



Patrick Ports and Stevedoring

Patrick Stevedores Operations No 2 Pty Limited

ABN 64 056 292 687

Level 2, 4B Lord Street Botany NSW 2019

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www.patrick.com.au

24 February 2014

Ms Lisa Mitchell

Manager Water and Ports, Infrastructure Projects
Development Assessment Systems and Approvals
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

By email: lisa.mitchell@planning.nsw.gov.au

Dear Lisa,

RE: PBRP – Request to Modify Condition – DA 45312-2002-i

As discussed with Ingrid Ilias over the past months, Patrick is seeking a modification to the existing Patrick consent, DA 453-12-2002-i, under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (NSW).

With reference to the Port Botany Expansion consent, DA-494-11-2003- i, in particular condition **B2.19** and the insertion of condition **B2.19A**, it allowed for the modification to the consent for out of hours works to be considered and approved by the Director-General on a case by case basis.

We are hence with respect to the Patrick consent, DA 453-12-2002-i, proposing to make similar modifications to the existing consent to allow out of hours works to be considered and approved by the Director-General on a case by case basis.

The proposed changes related to conditions **3.2** and **3.2A** and the addition of a condition **3.2B** as set out below.

Amendment to Condition **3.2** as follows, by inserting the term '*that would generate an audible noise*':

Construction activities associated with the development *that would generate an audible noise*, including the delivery of materials to and from the site, shall only be carried out between the following hours:

- (a) between 7:00am and 6:00pm Monday to Friday inclusive;
- (b) between 8:00am and 2:00pm Saturday; and
- (c) at no time on Sundays or public holidays.



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Amendment to Condition **3.2A** as follows, by inserting the term '*that would generate an audible noise*':

Notwithstanding condition 3.2 of this consent, the Applicant may undertake construction of road pavement works required under the consent between 7:00 am and 10:00 pm Mondays to Fridays, and between 8:00 am to 2:00 pm on Saturdays. No pavement works *that would generate an audible noise* shall be conducted on Sundays or public holidays. All pavement works shall be undertaken to strictly comply with the noise limits specified under condition 3.3 of this consent.

Insertion of condition **3.2B** as follows:

'The Applicant must seek the Director-General's approval to conduct construction activities audible at residential premises outside the hours specified under conditions 3.2 and 3.2A on a case-by-case basis. In seeking the Director-General's approval, the Applicant shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected and shall be undertaken to strictly comply with the noise limits specified under condition 3.3 of this consent.'

Please refer to the 'Request to Modify a Major Project' form, Example of Activities Table and emails to and from NSW Ports attached, which indicates NSW Ports are in the process of obtaining Landowner's Consent but that they in principle consent to proposed modification.

Should you require further information, please do not hesitate to contact Mr Richard Pollock on (02) 8333 6227 or Ms Tine Birkemose on (02) 9394 0318.

Yours sincerely

A handwritten signature in blue ink that reads "Tine Birkemose".

Tine Birkemose

Senior Project Manager

Patrick Stevedores Operations No.2 Pty Limited