

Application to modify a development consent

Date lodged: 10 / 5 / 13



NSW GOVERNMENT

Department of Planning

DA modification no. DA-494-11-2003i
MOD 15

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency

ABN

Sydney International Container Terminals Pty Ltd

94 134 826 798

☐ Mr ☐ Ms ☐ Mrs ☒ Dr ☐ Other

First name

Stephen

Family name

Gumley

STREET ADDRESS

Unit/street no.

Suite 1901

Street name

Level 19, BT Tower, 1 Market Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

As Above

Suburb or town

State

Postcode

Daytime telephone

02 8268 8000

Fax

02 9269 0717

Mobile

0448 020 307

Email

gumley.stephen@hutchisonports.com.au

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

Gate 150-160

Street or property name

Foreshore Road

Suburb, town or locality

Banksmeadow

Postcode

2036

Local government area

City of Botany Bay

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

PT 2/1165618, Subject to Various Easement

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Please see attached Page 5 for full list of previous modifications No. 1 to No. 13.

What was the original development application no.?

DA-494-11-2003-i

What was the date consent was granted?

13 October 2005

What was the original application fee?

\$200,000.00

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☐ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☒ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No ☐ > Please submit a new development application.

Yes ☒ > Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

Refer to attached information on SICTL Quay Crane Operation.

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Modification condition C2.22 operations to bring in line with B2.46 for construction (Mod 5 approved 21 September 2008). Refer to attached information; on Quay Crane Operation.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

Nil

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)

Not Applicable

Operational jobs (full time equivalent)

Not Applicable

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development

Original application fee

Total fees lodged

No additional cost due to Mod

\$200,000.00

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature

See attached Sydney Ports Corporation

Name

letter dated 1 May 2013

Date

Signature

Name

Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



Date

7th May 2013

In what capacity are you signing if you are not the applicant

Name, if you are not the applicant

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

Our Ref: OG-10272

1 May 2013

Mr Brian Mahon
Sydney International Container Terminals Pty Limited (SICTL)
Level 19 BT Tower
1 Market Street
Sydney NSW 2000

Dear Mr Mahon,

Permission to Lodge: Section 75W Modification (No.15) of DA-494-11-2003i – Change to Wording of Condition C2.22 Allowing Breaches of the Sydney Airport Obstacle Limitation Surface (OLS)

Port Botany Lessor Pty Limited grants SICTL permission to lodge its application to modify an existing project approval (DA-494-11-2003i) with the Department of Planning & Infrastructure.

Permission to lodge is granted, subject to the conditions below:

1	Development Application	The documentation to be lodged is that which was submitted to and reviewed by Sydney Ports on behalf of Port Botany Operations Pty Limited, being the Section 75W application received on 10 April 2013, prepared by Evolution Planning on behalf of Caltex.
2	Amendments	Any amendments to the modification application or supporting documentation reviewed by Port Botany Operations Pty Limited as part of issuing permission to lodge for this development (whether or not the amendments are made prior to lodgement or following lodgement) must be submitted to Port Botany Operations Pty Limited for review and/or comment. Port Botany Operations Pty Limited's agreement on the amended and/or new documentation being lodged with the Consent Authority is required prior to submission.
3	Other Documentation	Any management plans, reports, studies or other documentation required to be submitted to the Consent Authority as part of the development's conditions of approval, and which apply to Port Botany Lessor Pty Limited's premises, are to be submitted to Port Botany Operations Pty Limited for review and comment prior to submission to the Consent Authority.

This permission is valid for six (6) months from the date of this letter and cannot be transferred to another applicant.

Port Botany Lessor Pty Limited is giving permission for you to lodge a modification application to amend DA 12/121 as landowner and as such, the application could still be refused by the Consent Authority.

APPLICATION TO MODIFY DEVELOPMENT CONSENT

Questions 4: Details of the original development consent, as follows:

The construction and operation of a new container terminal and dissociated infrastructure.

- MOD 1 – MOD-107-9-2006-i approved 11 September 2007
- MOD 2 – MOD-134-11-2006-i approved 11 September 2007
- MOD 3 – MOD-149-12-2006-i approved 11 September 2007
- MOD 4 – MOD-154-12-2006-i approved 11 September 2007
- MOD 5 – MOD-60-9-2008 approved 21 September 2008
- MOD 6 – MOD-68-12-2008 approved 12 December 2008
- MOD 7 – MOD-08-03-2009 approved 20 March 2009
- MOD 8 – 494-11-2003-i MOD 8 approved 30 May 2009
- MOD 9 – DA-494-11-2003-i MOD 9 approved 18 June 2009
- MOD 10 – DA-494-11-2003-i MOD 10 approved 13 July 2009
- MOD 11 – DA-494-11-2003-i MOD 11 approved 21 November 2011
- MOD 12 – DA-494-11-2003-i MOD 12 approved 6 June 2012
- MOD 13 – DA-494-11-2003-i MOD 13 approved 8 February 2013

Modification Details:

- Modification 1 - Clarification of Conditions (Part4Mod)
- Modification 2 - Amendment of Wharf Structure Design (Part4Mod)
- Modification 3 - Turbidity and Noise Limits (Part4Mod)
- Development Application (Part4)
- Modification 5 (condition B2.46 and C2.25) (Part4Mod)
- Modification 6 (changes to condition B2.19) (Part4Mod)
- Modification 7 (Rail Line Option) (MOD 08-03-2009) (Part4Mod)
- Modification 8 (494-11-2003-i MOD 8) Additional Dredging (Part4Mod)
- Modification 9 (494-11-2003-i MOD 9) Additional Dredging off Molineux Point (Part4Mod)
- Modification 10 (DA-494-11-2003-i MOD 10_ Additional Dredging within the Ship Turning Area (Part4Mod)
- Modification 11 - Proposed Changes to the Location and Height of the Operations and Maintenance Buildings (Part3AMod)
- Modification 12 (DA-494-11-2003-i MOD 12) Proposed Changes to First Flush Stormwater Management System (Part3AMod)
- Modification 13 (DA494-11-2003-i MOD13) Changes to Stormwater Management System for the Knuckle (Part3AMod)
- Modification 14 to 494-11-2003i - Port Botany Expansion (Part3AMod)



This letter does not guarantee that lease/licence arrangements to undertake the development will be successful and as such, the development may still be refused by Port Botany Operations Pty Limited.

If you have any questions regarding this letter please do not hesitate to contact Marika Calfas, General Manager Planning on 9296 4908.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Grant Gilfillan'.

Grant Gilfillan
Acting Chief Executive Officer
Port Botany Lessor Pty Limited



Sydney International Container Terminals Pty. Limited
Level 19, 97 Tower
11 Market Street
Sydney NSW 2000 Australia
E: 1811 8064 8000
Fax: 1611 8282 0717
Website: www.sictl.com.au

20 March 2013

Mr. Peter Bleasdale
Airfield Design Manager
Sydney Airport Corporation Limited
Locked Bag 5000
Sydney International Terminal
NSW 2020

Dear Peter,

SICTL QUAY CRANE HEIGHTS

Sydney International Container Terminals Limited (SICTL) has been awarded the operating lease for the new Terminal 3 (T3) at Port Botany. Phase 1 of the three phases of construction is currently underway. Phase 1 consists of 650m of wharf which contains two berths. These two berths will be serviced by 4 quay cranes (QC). Phase 1 is expected to be complete by the end of 2013.

SICTL has commissioned an independent survey of the QC fabrication before the final shipment date. The survey has shown that the highest point on the QC portal frame may be 55mm above the OLS.

The enclosed report entitled 'SICTL Quay Crane Operations' (Document ID: HPA-QC-01 Revision 0) outlines the QC survey results and presents calculations that demonstrate how a protrusion into the OLS is possible. The report also outlines control measures which SICTL will adopt if CASA and SACL determine are required.

Approval is therefore sought from SACL for SICTL to operate the QC's with a possible intrusion into the OLS as outlined within the report.

Please call Karl McCarthy on 0488 263 641 should you have any queries in this regard.

Yours Sincerely,
For and on behalf of
Sydney International Container Terminals Pty Ltd

P.P. A handwritten signature in blue ink, appearing to read 'P.P. Mahon', is written over the typed name.

Brian Mahon
Chief Engineer



Australian Standard AS/NZS 4801:2005
A Certification with a 3rd Party Auditor