

Modification Approval

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director, Major Project Assessments, as delegate for the Minister for Planning, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



9.11.07

Chris Wilson
Executive Director
Major Project Assessments

Sydney 9 NOVEMBER 2007

File No: S01/01333
(MOD-76-9-2007-i)

SCHEDULE 1

- Development consent:** granted by the Minister for Infrastructure and Planning on 27 October 2003.
- In respect of:** development application DA-453-12-2002-i made by Patrick Stevedores Operations Pty Ltd on 16 December 2002, in relation to land described as Lots 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870, Brotherson Dock, Penrhyn Road, Port Botany, in the Botany Bay local government area.
- For the following:** Modification to the layout and operation of the container terminal, comprising:
- demolition and removal of structures;
 - construction of new road, rail and wharf infrastructure;
 - installation of new operational equipment;
 - construction of the Exceptions Administration Office; and
 - relocation of the road access to the public boat ramp to the north of Penrhyn Road.
- Modification Application:** Modification to permit the construction and use of a truck and train checking facility.

SCHEDULE 2

The development consent is modified by:

1) replacing existing condition 1.2 with the following:

- 1.2 The Applicant shall carry out the development generally in accordance with:
- (a) development application DA-453-12-2002-i by , lodged with the Department on 16 December 2002, accompanied *Patrick Port Botany Container Terminal Upgrade, Environmental Impact Statement* (three volumes), dated November 2002 and prepared by Parsons Brinckerhoff;
 - (b) additional information provided in respect of development application DA-453-12-2002-i, including:
 - i) the letter from Parsons Brinckerhoff to Planning NSW dated 17 April 2003 titled *Patrick Port Botany EIS – Response to Hazard and Risk Issues*;
 - ii) *Upgrade of Port Botany Container Terminal, Revised Noise Assessment*, dated May 2003 and prepared by Wilkinson Murray Pty Ltd;
 - iii) *Supplementary Avifauna Survey & Assessment of Impacts*, dated 26 May 2003 and prepared by AMBS Consulting;
 - iv) the memorandum from Parsons Brinckerhoff dated 30 May 2003 and titled *Patrick Water Quality Assessment*;
 - v) the amended development application submitted to the Department on 30 May 2003 and associated drawings;
 - vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled *Patrick Port Botany EIS*;
 - vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled *Transport NSW's Comments*;
 - viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled *Preliminary Hazard Analysis for Patrick Stevedores*;
 - (c) modification application MOD-56-6-2004-i, lodged with the Department on 28 May 2004 and accompanied by the supplementary document titled *Application to Modify Development Consent*, dated 19 May 2004;
 - (d) modification application MOD-83-8-2004-i, lodged with the Department on 16 August 2004, accompanied by four plans titled *Proposed Staff Amenities* (Job No. 0400107, Revision C) numbered 01 to 04 respectively;
 - (e) modification application MOD-156-10-2005-i, lodged with the Department on 6 October 2005, accompanied correspondence dated 6 October 2005 and titled *S96(1A) Application: Patrick Corporation – Port Botany Terminal* and plan titled *Proposed Administration Building* (Job No. PDS-06-38, Revision A);
 - (f) modification application MOD-38-3-2006-i, lodged with the Department on 2 March 2006, accompanied correspondence dated 1 March 2006 and titled *S96(1A) Application: Patrick Corporation – Port Botany Terminal*, and plans titled *Proposed Administration Building* (Job No. PDS-06-38, Revision D);
 - (g) modification application MOD-38-4-2007-i, lodged with the Department on 11 April 2007, accompanied correspondence dated 10 April 2007 and titled *S.96(1A) Application, Patrick Corporation – Port Botany Terminal*, and plans titled *Proposed Additional Staff Amenities* (Job No. PDS-07-81, Issue E);
 - (h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence dated 19 June 2007 and 5 November 2007 titled *S.96(1A) Application, Patrick Corporation – Port Botany Terminal*, and the following plans:
 - i) Proposed Camco Trafficgate (Job No. PDS-07-84, Issue: B, Drg . No.: 01);

- ii) *Proposed Camco Trafficgate* (Job No. PDS-07-84, Issue B, Drg . No.: 02);
 - iii) *Proposed Camco Trafficgate* (Job No. PDS-07-84, Issue B, Drg . No.: 03);
 - iv) *Truck Portal Gate Frame Arrangement and Details* (Project No. SY070313, Dwg No. S5.00, Issue A);
 - v) *Train Portal Gate Frame Arrangement and Details* (Project No. SY070313, Dwg No. S4.00, Issue E);
 - vi) *Train Portal Gate Frame Footing Plan and Details* (Project No. SY070313, Dwg No. S4.00, Issue D);
 - vii) *Structural Notes* (Project No. SY070313, Dwg No. S1.00, Issue D);
and
- (i) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under (a) to (i) above, the conditions of consent shall prevail to the extent of the inconsistency.

2) adding the following condition immediately after 6.2(b):

- 6.2(c) A Traffic Management Plan (TMP) shall be prepared and submitted to the satisfaction of the Sydney Ports Corporation two weeks prior to the commencement of construction of the truck and rail portals. The TMP shall specifically address the management of construction traffic and the alternate arrangements for truck/rail movements around the Terminal during construction.