



New South Wales Government
Independent Planning Commission

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Port Botany Quayline Equalisation SSI-798778464

Statement of Reasons for Decision

Andrew Mills (Commission Chair)

23 September 2026

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1. Introduction

1. On 10 August 2026, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant infrastructure (**SSI**) Application SSI-798778464 (**Application**) from Port Botany Operations Pty Ltd as Trustee for Port Botany Unit Trust (**Proponent**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Port Botany Quayline Equalisation project (the **Project**) located in the Bayside and Randwick Local Government Areas (**LGAs**). The Application constitutes SSI under section 5.28(1) of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP T&I)* pursuant to section 5.12(2) of the EP&A Act, as the development proposed is:
 - to be carried out on land within a Lease Area¹;
 - permissible without development consent pursuant to section 5.16 of SEPP T&I; and
 - is for the purpose of port facilities carried out by a public authority² on land within the Lease Area of Port Botany, and has an estimated development cost of more than \$100 million.
3. The approval of the Minister for Planning and Public Spaces (**Minister**) is required for SSI under section 5.14(1) of the EP&A Act. However, in accordance with the Minister's Instrument of Delegation dated 14 September 2011 (**Instrument of Delegation**), the Minister's function to determine the Application is delegated to the Commission as the Applicant has made a reportable political donation and is not a public authority as defined by the EP&A Act for the purpose of the Instrument of Delegation.
4. Andrew Mills, Chair of the Commission, determined that himself (as Chair) would constitute the Commission Panel for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) dated August 2026 that the Project is in the public interest and is approvable, subject to conditions.

2. The Application

6. The subject site (**Site**) is located in Port Botany, approximately 6.5 kilometres south of the Central Business District and wholly within the Port Botany Lease Area (AR, para 4) – see **Figure 1**. The proposed extended quayline is located at Brotherson Dock and the proposed Bulk Liquid Berth 3 (BLB3) is located at Fishburn Road, Port Botany (AR, para 5) – see **Figure 2**.

¹ means the area shown edged in red and identified as "Port Botany Lease Area" on the Lease Area Map under SEPP T&I.

² includes the "Port Operator", which in relation to Botany Bay is the port operator (within the meaning of the Ports and Maritime Administration Act 1995) of the port of Botany Bay.

7. The Site is surrounded by port-related facilities, bulk liquid and gas storage terminals, hydrocarbon storage, fuel pipelines, and road and rail lines connecting to broader transport networks (AR, para 6). Land uses surrounding the Site also include light industrial, warehousing, open space and Penrhyn Estuary to the north and northwest, and Botany Cemetery and recreational land uses to the southeast (AR, para 6).

Figure 1 - Site location and regional context (Source: AR, Figure 1)



Figure 2 – Project overview (Source: AR, Figure 3)



8. The Project seeks to:
- increase the length of the existing quayline (BD12) on the southern side of Brotherson Dock by 314 metres (providing for a total quayline length of approximately 1,250 metres);
 - expand the adjacent wharf hardstand area by an additional 5.3 hectares (4 hectares of reclaimed area and 1.3 hectares of suspended deck);
 - dredge the Brotherson Dock channel and berths to provide the material for the reclamation of land;
 - demolish the existing BLB1 and construct a new BLB (BLB3) on the southwestern side of Molineaux Point, and its associated infrastructure; and
 - demolish the tugboat jetty off Molineaux Point (AR, paras 9-10 and Table 1).
9. The operation/use of the extended quayline and associated wharf area for container terminal uses will be subject to a separate approval (AR, para 3).
10. A complete description of the Project is set out in the Department's AR at Appendix C.

3. Material Considered by the Commission

11. In this determination, the Commission has given consideration to the:
- matters raised in public submissions received by the Commission as set out in [Appendix A – Community Consultation Report](#);
 - material and planning framework as set out in [Appendix B – Commission's Considerations](#); and
 - Department's whole-of-government assessment as set out in [Appendix C – Department's Assessment Report](#).

4. Reasons for the Decision

12. The Commission has decided to approve the Application, subject to the imposed conditions of approval. The Commission's key reasons for its decision are set out below.

4.1.1 Water quality and impacts on coastal processes

13. Public submissions raised concerns regarding the potential impacts of the Project on coastal processes and water quality resulting from the proposed dredging activities.
- Water quality*
14. Construction of the Project would result in sediment plumes from dredging and the discharge of water from the dewatering of dredge slurry in the reclamation area (AR, para 48). Additionally, the dredging for the spoil for the extended quayline and hardstand would create changes to the seabed within Brotherson Dock and the demolition of BLB1 and construction of BLB3 would cause minor manageable water quality impacts (AR, para 48).
15. The Commission notes that the Proponent has committed to undertake real time monitoring of turbidity within and outside of Brotherson Dock to ensure compliance with total suspended solids criteria, including lower trigger values on live monitoring buoys at the entrance to Brotherson Dock, allowing dredging operations to reduce spoil output or to be relocated prior to exceeding the upper limits of total suspended solids (AR, para 61).

16. In relation to the minor water quality impacts resulting from the demolition of BLB1 and construction of BLB3, the Commission is satisfied that the Proponent's mitigation commitments and the imposed conditions of approval requiring erosion and sediment controls will adequately manage and/or mitigate the minor water quality impacts. These commitments include the preparation of a Construction Environmental Management Plan (**CEMP**) with measures such as containment booms and 'catch shrouding' to prevent potential debris entering the water as outlined in AR para 68.

Coastal processes and hydrology

17. Council and public submissions raised concerns with the impacts of the dredging of spoil changing the seabed within Brotherson Dock on wave energy and sediment dispersion within Botany Bay, including on Lady Robinsons Beach and the western foreshore of Botany Bay.
18. The proposed dredging will alter the seabed of Brotherson Dock, with the dredged section up to 4.5 metres deeper than the existing seabed profile (AR, para 77). The Commission notes that the Proponent's modelling demonstrates that there would be a reduction of 0.06% of the annual volumetric exchange of tidal water, compared to the existing conditions, and an estimated wave energy reduction of 50% inside Brotherson Dock and between 0.1% and 0.2% along the southern side of Botany Bay at Towra Point and Silver Beach (AR, para 79). The Proponent's documentation considered these impacts on altered currents and wave energy and assessed these changes as being negligible and unlikely to change the shoreline of Botany Bay (AR, para 80).
19. The Commission considers the potential changes to coastal processes including currents and wave energy, although assessed to be negligible, to be of importance and warrant monitoring to ensure any impacts are identified and managed appropriately. Therefore, the Commission has imposed a condition requiring the Proponent to prepare a Hydrodynamic and Coastal Processes Monitoring Plan which must address the western foreshore of Botany Bay and Lady Robinsons Beach, including:
- beach profiling or aerial photographic record analysis prior to the commencement of reclamation works;
 - consideration of the Lady Robinsons Foreshore Management Plan;
 - a proposed timeline for monitoring before and after land reclamation works and a proposed timeline for reporting monitoring results to the Planning Secretary; and
 - measures which will be implemented in the event that monitoring indicates wave action has intensified beach erosion.

4.1.2 Contamination

20. A Preliminary Site Investigation (PSI) formed part of the Proponent's Application in accordance with Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP R&H)* (AR, para 85). The PSI was assessed and endorsed by an independent Environmental Protection Authority (**EPA**) accredited site auditor who considered that "*the PSI has adequately assessed past and present activities that may have caused contamination at the site and is considered appropriate to support the EIS for the development*" (AR, para 92). The Department's AR (para 86) also notes the PSI reviewed previous site investigations and reports within Port Botany, site inspections, and a desktop study to assess the presence and likelihood of contamination.

21. Some submissions received by the Commission were concerned that a Detailed Site Investigation (**DSI**) has not been completed. The Department's AR (para 95) states that the outcome of the PSI was that while contamination may be present, the risk of adverse environmental impacts is acceptable and therefore a DSI is not required. This outcome was endorsed by an independent site auditor. This conforms with the standard EPA contamination assessment process and requiring a DSI in these circumstances would therefore be inconsistent with that process (AR, para 95).
22. The Commission further notes the Proponent's PSI states (page ii):
"Based on the findings of this PSI, no further investigations (such as a DSI) are considered necessary under the environmental risk management framework of the ASC NEPM (2013)³."
23. The PSI concludes potential contamination from dredging and reclamation has a medium risk level (combination of the likelihood of a contaminant being present and the consequences of exposure), which is reduced to a low risk level with mitigations in place (AR, para 105).
24. Mitigations proposed by the Proponent include an unexpected finds procedure, sampling and analysis prior to construction commencing to confirm findings are in accordance with a Sampling and Analysis Quality Plan (**SAQP**) in the CEMP, and managing dredging to reduce disturbance of known contamination (AR, para 105).
25. The Commission agrees with the Department's assessment of contamination matters for the Project, whereby it finds potential impacts of the project have been appropriately assessed. Subject to compliance with the recommended mitigation measures and conditions of Approval (including the preparation of a contamination sub-plan forming part of the CEMP, a Water Quality Monitoring Plan, Unexpected Finds Procedure for Contamination, Post-remediation validation reports with Site Auditor oversight), the Project would be unlikely to have a significant impact on the environment or human health (ARA, para 81).

4.1.3 Hazards and risks

26. Multiple public submissions and Randwick City Council raised concerns with the assessment of hazards and risks, particularly that the Preliminary Hazard Analysis (**PHA**) and Aviation Safety Report (**ASR**) did not assess the aviation risks associated with the interaction between the relocation of the BLB and the flight path of Runway 16L departures overhead the new location (BLB3).
27. The Department in its correspondence to the Commission outlined that the Department's specialist Hazards Team reviewed the PHA and considered that it addressed the criteria in the Hazardous Industry Planning Advisory Paper (HIPAP) No.4 *Risk Criteria for Land Use Safety Planning* (Department of Planning, 2011) and that it provided a comprehensive quantitative risk assessment of BLB3 in accordance with HIPAP No. 6 *Hazard Analysis* (Department of Planning, 2011).

³ National Environment Protection (Assessment of Site Contamination) Measure, as amended 2013.

28. The Commission notes that while the Civil Aviation Safety Authority (**CASA**) did not object to the Project, its advice to the Department dated 27 January 2026 noted several pieces of information that were not included in the PHA or Aviation Safety Report without which it would be difficult to adequately assess the safety impact of ships while moored/mooring. Specifically, CASA identified information gaps regarding the size and number of ships, their duration of stay at BLB3, and the time taken to manoeuvre into and out of BLB3. Further, CASA identified some operational gaps including the ASR not addressing that departing aircraft turn left at 500ft and fly over the facility.
29. In its meeting with the Commission, the Department acknowledged that some of the information specified by CASA was not included in the documentation.
30. The Commission acknowledges that the likelihood of an aircraft crash at the facility is extremely low (in the order of one in a billion years (AR, 189)), however considers that additional consideration and assessment of aviation risks within the PHA and ASR is warranted. Therefore, the Commission has imposed conditions of approval to ensure aviation-related risks are properly assessed prior to the commencement of construction of the BLB3, including:
- requiring the Final Hazard Analysis to:
 - address potential aviation safety risks associated with fire events, smoke generation, or hazardous emissions from the proposed BLB3 facility; and
 - be reviewed by CASA and address the matters identified by CASA;
 - requiring a Final Technical Report: Aviation Safety, reviewed by CASA, which must address the matters identified by CASA; and
 - the requirement for all operational equipment to be below the obstacle limitation surface under the *Airports Act 1996* (Cth) and *Airports (Protection of Airspace) Regulation 2026* (Cth) to also apply to all vessels berthed at the BLB3 facility.
31. Randwick City Council's submission to the Commission raised concern with cumulative risks, recommending a cumulative hazard and risk assessment should be undertaken to evaluate the combined risks arising from existing, approved and foreseeable developments in the Port Botany area. The Proponent's Quantitative Risk Assessment (**QRA**) submitted with the Application to verify the risk from the Project found that it did not increase the overall risk to neighbouring above ground or underground bulk storage facilities (AR, para 178).
32. The Department notes the QRA was prepared in accordance with HIPAP No 6 - *Hazard Analysis*. The Department reviewed the critical technical assumptions for the QRA, including the transfer rate of the marine loading arms on BLB3 and the assumptions for the storage of dangerous goods in the new quayline and hard stand area (such as types of dangerous goods to be stored and whether the associated quantities were conservatively assessed). Overall, the assumptions adopted for the QRA were found by the Department to be appropriate (AR, para 179).
33. The Department has recommended conditions of approval including a Fire Safety Study (condition C1(a)), Hazard and Operability Study (condition C1(b)), and Final Hazard Analysis (condition C19(c)), to ensure the appropriate design and safeguards are considered and implemented during the final design of BLB3.

34. The QRA also addresses the Port Botany Land Use Safety Study (**Study**) undertaken by the Department in 1996. The Department notes the risk results presented in that Study continue to represent the worst-case scenario as land uses in Port Botany are primarily focused on container terminal activities with associated dangerous goods storage facilities. Higher-risk land uses (e.g. manufacturing plants) have not been developed, and consequently the Study's assumptions about maximum credible risks remain applicable. The Department notes the Project demonstrates it would not increase the overall risk identified in the Study and that its impact to the land beyond the boundary of Port Botany would be negligible. The QRA addressed the recommendations of the Study and concluded that the Project did not have a significant effect on the cumulative risk of Port Botany. The Department agrees with this conclusion (AR, para 185-188).
35. Noting Randwick City Council's concerns and suggestion, the Commission considered it reasonable for a cumulative hazard and risk assessment of the broader Port Botany precinct to be undertaken. The Department provided additional detailed comments to the Commission on this matter which outlined that the PHA assessed the cumulative risks of the proposed BLB3 facility, and the risk impact from the facility to the cumulative risk profile established for Port Botany in the Port Botany Land Use Safety Study 1996.
36. The Department also outlined that the expansion of existing bulk liquid facilities in Port Botany was verified through the SSD process that included a hazard and risk assessment in accordance with the HIPAP guidelines. The Department notes that the proposed BLB3 is a direct replacement for BLB1 and is satisfied that there is no substantial increase in risk to warrant a cumulative risk study for the precinct. The Department further highlighted that the use of the extended quayline does not form part of the Application. Relevant hazards and risks will be considered at the time any subsequent application for the use of the extended quayline is sought. The Department does not consider that it is necessary to require a cumulative hazard risk assessment as the cumulative risks of the proposal have been verified as part of the PHA assessment.
37. The Commission is satisfied that cumulative risks have and will continue to be addressed through the applicable planning pathways for new developments within the Port Botany precinct. Major developments that could change the risk profile of Port Botany would require hazard and risk assessment and consideration of the Study and the assessment of any contribution to cumulative risks from new developments within the precinct would fall to the applicant(s)/proponent(s) of each development. Therefore, the Commission is satisfied that the Application has adequately assessed and addressed cumulative risk.

4.1.4 Noise and vibration

Construction noise and vibration

38. The Department's AR (Table 11) identifies that the Proponent seeks approval for dredging 24 hours a day, seven days a week. Other activities (i.e. large concrete pours, delivery of wide loads, and pipeline testing) may occasionally be required outside standard construction hours (Monday to Friday 8.00am to 6.00pm and Saturdays 8.00am to 1.00pm and no work on Sundays and Public Holidays).
39. The Proponent's noise assessment predicts construction noise that would be heard at nearby residences during standard construction hours would be from the works associated with the removal of BLB1 and construction of the new BLB3. Those works would be heard at residences in Phillip Bay to the east, where exceedances of the Noise Management Level (**NML**) (the point above which there may be some community reaction to noise) by 1-10 dB are predicted. No residences will be highly affected (noise levels above 75 dB) during standard construction hours (AR, Table 11).

40. Construction works during 6.00pm to 10.00pm Monday to Friday, 1.00pm to 10.00pm on Saturdays and 7.00am to 10.00pm on Sundays, would be noticeable at residences to the north and east of the Site. Noise levels would be 1-5 decibels (**dB**) above the NML (barely perceptible to audible). However, noise levels which are clearly audible (5-10 dB above NML) could be experienced at residences in Philip Bay during decommissioning and removal of BLB1 and construction of BLB3 (AR, Table 11).
41. Dredging would take place between 10.00pm to 7.00am 7 days a week. Noise levels at four residences in Matraville are predicted to exceed the nighttime NML by 0-5 dB. No residential receivers are expected to exceed the sleep disturbance screening criteria (AR, Table 11).
42. The Project's three main sources of vibration are (AR, Table 11):
- vibratory compaction during ground compaction of newly reclaimed land
 - hydraulic hammers from demolition of BLB1 and the tugboat jetty
 - vibratory or percussive piling from construction of BLB3 and the new wharf hardstand.
43. The Proponent's vibration assessment predicted that structural damage criteria would not be exceeded at any commercial and industrial building from the above construction scenarios. It also predicts vibration limits associated with the Elgas liquified petroleum gas storage facility at the Port would not be exceeded during construction of the project. The Commission notes the Department is satisfied an appropriate assessment of potential construction vibration impacts has been undertaken (AR, Table 11).

Operational noise

44. The Project seeks approval to remove BLB1, and construct and use BLB3, with any subsequent use of the proposed quayline extension being subject to a separate approval process. Subsequently, noise and vibration impacts associated with the use of the quayline extension will be assessed at a future stage.
45. BLB3 would be located approximately 750m south-west of the current BLB1, resulting in an increased distance to sensitive receivers north and east of BLB1. Consequently however, predicted operational noise impacts to residences in Phillip Bay and La Perouse would increase by 0.5 dB. However, the Proponent's assessment notes BLB3 would operate similarly to BLB1, and that the predicted increase in noise would be imperceptible due to the existing noise environment of Port Botany. The Commission notes the Department considers operational noise impacts would be generally similar to the existing operations at the Port (AR, Table 11).

Noise and vibration conclusions

46. The Commission notes the Department finds the Project's terrestrial noise and vibration impacts to be acceptable, subject to conditions of approval which require the preparation and implementation of a construction noise sub-plan, the preparation of an out of hours work protocol and the monitoring of construction vibration levels. The Commission agrees with the Department's findings.

47. Randwick City Council raised concerns with the noise impacts associated with the proposed dredging activities being 24 hours per day, seven days a week. Council made recommendations that a condition of any subsequent approval should require real-time noise monitoring to be undertaken during all night-time dredging activities to verify compliance with applicable noise criteria, attended noise monitoring, reporting of results and identification of any required mitigation measures. Acknowledging there are predicted NML exceedances associated with nighttime dredging, the Commission has imposed a condition of approval which requires the Proponent to incorporate the measures described above into its noise and vibration sub-plan (**condition C14**).
48. A public submission to the Commission also identified concerns about potential noise impacts to the workers at Port Botany during construction. The Commission has imposed a condition of approval requiring the Proponent to incorporate measures to assess, manage and minimise noise and vibration impacts on workers within and in close proximity to the Site, including procedures for identifying high-risk activities, implementing reasonable and feasible mitigation measures, managing worker exposure, and monitoring compliance with relevant work health and safety requirements (**condition C14(b)**).

5. Conclusions

49. The Commission has considered other issues associated with the Project including aquatic ecology, coastal processes and hydrology, traffic and transport, soils, air quality and odour, heritage (environmental and cultural), terrestrial biodiversity, climate change, social impact and visual amenity (AR, section 6.3 and Table 11). The Commission agrees with the Department's assessment of these matters and is satisfied that the impacts associated with these issues can be managed through the imposed conditions of approval.
50. The Commission finds that the Application meets all necessary legal requirements, is consistent with NSW Government policies and on balance its benefits outweigh its negative impacts. The Commission has therefore determined to approve the Application subject to the conditions of approval in .
51. The reasons for the Decision are given in the Statement of Reasons for Decision dated 23 September 2026.



Andrew Mills (Chair)
Chair of the Commission

Appendix A – Community Consultation Report

Department’s public exhibition of the Project

The Department exhibited the Application between 22 September 2025 and 22 October 2025 and received four unique public submissions, of which 3 objected to the Project and one provided comment. The Department also received advice from 9 government agencies, and both Randwick City and Bayside Councils. Chapter 5 of the Department’s Assessment Report outlines how these submissions were considered in its assessment.

The Commission’s public consultation

The Commission’s meetings

The Commission held meetings with the Department on 18 August 2026 and 9 September 2026, Randwick Council on 18 August 2026, the Applicant on 27 August 2026 and a community member on 1 September 2026. Transcripts from these meetings were made publicly available on the Commission’s website. The Commission offered to meet with Bayside Council, however Council declined to meet with the Commission in this instance. The Commission undertook a site inspection on 25 August 2026.

Written submissions

The community was offered the opportunity to make written submissions to the Commission from 10 August 2026 to 25 August 2026. The Commission received a total of five written submissions:

- two objecting to the Project; and
- three providing comment on the Project (including one each from Randwick City Council and Bayside Council).

Consideration of submissions

The Commission appreciates the time and effort the community put into their submissions. Submissions are one of the materials that the Commission considers and they play a key role in the Commission’s decision-making process. Submissions were carefully reviewed by the Commission, whether they were made to the Department during the exhibition period or to the Commission as a written submission.

In accordance with its statutory role, the Commission has undertaken a detailed evaluation of the specific impacts associated with the Project the subject of this Application. Consideration has been given to all submissions that raised concerns about Project-specific matters, and these have informed the Commission’s findings and conclusions throughout this Statement of Reasons.

Appendix A – Table 1 below reflects the major themes of submissions and provides a summary of the main concerns people raised and how the Commission has considered them in its decision. To view all submissions, please see the [submissions tab](#) on the Commission’s website.

Appendix A – Table 1: Key matters raised in submissions

Themes raised in submissions from the community	Commission’s consideration
Risks and hazards • The Project has the potential to contribute to cumulative risk to surrounding non-Port land	Please refer to section 4 of this report.

• Aviation safety risks associated with the flight path of Sydney Airport's Runway 16L overflying the proposed location of BLB3 • Aviation safety risks associated with fire events, smoke generation, or hazardous emissions from the proposed BLB3 facility	
Water quality and coastal processes • Impacts of removal of sediment from Botany Bay system • Impacts on surrounding foreshores	Please refer to section 4 of this report.
Contamination • A DSI has not been undertaken.	Please refer to section 4 of this report.
Worker amenity • Workers within the Port will be impacted by noise, dust and traffic impacts	Please refer to section 4 of this report regarding noise impacts. Subject to mitigation measures (such as covering dust-generating loads, installing wheel-washing systems and rumble grids at Site exits, and using water-assisted sweepers to clean any material tracked onto nearby access roads), dust has been found to be unlikely to impact local air quality (AR, Table 11). Condition C6 of the Project Approval requires the Proponent to prepare a CEMP and a performance-based condition of approval is imposed (condition E1) that required measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during work and operation. The Project would not generate additional landside transport requirements (including road traffic movements), it may however redistribute transport movements due to increased competition between the Port Botany stevedores. The Proponent has identified that the Project would not change existing operational road traffic volumes to or from Port Botany, which the Department considers to be a reasonable assumption (AR, Table 11). A traffic management sub-plan must be prepared by the Proponent in consultation with TfNSW and form part of the Project's CEMP. The Commission is satisfied the Project will not create adverse traffic impacts.
Biodiversity impacts • Bird Hazard Management Plan • Ecological monitoring • Location of offsetting	Condition of approval C18 requires the Proponent to develop and implement a Bird Hazard Management Plan until reclamation activities have completed. During its meeting with the Commission, the Panel Chair highlighted to the Proponent that concerns had been raised with the Commission as to why the Plan would cease at this time.

The Proponent advised that during its discussions with Sydney Airport, initial concerns were raised as to whether there would be organic material within the dredged material that would attract birds to the area. The Proponent advised Sydney Airport and the Commission that dredging equipment would filter out organic material and that it must comply with its own *Sustainable Development Code* which includes assessing aspects of operational development and operations that could attract bird species. The Commission is satisfied condition of approval C18 is appropriate.

Pursuant to the *Biodiversity Conservation Act 2026* (BC Act), the Proponent submitted a Biodiversity Development Assessment Report (BDAR) with the Application.

The Commission notes the BDAR was reviewed by the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Conservation Programs, Heritage and Regulation (CPHR) Group who advised it was appropriate and supported the proposed mitigation measures, including standard construction measures to reduce residual impacts such as (but not limited to) minimise dust emissions, control runoff, manage weeds and unexpected fauna occurrences (AR, Table 11).

Conditions of approval require the Proponent to prepare and implement a Marine Ecology sub-plan which must form part of the CEMP. The Plan must be prepared in consultation with CPHR and the NSW Department of Primary Industries and Regional Development, Fisheries Division (**Fisheries**), and include:

- marine noise impact mitigation measures (e.g. pre-start/soft start procedures prior to piling and dredging etc)
- training of marine fauna (cetacean, pinniped and testudines) observers
- maps of the relevant observation zones
- 'stop work' and 'restart' procedures for when marine fauna are observed within the relevant observation zones
- measures to manage potential impacts on the endangered Whites Seahorse
- preconstruction surveys requirements and relocation strategies (that would be undertaken no more than 48 hours prior to demolition of marine structures or commencement of marine construction).

With regard to offsetting, there would be minimal operational stage impacts associated with water quality changes, and residual impacts would be offset (AR, para 116).

The Proponent advised in its stakeholder meeting with the Commission that it is their intention to work closely with Fisheries to ensure firstly that type 3 habitat offsetting occurs in and around where the loss is. Conditions of Approval require the Proponent to:

-
- Avoid key fish habitats (condition E13); and
 - Prepare in consultation with Fisheries a Key Fish Habitat Offset Strategy (or equivalent) (condition E14)

Along with the need to prepare and implement an unexpected finds protocol (condition E2), the Commission finds the Project's biodiversity impacts (including relevant monitoring) to have been adequately considered and addressed.

Appendix B – Commission’s Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Proponent’s Environmental Impact Statement and its accompanying appendices	September 2025
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Proponent’s Response to Submissions Report and its accompanying appendices	December 2025
Proponent’s Additional Information	March 2026
Department’s Assessment Report and recommended conditions of approval	August 2026
Comments and presentation material from meetings with:	
• Proponent	27 August 2026
• Randwick City Council	18 August 2026
• Department	18 August 2026
• Department (specialist)	9 September 2026
• Community member	1 September 2026
Observations made at the Site Inspection	25 August 2026
The following responses to the Commission from:	
• Department	2 September 2026
All written submissions made to the Commission	Various
Department’s advice to the Commission regarding the imposition of conditions	16 September 2026

Planning Framework

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission’s consideration
NSW State Land Use Plan (State Plan)	The State Plan provides the overarching direction for land use across NSW and establishes the strategic planning framework to guide planning decisions. The State Plan sets a long-term vision for land use across NSW over the next 20 years, guiding how the State will grow, develop and respond to change. The Commission is satisfied the Project is generally consistent with the State Plan’s aims and objectives.
The Sydney Plan	The Sydney Plan establishes the land use planning priorities for the Sydney region over the next 20 years. Under the priorities of <i>Prosperous</i> and <i>Connected</i>, Port Botany is identified as a key State infrastructure asset that services state and global economies. The Sydney Plan identifies that container movements at Port Botany are forecast to double over the next 2 decades. The Commission is satisfied the Project is generally consistent with the Sydney Plan’s aims and objectives.
<i>Randwick Local Strategic Planning Statement: Vision 2040 Shaping Randwick’s Future</i> (Randwick City Council, 2020)	The Randwick LSPS focuses on the vision for land use planning over a 20 year period within the Randwick LGA, setting out short, medium and long term actions for the delivery of planning properties to achieve the community’s future economic, social and environmental needs.

	The LSPS acknowledges Port Botany as an important trade gateway and its importance to the economy and as employment land. The Commission is satisfied the Project is generally consistent with relevant priorities of the LSPS.
<i>Bayside Local Strategic Planning Statement: A land-use vision to 2036</i> (Bayside Council, 2020)	The Bayside LSPS focuses on the vision for land use planning over a 20 year period within the Bayside LGA, setting planning priorities to achieve its goals. The LSPS acknowledges Port Botany as an important international trade gateway and its contribution to the Sydney and national economy. The Commission is satisfied the Project is generally consistent with relevant priorities of the LSPS.
Statutory context	Commission's consideration
State significant infrastructure	The Project is for the purpose of port facilities carried out by a public authority on land within the Lease Area of Port Botany, is permissible without development consent, and has an estimated development cost of more than \$100 million. The Project is therefore SSI under section 5.12(2) of the EP&A Act and satisfies the criteria for SSI under section 5.28(1) of SEPP T&I.
Approval body	In accordance with section 5.19 of the EP&A Act the approval of the Minister for Planning and Public Spaces is required for SSI. In accordance with the Minister's delegation dated 14 September 2011, the Application has been referred to the Commission for determine, due to the Proponent having made a reportable political donation.
Permissibility	Section 5.16(1)(e) of SEPP T&I states that development by public authorities (including the Proponent, as outlined in Table 6 of the Department's AR) of port facilities with an estimated development cost of more than \$100 million on land zoned SP1 Special Activities may be carried out without development consent. The Project meets the criteria set out in SEPP T&I and therefore is permissible without development consent. However, the Project meets the criteria for SSI as previously discussed above and approval is sought via the SSI pathway.
Objects of the EP&A Act and Ecologically Sustainable Development	The Commission has considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects. The Commission finds that the Project is consistent with ESD principles and would achieve a suitable balance between economic, environmental and social considerations.
<i>Biodiversity Conservation Act 2026</i>	Pursuant to the BC Act, the Proponent submitted a BDAR with the Application. Please refer to Appendix A – Table 1 of this report.
Other approvals and authorisations	Pursuant to section 5.23 of the EP&A Act, the listed authorisations are considered during the assessment of the SSI application and are not required to be obtained separately. Under section 5.24 of the EP&A Act, the listed authorisations are required to be obtained separately, however, these must be substantially consistent with any SSI approval for the Project (i.e. Environmental Protection Licence (EPL) under section 42 of the <i>Protection of the Environment Operations Act 1997</i>).
<i>Environmental Planning and Assessment Regulation 2021 (EP&A Reg)</i>	The EP&A Reg requires the Proponent to have regard to the Department's SSI guidelines when preparing their application.

	The Commission notes the Department considers the Proponent has appropriately considered the guidelines (including those required by the Secretary's Environmental Assessment Requirements) in preparing the EIS for the Project, or has been able to adequately justify why compliance with a guideline may not have occurred.
Relevant environmental planning instruments (EPIs)	The AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; and • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. The Commission has considered these EPIs as part of its determination.
Mandatory considerations (section 5.19 of the EP&A Act⁴)	Commission's consideration
Planning Secretary's report on the infrastructure and the reports, advice and recommendations contained in the report.	The Commission has considered the Planning Secretary's report.
Any advice provided by the Minister having portfolio responsibility for the proponent.	The Commission notes in the Planning Secretary's report that advice on the Project was provided by the Port Authority of NSW and Transport for NSW. The Port Authority of NSW sits under Transport for NSW.
Any findings or recommendations of the Independent Planning Commission following a review in respect of the State significant infrastructure.	N/A – The Commission was not requested to complete a review of the proposal.

⁴ 5.19 Giving of approval by Minister to carry out project

(1) If—

(a) the proponent makes an application for the approval of the Minister under this Division to carry out State significant infrastructure, and

(b) the Planning Secretary has given his or her report on the State significant infrastructure to the Minister, the Minister may approve or disapprove of the carrying out of the State significant infrastructure.

(2) The Minister, when deciding whether or not to approve the carrying out of State significant infrastructure, is to consider—

(a) the Planning Secretary's report on the infrastructure and the reports, advice and recommendations contained in the report, and

(b) any advice provided by the Minister having portfolio responsibility for the proponent, and

(c) any findings or recommendations of the Independent Planning Commission following a review in respect of the State significant infrastructure.

(3) State significant infrastructure may be approved under this Division with such modifications of the infrastructure or on such conditions as the Minister may determine.

Appendix C – Department’s Assessment Report

[Link to Department’s Assessment Report, dated August 2026](#)

Appendix D – Instrument of Approval

[Link to Instrument of Consent, dated 23 September 2026](#)



New South Wales Government
Independent Planning Commission

ipcn.nsw.gov.au

Phone (02) 9383 2100

Email ipcn@ipcn.nsw.gov.au

Mail Level 15 135 King Street Sydney NSW 2001

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