps 2015)

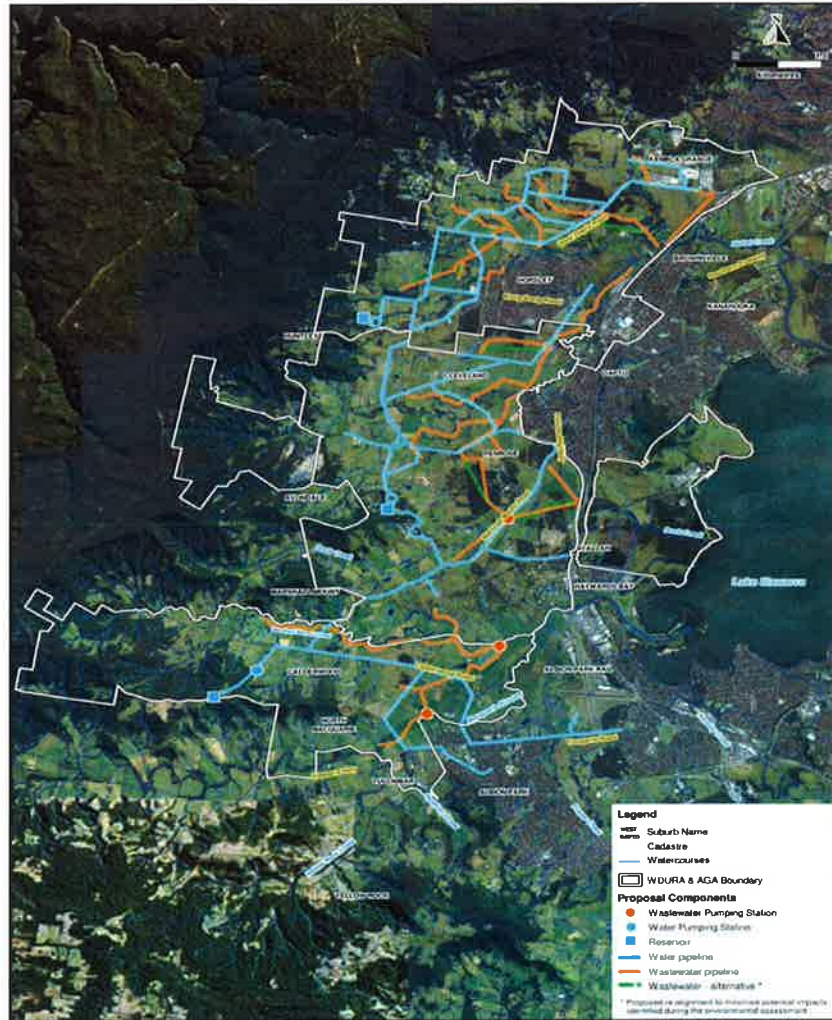


Figure 2 – Project Area Location (Source: Sydney Water, 2012)

3. APPROVAL HISTORY

Concept Plan

On 14 June 2013, the Secretary's delegate granted Concept Plan Approval for the Water and Wastewater Servicing of the West Dapto Urban Release Area and Adjacent Growth Areas, comprising:

- the construction and operation of drinking and wastewater pipelines, pumping stations, drinking water reservoirs and associated infrastructure; and
- upgrades to the Wollongong and Shellharbour sewage treatment plants.

Project Approval

The Department also approved a concurrent Project Approval for: drinking water and wastewater infrastructure to service the West Dapto Urban Release Area and Adjacent Growth Areas precincts of Kembla Grange, Sheaffes/ Wongawilli and West Horsley, comprising:

- the construction and operation of drinking and wastewater pipelines, pumping stations, drinking water reservoirs and associated infrastructure.

4. PROPOSED MODIFICATION

On 18 December 2015, the Proponent lodged a section 75W modification application (MP 09_0189 MOD 1) seeking approval to modify Schedule 1, Schedule 2 and Schedule 3 of the Concept Plan Approval.

The modification is requested on the basis that the forecast demand for infrastructure has declined significantly since the time that the Concept Plan was approved, and now the extent of future works is has also declined. The Proponent is now considering that any future works may be more appropriately dealt with under Part 5 of the Act.

Determination of the Concept Plan Approval

The Determination includes a requirement that future Part 4 and Part 5 applications are subject to further environmental assessment requirements contained in Schedule 3 of the Concept Plan approval. Given that this modification will align the land that applies to the Concept Plan to the Project approval, this condition is now unnecessary. As such, the Proponent has requested that clause (c), being the further assessment requirements of the determination, be deleted.

Schedule 1 of the Concept Plan Approval

Schedule 1 of the Concept Plan approval includes both a description of the land and also the project to which the Concept Plan approval applies. The Proponent has requested that the land and project descriptions be modified to align with the Project Approval area.

In both instances the Proponent has proposed that the words '*Adjacent Growth Areas*' be replaced with '*precincts of Kembla Grange, Sheaffes/ Wongawilli and West Horsley*'.

Further the Proponent has requested that reference to the upgrades to the Wollongong and Shellharbour sewage treatment plants be deleted as these upgrades would be undertaken in accordance with the current planning provisions at the time of upgrade (no upgrades are planned in the short term).

The Department is satisfied that these changes would maintain consistency between the Concept and Project approvals and help clarify the regulatory regime. The changes would allow future Part 5 applications to be processed without the need for additional assessment requirements or the need for the Department's unnecessary involvement.

Schedule 2 of the Concept Plan Approval

Condition 1.10 refers to the heritage items of Marshall Mount Homestead and Mark's Villa. The Proponent has requested that this entire condition be deleted on the basis that:

- the Marshall Mount Homestead is not within the Project Approval area and therefore would be subject to the assessment and approval requirement of Part 5 in due course; and
- Mark's Villa is not a heritage listed item under any planning instrument.

The Department is supportive of these changes as it refers to an item that is not within the Project Approval area and rectifies an error which had incorrectly identified an item.

Schedule 3 of the Concept Plan Approval

The Proponent has requested that the majority of the conditions contained in Schedule 3 be deleted. Condition 2.1 is requested to be deleted as it would become a redundant condition as Project Approval has already been granted for development within the Concept Plan area. At this stage, the Proponent is considering assessing all future applications under Part 5 of the Act, should future developments proceed.

It is requested to delete Conditions 3.1, 3.2, 3.3, 3.4, 3.5 and 3.9 as these conditions are replicated in the Project approval and therefore are redundant in this Concept Plan approval.

5. STATUTORY CONTEXT

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 11 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act. The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

On 16 February 2015, the then Minister for Planning delegated functions under Section 75W of the EP&A Act to modify Part 3A approvals to the Directors and Managers who report to Executive Directors in the Planning Services division.

This delegation only applies to modification requests where:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the in the nature of objections.

This delegation applies and therefore the Director, Transport Assessments can approve the modification.

6. CONSULTATION AND SUBMISSIONS

Under section 75X(2)(f) of the EP&A Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Secretary is required to make modification requests publicly available. On 22 December 2015, the modification application was placed on the Department's website.

The Department considers that this modification will not result in any environmental impact on the existing area, and may reduce potential impacts as the area to which the Concept Plan approval applied will be reduced.

There were no public submissions received on the proposal.

7. ASSESSMENT

Sydney Water lodged an application for a Concept Plan with a concurrent Project Application in 2009 for the water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas comprising:

- the construction and operation of drinking water and wastewater pipelines, pumping stations, drinking water reservoirs and associated infrastructure; and
- upgrades to the Wollongong and Shellharbour sewage treatment plants.

The West Dapto Urban Release Area was defined as the suburbs of Kembla Grange, Sheaffes/Wongawilli, West Horsley, East Horsley, Cleveland, Avondale, Yallah/Marshall Mount and the Dapto Sub Regional Centre. The Adjacent Growth Areas were defined as Tallawarra lands, Calderwood, Tullimbar Village and the Yellow Rock health care facility.

The Concept Plan and Project Application were both approved in June 2013.

Sydney Water is seeking to modify the Concept Plan approval on the basis that the forecast demand for infrastructure has declined significantly since the time that the Concept Plan was approved, and now the extent of future works is has also declined. The works subject to the Project approval are planned to commence in 2016.

The Department has taken this information into account in its assessment of the modification and acknowledges that given the significantly reduced scope of works required that the Proponent may wish to consider and investigate future assessments under Part 5 of the Act. In this regard the Department supports Sydney Water's request to modify the Concept Plan to align and limit its boundary with the Project Application approval. The Department considers that this modification will not result in any environmental impact on the existing area, and may reduce potential impacts as the area to which the Concept Plan approval applied will be reduced.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's considers that the proposed modification is reasonable and will not result in any additional environmental impacts.

It is recommended that:

- the modification to align the Concept Plan approval with the Project Approval for the first stage of the works and remove any equivalent or duplicated requirements be approved.

9. RECOMMENDATION

It is RECOMMENDED that the Director, Transport Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W; and
- **signs** the notice of modification (Appendix A).

Approved by:


Karen Jones 6.1.16
Director
Transport Assessments