Mr Nick Hearfield
Major Projects
Department of Planning Housing and Infrastructure
email: nick.hearfield@dpie.nsw.gov.au

04 June 2026

Ref No: F2025/00214

Dear Mr Hearfield,

RE: PORT BOTANY QUAYLINE EQUALISATION PROJECT (SSI-79878464) SUBMISSIONS TO DRAFT CONDITIONS

Thank you for the opportunity to review and provide comments on the Draft Conditions of Approval for the Port Botany Quayline Equalisation Project (SSI-79878464).

Council has reviewed the draft conditions in the context of the issues raised in Council's submission on the Environmental Impact Statement (EIS) and subsequent Submissions Report. Council acknowledges that the Draft Conditions incorporate a range of standard and project-specific requirements addressing environmental management, monitoring, stakeholder engagement and governance.

In general, Council supports the comprehensive set of environmental management controls in the Draft Conditions, including:

- requirements for Construction Environmental Management Plans (CEMP) and associated sub-plans;
- real-time monitoring and adaptive management for water quality and dredging;
- community consultation, complaints management, and transparency measures;
- contamination oversight, including the engagement of a Site Auditor; and
- hazard and risk studies consistent with the Hazardous Industry Planning Advisory Paper (HIPAP) framework.

These elements are consistent with contemporary practice for State significant infrastructure and provide an appropriate framework for environmental management.

However, Council considers that a number of key issues remain only partially addressed or deferred, resulting in uncertainty regarding the effectiveness of impact mitigation. Council's recommended amendments seek to ensure that the conditions:

- are directly related to the impacts of the development,
- are reasonable and proportionate to the scale and risk profile of the project, and
- provide sufficient certainty at the approval stage.

In this regard, Council's recommendations as detailed below are consistent section 4.17 (and section 5.19 where relevant) of the Environmental Planning and Assessment Act 1979, relating to the principles and processes for condition-making.

Marine Ecology and Biodiversity

While the Draft Conditions require the preparation of a Marine Ecology sub-plan and a Key Fish Habitat Offset Strategy, these matters are largely deferred to post-approval documentation.

Council considers that greater certainty is required around the assessment and management of ecological impacts associated with the quay line expansion, particularly where these impacts are already identified in the EIS need to be addressed. While Council acknowledges that post-approval plans such as the CEMP and associated sub-plans are a standard component of major project approvals, it is important that key elements, such as the existing ecological conditions, how impacts may occur, and the outcomes required, are clearly understood and set out before those plans are approved.

Council considers that clearer detail is needed to ensure impacts are properly understood and managed. Accordingly, Council recommends that the conditions be amended to require:

- comprehensive baseline biodiversity surveys, including species composition, abundance and seasonal variability prior to submission of a Construction Environmental Management Plan (CEMP)
- species-specific impact assessment upfront, particularly for threatened and migratory species
- a long-term post-construction ecological monitoring program, including measurable performance indicators and reporting requirements prior to approval of the Construction Monitoring Programs under Condition C17
- greater certainty regarding offset outcomes, including criteria for ecological equivalence, location (preferably proximate to the site), and long-term management arrangements prior to approval of the Offset Strategy under Condition E15.

These recommended amendments do not introduce new or unrelated requirements, but rather clarify the timing and scope of existing obligations under Conditions C9, C17 and E15. This ensures that environmental impacts arising from dredging and reclamation are properly assessed and mitigated upfront, and are consistent with standard practice for large-scale marine infrastructure projects.

These measures are necessary to ensure that biodiversity impacts arising from dredging and reclamation are properly assessed and mitigated upfront, and are consistent with standard practice for large-scale marine infrastructure projects.

Sediment Quality, Dredging and Water Quality

Council acknowledges that the Draft Conditions (No. C13-C15) include robust requirements for turbidity monitoring, trigger-action-response plans, and dredging controls.

The project involves large-scale dredging and the reuse of sediments, which have a high potential to disturb and mobilise existing contamination. Contamination in marine sediments is inherently variable across both the footprint and depth of works, meaning that contaminant concentrations, types and behaviour can vary substantially between locations and sediment layers. Limited sampling, as suggested under the proposed draft condition may not adequately identify contamination hotspots or deeper affected layers.

Consistent with established best practice, including the National Assessment Guidelines for Dredging, sediment testing should cover the whole area where work is proposed and include samples from the depths that will be disturbed. This is important to make sure any contamination is properly understood, so that risks can be assessed accurately and the right management measures are put in place.

Accordingly, Council recommends that the conditions be strengthened to require:

- an expanded pre-dredging sediment characterisation program covering the full footprint and depth profile of works; and
- clearer linkage between baseline data and operational trigger thresholds.

These refinements would improve confidence in the adequacy of impact prediction and management.

Hazard and Risk – Cumulative and Aviation Risk

While the Draft Conditions require the preparation of hazard studies (including FHA (Final Hazard Analysis) and HAZOP (Hazard and Operability Study)), Council notes that they do not explicitly address several key issues raised in Council's submission. This recommendation does not seek to introduce new assessment requirements, but rather to ensure that, in relation to potential aviation-related consequences of hazardous incidents, these potential consequences are appropriately considered within the existing hazard assessment framework required by the Draft Conditions, including the, FHA and HAZOP Study, and associated hazard studies prepared in accordance with the Department's Hazardous Industry Planning Advisory Papers.

Council recommends that the conditions be strengthened to require:

- updated cumulative risk contour modelling, where the Final Hazard Analysis identifies material changes to the risk profile, incorporating the relocated BLB3 (Bulk Liquids Berth 3), extended quayline, and foreseeable changes in Dangerous Goods profiles;
- an assessment of the potential for aircraft-related impact risk associated with the location and operation of BLB3 in proximity to Sydney Airport flight paths.
- consideration of integrated assessment of land-use safety and aviation safety, including plume dispersion, thermal radiation and visibility impacts; and
- consideration of emerging hazard profiles, including lithium-ion batteries, hydrogen and alternative fuels, and cumulative risks associated with nearby facilities.

These matters are directly relevant to the safety impacts of the development and are necessary to ensure compliance with the objectives of the HIPAP framework.

Noise and Vibration

Council acknowledges that the Draft Conditions include comprehensive noise management frameworks, including Out-of-Hours Work Protocols and Construction Noise and Vibration Impact Mitigation Statements.

However, Council remains concerned that:

- key mitigation measures are deferred to post-approval plans, and
- 24-hour dredging is permitted without sufficient justification or constraint.

While it is standard for major infrastructure approvals to rely on post-approval plans (such as the CEMP), this should not extend to key mitigation measures where impacts are already known. In the case of the quayline expansion, impacts such as dredging noise and marine disturbance have been clearly identified. In these circumstances, it is important that key mitigation measures are defined at the approval stage, rather than left to be developed later, to ensure they are adequate, transparent and enforceable.

Similarly, the unrestricted allowance for 24-hour dredging represents a significant departure from the structured approach applied to other out-of-hours works under the Draft Conditions. Given the potential for continuous noise and amenity impacts, Council considers it reasonable that such works be subject to appropriate justification, mitigation measures and, where relevant, community management provisions.

These recommendations do not seek to preclude dredging activities, but rather to ensure that they are undertaken in a manner that is proportionate to their impacts and consistent with the broader framework of the Draft Conditions.

Accordingly, Council recommends that:

- a detailed Construction Noise and Vibration Management Plan (CNVMP) be required prior to approval;
- clear mitigation measures for affected receivers be specified at the approval stage; and
- the justification for continuous works be further demonstrated, with consideration of additional limits or respite measures.

These amendments would ensure a higher degree of certainty regarding the protection of residential amenity.

Contamination and Site Investigation

Council supports the requirement for a Site Auditor but notes that the conditions do not explicitly require a Detailed Site Investigation (DSI). In this regard, it should be noted that a DSI is a comprehensive, high-resolution investigation of contamination at a site, undertaken after an initial screening study via a Preliminary Site Investigation (PSI). The Quayline project involves dredging of approximately 600,000 m^3 of sediment; reclamation using dredged material and activity in a known contaminated industrial port setting. These activities create a heightened risk of releasing and redistributing contaminants within the aquatic environment.

Accordingly, Council considers that reliance on a PSI is insufficient given the scale of dredging, the proposed reuse of sediments for reclamation, and the known contamination context of the Botany Bay precinct. A Detailed Site Investigation is a standard and necessary step in contaminated land assessment, providing the level of spatial and analytical detail required to accurately characterise contamination, identify risks, and inform appropriate management measures.

Without such an investigation, there remains a high degree of uncertainty regarding the nature and extent of contamination and its potential mobilisation during dredging and reclamation activities. This uncertainty cannot be appropriately managed through post-approval plans alone.

As such, Council recommends that conditions require a DSI in areas of potential contamination, including sediment and reclaimed land; and alignment of all management measures with the findings of that investigation.

Additionally, Council notes that the Draft Conditions (No. E3-E6) address contamination in general terms but do not include PFAS-specific provisions, despite the known contamination context of the Botany Bay area.

Council recommends that conditions be amended to require:

- PFAS-specific sampling and analysis consistent with the PFAS National Environmental Management Plan (NEMP);
- the adoption of precautionary management measures where PFAS is detected, regardless of concentration; and
- consideration of cumulative contamination pathways, including potential interaction with known sources such as the Orica/IXOM plume.

Given the persistence, mobility and bioaccumulative nature of PFAS, these measures are necessary to ensure that water quality and ecological values are protected.

Traffic and Transport

Council notes that the Draft Conditions require a Traffic Management sub-plan; however, these conditions focus on site specific and immediate operational impacts and do not address broader strategic impacts beyond the site including traffic impacts on the wider arterial road network including Foreshore Road, Botany Road and Southern Cross Drive/M5 corridor.

Council recommends strengthening conditions to require:

- comprehensive traffic impact assessment in consultation with Transport for NSW;
- assessment of freight mode share and opportunities to increase rail utilisation; and
- identification of any necessary upgrades or mitigation measures to protect surrounding communities.

Council emphasises that these recommendations relate to the assessment and management of project impacts and are not intended to impose unrelated strategic obligations.

Council considers that the Draft Conditions provide a strong framework but, in several key areas, rely on post-approval plans and strategies without sufficient upfront certainty. Council therefore requests that the Department give further consideration to the matters raised in this submission prior to finalising the Conditions of Approval.

If you have any questions regarding the issues raised in this submission, please don’t hesitate to contact David Ongkili Coordinator Strategic Planning on 9093 6793 or email David.ongkili@randwick.nsw.go.au

Yours sincerely,

Stella Agagiotis
Manager Strategic Planning
Stella.agagiotis@randwick.nsw.gov.au