

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister made on the 14 September 2012, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Karen Jones
A/ Director
Infrastructure Projects

Sydney

11 June

2013

SCHEDULE 1

Development Consent:	DA 494-11-2003-i granted by the Minister for Planning on 13 October 2005.
For the following:	Proposed construction and operation of a new container terminal and associated infrastructure.
Modification:	DA 494-11-2003-i MOD 14 to allow 'Temporary Uses' to be undertaken at the northern tip of Hayes Dock while the area awaits its intended development as a tug boat berthing facility, as part of the Port Botany Expansion; and to permit an increase in the maximum number of daily construction vehicles.

SCHEDULE 2

1. In the listing of abbreviations and definitions in Schedule 2, insert in alphabetical order the following:

Temporary Uses	Uses of the northern tip of Hayes Dock generally for the mooring of commercial vessels, including lines boats and barges, for the purpose of providing a location for crew/operators to board and disembark and ancillary activities as outlined in modification application DA-494-11-2003i MOD 14.
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2. Replacing existing condition A1.1s) with the following:

- s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled *"Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock"*, dated January 2013; and *"Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)"*, dated April 2013; and
- t) the conditions of this consent.

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

4. Delete condition C1.2 and replace with the following:

C1.2 The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses, which are subject to condition C1.2A. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively.

Temporary Uses

C1.2A The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Temporary Uses, except conditions C1.3, C1.4, C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.

C1.2B Temporary Uses shall be limited to a period of two (2) years, unless otherwise agreed by the Director-General. Any request to extend the period shall be supported by a Temporary Use Environmental Management Report detailing compliance with the conditions of consent, including environmental impacts and performance.

Operation Environmental Management Plan – Temporary Uses

C1.2C The Applicant shall prepare an Operation Environmental Management Plan – Temporary Uses prior to the commencement of temporary uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan:

- Odour and Air Quality;
- Noise;
- Waste Management;
- Water and Wastewater Management;
- Hazard Risk Management;
- Amenity, including lighting; and
- Incident Reporting.

The Plan shall also

- identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
- include a description of the roles and responsibilities for all key employees involved in the operation of the development; and
- include overall environment policies and principles to be applied to the operation of the facility.

5. Add condition C2.13A following condition C2.13:

C2.13A The management of waste for uses and activities not subject to an Environmental Protection licence, shall be managed and disposed of in accordance with the *Protection of the Environment Operation (Waste) Regulation 2005* and the *Waste Classification Guidelines* (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

6. Add condition C2.15A following condition C2.15:

Hazards and Risk Management – Temporary Uses

C2.15A Temporary Uses shall not involve the loading, unloading and storage of dangerous goods.
