

Revised Planning Secretary's Environmental Assessment Requirements

Section 5.16 of the *Environmental Planning and Assessment Act 1979*

Application Number	SSI-10049
Proposal	Kamay Ferry Wharf Project Upgrade - reinstate public ferry wharves and associated infrastructure at La Perouse and Kurnell
Location	La Perouse and Kurnell in the Kamay Botany Bay National Park
Proponent	Transport for NSW
Date of Issue	4 May 2021

1. General SEARs

Desired Performance Outcome	Requirement	Current Guidelines
<p>1. Environmental Impact Assessment Process</p> <p>The process for assessment of the project is transparent, balanced, well focused and legal.</p>	<ol style="list-style-type: none"> The Environmental Impact Statement must be prepared in accordance with Part 3 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). Where the project requires approval under the EPBC Act and is being assessed under the Bilateral Agreement the EIS must address: <ol style="list-style-type: none"> consideration of any Protected Matters that may be impacted by the development where the Commonwealth Minister has determined that the project is a Controlled Action (Attachment A). identification and assessment of those Protected Matters that are likely to be significantly impacted. details of how significant impacts to Protected Matters have been avoided, mitigated and, if necessary, offset. consideration of, and reference to, any relevant conservation advices, recovery plans and threat abatement plans. The onus is on the Proponent to ensure legislative requirements relevant to the project are met. 	<p>EPBC Act Environment Assessment Process (SEWPAC, 2010)</p>
<p>2. Environmental Impact Statement</p> <p>The project is described in sufficient detail to enable clear understanding that the project has been developed through an iterative process of impact identification and assessment and project refinement to avoid, minimise or</p>	<ol style="list-style-type: none"> The EIS must include, but not necessarily be limited to, the following: <ol style="list-style-type: none"> executive summary; a description of the project, including key components and activities (including ancillary components and activities) required to construct and operate it including- <ul style="list-style-type: none"> the proposed infrastructure; site location (including use of plans) “place making” design initiatives; all road work and car parking; 	

Desired Performance Outcome	Requirement	Current Guidelines
<p>offset impacts so that the project, on balance, has the least adverse environmental, social and economic impact, including its cumulative impacts.</p>	<ul style="list-style-type: none"> - scope of works to construct the project, including key activities and timing, working hours and indicative plant and equipment to be used; - operational activities; and - tenure arrangements and acquisition of privately owned, council and crown land; <p>(c) a statement of the objective(s) of the project;</p> <p>(d) a summary of the strategic need for the project with regard to its State significance and relevant State Government policy;</p> <p>(e) an analysis of feasible alternatives to the project;</p> <p>(f) a description of feasible options within the project;</p> <p>(g) a description of how alternatives to and options within the project were analysed to inform the selection of the preferred alternative / option. The description must contain sufficient detail to enable an understanding of why the preferred alternative to and options(s) within the project were selected;</p> <p>(h) a concise description of different construction methods that were analysed and preferred methods;</p> <p>(i) a concise description of the general biophysical, social and economic environment that is likely to be impacted by the project (including offsite impacts). Elements of the environment that are not likely to be affected by the project do not need to be described;</p> <p>(j) a demonstration of how the project design has been developed to avoid or minimise likely adverse impacts;</p> <p>(k) the identification and assessment of key issues as provided in the 'Assessment of Key Issues' performance outcome;</p> <p>(l) a statement of the outcomes the Proponent will achieve for each key issue;</p> <p>(m) measures to avoid, minimise or offset impacts must be linked to the impact(s) they treat, so it is clear which measures will be applied to each impact;</p> <p>(n) consideration of the interactions between measures proposed to avoid or minimise impact(s), between impacts themselves and between measures and impacts;</p> <p>(o) an assessment of the relevant cumulative impacts of the project taking into account other projects that have been approved but where construction has not commenced, projects that have commenced</p>	

	<p>construction, and projects that have been completed;</p> <p>(p) statutory context of the project as a whole, including:</p> <ul style="list-style-type: none"> - how the project meets the provisions of the EP&A Act and EP&A Regulation; and - a list of any approvals that must be obtained under any other Act or law before the project may lawfully be carried out; <p>(q) a chapter that synthesises the environmental impact assessment and provides:</p> <ul style="list-style-type: none"> - a succinct but full description of the project for which approval is sought; - a description of any uncertainties that still exist around design, construction methodologies and/or operational methodologies and how these will be resolved; - a compilation of the impacts of the project that have not been avoided; - a compilation of the proposed measures associated with each impact to avoid or minimise (through design refinements or ongoing management during construction and operation) or offset these impacts; - a compilation of the outcome(s) the proponent commits to achieve; and - the reasons justifying carrying out the project as proposed, having regard to the biophysical, economic and social considerations, including ecologically sustainable development and cumulative impacts; and <p>(r) relevant project plans, drawings, diagrams in an electronic format that enables integration with mapping and other technical software.</p> <p>2. The EIS must only include data and analysis that is reasonably needed to make a decision on the project. Relevant information must be succinctly summarised in the EIS and included in full in appendices. Irrelevant, conflicting or duplicated information must be avoided.</p>	
Requirement		Current Guidelines

Desired Performance Outcome	Requirement	Current Guidelines
<p>3. Assessment of Key Issues*</p> <p>Key issue impacts are assessed objectively and thoroughly to provide confidence that the project will be constructed and operated within acceptable levels of impact.</p> <p>* Key issues are nominated by the Proponent in the SSI project application and by the Department in the SEARs. Key issues need to be reviewed throughout the preparation of the EIS to ensure any new key issues that emerge are captured. The key issues identified in this document are not exhaustive but are key issues common to most SSI projects.</p>	<ol style="list-style-type: none"> 1. The level of assessment of likely impacts must be proportionate to the significance of, or degree of impact on, the issue, within the context of the project location and the surrounding environment. The level of assessment must be commensurate to the degree of impact and sufficient to ensure that the Department and other government agencies are able to understand and assess impacts. 2. For each key issue the Proponent must: <ol style="list-style-type: none"> (a) describe the biophysical, social and economic environment, as far as it is relevant to that issue, including baseline data that is reflective of current guidelines where relevant; (b) describe the legislative and policy context, as far as it is relevant to the issue; (c) identify, describe and quantify (if possible) the impacts associated with the issue, including the likelihood and consequence (including worst case scenario) of the impact (comprehensive risk assessment), the impacts of concurrent activities within the project and cumulative impacts; (d) demonstrate how potential impacts have been avoided (through design, or construction or operation methodologies); and (e) detail how likely impacts that have not been avoided through design will be minimised, and the predicted effectiveness of these measures (against performance criteria where relevant); and detail how any residual impacts will be managed or offset, and the approach and effectiveness of these measures. 3. Where multiple reasonable and feasible options to avoid or minimise impacts are available, they must be identified and considered, and the proposed measure justified taking into account the public interest 	

Current Guidelines

Desired Performance Outcome	Requirement	Current Guidelines
<p>4.Consultation</p> <p>The project is developed with meaningful and effective engagement during project design and delivery.</p>	<ol style="list-style-type: none"> 1. The project must be informed by consultation, including with relevant local, State and Commonwealth government agencies, infrastructure and service providers, special interest groups, Aboriginal groups, affected landowners, businesses and the community. 2. The Proponent must document the consultation process and demonstrate how the project has responded to the inputs received. 3. The Proponent must describe the timing and type of community consultation proposed during the design and delivery of the project, the mechanisms for community feedback, the mechanisms for keeping the community informed, and procedures for complaints handling and resolution. 	

2. Key Issue SEARs

Key Issue and Desired Performance Outcome	Requirement (specific assessment requirements in addition to the general requirement above)	Current Guidelines
<p>1. Aboriginal Heritage</p> <p>The design, construction and operation of the project facilitates, to the greatest extent possible, the long term protection, conservation and management of the heritage significance of Aboriginal objects and places.</p> <p>The design, construction and operation of the project avoids or minimises impacts, to the greatest extent possible, on the heritage significance of Aboriginal objects and places.</p>	<ol style="list-style-type: none"> 1. Direct and/or indirect impacts (including cumulative impacts) to the significance of: <ol style="list-style-type: none"> (a) Aboriginal places, objects and cultural heritage values, as defined under the <i>National Parks and Wildlife Act 1974</i> and in accordance with the principles and methods of assessment identified in the current guidelines; (b) Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan; and (c) potential for unknown Aboriginal cultural heritage in the form of submerged terrestrial sites. 2. Where archaeological investigations of Aboriginal objects are proposed these must be conducted by a suitably qualified archaeologist, in accordance with section 1.6 of the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW 2010). 3. Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines and an Aboriginal Cultural Heritage Assessment Report (ACHAR). 	<p>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011)</p> <p>Aboriginal Cultural Heritage Consultation requirements for proponents (DECCW, 2010)</p> <p>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</p> <p>NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998)</p> <p>Aboriginal site recording form</p> <p>Aboriginal site impact recording form</p> <p>Aboriginal Heritage Information Management System site registration form</p> <p>Care agreement application form</p> <p>Procedure for Aboriginal Cultural Heritage Consultation and Investigation (RMS, 2011)</p>

<p>2. Biodiversity</p> <p>The project design considers all feasible measures to avoid and minimise impacts on terrestrial and aquatic biodiversity.</p>	<ol style="list-style-type: none"> 1. Biodiversity impacts in accordance with s7.9 of the <i>Biodiversity Conservation Act 2016</i> (BC Act) and the Biodiversity Assessment Method (BAM), and be documented in a Biodiversity Development Assessment Report (BDAR). 2. The BDAR must include information in the form detailed in s6.12 of the BC 	<p>Biodiversity Assessment Method (OEH, 2017)</p> <p>Policy and Guidelines for Fish Habitat Conservation and Management – Update 2013 (DPI, 2013)</p> <p>Threatened Species Survey and Assessment Guidelines</p> <p>Aquatic Ecology in Environmental Impact Assessment –</p>
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Key Issue and Desired Performance Outcome	Requirement (specific assessment requirements in addition to the general requirement above)	Current Guidelines
<p>Offsets and/or supplementary measures are assured which are equivalent to any residual impacts of project construction and operation.</p>	<p>Act, cl6.8 of the <i>Biodiversity Conservation Regulation 2017</i> and the BAM.</p> <ol style="list-style-type: none"> 3. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix 11 of the BAM. 4. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the BC Act. 5. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM. 6. The BDAR must include details of the measures proposed to address offset obligations. 7. The BDAR must include an assessment of biodiversity values not covered by the BAM. This includes: <ol style="list-style-type: none"> (a) a threatened aquatic species assessment (Part 7A <i>Fisheries Management Act 1994</i>) to address whether there are likely to be any significant impact on listed threatened species, populations or ecological communities under the <i>Fisheries Management Act 1994</i> (FM Act); and (b) impacts to marine mammals and wandering sea birds including but not be limited to potential injury, entrapment and damage to habitat. 8. Water-based construction and vessel operation impacts on aquatic biodiversity, including: <ol style="list-style-type: none"> (a) disturbance to <i>Posidonia australis</i> populations and other seabed grasses (including from dredging, and propeller wash, 	<p>EIA Guideline (Marcus Lincoln Smith 2003)</p> <p>SA Underwater Piling Noise Guidelines (Department of Planning, Transport and Infrastructure, 2012)</p> <p>Great Barrier Reef Underwater Noise Guideline Discussion and Options Paper (GBRMPA, 2017)</p> <p>Industry Guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species (Commonwealth Department of the Environment and Energy, EPBC Act Policy Statement 3.21)</p>

anchoring, turbidity and sedimentation from vessel operations);
(b) the nature and impact of underwater noise generating activities; and

Key Issue and Desired Performance Outcome	Requirement (specific assessment requirements in addition to the general requirement above)	Current Guidelines
	<p>(c) proposed specific sound exposure and peak impulsive and continuous noise criteria for identified noise sensitive fauna.</p> <p>9. Identify whether the project, or any component of the project, would be classified as a Key Threatening Process (KTP) in accordance with the listings in the BC Act, FM Act and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).</p>	
<p>3. Climate Change Risk</p> <p>The project is designed, constructed and operated to be resilient to the future impacts of climate change.</p>	<p>1. The potential effects of flooding, coastal processes and hazards (within the meaning of the <i>Coastal Management Act 2016</i>), including sea level rise and climate change:</p> <p>(a) on the proposal; and</p> <p>(b) arising from the proposal.</p> <p>2. The potential health and safety risks associated with the project arising from human exposure to environmental hazards and extreme weather events.</p>	<p>Australian Government's Climate Change Impacts and Risk Management – A Guide for Business and Government (2006)</p> <p>AS/NZS 3100:2009 Risk Management – Principles and Guidelines</p> <p>Technical Guide for Climate Change Adaptation for the State Road Network (RMS, in draft)</p> <p>Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, 2007)</p> <p>Derivation of the NSW Government's Sea Level Rise Planning Benchmarks. Technical Note (DECCW, 2009a)</p> <p>Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (DECCW, 2010b)</p> <p>Floodplain Development Manual. Department of Infrastructure, Planning and Natural Resources (Department of Infrastructure, Planning and Natural Resources (DIPNR), 2005)</p>

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		<p>(Department of Planning, 2010)</p> <p>Australian Rainfall and Runoff: A Guide to Flood Estimation (Ball et al, 2019).</p> <p>Environmental Health Risk Assessment, Guidelines for assessing human health risks from environmental hazards, Commonwealth of Australia (enHealth, 2012)</p>
<p>4. Design, Place and Movement</p> <p>The project is well-designed and enhances the environment where it is located, including improved accessibility and connectivity for communities and public spaces.</p>	<ol style="list-style-type: none"> 1. A design led process that is informed, collaborative and iterative, which: <ol style="list-style-type: none"> (a) utilises good design processes (such as Design Excellence and Design Review); (b) utilises design experts and multidisciplinary teams; and (c) involves the community, user groups and other stakeholders. 2. Place design principles that are reflective of the design objectives in Better Placed, including a focus on: <ol style="list-style-type: none"> (a) fit – contextually, local and of its place; (b) performance – sustainable, adaptable and durable; (c) community – inclusive, connected, accessible and diverse; (d) people – safe, comfortable and liveable (such as crime prevention through environmental design); (e) working- functional, efficient and fit for purpose; (f) value – creating and adding value; and (g) look and feel – engaging, inviting and attractive. 3. Place designs, actions and outcomes for the project that protect and facilitate improvements to the built environment, including in relation to: <ol style="list-style-type: none"> (a) public space (including open space); (b) active and public transport; and 	<p>Better Placed – An integrated design policy for built environment of New South Wales (Government Architect NSW, 2017)</p> <p>Better Placed – Aligning Movement and Place – Outline for understanding places in relation to movement infrastructure (Government Architect of NSW, 2019)</p> <p>Draft Connecting with Country (Government Architect of NSW 2020)</p> <p>Beyond the Pavement 2020 (TfNSW 2020)</p> <p>NSW State Design Review Panel Pilot Program (Government Architect, 2018)</p> <p>Kamay Botany Bay National Park Master Plan, Kurnell, 2019</p> <p>Meeting Place Precinct: Botany Bay National Park, Kurnell - Conservation Management Plan, 2008</p>

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	<ol style="list-style-type: none"> 4. This should address maintenance of infrastructure, place and residual land; and processes to refine design (as per point 1). 5. The provision of visual representations of the project from key locations to illustrate the project. 6. Demonstration of the project's consistency with the Kamay Botany Bay National Park Plan of Management (2020) and the Kamay Botany Bay National Park: Kurnell Precinct Master Plan (2019). 	<p>Kamay Botany Bay National Park Planning Considerations, 2019</p> <p>NSW Sustainable Design Guidelines Version 4.0 (May 2017)</p>
<p>5. Environmentally Sensitive Lands and Processes</p> <p>The project is designed, constructed and operated to avoid or minimise impacts on protected and sensitive lands.</p> <p>The project is designed, constructed and operated to avoid or minimise future exposure to coastal hazards and processes.</p>	<ol style="list-style-type: none"> 1. Environmentally sensitive land and processes (and the impact of processes on the project) including, but not limited to: <ol style="list-style-type: none"> (a) coastal hazards identified in studies completed by local councils or state agencies (including risk mitigation strategies that reduce coastal hazards exposure and funding of such strategies); (b) hydrodynamic and coastal processes (including disruptions to wave direction, dune stability, sediment movement, scouring and erosion of the shoreline and seabed etc.) associated with adopted risk mitigation actions; (c) safe public access to coastal areas, beaches, headlands and foreshores; (d) protected areas (including land and water) managed by Environment, Energy and Science Group (EESG) and/or Regions, Industry, Agriculture & Resources, (RIAR) of DPIE under the <i>National Parks and Wildlife Act 1974</i> and the <i>Marine Estate Management Act 2014</i>; (e) Key Fish Habitat as mapped and defined in accordance with the <i>Fisheries Management Act 1994</i> (FM Act); (f) waterfront land as defined in the <i>Water Management Act 2000</i>; 	<p>Planning Circular PS14-003: Coastal hazard notations on section 149 planning certificates (DPE, 2014)</p> <p>Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)</p> <p>Revocation, Re-categorisation and Road Adjustment Policy (OEH, 2012)</p> <p>Guidelines for controlled activities on waterfront land (DPI 2012)</p>

(g) land or waters identified as Critical Habitat under the FM Act or
EPBC Act or areas of outstanding biodiversity value under the BC Act;
and

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	(h) biodiversity stewardship sites, private conservation lands and other lands identified as offsets.	
<p>6. Noise and Vibration</p> <p>Construction noise and vibration (including airborne noise, ground-borne noise and blasting) are effectively managed to minimise adverse impacts on acoustic amenity.</p> <p>Increases in noise emissions and vibration affecting nearby properties and other sensitive receivers during operation of the project are effectively managed to protect the amenity and well-being of the community.</p>	<ol style="list-style-type: none"> 1. Land, water and under-water-based construction noise and vibration impacts of the project in accordance with relevant NSW noise and vibration guidelines. The assessment must include noise impacts of construction related traffic. 2. Operational noise impacts on the amenity of sensitive receivers, employees and visitors to the Kamay Botany Bay National Park, vessels approaching, mooring and departing the infrastructure, and vehicular traffic. 3. Impacts to the structural integrity and heritage significance of items (including Aboriginal places, items of environmental heritage and maritime archaeology). 	<p>Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (ANZECC, 1990)</p> <p>Assessing Vibration: a technical guideline (DEC, 2006)</p> <p>Interim Construction Noise Guideline (DECCW, 2009)</p> <p>Noise Policy for Industry (EPA, 2017)</p> <p>NSW Road Noise Policy (DECCW, 2011)</p> <p>German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures</p> <p>Great Barrier Reef Underwater Noise Guideline Discussion and Options Paper (GBRMPA, 2017)</p>
<p>7. Non-Aboriginal Heritage</p> <p>The design, construction and operation of the project facilitates, to the greatest extent possible, the long term protection, conservation and management of Non-Aboriginal heritage.</p>	<ol style="list-style-type: none"> 1. Direct and/or indirect impacts to the significance of: <ol style="list-style-type: none"> (a) environmental heritage, as defined under the <i>Heritage Act 1977</i>; (b) items listed on the State, National and World Heritage lists; and (c) heritage items and conservation areas identified in environmental planning instruments applicable to the project area. 2. Where impacts to National, State or locally significant heritage is identified, the assessment must: 	<p>NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998)</p> <p>Care agreement application form</p> <p>Criteria for the assessment of excavation directors (NSW Heritage Council, 2011)</p> <p>NSW Heritage Manual (Heritage Office and Department</p>

(a) include a significance assessment, a statement of heritage impact,

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<p>The design, construction and operation of the project avoids or minimises impacts, to the greatest extent possible, on the heritage significance of environmental heritage and maritime archaeology.</p>	<p>and an historical archaeological assessment;</p> <p>(b) assess the consistency of the project against conservation policies of any relevant conservation management plan;</p> <p>(c) consider impacts caused by, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, visual amenity, landscape and vistas, curtilage, subsidence and architectural noise treatment, drainage infrastructure, contamination remediation and site compounds (as relevant); and</p> <p>(d) be undertaken by a suitably qualified heritage consultant(s) and/or historical archaeologist (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria).</p> <p>3. Maritime archaeology including any potential maritime heritage, shipwrecks, previous maritime infrastructure, archaeological items and/or relics (both above and below water and under historical reclamation areas) that may be impacted by the project. The assessment must be undertaken by a suitably qualified maritime archaeologist and include.;</p> <p>(a) identify any known and potential maritime archaeology within the project area;</p> <p>(b) assess the direct and indirect impacts of the project on maritime archaeology;</p> <p>(c) assess the scale of impact on maritime archaeology; and</p> <p>(d) identify strategies and procedures to be followed in the case of an unexpected discovery of items and/or relics of maritime heritage significance.</p>	<p>of Urban Affairs and Planning, 1994)</p> <p>Assessing Heritage Significance (NSW Heritage Office, 2001)</p> <p>The Australia ICOMOS Burra Charter</p> <p>Guidelines for the Management of Australia's Shipwrecks (AIMA, 1994)</p> <p>Convention on the Protection of the Underwater Cultural Heritage (UNESCO, 2001).</p>

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<p>8. Social and Economic</p> <p>The project minimises adverse social impacts and capitalises on opportunities potentially available to affected communities.</p> <p>The project minimises impacts to property and business and achieves appropriate integration with adjoining land uses, including maintenance of appropriate access to properties and community facilities, and minimisation of displacement of existing land use activities, dwellings and infrastructure.</p>	<ol style="list-style-type: none"> 1. Potential social impacts of the project from the points of view of the affected community/ies and other relevant stakeholders, i.e. how they expect to experience the project. 2. How potential environmental changes in the locality may affect people's (including, but not limited to): <ol style="list-style-type: none"> (a) community; (b) access to and use of infrastructure, services, and facilities; (c) culture; (d) decision-making systems; and (e) fears and aspirations, as relevant and considering how different groups may be disproportionately affected. 3. The potential disruption and restrictions arising from the construction and operation of the proposal on the recreational uses in Frenchmans Bay and Kurnell, including swimming, snorkelling, sailing and beach users. 4. Social actions and outcomes that address both negative and positive social impacts. 5. Potential impacts to properties, businesses, recreational users and land and water users (for example, recreational fishers, commercial fishers and aquaculture activities), including property acquisitions/adjustments, access, amenity and relevant statutory rights. 	<p>Social Impact Assessment Guideline (DPE, 2017)</p>

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<p>9. Soil, Water and Contamination</p> <p>The environmental values of land, including soils, subsoils, marine sediments and landforms, are protected.</p> <p>Risks arising from the disturbance and excavation/dredging of land or marine sediments and disposal of materials are minimised, including disturbance to acid sulfate soils, site contamination and water quality (surface and groundwater).</p>	<ol style="list-style-type: none"> 1. Assess the potential impacts of the project on soil, water and contaminated material and marine sediments, including: <ol style="list-style-type: none"> (a) acid sulfate soils (including impacts of acidic runoff offsite); (b) potential for mobilisation of sediments and any contaminated sediment as a result of dredging and excavation, transportation and disposal of contaminated material/sediments; and (c) appropriate mitigation and management measures to safeguard the environment and people during construction and operation. 2. Assess the impacts of the project on water quality including: <ol style="list-style-type: none"> (a) the nature and degree of impact on receiving waters; (b) mitigating effects of proposed stormwater and wastewater management during and after construction; and (c) the impact of sediment plumes associated with the operation of the facility on water quality (e.g. proximity of propellers to the substrate and proximity to sensitive environs). 	<p>Acid Sulfate Soils Assessment Guidelines (DoP, 2008)</p> <p>Acid Sulfate Soils Manual (Acid Sulfate Soils Management Advisory Committee, 1998)</p> <p>Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004); and Volume 2 (where relevant)</p> <p>National Assessment Guidelines for Dredging (Commonwealth of Australia 2009).</p> <p>Guidelines for Fresh and Marine Water Quality (ANZECC, 2000)</p> <p>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions (OEH, EPA 2017)</p>
<p>10. Transport and Traffic</p> <p>The safety and efficiency of the transport system (including parking) in the vicinity of the project are managed to minimise impacts.</p> <p>The safety of transport system customers is maintained.</p>	<ol style="list-style-type: none"> 1. Construction transport and traffic (maritime vessels, pedestrian and cyclists) impacts, including, but not necessarily limited to: <ol style="list-style-type: none"> (a) the indicative number, frequency and size of construction related vehicles (light and heavy vehicles) and maritime vessels; (b) the nature of existing parking, and traffic on construction access routes; (c) access constraints and impacts on public transport, pedestrians and cyclists; (d) the need to close, divert or otherwise reconfigure elements of roads, car parking and pedestrian and cycle networks associated 	<p>Guide to Traffic Management – Part 3 Traffic Studies and Analysis (Austroads, 2007)</p> <p>Guide to Traffic Generating Developments Version 2.2 (RTA, 2002)</p> <p>Cycling Aspects of Austroads Guides (Austroads, 2014)</p> <p>NSW Bicycle Guidelines v 1.2 (RTA, 2005)</p> <p>Planning Guidelines for Walking and Cycling (DIPNR, 2004)</p>

<p>Impacts on network capacity and the level of service are effectively managed.</p>	<p>with the construction of the project and the duration of these changes;</p> <ul style="list-style-type: none"> (e) temporary and permanent impacts to access and parking, including to residents and businesses, and employees and visitors to the Kamay Botany Bay National Park; (f) construction worker parking; and (g) temporary and/or permanent relocation of swing moorings at La Perouse within Frenchmans Bay. 	<p>NSW Sustainable Design Guidelines Version 4.0 (May 2017)</p>
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	<ol style="list-style-type: none"> 2. The Proponent must undertake land-based and maritime-based assessments of operational transport and traffic (maritime vessels, pedestrian and cyclists) impacts, including, but not necessarily limited to: <ol style="list-style-type: none"> (a) traffic generated by the operation of the project; (b) volume and type of vessels (commercial, recreational) expected to use the infrastructure on weekdays, weekends and public holidays; (c) hours of operation; (d) car parking (including property and business access and on-street parking) and cyclists parking requirements; and (e) temporary and permanent changes to bus stop locations. 3. The Proponent must undertake a Navigation Risk Assessment detailing vessel movement within the Botany Bay shipping channel and any potential impacts on port operations and commercial shipping movements. 	

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11. Other Issues	<p>1. An assessment of the following issues must be undertaken in accordance with the commitments in Section 5 of the Kamay Ferry Wharves State Significant Infrastructure Scoping Report (Transport for NSW, May 2020):</p> <ul style="list-style-type: none"> - Air space; - Air quality; - Sustainability, including Waste; and - Greenhouse gases. 	

ATTACHMENT A – PROJECT ASSESSMENT NOTES



Australian Government

Department of Agriculture, Water and the Environment

PROJECT ASSESSMENT NOTES

Kamay Ferry Wharves Project, NSW (EPBC 2020/8825, SSI-10049)

This assessment is being undertaken in accordance with the *Bilateral Agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the New South Wales Government* (bilateral agreement) and *Amending Agreement No.1* (2020).

This document is not legally binding and does not replace the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the assessment requirements, the bilateral agreement or the administrative arrangements. This document is intended to complement the assessment requirements and assist NSW Department of Planning, Industry and Environment (NSW DPIE) to manage the environmental impact assessment process. Details about the engagement steps pursuant to the EPBC Act process are provided below.

Project details

Transport for NSW (TfNSW) proposes to reinstate two public ferry wharves and associated infrastructure at La Perouse and Kurnell, on either side of the ocean entrance to Botany Bay, Sydney NSW.

The project's construction footprint will be refined through the assessment process but the disturbance footprint is approximately 15.55 hectares (both land-based aquatic areas).

Matters of National Environmental Significance

There are likely to be significant impacts on the following controlling provisions:

- a. National Heritage Places (sections 15B and 15C); and
- b. Listed threatened species and communities (sections 18 and 18A).

All matters of national environmental significance (MNES) protected under the triggered controlling provisions are potentially relevant, and it is the responsibility of the proponent to ensure any protected matters under these controlling provisions are assessed for the Commonwealth decision-maker's consideration.

Based on the referral documentation, the Department considers that there is likely to be a significant impact on the following matters:

- *Posidonia australis* Seagrass Meadows of the Manning-Hawkesbury Ecoregion endangered.
- Black Rock-cod (*Epinephelus damemeli*) – vulnerable.
- Cauliflower Soft Coral (*Dendronephthya australis*) – endangered
- White's Seahorse (*Hippocampus whitei*) – endangered.

- The listed National Heritage values of the Kurnell Peninsula Headland National place.

Please also note that the Department of Infrastructure, Transport, Regional Development and Communications in consultation with the Australian Maritime Safety Authority has recommended that TfNSW consider adequate port waste reception facilities consistent with the *Threat abatement plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans* (2018) under the EPBC Act. In addition, other measures, such as the provision of oil spill kits on

the wharves, should be investigated to manage any potential environmental pollution that is likely to have a significant impact on MNES.

Stakeholder consultation

The Department recommends that Indigenous communities are consulted during the assessment process. The Department has advised the proponent that the EIS should include:

- Identification of all the Aboriginal people that have been consulted on the proposal and processes used to ensure they understand the proposal and potential impacts (and proposed actions to mitigate impacts on their heritage values).
- Concerns raised by Aboriginal people identified during consultation about the Indigenous heritage values and how they have been addressed.
- Detail of any MOUs, agreements/plans, (including those with confidentiality arrangements) to manage the Indigenous heritage values over the development timeframe.
- Written confirmation from the appropriate Traditional Owner representative body, the La Perouse Local Aboriginal Land Council, that confirms the above points and providing their support or otherwise for the works in relation to the protection of their heritage values and sites.
- Strategies to address the handling and reporting of unforeseen heritage discoveries during works, including Indigenous and non-Indigenous archaeology and unexpected human remains. Heritage monitors should be present on site for all relevant works, including representatives of the Traditional custodians and Aboriginal people with rights or interests in the area.

Relevant References and Guidelines

The Bilateral Agreement (clause 7.3) requires that NSW ensure that the Assessment Report addresses whether granting (or not granting) approval is not inconsistent with Australia's obligations under international conventions, or management plans or principles of relevance to the action's controlling provisions. The international conventions, management plans and principles that must be considered in relation to this proposal include:

- Kurnell Peninsula Headland - The National Heritage management principles:
<https://www.environment.gov.au/heritage/about/national/managing-national-heritage-places>
- Listed threatened species and communities
 - Australia's obligations under the:
 - : Convention on Biological Diversity,
 - : the Convention on Conservation of Nature in the South Pacific (Apia Convention),
 - or
 - : the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
 - Any relevant recovery plans or threat abatement plans.

The Bilateral Agreement (clause 7.4) requires that NSW consider guidance material and relevant policies and plans when assessing an action and developing a recommendation to the Commonwealth Minister. The policies and plans that must be considered in relation to this proposal include:

- Relevant conservation advice/s: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>
- Relevant strategic assessment reports
- Any relevant plan prepared for the management of a National Heritage place:
<http://www.environment.gov.au/heritage/places/national-heritage-list>
- Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support to proponents and NSW DPIE in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found in the Department's Species Profiles and Threats Database (SPRAT):
<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>