

**PORT BOTANY
EXPANSION PROJECT**

Sydney Ports Corporation
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SPC Ref: OG-0746

09 December 2008

Mr Scott Jeffries
Director
Major Infrastructure Assessments
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Jeffries,

**Re: Port Botany Expansion Project
Section 96(1A) Modification to Condition B2.19**

As discussed with Ingrid Ilias on 17 November 2008, Sydney Ports is seeking modification to Condition B2.19 of the Port Botany Expansion, under Section 96(1A) of the *Environmental Planning & Assessment Act 1979*.

Condition B2.19 only permits construction work (other than dredging) outside the hours of 7am-6pm Monday to Friday and Saturday 8am to 1pm, where it is permitted by an environment protection licence issued under the *Protection of the Environment Operations Act 1997*.

Some of the construction works for the port botany expansion project are not subject to an environment protection licence. The DECC have indicated that for these components of the work they have no approval role for requests for out of hours construction works. The consequence of this is that, under Condition B2.19, works not covered by the licence are unable to be conducted out of hours, even where inaudible at local residences or where required for safety and traffic reasons such as for road works.

The requested change is to permit construction activities outside the nominated hours, where they are inaudible at the nearest residence. Where such activities are not inaudible and are not covered by a licence then these activities could be permitted by the DoP on a case by case basis.

It is therefore requested that the condition be changed as follows:

To ensure that the proposed development meets relevant noise and vibration criteria and does not generate an unacceptable amenity impact, construction (excluding dredging) construction activities must only be undertaken between 7am and 6pm Mondays to Fridays and Saturday 8am to 1pm, unless otherwise approved by the DECC.

Activities may only be carried on outside these hours where they are:

- (a) permitted in an environment protection licence issued by DECC under the Protection of the Environment Operations Act 1997 (POEO Act); or
- (b) inaudible at the closest sensitive receivers; or
- (c) approved by the Department of Planning and the activity is not covered by a licence issued by DECC under the POEO Act.

We would appreciate your prompt assessment of this modification. Should you require further information please do not hesitate to contact me on 9296 4908.

Yours sincerely



Marika Calfas

**Manager Planning & Environment
Port Botany Expansion**