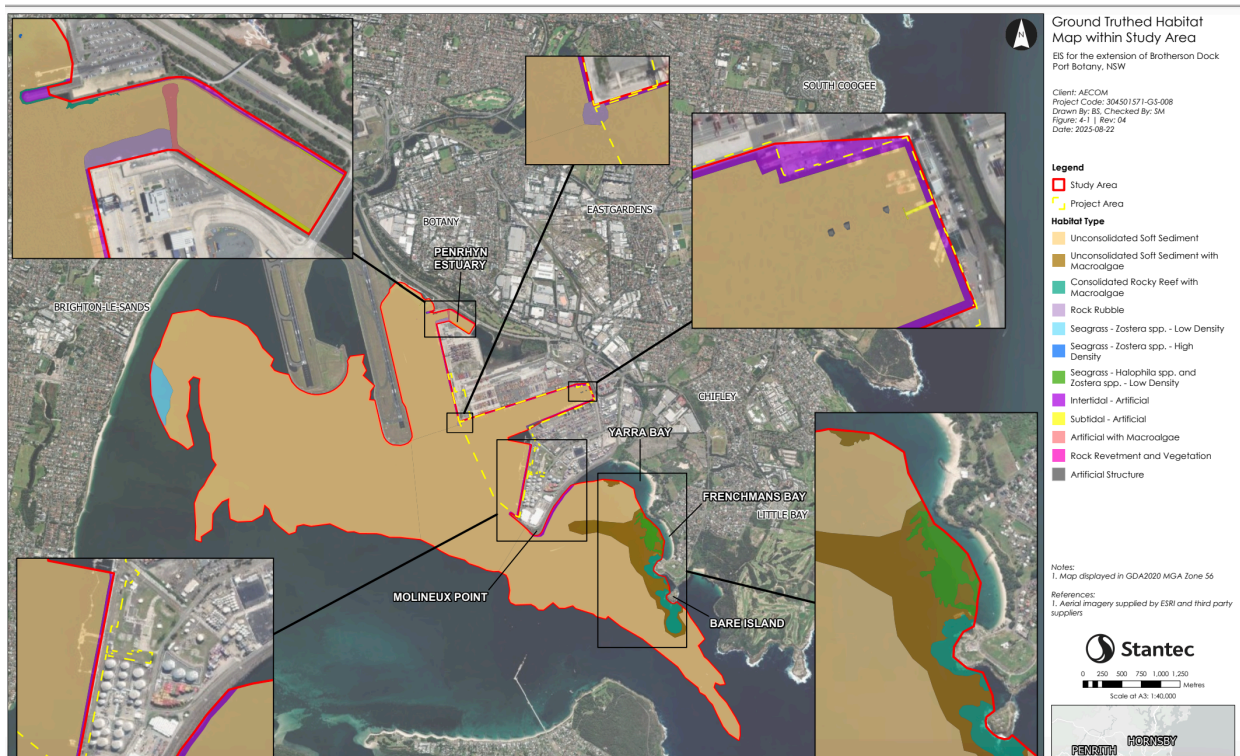


Lynda Newnam: Submission State Significant Infrastructure Development SSI-79878464 at DPW terminal Port Botany within Randwick LGA and opposite La Perouse and Phillip Bay. 22 October 2025.



from EIS Appendix F: Marine Ecology

Please accept this submission as **COMMENTS** on the project.

The project's current estimated cost is \$760,917,439 + GST and it is expected to take 5 years with an end date in 2032. It is the biggest port project since the Hutchison terminal was approved in 2005 and opened in 2014.

On the Planning website <https://www.planningportal.nsw.gov.au/major-projects/projects/port-botany-quayline-equalisation> it is described as:

“314 metre quay line extension on the southern side of Brotherson Dock, reclamation of 6 ha wharf hardstand area for container operations, dredging works within Brotherson Dock and demolition of BLB1 and replacement with new BLB3 and pipelines”

There has been limited time to examine the documents and provide a submission by 22nd October. Nothing will be available from Government agency experts until after public submissions have closed so I don't have the benefit of knowing whether SEARS <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-79878464%2120250324T031518.299%20GMT> have been met to the

satisfaction of those experts let alone have the benefit of their frank and fearless advice on what would be the best compensation for the ‘good of the Bay’.

There were many issues with the last State Significant Infrastructure project SSI-10049, Kamay Ferry Wharves, to which Randwick City Council formally objected - <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=PAE-24087359%2120210827T055808.963%20GMT> and passed further resolutions regarding contamination, biodiversity and finally asking the incoming Minns Government to stop it. The NSW Government proceeded, ‘appearing’ not to understand basic principles of Sunk Cost Fallacy. At Budget Estimates for the Transport portfolio 12th March, 2025, note Minister Graham’s response about the project being more ‘incredible’ than he had come to understand after sitting through Transport Estimates Hearings from 2021 to 2023.

The Hon. MARK BANASIAK: In the two minutes I've got, I'll quickly jump to Kamay ferry wharves, one of my favourite topics and Mr Howard Collins' favourite topic. It's obviously just been officially opened last week. It's a great fishing resource. What is the final cost? Is it \$78 million, or are there ongoing maintenance costs that have to be factored into that figure?

The Hon. JOHN GRAHAM: I knew this was an issue. I've noted your questioning over the years, so I knew there was an issue here. But, I've got to say, when I was briefed on the details of this project—the background to the project—it was even more incredible than your questioning had suggested. The fact that it has increased from \$18 million to \$78 million—that is the final budget. It's a great place to fish but not, at the moment, a great place to catch a ferry. That was never part of the plan, incredibly.

The Hon. MARK BANASIAK: That's debatable, Minister, because there are several documents that actually list the ferry service as the primary purpose. Then, magically, halfway through this, the primary purpose changes to other things. It was listed in the EIS as the primary purpose at one point, and then that's disappeared and changed.

The Hon. JOHN GRAHAM: In the twists and turns in this tale.

The Hon. MARK BANASIAK: In the twists and turns.

My objection to SSI-10049

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SUB-33413018%2120211212T112651.033%20GMT> covered a number of issues but focussed mainly on need and cost-benefit. When an infrastructure proposal does not meet the basic criteria then it is a waste of time to wade through a 4,500+ page EIS. But despite SSI-10049 being ‘known’ as a ‘crock’ (as one former Infrastructure minister put it), this project did proceed at a high capital (over \$78million) and maintenance cost (\$529,000 pa) to NSW <https://www.dailytelegraph.com.au/news/nsw/kamay-ferry-wharves-to-cost-500k-to-maintain-every-year-paid-from-nsw-waterways-fund-boat-fees/news-story/1cd2afe96466e94bb5809f660d9e3acf>.

By contrast the need for **SSI-79878464** was, arguably, first foreshadowed when the NSW Government overruled the recommendations of a Commission of Inquiry headed by Kevin Cleland and approved the development of the 3rd Port Terminal, Hutchison, October 2005 and subsequently with the passing of the Port Assets Bill in November 2012 which removed the 3.2million TEU cap at Port Botany. In fact, in the 2005 Commission of Inquiry report

Commissioner Cleland recommended modest expansions of both Patrick and DPW as an alternative to the 3rd Terminal.

The EIS, as published, is 2757 pages comprising:

Summary 18

Main Report 489. AECOM

App D Coastal Processes 153 DHI Seaport

App E Marine Water Quality 422 Stantec

App F Marine Ecology 433 Stantec

App G Hazard Analysis 198 Planager

App H Aviation Safety 44 AECOM

App I Contamination PSI 215 AECOM

App J Transport & Traffic 92 AECOM

App K Terrestrial Noise 103 AECOM

App L Marine Noise 80 AECOM

App M Landscape 68 AECOM

App N Social Impact 79 AECOM

App O Air Quality & Odour 71 AECOM

App P Aboriginal Heritage 110 AECOM

App Q Biodiversity 182 Biosis

I expect the NSW EPA experts to cover **all contamination** – legacy and ongoing. The Botany Industrial Park (BIP), Sydney Airport and Kurnell are regulated contaminated sites. It should be noted that for the BIP, Orica has signalled to shareholders since the 2018 Annual Report that it intends to close the Groundwater Treatment Plant in 2036. Following the 2024 Groundwater Strategy Review, there appeared to be a consensus between the international experts (engaged for the review), Orica and the EPA that the Clean Up had reached a ‘fork in the road’. Additional provision was made (as appears in the 2024 Annual Report) for investigations and interventions to facilitate closure by 2036. I understand there is work occurring in Penrhyn Estuary. This is part of the bigger operating context for NSW Ports. Also to note is the 4mgl+ of cleaned water per day which has been dumped in Brotherson Dock since the closure of Qenos in February 2023. Under terms dating back to 2005/6 Orica was supposed to ensure productive use of cleaned water. I raise it here because it has not been formally addressed elsewhere and it potentially impacts the site for better or worse.

It is likely the EPA will require more detailed investigations beyond Appendix I, PSI and that a site auditor will be required under consent conditions. The EPA should provide the scope of works for the auditor. I think anything less would not meet expectations of those who have longstanding concerns about Environmental and Human Health Risks

in Botany Bay. The Government's response to the recent Parliamentary Select Committee Report into PFAS is due in December
<https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=329> I made a submission
<https://www.aph.gov.au/DocumentStore.ashx?id=44818af2-d8f0-4481-b9fc-7d0c23de88be&subId=774819> to both the State and Federal Parliaments on the treatment of EPA requirements for SSD-10049. In a nutshell, EPA provided SEARS. Transport ignored some requirements. EPA asked again in their formal submission on the EIS. Transport in the Response to Submissions (RTS) stated that they had done enough and on contacting Planning (email to Minister and follow up phone call as suggested in written response) I found that Planning backed Transport's opinion. A colleague conducted a thorough assessment, as best one can as a Citizen. There was a subsequent article in the Sydney Morning Herald, Randwick CC resolution, and pro bono expert report. Transport did more but not exactly as required. Notwithstanding, disrespect of EPA requirements should not happen again, so the expectation is that the EPA will require best practice, as per legislation, and there will be no argument. Legislators, parliamentary staff, and citizens work hard to improve the complex systems we have. Disrespect and non-compliance should never be tolerated.

Risk is a major concern. There are 3 Major Hazard Facilities on the DPW terminal. Planes fly over gas ships and bulk storage. The risks needs to be addressed fully. What is stated in Appendix G is insufficient:

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-79878464%2120250916T014526.275%20GMT>

Rules apply to help ensure no aircrafts taking off or landing over Port Botany, and a risk reduction factor of 100 is applied, i.e. assuming one aircraft in a 100 fails this rule (probably conservative).

Using these factors, the crash frequencies for take-offs and landings where DG Class 1.1/1.2 may be involved were calculated as 1.4×10^{-11} per year, and where AN may be involved, as 2.9×10^{-10} per year. This uses a conservative number of takeoffs and landings of 350,000 per year.

This likelihood is transferred into the QRA for analysis but has no significant impact on the risk assessment carried out as part of this PHA.

What rules apply and how are these monitored regularly by NSW Ports, SafeWork and the operators of gas ships and bulk storage facilities? Note also that Sydney Airport is growing with the latest plan, currently on exhibition, projecting:

Sydney Airport Sees Passenger Volumes Soaring by 2045

	Total in 2024	Total in 2045	CAGR
International	 16.3 mln	 36.4 mln	 3.9%
Domestic and regional	 25.1	 36.2	 1.8
Total	 41.4	 72.6	 2.7

Source: Sydney Airport Draft Master Plan 2045
 Note: CAGR denotes compound annual growth rate

Randwick CC Risk Register 2006 noted aircraft risk <https://portbotany.wordpress.com/wp-content/uploads/2020/09/community-emergency-risk-register-randwick.pdf> . There have been significant increases in bulk liquid volumes since then and more projected with this expansion. There must come a tipping point when the risk contours are re-drawn. Saying the same for 30 years <https://www.parliament.nsw.gov.au/tp/files/49453/Overview%20report.pdf> to community is not reassuring, particularly as there is no preparedness strategy. There has been nothing beyond a flyer for this 2011 cut-down plan <https://portbotany.wordpress.com/wp-content/uploads/2020/09/disaster-plan-port-botany-2011.pdf> and there has been no appetite to address community expectations when issues have been raised. I wrote this 10 years ago. Nothing of substance has changed <https://laperousemuseum.wordpress.com/wp-content/uploads/2020/08/sustainability-speaking-17-autumn-2015.pdf> The most recent incident of significance within the Transport and Infrastructure SEPP (former 3 Ports) was 2023 when residents around Denison and other surrounding streets <https://www.abc.net.au/news/2023-02-28/banksmeadow-chemical-cooling-tower-fire/102034550> were restricted from accessing their homes causing distress, particularly for those with children and pets. Again, there was no whole of community follow up on scenarios and preparedness protocols. This would be the only meeting (held 2013) for community where a record of minutes has been published https://portbotany.wordpress.com/wp-content/uploads/2015/02/hcb_minutesextraordinarymeetingcprc2july2013-rev0-2.pdf (also appears Orica website).

There is arguably a ‘trust deficit’ when it comes to community engagement on Risk particularly given the cover-up of the 1983 report and removal of what became the Bunnings site from the Three Ports SEPP around 15 years ago <https://www.smh.com.au/national/nsw/tony-kelly-rezoned-botany-port-land-20140611-zs3sq.html> With the Port and Airport both growing it needs to be addressed - transparently.

While outside the scope of assessment of this project, but still within context, I would suggest that NSW Ports consider a review of its current Community Engagement Strategy. Formal Community Consultative Committees with restricted membership don't allow for a level of transparency and robustness that could be achieved. There are alternatives. For example, IPART hold open online forums where questions can be put in chat (visible to everyone) and either the facilitator will read the question and request an answer from the relevant participant/s or may ask the questioner to elaborate. Anyone can sign up to participate. I participated in a Sydney Water Pricing forum recently where over 150 people were signed in (and the meeting finished before the scheduled time). Aside from a quarterly forum, there is no reason why NSW Ports could not convene an annual forum on Emergency Risk providing opportunities to hear directly from those with legislated responsibilities eg. SafeWork, Police. I attend CCCs for the BIP, Orica and Opal. Anyone can attend, as long as they provide notice to the secretariat. In the case of Opal and the BIP these are industry facilitated. Orica and EPA have also been providing additional briefings at the request of community members.

Marine Biodiversity Offset Strategy (MBOS)

This is where my focus lies: the long-term health of Botany Bay. As a volunteer, my motivation in writing this submission is to ask decision-makers to use this opportunity wisely. Do what hasn't been done before. Recognise the decline, admit the mistakes of past expert assessment and opinion and admit to the political and 'cut corners' drivers for those mistakes. Get the best minds engaged (regardless of their affiliations), and **only the best** who know what is needed, are not self-serving and will provide 'frank and fearless' input. Let them develop an MBOS with the long-term 'good of the Bay' at its centre.



December 2021 Launch of Turning the Tide at La Perouse with author James Colman and members of the Botany Bay and Catchment Alliance formed as part of the Botany Bay Program.

When I moved to Botany Bay, in 2000, I became involved with the Botany Bay Program which built upon previous work eg. the Healthy Rivers Commissions. The program was funded by the Commonwealth and Southern Sydney Regional Organisation of Councils (SSROC) <https://www.smh.com.au/national/plan-to-turn-back-botany-bays-tide-of-neglect-20021228-gdg129.html> The report, Turning the Tide, led to the Botany Bay Strategy which was supposed to identify priority research and work to support long-term health.

It was recognised that there needed to be remedial/compensatory works because of the negative impacts of previous developments for airport, port and other industry as well as address the impacts of pipeline developments which would need to be designed with sensitivity within an overall management plan/strategy. Those pipeline developments included the expansion of Port Botany, the Botany Bay Cable and Desalination. \$1.5 million in funding was promised as seed money for the Botany Bay Studies Unit at UNSW headed at the time by Professor John Black. The website still existed when I looked last year but it appears that UNSW has since shut it down. I do have notes from one of the workshop days to provide context.

<https://portbotany.wordpress.com/wp-content/uploads/2016/03/session1.pdf> The full Botany Bay Strategy was not released publicly. The \$ for Botany Bay were reallocated to the Sydney Institute of Marine Sciences (SIMS) which was established around the time the Port Botany Expansion was approved. During one of the Botany Bay Program sessions, I recall someone commenting that the biggest problem for Botany Bay was Sydney Harbour – as Harbour interests would dump on the Bay at the same time as extracting benefits. The SIMS ‘contribution’ to Botany Bay has been a document (released early 2023) called the Science of Gamay. It is not a strategy, it is not comprehensive, it didn’t build on extensive prior work. The work on contamination was not up to date eg. PFAS no mention, PCE the problem chemical for the Botany Aquifer cleanup no mention. nor was there adequate treatment of threatened marine species. There are other shortcomings. A colleague, another volunteer, brought some of these to the attention of authors and is yet to receive any satisfactory replies. Unfortunately, it carries the SIMS name, along with the names of 42 scientists, so superficially it passes as the ‘go to’ for Botany Bay or rather ‘Gamay’ – very apt it was to downgrade the scientific name.

There are people who have worked on this EIS who have worked on other projects in Botany Bay. I think it is possible for some DPIRD (Fisheries) staff and DCCEEW Marine Mammals (eg. Dr March), EPA and a few of the NSW Ports consultants and staff to design an MBOS ‘for the good of the Bay’. There is no shortage of **volunteers/citizen scientists** in microplastics (and other litter), diving, fishing, seagrass (once conducted but not current), water quality, and shorebird monitoring groups to add value **without cost** for long-term projects. This is a link to a presentation at the last Citizen Science conference in Maroochydore in 2023 from one of the divers at Bare Island, Marco

Bordieri of VIZ <https://www.youtube.com/watch?v=Wfmq2K6N5XM> and also a link to a website that a local diver has run as a volunteer, at his own expense for 30 years. <https://www.michaelmcfadyenscuba.info> With budget cuts to the NSW EPA, DPIRD <https://www.smh.com.au/politics/nsw/why-8-per-cent-of-jobs-will-be-slashed-from-top-environment-body-20251021-p5n462.html> and other agencies and likely more cuts in the future it is important to harness the passion, knowledge and expertise of **volunteers**. This, of course, needs to be achieved within a genuine science directed framework (as outlined by Marco). There is no capacity to waste scarce resources on superficial public relations alternatives.

The MBOS for SSD-10049 which extends until 2033 with over \$3million has been primarily for the financial and 'PR' benefit of a few. At one point there was supposed to be a Citizen Science component <https://www.operationposidonia.com/storm-squad-1> however that didn't eventuate and instead the contractor is paid for collection of detached shoots – see latest report <https://www.transport.nsw.gov.au/system/files/media/documents/2025/Kamay-ferry-wharves-seagrass-monitoring-report-6-April-2025.pdf> For the Botany Bay Cable there was no offset and yet the damage to Posidonia australis was extensive - recent update on work by DPIRD Fisheries to repair - <https://www.marine.nsw.gov.au/news-and-more/newsroom/news/2025-news/successful-long-term-seagrass-restoration-in-the-face-of-ongoing-threats> An alternative, and more direct, route for that cable or better project management could have reduced damage. The Desalination Plant was best sited elsewhere but that was politically unpalatable so again damage through the pipe. The Penrhyn Estuary offset for the Port Expansion Hutchison Terminal under Draft Green Offsets 2005 https://www.portauthoritynsw.com.au/sites/default/files/media/migrated/files/pehep_report_execsummary.pdf has failed to meet shorebird targets.

I note there are names on that document, eg. Dr Treloar, who appear in this EIS. Dr Treloar is an expert in coastal processes and likely to be able to recommend measures that could address existing and projected erosion (loss of habitat) around Frenchmans and Yarra Bays and at the same time improve amenity and biodiversity. It's a pity that money that has been spent on 'padding' and some box-ticking aspects of the EIS could not have been applied to designing practical beneficial works but unfortunately this is what we collectively are required to work with. For the most part it hasn't been for the 'good of the Bay'.

I could write at length about the plans not delivered, promises broken, and compliance failures. SSD-10049 was an example of high opportunism with the added frustration of gaslighting around 'caring'. There has been plenty of media to capture plastic bags of seahorses being held up but no genuine 'caring'. Anyone who cared would not have pushed an invasive unnecessary expensive project, particularly after the Cruise

proposal, for which it was a sweetener, was taken out of the mix. But that's done and thankfully one of the more invasive elements of the project, 36 crossings a day by a 450 seat ferry has not eventuated. Although, it is likely that something might eventuate that is better aligned with the importance of container shipping and the low impact water activities (diving, canoes etc) that operate in what is effectively a Port buffer zone (Bare Island-Frenchmans-Yarra). I made a submission on the MBOS for SSD-10049 to a Parliamentary Inquiry into Offsets in May 2022 when the project was on the 'backburner':

https://www.parliament.nsw.gov.au/lcdocs/submissions/78763/0104%20Lynda%20Newnam_REDACTED.pdf and I referenced this amongst other examples of 'shortcomings' of process with regard to environmental assessment and offsetting in this submission in September 2024 to the Biodiversity Act Amendment on offsets.

<https://www.parliament.nsw.gov.au/lcdocs/submissions/87571/0039%20Lynda%20Newnam.pdf> I provide this as context to my request for a genuine process with committed experts.

In the future the Bay faces further negative impacts, eg. widening and deepening of the shipping channel as foreshadowed in the Sydney Ports submission to the 2007 Botany Bay Cable, and such impacts need to be factored into MBOS design.

As always if there is anything I need to explain further, or that needs correction, please do not hesitate to contact me. Below, I have suggested conditions:

CONSENT RECOMMENDATIONS:

1. MBOS designed by genuine experts committed to the long-term health of the Bay.
2. Long-Term Citizen Science support projects overseen by NSW Ports, DPIRD Fisheries, DCCEEW (NPWS -Marine Mammals, Coastal Processes) and EPA. DCCEEW and DPIRD have legislated responsibilities, NSW Ports has a long-term stewardship role in Botany Bay - their lease runs until 2112 and they are the most significant operator in the Bay.
3. Emergency Planning/Management which embeds community preparedness within a revamped Community Engagement Strategy.

