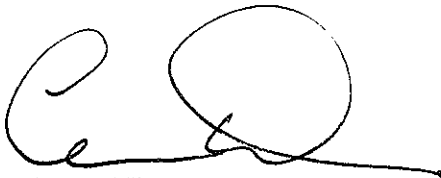


Modification Approval

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.



Chris Wilson
Executive Director
Major Project Assessments

Sydney 17 SEPTEMBER 2007

File No: S01/02520

SCHEDULE 1

- Development consent:** granted by the Minister for Planning on 13 October 2005.
- In respect of:** Lot 2 DP 1009870, Lot 6 DP 1053768, Lots 301 & 302 DP 712992, Part of Crown Reserve R91288, Lots 203 & 205 DP 712991 and Lot 401 DP 816961, Botany Bay Local Government Area.
- For the following:** The construction and operation of a new container terminal and associated infrastructure.
- Modification Application:** Modification to alter the timing of various studies.
-

SCHEDULE 2

The development consent is modified by:

1) replacing existing condition A1.1 i) with the following:

- i) modification application MOD-78-9-2007-i, accompanied by *Port Botany Expansion – Modification of Conditions C2.20 & C2.25*, prepared by Sydney Ports Corporation and dated July 2007;
- j) the conditions of this consent.

2) replacing existing condition C2.20 with new condition C2.20 as follows:

C2.20 The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with DEC, DOP, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail:

- terminal security and public safety issues;
- effective spill containment and management;
- effective fire fighting capabilities;
- effective response to emergencies and critical incidents; and
- a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that be scaled as appropriate for any incident or emergency.

3) replacing existing condition C2.25 with new condition C2.25 as follows:

C2.25 Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of construction.
