

Modification of Approval

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

I, the Executive Director, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Executive Director
Major Project Assessments
As delegate for the Minister for Planning

Sydney

28 DECEMBER

2008

File No: 9039739

SCHEDULE 1

Project Approval: granted by the Minister for Planning on 22 October 2007 (MP 07_0054).

For the following: "the desalinated water delivery system" project as part of the approved concept plan for the Kurnell Desalination Plant (05_0082)

Modification: Amendments to the construction monitoring and management arrangements.

SCHEDULE 2

The approval is modified as follows:

1. Replacing existing condition 1.1 with new condition 1.1 as follows:

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) *Environmental Assessment of the Desalinated Water Delivery System*, dated April 2007, and prepared by GHD on behalf of the Proponent;
 - b) *Desalinated Water Delivery System: Preferred Project Report*, dated August 2007, and prepared by Sydney Water Corporation;
 - c) *Desalinated Water Delivery System: Application for Modification of Project Approval for the Urban Sydney Sector: Sydney North*, prepared by the Water Delivery Alliance for Sydney's Desalination Project and dated 5 May 2008;
 - d) *Desalinated Water Delivery System: Application for Modification of Project Approval for the Botany Bay Sector*, prepared by the Water Delivery Alliance and dated 15 July 2008, and additional information dated 2 September 2008;
 - e) *Desalinated Water Delivery System: Application for Modification of Conditions 2.18 and 2.19 of the Project Approval, Relating to the Botany Bay Sector*, prepared by the Water Delivery Alliance for Sydney's Desalination Project and dated 24 November 2008;
 - f) the concept plan approval granted with respect to the Kurnell Desalination Plant concept plan (05_0082); and
 - g) the conditions of this approval.

2. Replacing existing condition 1.2 with new condition 1.2 as follows:

- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1e) inclusive, and any other document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replacing existing condition 2.18 with new 2.18 as follows:

- 2.18 Construction and maintenance activities associated with the Botany Bay Sector shall be carried out in a manner that minimises the potential for the re-suspension and dispersal of marine sediments and associated biota, including installation of silt curtains around the Silver Beach and Kyeemagh construction sites and dredge discharge barges within the Botany Bay Sector.

Where silt curtains have been installed, they shall remain in place until the turbidity of the water within the silt curtains returns to background levels of turbidity in waters immediately outside the silt curtains.

All reasonable and feasible mitigation measures shall be employed during operation of the cutter suction dredges where monitoring demonstrates that turbidity levels at a point 2 metres from the cutter section dredges, due to dredging activities, exceed the background turbidity by more than an equivalent suspended sediment concentration of 50mg/L. These measures shall be detailed within the Botany Bay Sector Construction Water Management Plan as described under condition 5.2e.

4. Replacing existing condition 2.19 with new 2.19 as follows:

- 2.19 The Proponent shall ensure that construction of the Botany Bay Sector, including all dredging, subsurface storage and reclamation works, is carried out in a manner such that turbidity outside the silt curtains (as required under condition 2.18) does not exceed the background turbidity by more than an equivalent suspended sediment concentration

of 50mg/L at a point of approximately 0.2 metre depth for Silver Beach and between 1 and 1.5 metre depth in the water column for all other sites and equipment and a distance of less than 10 metres from the silt curtain.

All reasonable and feasible mitigation measures shall be employed so as to minimise prolonged visible surface plumes (outside silt curtains) in the Bay, and shall be detailed within the Botany Bay Sector Construction Water Management Plan as described under condition 5.2e.
