

Modification Approval

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

I, the Executive Director, Major DA 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

Sydney

30 Mar

2009

File No: S01/02520
494-11-2003-i MOD 8

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 additional dredging activities to be undertaken within the ship turning area outside the primary silt curtain within Botany Bay. The total volume of material to be dredged would remain unchanged from that stated in the Environmental Impact Statement. However, an additional 300,000 m ³ is proposed to be dredged within the ship turning area with a corresponding reduced volume of dredging required between the airport runway and the new terminal.

SCHEDULE 2

The development consent is modified by:

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

- m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled "*Port Botany Expansion – Ship Turning Area Dredging Section 96(1A) Modification*" dated May 2009;
- n) the conditions of this consent.

2) replacing existing condition A1.2 with the following:

A1.2 In the event of an inconsistency between:

- a) the conditions of this consent and any document listed from condition A.1.1(a) to (m) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
- b) any document listed from condition A1.1(a) to (n) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3) replacing existing condition B2.9 with the following:

B2.9 All dredging works associated with the project shall be undertaken in a manner that does not cause turbidity outside the silt curtain(s) to exceed the background turbidity by more than an equivalent suspended sediment concentration of 50mg/L. This limit applies within the waters of Botany Bay outside the edge of the silt curtain, when measured in accordance with the Soil and Water Management Plan required under condition B2.5. If turbidity levels exceed the above limit, the Applicant shall:

- a) immediately cease the dredging works contributing to the exceedance of the limit;
 - b) within one hour report the result of the water quality monitoring to the DECC's Environment Line on 131 555;
 - c) investigate the cause of the increased levels of turbidity and develop and implement additional measures to prevent recurrence; and
 - d) implement those measures outlined in Table 4 of the document referred to in condition 1.1(m).
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