



Your ref: DA494-11-2003-i-Mod-18
Our ref: DOC25/929153

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PARRAMATTA NSW 2124

24 November 2025

Subject: Request for advice on Modification – Port Botany Expansion Mod 18 – Operational administrative amendments (DA494-11-2003-i-Mod-18) (Bayside, Randwick City)

Dear Daniel,

Thank you for your referral received 30 October 2025 seeking comments from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, the Environment and Water regarding the modification for the above State significant infrastructure application.

CPHR has reviewed the *Modification Report* (Keylan Consulting, October 2025), and provides its comments and recommendations at Attachment A. In summary:

Dredging and reclamation

- for conditions B2.8-B2.12 further information is requested to understand the planning approval pathway for capital operational dredging requirements.

Penrhyn Estuary water quality and Penrhyn Estuary Habitat Enhancement Plan (PEHEP)

- for condition B2.30 further information is requested to demonstrate that the predicted water quality outcomes in Penrhyn Estuary were achieved
- the proposed deletion of Condition B2.31 does not proceed until discussions regarding condition B2.32 are resolved.

Hydrodynamic and Coastal Processes

- the justification to remove conditions B2.40 and B2.40A is accepted by CPHR.

CPHR should not be given a role in any conditions of consent without prior agreement. Should you have any queries regarding this matter, please contact Angela Stewart, Senior Conservation Planning Officer, via angela.stewart@dcceew.nsw.gov.au.

Yours sincerely

Louisa Clark
Director
Regional Delivery - Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

CPHR comments on Modification Report – Port Botany Expansion Mod 18 – Operational administrative amendments (DA494-11-2003-i-Mod-18) (Bayside, Randwick City)

Documents Reviewed

CPHR has reviewed the following documents and provides comments below:

- *Modification Report: Port Botany Expansion Penrhyn Road, Banksmeadow* (Keylan Consulting, October 2025)
- *Appendix 1 – Conditions of Consent*
- *Appendix 2 – Modification Table*
- *Appendix 4 – DPHI Standard Conditions of approval.*

Biodiversity

Background

CPHR is in consultation with the Applicant regarding its request to close out condition B2.32 Penrhyn Estuary Habitat Enhancement Plan – Alternative Compensatory Habitat Options. In correspondence to the Applicant on 4 July 2022, CPHR requested further information to demonstrate that the success criteria were achieved for seagrass and shorebirds. CPHR received a written response from the Applicant on 1 October 2024. Discussions regarding this condition are continuing. Further detail is provided below under Item 4 which relates to CPHR request for further information to demonstrate how the success criterion for shorebirds under Condition B2.31 was achieved by the Applicant.

Key Assessment Issues

1.	<i>Dredging and reclamation works – separate planning approval pathway</i>	The justification to delete dredging and reclamation works conditions B2.8, B2.9, B2.9A, B2.10, 2.10A, B2.10B, B2.11 and B2.12 states: <i>Any future capital dredging would be subject to separate planning approval pathway.</i> CPHR requests further information on the separate planning approval pathway for capital dredging and reclamation works and how this would be regulated. Recommended action Provide further information on the planning approval pathway and regulatory requirements for future capital dredging and reclamation works.
	<i>Extent and Timing</i>	Prior to determination.
2.	<i>Condition B2.30 – Penrhyn Estuary water quality</i>	Condition B2.30 requires that <i>the Applicant must demonstrate to the satisfaction of the Secretary that the detailed terminal design will achieve predicted water quality outcomes in Penrhyn Estuary.</i> The justification provided for deleting this condition is that water quality measures were included in the PEHEP. CPHR advises that including water quality measures in the PEHEP does not adequately demonstrate that the predicted water quality outcomes in Penrhyn Estuary have been achieved. CPHR requests the Applicant provide water quality reports that were required under the PEHEP including data and analysis to demonstrate that the water quality outcomes in Penrhyn Estuary have been achieved.

		Recommended action Provide water quality reports that include data and analysis to demonstrate the water quality outcomes in Penrhyn Estuary have been achieved.
	<i>Extent and Timing</i>	Prior to determination.
3.	<i>Condition B2.31 – PEHEP</i>	This condition required the preparation, approval and implementation of the PEHEP. It is acknowledged that the works associated with rehabilitation of the foreshore and estuary have been completed. However, the monitoring requirement under the Shorebird Monitoring Plan (PEHEP Appendix D) has not been met. PEHEP Section 6.3.1 Success Criterion 1 Shorebird Usage; Timeframe (page 39) states: <i>Success will be assessed 5 years following commencement of Port operations. Should the assessment be inconclusive or trends indicate that future success is likely but not yet achieved, monitoring would continue beyond this time until success has been achieved or the offset package for shorebirds implemented. Following a decision to implement the offset package, no further shorebird monitoring would be undertaken.”</i> CPHR advises the shorebird monitoring was required to continue beyond the 5 year period until the shorebird success criterion is achieved or the relevant offset package was triggered. However, this did not occur, as shorebird monitoring ceased in 2018 and consultation with CPHR did not occur until January 2022. CPHR are currently in discussions with the Applicant regarding the satisfaction of Success Criterion 1 - Shorebird Usage under the PEHEP. Recommended action Request the proposed deletion of Condition B2.31 does not proceed until discussions regarding Condition B2.32 are resolved.
	<i>Extent and Timing</i>	Prior to determination.

End of Submission