Sydney WATER

24 November 2008

Scott Jefferies
Director, Major Infrastructure Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Scott

Re: Modification to Condition 2.18 and 2.19 of the Project Approval for the Desalinated Water Delivery System

Sydney Water and the Water Delivery Alliance (WDA) are seeking a modification under Section 75W(2) of the *Environmental Planning and Assessment Act 1979* for Conditions 2.18 and 2.19 of the Project Approval (07_0054), granted 22 October 2008 and modified 13 June 2008 and 12 September 2008.

The proposed amendments to the approved project are outlined in the enclosed application for modification. The application has been prepared to:

- seek amendment to Condition 2.18 which requires the installation of silt curtains around the cutter suction dredges, which will be impractical to install due to operational constraints; and
- seek amendment to Condition 2.19 which stipulates exact requirements regarding visible surface plumes that will be impractical to achieve, and studies have shown are not necessarily reflective of associated impacts.

WDA has assessed the environmental impacts associated with the proposed amendments and concluded that overall, there would be no net change in environmental and social impacts for the project, compared to the approved project. In addition, WDA has consulted with the Departments of Environment and Climate Change and Primary Industries regarding the proposed amendments, and both agencies are in general agreement regarding the impracticalities of using a silt curtain around the cutter suction dredge, and that a visible surface plume is not necessarily indicative of elevated turbidity levels.

The overall intent of Condition 2.18 of the Project Approval is to protect water quality and aquatic ecology within the Bay. WDA are seeking only partial amendment, in relation to silt curtains around the cutter suction dredge only. Silt curtains will be installed around the Silver Beach and Kyeemagh construction sites, as well as the dredge discharge barges. WDA suggests the following modification to Condition 2.18 of the project approval:

Condition	Suggested amendment	Proposed modified condition
Condition 2.18 of the Project Approval	***Replace:*** *Silt curtains, or equivalent, shall be installed around the cutter suction dredges where monitoring demonstrates that turbidity levels at a point two metres from the cutter suction dredges, due to dredging activities, exceeds the background turbidity by more than an equivalent suspended sediment concentration of 50mg/L.*	*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 two metres from the cutter suction dredges, due to dredging activities, exceeds 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.***

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Condition 2.19 of the Project Approval outlines the requirements for monitoring turbidity outside the silt curtains. WDA considers the requirement for *'no visible surface plume...'* as too specific to meet given the constraints of the technology available. In addition, studies have shown that visible plumes are not necessarily representative of impacts that might have the potential to affect water quality or aquatic ecology. WDA suggests the following modification to Condition 2.19 of the project approval, which is also consistent with Energy Australia's condition:

Condition	Suggested amendment	Proposed modified condition
Condition 2.19 of the Project Approval (as modified, 12/09/08)	***Replace:*** *No visible surface plume outside the silt curtains is permitted.*	*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 m depth for Silver Beach and between 1 and 1.5 m depth in the water column for all other sites and equipment and a distance of within ten 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.***

Sydney Water and WDA consider the proposed amendments to be consistent with the Concept Approval granted by the Minister for Planning on 16 November 2006, and that no modification to the Concept Approval is necessary. The WDA would appreciate your early consideration of the subject request for modification to Condition 2.18 and 2.19. A cheque for $750 for the modification fee is also enclosed.

If you have any questions please do not hesitate to contact Niall O'Brien on 9551 2218 or niall.obrien@wdalliance.com

Sincerely,

Niall O'Brien
Environmental and Approvals Manager
Water Delivery Alliance

Jill Berwick
A/Environment Program Manager
Sydney Water

Enclosure

- *Water Delivery Alliance (2008) Desalinated Water Delivery System: application for modification of Project Approval for conditions relating to the Botany Bay Sector – 4 copies*
- *Cheque for Modification fee*