

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 11 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 correct various minor errors and misdescriptions and to clarify various conditions.
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SCHEDULE 2

The development consent is modified by:

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

- f) modification application MOD-107-9-2006-i, accompanied by *Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions*, prepared by Sydney Ports Corporation and dated September 2006;
- g) the conditions of this consent.

2) replacing existing condition B2.1 with new condition B2.1 as follows:

B2.1 Unless otherwise permitted by an Environment Protection Licence applicable to the development, the Applicant shall ensure that construction works are undertaken in compliance with section 129 of the *Protection of the Environment Operations Act 1997*.

3) replacing existing condition B2.8 with new condition B2.8 as follows:

B2.8 All activities associated with dredging and reclamation works shall be carried out in a manner that protects seagrass beds between the dredge area and Foreshore Beach, and between the dredge area and the Parallel Runway.

4) replacing existing condition B2.10 with new conditions B2.10 and B2.10A as follows:

B2.10 The floating boom and silt curtain system shall be retained after the completion of dredging operations until the turbidity of water within the system returns to background levels.

B2.10A Dredged spoil shall not be disposed of outside the construction area in Botany Bay, or in other NSW State waters. For the purpose of this condition, the construction area shall be those areas identified as "area to be dredged" and "area to be reclaimed", as generally outlined in Figure 8.4 of the document referred to under condition A1.1b).

5) replacing the words "condition A2.2" in existing condition B2.17 with the following:

condition A2.4

6) replacing the word "construction" in existing condition B2.19 with the following:

construction (excluding dredging construction activities)

7) replacing existing condition B2.41 with new condition B2.41 as follows:

B2.41 The Applicant shall prepare a Construction Safety Study prior to the commencement of construction of the terminal operations infrastructure, in accordance with *Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines* (DoP, 1992). The commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning. The Study shall be submitted for the approval of the Director-General prior to the commencement of construction of the terminal operations infrastructure.

8) replacing existing condition B2.42 with new condition B2.42 as follows:

B2.42 The Applicant shall prepare a Fire Safety Study prior to the commencement of construction of the terminal operations infrastructure, in accordance with *Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines* (DoP, 1993). The Study shall be submitted for the approval of the Director-General and the Commissioner of the NSW Fire Brigades prior to the commencement of construction of the terminal operations infrastructure.

9) replacing the words “Condition 2.5(1)” in existing condition C2.7 with the following:

condition C2.6

10) replacing the words “L6.1” in existing condition C2.8 with the following:

condition C2.6

11) deleting condition 2.19
