

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 21 SEPTEMBER 2008

File No: S01/02520

MOD -60-9-2008

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 allow penetration of the obstacle limitation surface subject to approval under the *Airports Act 1996* and to alter the timing of the Bird Hazard Management Plan.
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SCHEDULE 2

The development consent is modified by:

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

- j) modification application MOD-60-9-2008, accompanied by *Port Botany Expansion – Modification of Conditions B2.46 and C2.25*, prepared by Sydney Ports Corporation and dated 27 August 2008;
- k) the conditions of this consent.

2) replacing existing condition B2.46 with new condition B2.46 as follows:

B2.46 The Applicant shall ensure that all construction equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the *Airports (Protection of Airspace) Regulation 1996* and following consultation with the Department of Infrastructure, Transport, Regional Development and Local Government, Civil Aviation Safety Authority and Sydney Airport Corporation Limited.

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 operations.
