

# Modification Approval

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

I, the Director, Major Infrastructure 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.



Scott Jeffries  
Director, Major Infrastructure Assessments

Sydney

13 July 2009

File No: S01/02520

DA-494-11-2003-i MOD 10

## 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 600,000 m<sup>3</sup> 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 o) with the following:**

- o) modification application DA-494-11-2003-i MOD 10, accompanied by an assessment within letter titled "*Port Botany Expansion – Section 96(1A) Modification - Additional Ship Turning Area Dredging*" dated 8 July 2009; and
- p) 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 (o) 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 (p) inclusive, the most recent document shall prevail to the extent of the inconsistency.

**3) Modifying condition B2.10B as follows:**

**B2.10B** The Applicant shall only undertake dredging of the high spot at Molineux Point and within the ship turning area using a Trailing Suction Hopper Dredger, unless otherwise agreed by the Director-General.

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