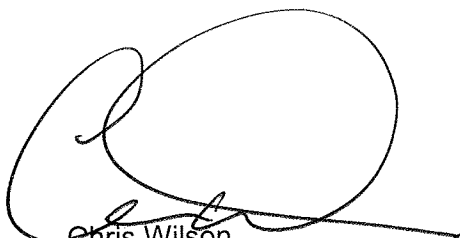


Modification Approval

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

12.12.08

Sydney 12 DECEMBER

2008

File No: S01/02520

MOD-68-12-2008

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 construction works that are not subject to an Environment Protection Licence to be permitted outside specified construction hours only if they are inaudible at the closest residential receiver.
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SCHEDULE 2

The development consent is modified by:

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

- k) modification application MOD-68-12-2008, accompanied by a letter from Sydney Ports Corporation and dated December 2008;
- l) the conditions of this consent.

2) replacing existing condition B2.19 with the following:

- B2.19 The Applicant shall only undertake construction activities associated with the project (with the exception of dredging construction activities) that would generate an audible noise at any residential premises during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

Audible noise is defined as "noise that can be heard at the receiver".

This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons.

Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.

- B2.19A The Applicant must seek the Director-General's approval to conduct construction activities audible at residential premises (with the exception of dredging construction activities) outside the hours specified under condition B2.19 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, as well as details of how the EPA's requirements with respect to the variation of hours have been addressed.

- B2.19B For activities subject to an environment protection licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, conditions B2.19 and B2.19A do not apply if the EPA has approved activities to be conducted outside the hours permitted by condition B2.19.
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