

Our ref: Port Botany Expansion-2003-I-Mod-18 (DA494-11-2003-I-Mod-18)

Ms Anja Morgan
Planning Manager
NSW Ports (The Trustee for the Port Botany Unit Trust)
Level 2, Brotherson House Gate B103 Penrhyn Rd
Port Botany NSW 2036

27 November 2025

Subject: Request for Additional Information

Dear Ms Morgan

I refer to the modification application for the Port Botany Expansion (DA494-11-2003-I-Mod-18 that was accepted by the Department on 29 October 2025. After careful consideration, the Department is requesting that you provide additional information in relation to the following matters:

- the modification request must provide additional information on conditions proposed to be deleted and/or modified, including:
 - date of approval/completion of the relevant condition(s)
 - interaction with remaining related conditions
 - monitoring outcomes, where relevant
 - how future development / certain activities will be managed, such as through alternative planning pathways
- clarify the future intent of undeveloped land and infrastructure that has yet to be delivered under the consent
- It's the Departments preference that any proposed amendments to conditions be consistent with current approaches and guidance material e.g. requirements for community consultative committees and Environmental Management Reporting / Auditing
- response to advice provided by public authorities and Bayside Council

You are requested to submit additional information that effectively addresses the issues summarised above and further detailed in Attachment 1 of this letter.

Department of Planning, Housing and Infrastructure



You are requested to provide the information by 29 January 2026. If you cannot meet this deadline or do not intend to provide the additional information, please advise the Department via the NSW Planning Portal.

As of the date of this letter, the number of days in the assessment period that have elapsed stands at 30 days.

If you have any questions, please contact Daniel Gorgioski on 9869 1538 or via email at Daniel.gorgioski@planning.nsw.gov.au.

Yours sincerely,

Michael Young

Principal Planning Officer

Transport and Water Assessments

Attachment 1

Undeveloped land and infrastructure

The request to remove / delete certain conditions may have unintended effects to the future development of land that is vacant / undeveloped or infrastructure that has yet to be constructed (i.e. rail access by means of an extension of the existing Botany Freight Rail Line parallel to Foreshore Road including a rail bridge and culverts).

Please provide clarification:

1. of the intended future use of any undeveloped land and how this will be managed
2. the status of the approved Rail Line parallel to Foreshore Road, including a rail bridge and culverts, as shown in schedule 3 of the consent i.e. will this rail infrastructure be constructed in the future, and likely construction timeframe.

Comments on specific conditions are made below.

A2.4 (Port Freight Logistics Plan)

The Port Freight Logistics Plan requires consideration of rail movement of container freight, and in condition A2.4 (a) examining container freight logistics and areas for improvement in the efficiency of container movements and rail interfacing through operational, technological or administrative changes, and in A2.4 (b) to maximise the use of rail infrastructure.

Clarification is required:

1. as to whether the Port Freights Logistics Plan (PFLP) (approved prior to the commencement of construction) was developed on the basis of the approved Stage 1 identified in condition A2.1 (a), specifically did the PFLP include the operation of the rail access described in dot point 4 of condition A2.1 (a) i.e. new rail line parallel to Foreshore Road)?
2. whether the PFLP was developed on the basis of the full operation of the Sydney International Container Terminals lease area or only the areas of the lease area that are currently operational (not including the undeveloped land in the lease area).
3. whether the deletion of condition A2.4 does not cause any unintended effect of the current container terminal operations and /or the full operation of the lease area for the approved development.

B2.27 - Port Traffic and Rail Noise Management Plan

It is noted this condition is proposed to be deleted, however:

1. further justification is required, as this condition may still be applicable for any undeveloped land and the future provision of a rail link via Foreshore Road.
2. how will port traffic and noise be managed should this condition be deleted?

B2.30 and B2.31 - Penrhyn Estuary Habitat

It's acknowledged that conditions B2.30 and B2.31 are requested to be deleted as they have been completed. However, Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, the Environment and Water have recommended that these two conditions are not deleted pending further information on the following:

1. B2.30: demonstrate that the predicted water quality outcomes in Penrhyn Estuary have been achieved
2. B2.31: CPHR are in discussions with NSW Ports about the satisfaction of Success Criterion 1 - Shorebird Usage under the Penrhyn Estuary Habitat Enhancement Plan. The Department requires an update on the outcomes of discussions and timeframe for its resolution.

B2.37 - Visual Amenity Plan

Although this plan is sought to be deleted, no advice has been provided on how the undeveloped land in the lease area will be managed and/or landscaped.

B3.2, B3.3, C3.2 and C3.3 Community consultative committee (CCC)

It is acknowledged that the project's CCC has been in operation before the Department's current Community consultative committee (CCC) guideline (2023) was published, and the broad condition requirements generally align with the intent of the CCC guideline. However, the Department requires clarification as to the current needs that require changes to be made to the operation of the CCC, as no specific information has been provided, and justification for the proposed modifications to the CCC conditions.

B4.3 Environmental Representative

Please clarify whether condition B4.3 is sought to be retained or deleted as it is unclear in the modification request. The Department's preference is to retain if future construction activities under the consent will occur.

B4.6 Maintenance and Management Plan for Expanded Area

It is acknowledged that that lease holders may have measures in place to address the requirements of this condition should it be deleted.

1. Please clarify whether any of the lease holders currently manage the undeveloped land in relation to safety, vegetation management and feral pest management.
2. If the lease does not cover the undeveloped land please advise whether this plan is relevant for that land, or whether the undeveloped land will be managed and maintained under an alternate process.

B4.2, C4.2 & C4.5 - Annual Environmental Management Report (AEMR) & Environmental Auditing

It's preferred that any proposed amendments to conditions conform with the Department's current standard compliance / auditing conditions.

1. provide justification why the Department's current compliance / auditing conditions should not be adopted.
2. condition B4.2 is proposed to be deleted, however the consent still includes land that has not been developed nor the rail link via Foreshore Road has not been constructed. Should these areas be developed in the future under this consent, then a form of construction auditing may still be required.