

MAJOR INFRASTRUCTURE
ASSESSMENTS
RECEIVED
- 2 MAR 2009

Application to modify a development consent

Date received: / /
NSW Department
of Planning

MOD

DA modification no: 08-03-2009



You can use this form to apply to modify a development consent given by the Minister of Infrastructure, Planning and Natural Resources. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

To complete this form, please place a cross in the boxes ☐ and fill out the white sections as appropriate. **To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us.** When your application has been assessed, you will receive a notice of determination.

1. Details of the applicant

NAME

Mr ☐ Ms ☐ Mrs ☐ Dr ☐
Other ☐

First name

Family name

Company/organisation

Sydney Ports Corporation

ABN

95 784 452
933

STREET ADDRESS

Unit/street no.

Street name

Level 8, 207

Kent Street

Suburb or town

State

Postcode

Sydney

NSW

2000

POSTAL ADDRESS (or mark 'as above')

PO Box 25

Suburb or town

State

Postcode

Millers Point

NSW

2000

CONTACT DETAILS

Daytime telephone

Fax

Mobile

9296 4908

9392 3350

0417 273 423

Email

mcalfas@sydneyports.com.au

2. Identify the land

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

Street or property name

Port Botany / Botany Bay

Suburb, town or locality

Postcode

Local government area

Banksmeadow

2036

City of Botany
Bay

Lot/DP or Lot/Section/DP or Lot/Strata no. ^{(1) (2)}

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 eg 123/579, 162/2.

123/1107357 (formerly 101/1097159 & Part Crown Reserve R91288), 6/105378, 302/712992, 301/712992, 205/712991, 203/712991.

(1) 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 Department of Lands for updated details.

(2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

3. Details of the original development consent

Describe what the original consent allows

The construction and operation of a new container terminal and associated infrastructure at Port Botany, NSW.

What is the development application no.?

494-11-2003i

What is the date of consent?

13/10/05 &
22/8/06

What was the original estimated cost of development (including GST)?

\$576 million

4. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐ below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

- ☐ A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

- ☒ A modification that will have minimal environmental impact

Describe the modification and its expected impact
(Refer to section 96(1A) of the EP&A Act)

Modify the location of the rail loading / unloading
operations on the development site.

- ☐ Any other modification

Describe the modification and its expected impact
(Refer to section 96(2) of the EP&A Act)

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 document titled:

Port Botany Expansion

Rail Operations

Section 96(1A) Modification

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the National Parks and Wildlife Service to your application.

5. Number of jobs to be created

Please indicate the number of jobs this 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)

n/a

Operation jobs (full-time equivalent)

n/a

6. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clauses 258 of the regulations includes details on these fees.

Note: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

No additional cost due to
modification

Total fees lodged

\$500

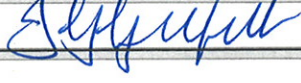
7. Signatures

The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application. If the land is Crown land, an officer of the Department of Infrastructure, Planning and Natural Resources (previously known as Department of Land and Water Conservation) must sign the application.

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

Signature



Name

Grant Gilfillan

Chief Executive Officer
Sydney Ports Corporation

Date

Signature

As Sydney Ports Corporation is a public authority for the purposes of the EP&A Act 1979, all other relevant landowners have been served with a copy of the application in accordance with clause 49(2) of the EP&A Regulation 2000. Copies of letters to all other relevant landowners are attached to this DA form.

Name

Date

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

The applicant, or the applicant's agent, must sign the application.

Signature

Name, if you are not the applicant

Date

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

8. Privacy policy

The information you provide in this application will enable us, 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 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 information provided in your application. Please ensure that the information is accurate and advise us of any changes

**PORT BOTANY
EXPANSION PROJECT**

Sydney Ports Corporation
ABN 95 784 452 933

Penrhyn Road, Banksmeadow
NSW 2019 Australia

PO Box 25 Millers Point
NSW 2000 Australia

Telephone +61 2 9296 4999
Telephone (toll free) 1800 177 722
Facsimile +61 2 9392 3350

botany.terminal.project@
sydneyports.com.au

www.sydneyports.com.au

SPC Ref: OG-0860

10 February 2009

Mr Peter Fitzgerald
General Manager
City of Botany Bay
141 Coward Street
MASCOT NSW 2020

Attention: Mr Roger Dowsett

Dear Mr Fitzgerald,

Re: Port Botany Expansion – Section 96(1A) Modification of Condition B2.19

Sydney Ports Corporation (Sydney Ports) would like to advise that the enclosed modification application is to be lodged with the NSW Department of Planning for determination. This application is to modify the location of the operational rail sidings for the approved Port Botany Expansion development (DA-494-11-2003-i).

As a public authority under the Environmental Planning and Assessment Act 1979, Sydney Ports is providing this documentation to you pursuant to clause 49(2) of the Environmental Planning and Assessment Regulation 2000. This material is provided prior to lodgement with the NSW Department of Planning on the basis that your organisation is an owner, or a representative of the owner, for the purposes of clause 49, for land associated with the Port Botany Expansion development.

Should you wish to discuss any aspect of this letter or the modification, please contact Marika Calfas, Senior Manager Planning, (02) 9296 4908 or mcalfas@sydneyports.com.au.

Yours sincerely



Grant Gilfillan

Chief Executive Officer

Enclosed

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SPC Ref: OG-0858

10 February 2009

Mr Steve Dunn
Chief Executive Officer
NSW Maritime
James Craig Road
ROZELLE NSW 2039

Dear Mr Dunn,

Re: Port Botany Expansion – Section 96(1A) Modification of Condition B2.19

Sydney Ports Corporation (Sydney Ports) would like to advise that the enclosed modification application is to be lodged with the NSW Department of Planning for determination. This application is to modify the location of the operational rail sidings for the approved Port Botany Expansion development (DA-494-11-2003-i).

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Yours sincerely



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Chief Executive Officer

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SPC Ref: OG-0861

10 February 2009

Mr Warwick Watkins
Director General
NSW Department of Lands
1 Prince Albert Road
(Queens Square)
SYDNEY NSW 2000

Dear Mr Watkins,

Re: Port Botany Expansion – Section 96(1A) Modification of Condition B2.19

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SPC Ref: OG-0859

10 February 2009

Mr Les Wielinga
Chief Executive Officer
NSW Roads & Traffic Authority
Level 9
27 Argyle Street
PARRAMATTA NSW 2150

Attention: Mr Ken Moon

Dear Mr Wielinga,

Re: Port Botany Expansion – Section 96(1A) Modification of Condition B2.19

Sydney Ports Corporation (Sydney Ports) would like to advise that the enclosed modification application is to be lodged with the NSW Department of Planning for determination. This application is to modify the location of the operational rail sidings for the approved Port Botany Expansion development (DA-494-11-2003-i).

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Yours sincerely



Grant Gilfillan

Chief Executive Officer

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