

Mr Daniel Gorgioski
Major Projects
Department of Planning, Housing and
Infrastructure
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25 November 2025

Ref No: F2014/00092

Dear Mr Gorgioski,

RE: Modification 18 to DA494-11-2003-I for the Port Botany Expansion project

Thank you for the opportunity to comment on Modification 18 (DA494-11-2003-I-Mod-18) relating to the Port Botany Expansion project. Randwick Council has reviewed the proposed amendments and provides the following comments.

The original approval (DA494-11-2003-I) was granted on 13 October 2005 for the construction and operation of a new container terminal, referred to as the Port Botany Expansion (PBE). The approved works included:

- Stage 1 – construction and operation of a new container terminals (approval granted 13 October 2005)
- Stage 2 – construction and operation of a berthing facility for up to three tugs at Hayes Dock (approval granted 22 August 2006)

The Proponent's modification report notes that, after 20 years of operation, some conditions require removal or updating to maintain accuracy and relevance. While described as 'operational and administrative,' several proposed changes are substantive and warrant careful consideration. Council's key concerns are outlined below.

Non-compliance with Section 4.55(1A) requirements

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 permits modifications only where changes have no, or minimal environmental impact. Council considers that the removal of:

- Enforceable biodiversity requirements (Conditions B2.30 & B2.31)
- Coastal monitoring obligations (Condition B2.40)
- Community representation on governance bodies (Conditions B3.2 & B3.3)

cannot reasonably be regarded as minor. These conditions were integral to managing long-term environmental risks and maintaining public confidence in the planning process.

Consultation and transparency

In light of the substantive nature of these amendments, Modification 18 should be assessed under Section 4.55(2) as having greater than minimal environmental impact. Accordingly, the modification warrants full public exhibition, comprehensive environmental review, and

transparent consultation to ensure statutory compliance and maintain confidence in the planning system.

Council notes that the modification was first mentioned at a Port Botany Community Consultative Committee (CCC) meeting in May 2021, where NSW Ports (Greg Wahl) committed that the proposed changes would be placed on public exhibition (see: [May 2021 Port Botany CCC minutes](#)). Proceeding under Section 4.55(1A) without public exhibition appears inconsistent with that commitment and raises concerns about transparency. Recent CCC discussions also indicate that key stakeholders, including Hutchison Ports' Risk and Compliance Manager, were unaware of the proposal, highlighting gaps in engagement.

Biodiversity offset obligations – Conditions B2.30 & B2.31

The [Penrhyn Estuary Habitat Enhancement Plan](#) (PEHEP) is a project by the Port Authority of New South Wales to rehabilitate and expand habitats in Botany Bay to compensate for land used for the Port Botany Expansion. A key part of this plan was to increase the area of intertidal flats and saltmarsh to provide more feeding and roosting grounds for migratory shorebirds.

The Modification entails deleting enforceable obligations relating to the PEHEP as provided for under Conditions B2.30 and B2.31 and, specifically, undermines commitments to maintaining critical migratory shorebird habitat and the integrity of compensatory habitat established as part of the original approval.

These biodiversity offsets were approved as perpetual obligations, not discretionary actions - to ensure the preservation and maintenance of compensatory habitat in perpetuity. Removing these conditions would compromise the intent of the offset strategy and diminish ecological resilience.

Botany Bay's ecosystems are sensitive and require ongoing management to maintain their health and resilience. The conditions proposed for deletion were originally imposed to mitigate impacts from the Port Botany Expansion and to secure long-term ecological outcomes. Removing monitoring and habitat obligations would reduce the effectiveness of these safeguards and weaken offset strategies that were fundamental to the original approval.

Council recommends that Conditions B2.30 and B2.31 be retained requiring sediment control and ongoing habitat maintenance to uphold perpetual offset obligations and protect the ecological values of Botany Bay.

Coastal monitoring – Condition B2.40

Condition B2.40 requires implementation of a monitoring program, as outlined in the original EIS, to assess long-term impacts on hydrodynamics and coastal processes. This is to be undertaken through continuous wind and wave recording in Botany Bay and offshore, and beach profiling or photogrammetric analysis of key shoreline areas including Silver Beach, Towra Beach, Towra Spit Island, Lady Robinsons Beach and nearshore shoals.

Bayside Council's Foreshore Management Plan (2024) identifies Port Botany developments as contributors to erosion at Lady Robinsons Beach (see: [Lady Robinson foreshore management plan](#)). Removing Condition B2.40 would effectively eliminate continuity of baseline data, which is critical for cumulative impact assessment and adaptive management leaving critical coastal areas vulnerable to long-term degradation.

Council recommends that Condition B2.40 be retained to safeguard Botany Bay's coastal integrity and ensure informed, proactive management of erosion risks.

Community Consultative Committee (CCC) changes – Conditions B3.2 & B3.3

Condition B3.2 provides for the establishment of a Community Consultative Committee to oversee the Port Botany development's environmental performance. Specifically, the condition outlines the composition of the CCC which to date has allowed for representatives from adjoining Council's including Randwick Council (see: [Port Botany CCC Terms of Reference](#)) and the Port. Condition B3.3 provides for the necessary support and arrangements to facilitate the CCCs functions.

The proposal is inconsistent with the current CCC membership and operation outlined in the [Port Botany CCC Terms of Reference](#). For over 20 years, the CCC has provided a trusted forum for engagement. Reducing its scope and representation would depart from established practice and contradict the Department of Planning and Environment [DPE CCC Guidelines](#), which emphasise broad and balanced stakeholder participation.

Council recommends that the current CCC structure, membership and functions be retained in Conditions B3.2 and B3.3 to ensure inclusive, transparent governance and maintain alignment with established Department guidelines.

Implications for Port Botany Quayline Equalisation Project (PBQEP)

The PBQEP involves significant dredging and quayline extension works with potential cumulative impacts on hydrodynamics, water quality, and marine ecology. Removing monitoring and biodiversity obligations now would:

- Eliminate continuity of baseline data critical for PBQEP impact assessment,
- Undermine offset strategies needed for habitat loss, and
- Weaken governance frameworks relied upon for future State Significant Infrastructure (SSI) projects.

Maintaining robust conditions is essential to uphold confidence in the planning system at a time when major infrastructure decisions are imminent.

Conclusion

Randwick Council respectfully recommends that Modification 18 be assessed under Section 4.55(2) as having greater than minimal environmental impact. This would ensure:

- Full public exhibition,
- Comprehensive environmental review, and
- Transparent stakeholder consultation.

We further recommend retaining conditions relating to biodiversity offsets, coastal monitoring, and CCC governance to safeguard Botany Bay's environmental and social values for future generations.

If you have any questions regarding this submission, please contact David Ongkili, Coordinator Strategic Planning at david.ongkili@randwick.nsw.gov.au or (02) 9093 6793.

Yours sincerely,



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