

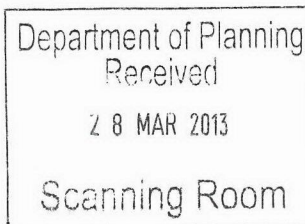


Office of
Environment
& Heritage



Your reference: SSD-5353
Our reference: DOC13/7132
Contact: Deb Stevenson, 9995 6842

Ms Felicity Greenway
A/Director, Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Ms Greenway

I refer to your letter of 28 February 2013 seeking comment from the Office of Environment and Heritage (OEH) on the State Significant Development Application and Environmental Impact Statement (EIS) for the Kurnell Ports and Berthing Facility (SSD-5353).

OEH has reviewed the EIS against the recommendations in our letter to the Department of Planning and Infrastructure dated 21 November 2012, regarding the adequacy of the Environmental Assessment Scoping and Approvals Report and the need for additional information. OEH notes that most of the matters raised in our letter have been addressed in the EIS. Outlined below are some outstanding issues that should be taken into consideration in determining and, if approved, conditioning the proposal.

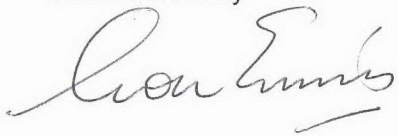
- the scope of the study area in the EIS has been extended to include consideration of sensitive areas on the northern and western sides of Botany Bay. As a result, the EIS has assessed the potential impacts of the proposal on a wider range of habitat types around the Bay. However, the study area was limited to the dredge site within Botany Bay and consequently the EIS does not fully consider the potential impacts on threatened pelagic species that use areas outside of the Bay (see below).
- no additional survey work was undertaken for the EIS. Instead, a number of threatened and migratory species were assumed to be present on the basis of a desktop assessment, this included species recommended for consideration by OEH. As a result, a broader range of threatened and migratory species were considered in the EIS. However, this desktop assessment was based on a 5km radius search around the dredge site only and did not cover the Sydney Offshore Spoil Ground sub-site or the area between the dredge site and the disposal site. There are numerous records for Humpback Whale in this area, because it is on their biannual migration route. OEH considers that additional shipping movements and sediment disposal associated with the project could potentially impact this species in various ways (e.g. ship strike and sediment plumes). Consequently, OEH recommends that specific measures to avoid or minimise these impacts be included in any Fauna Management Plan developed as part of a project approval.
- the EIS dismisses the importance of intertidal habitat along Silver Beach for shorebirds and migratory waders. As advised in an email from OEH to URS and Caltex (19th December 2012), monthly surveys by the NSW Wader Study Group are undertaken around Botany

Bay which indicate that there are numerous records for Pied Oystercatcher and Little Tern, as well as some migratory waders, at this site. The potential impact of changes to the hydrodynamic processes at Silver Beach (see p 11-29 of the EIS) on this intertidal habitat should be addressed in more detail together with a description of any ameliorative measures that may be required.

- Chapter 11 and 19 of the EIS provide information on the measures proposed to mitigate and manage the impacts of the proposal, which will be detailed in various post-approval plans (e.g. Construction Environmental Management Plan, Fauna Management Plan, Dredging and Spoil Disposal Management Plan etc.). Most of the measures are fairly general and do not provide enough detail for OEH to be confident that they can effectively mitigate or manage potential direct and indirect impacts on threatened species or their habitat in Botany Bay or between Botany Bay and the Sydney Offshore Spoil Ground. Consequently, OEH recommends that any approval conditions specifically stipulate what must be addressed in each of these plans to ensure that they comprehensively cover all of the impacts of the proposal.

If you would like to discuss any of these comments in more detail, please contact Deb Stevenson on 9995 6842.

Yours sincerely

 22/3/13

LOU EWINS
Manger Planning and Aboriginal Heritage
Regional Operations, Metropolitan
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