

Response to the Sydney Morning Herald on Port Botany planning rules

Initial response given

The proposed planning controls for Port Botany, through the exhibited SEPP, ensure the port's new operator is able to work under a similar planning framework as what is provided to the current publicly owned operator.

It also ensures that major proposals, including those with potentially significant environmental impacts, will undergo a full merit assessment process including public exhibition.

In general, port, wharf or boating facilities valued at more than \$100 million, and capital dredging are declared to be State significant infrastructure and will be exhibited and then given a rigorous assessment by the Department of Planning and Infrastructure.

For development under \$100 million, there could be a number of different pathways:

- Very minor development such as flagpoles, lighting, repair and maintenance works and building alterations would be exempt from approval;
- It could be complying development approved by an accredited certifier (for instance port-related buildings up to 20,000 sq/m);
- In the case of maintenance dredging, emergency works and navigation aids, the port operator can self-assess and approve this; or
- Other development which requires consent would be exhibited and assessed by the Department of Planning and Infrastructure.

Answers to follow-up questions

Question: Does the proposed SEPP give more planning powers to the private operator than what existed for Sydney Ports?

Answer given: No

Question: What about the apparent contradictions between Clause 18 and Clause 26?

Answer given: For legal reasons, certain activities need to be made 'development without consent' before they can be classified as 'State Significant Infrastructure', hence the separation of the clauses.