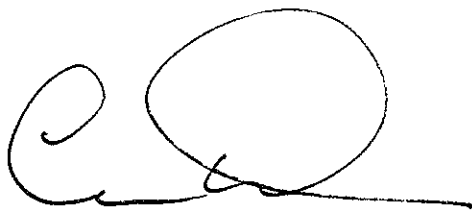


Modification Approval

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 permit alternative wharf structure designs.

SCHEDULE 2

The development consent is modified by:

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

- g) modification application MOD-134-11-2006-i, accompanied by *Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design*, prepared by Sydney Ports Corporation and dated November 2006;
- h) the conditions of this consent.

2) inserting new condition B2.40A immediately after existing condition B2.40, as follows:

B2.40A In the event that monitoring indicates that wave action at Foreshore Beach intensifies beach erosion in a manner that adversely impacts on seagrasses, the Proponent shall identify in consultation with the DPI, and submit for the approval of the Director-General, additional protection measures (such as wave energy dissipation devices) that the Proponent will implement to address these adverse impacts. The Proponent shall specify the scope and timing of additional protection measures, and shall implement those measures to the satisfaction of the Director-General, within such period as the Director-General may require.
