

Modification of Approval

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

I, the Director-General of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 4 March 2009, 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.

S Haddad

Director-General
Department of Planning
As delegate for the Minister for Planning

Sydney 30th March 2009

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 trenchless technology vibration limits.

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) *Desalinated Water Delivery System: Application for Modification of Condition 2.6 of the Project Approval, Relating to Vibration*, prepared by the Water Delivery Alliance for Sydney's Desalination Project and dated 6 February 2009;
 - g) the concept plan approval granted with respect to the Kurnell Desalination Plant concept plan (05_0082); and
 - h) 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 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1f) inclusive, and any other document listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replacing existing condition 2.6 with new 2.6 as follows:

- 2.6 The Proponent shall establish vibration goals for construction and operation of the trenchless technology consistent with the guidelines contained in *Environmental Noise Management – Assessing Vibration: A Technical Guideline* (DEC, 2006).

4. Replacing existing condition 5.2b) with new 5.2b) as follows:

- 5.2b) a Construction Noise and Vibration Management Plan, in consultation with DECC, to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to:
- i) as primary objectives:
 1. attainment of the construction noise and vibration goals specified under this approval at all times;
 2. where construction noise and vibration goals cannot be met, to achieve best practice noise control (including, for example, acoustic enclosures over micro tunnelling launch and receival pits), in terms of noise and vibration level and duration of noise and vibration emissions at affected receivers at all times;
 3. where the use of best practice noise and vibration control cannot substantially achieve the construction noise and vibration goals, alternative measures to resolve noise and vibration impacts on affected receivers (including, for example, temporary relocation of receivers);

- ii) details of construction activities and a schedule for construction works;
 - iii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;
 - iv) a program for the periodic monitoring of noise emissions and vibration during construction, as required under condition 4.3;
 - v) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - vi) development of reactive and pro-active strategies for dealing promptly with any noise and vibration complaints, including documentation of a fast response, the completed action on a complaint and feedback from the complainant;
 - vii) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, how the results of this monitoring would be recorded, and, if any non-compliance is detected with the goals and limits specified under this approval; and
 - viii) mechanisms to consider and address cumulative noise and vibration impacts, particularly from other construction work potentially occurring in the area;
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