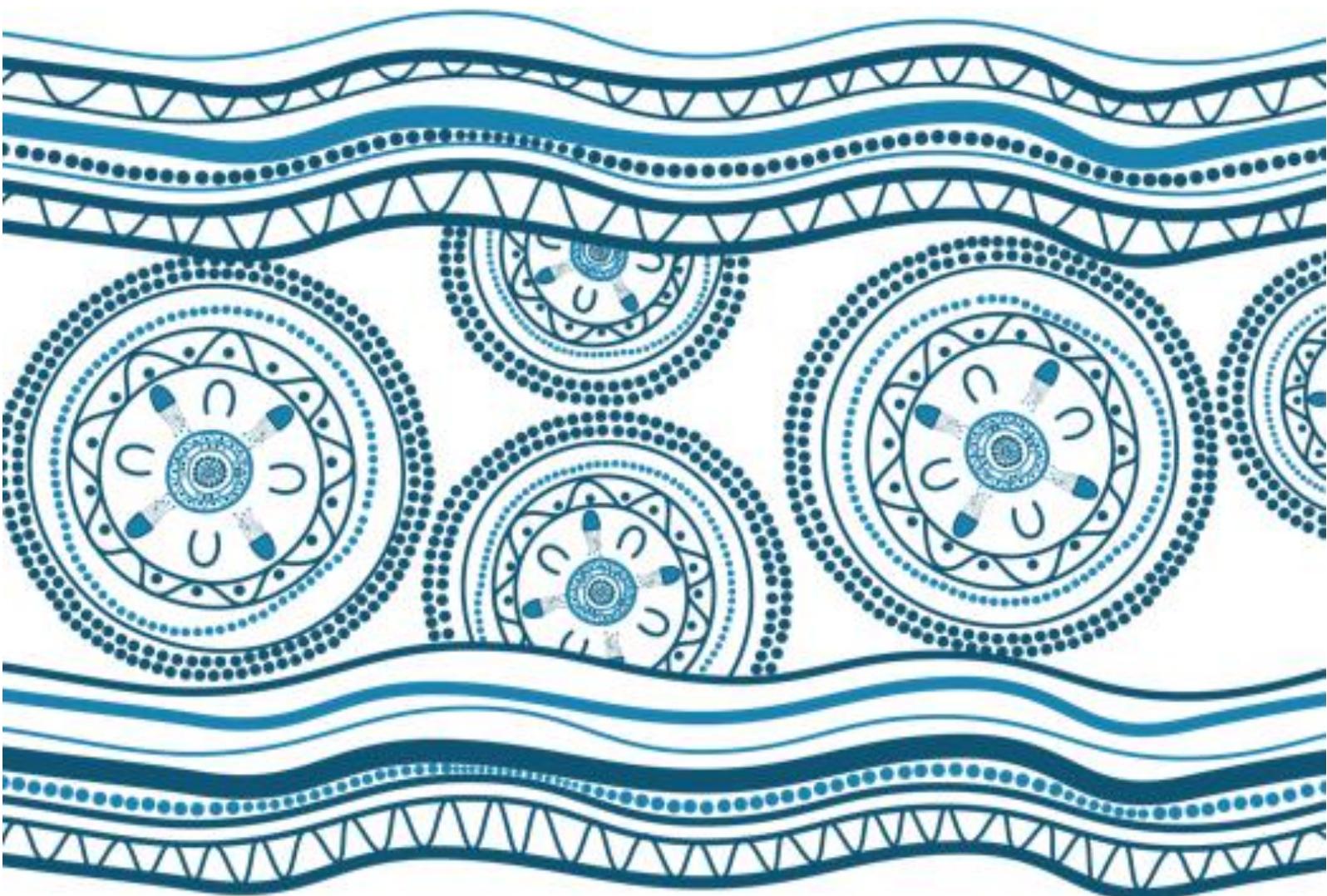


Appendix B

Secretary's environmental assessment requirements and Commonwealth assessment requirements



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Secretary's Environmental Assessment Requirements (SEARs)

Secretary's Requirement	Where addressed in the EIS
1. Environmental Impact Assessment Process	
The process for assessment of the project is transparent, balanced, well focussed and legal.	
1. The Environmental Impact Statement must be prepared in accordance with Part 3 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation).	Section 2.1, Appendix C (Environmental Planning and Assessment Regulation 2000 checklist)
2. Where the project requires approval under the EPBC Act and is being assessed under the Bilateral Agreement the EIS must address: <ul style="list-style-type: none"> (a) 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). (b) identification and assessment of those Protected Matters that are likely to be significantly impacted. 	Chapter 7 (Aboriginal heritage), Chapter 8 (Non-Aboriginal heritage), Chapter 9 (Underwater heritage), Chapter 10 (Marine biodiversity) Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report), Appendix H (Marine Biodiversity Assessment Report)
(c) details of how significant impacts to Protected Matters have been avoided, mitigated and, if necessary, offset.	Section 2.3, Section 4.5, Section 7.5, Section 8.4, Section 10.4 Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report), Appendix H (Marine Biodiversity Assessment Report)
(d) consideration of, and reference to, any relevant conservation advices, recovery plans and threat abatement plans.	Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report), Appendix H (Marine Biodiversity Assessment Report)
3. The onus is on the Proponent to ensure legislative requirements relevant to the project are met.	Chapter 2 (Assessment process)
2. Environmental Impact Statement	
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 offset impacts so that the project, on balance, has the least adverse environmental, social and economic impact, including its cumulative impacts.	
1. The EIS must include, but not necessarily be limited to, the following: <ul style="list-style-type: none"> (a) executive summary; 	Executive summary

Secretary's Requirement	Where addressed in the EIS
(b) a description of the project, including key components and activities (including ancillary components and activities) required to construct and operate it including- – the proposed infrastructure;	Section 5.2
- site location (including use of plans)	Section 1.2, Section 5.1
- “place making” design initiatives;	Section 5.4
- all road work and car parking;	Section 5.2, Section 5.5
- scope of works to construct the project, including key activities and timing, working hours and indicative plant and equipment to be used;	Section 5.5
- operational activities; and	Section 5.2
- tenure arrangements and acquisition of privately owned, council and crown land	Section 2.2, Section 5.2
(c) a statement of the objective(s) of the project;	Section 3.3
(d) a summary of the strategic need for the project with regard to its State significance and relevant State Government policy;	Chapter 3 (Strategic justification and project need)
(e) an analysis of feasible alternatives to the project;	Section 4.3
(f) a description of feasible options within the project;	Section 4.4
(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;	Section 4.4
(h) a concise description of different construction methods that were analysed and preferred methods;	Section 5.5
(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;	Section 1.2
(j) a demonstration of how the project design has been developed to avoid or minimise likely adverse impacts;	Section 4.4, Section 4.5, Section 5.4
(k) the identification and assessment of key issues as provided in the ‘Assessment of Key Issues’ performance outcome;	Section 1.3 Chapters 7-25
(l) a statement of the outcomes the Proponent will achieve for each key issue;	Appendix A (Project synthesis and summary of environmental management measures)
(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;	Chapter 7- 25 Appendix A (Project synthesis and summary of environmental management measures)

Secretary's Requirement	Where addressed in the EIS
(n) consideration of the interactions between measures proposed to avoid or minimise impact(s), between impacts themselves and between measures and impacts;	Chapters 7-25 Chapter 26 (Environmental risk analysis)
(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 construction, and projects that have been completed;	Chapter 25 (Cumulative impacts)
(p) statutory context of the project as a whole, including: – how the project meets the provisions of the EP&A Act and EP&A Regulation;	Section 2.1, Section 2.3, Section 27.1 Appendix C (Environmental Planning and Assessment Regulation 2000 checklist)
- a list of any approvals that must be obtained under any other Act or law before the project may lawfully be carried out;	Section 2.1, Section 2.3
(q) a chapter that synthesises the environmental impact assessment and provides: - 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.	Appendix A (Project synthesis and summary of environmental management measures)
(r) relevant project plans, drawings, diagrams in an electronic format that enables integration with mapping and other technical software.	GIS format files have been provided.
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.	Noted.
3. Assessment of Key Issues* Key issue impacts are assessed objectively and thoroughly to provide confidence that the project will be constructed and operated within acceptable levels of impact. * 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.	

Secretary's Requirement	Where addressed in the EIS
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.	Chapters 7 – 25 Appendices E - W
2. For each key issue the Proponent must: <ul 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 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); (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. 	Chapters 7- 25 Chapter 27, Environmental risk analysis Appendices E - W
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.	Chapters 7- 25 Appendix A, Project synthesis and summary of environmental management measures Appendices E - W
4. Consultation The project is developed with meaningful and effective engagement during project design and delivery.	
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.	Section 6.2 Appendix D (Consultation Process and Outcomes Report)
2. The Proponent must document the consultation process and demonstrate how the project has responded to the inputs received.	Section 6.2, Section 6.3
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,	Section 6.4

Secretary's Requirement	Where addressed in the EIS
the mechanisms for keeping the community informed, and procedures for complaints handling and resolution.	
Key issues	
1. Aboriginal Heritage	
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.	
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.	
1. Direct and/or indirect impacts (including cumulative impacts) to the significance of: (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;	Section 7.4, Section 9.3 Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix G (Underwater Cultural Heritage Assessment Report)
(b) Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan; and	Section 7.4 Appendix E (Aboriginal Cultural Heritage Assessment Report)
(c) potential for unknown Aboriginal cultural heritage in the form of submerged terrestrial sites.	Section 9.3 Appendix G (Underwater Cultural Heritage Assessment Report)
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).	Section 6.2 of Appendix E (Aboriginal Cultural Heritage Assessment Report)
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).	Section 3 of Appendix E (Aboriginal Cultural Heritage Assessment Report)
2. Biodiversity	
The project design considers all feasible measures to avoid and minimise impacts on terrestrial and aquatic biodiversity.	
Offsets and/or supplementary measures are assured which are equivalent to any residual impacts of project construction and operation.	
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).	Section 11.3 Appendix I (Biodiversity Development Assessment Report)
2. The BDAR must include information in the form detailed in s6.12 of the BC Act, cl6.8 of the <i>Biodiversity Conservation Regulation 2017</i> and the BAM.	Appendix I (Biodiversity Development Assessment Report)
3. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix 11 of the BAM.	GIS data is provided separately.

Secretary's Requirement	Where addressed in the EIS
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.	Section 1.3 of Appendix I (Biodiversity Development Assessment Report)
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.	Section 11.3 Section 6 of Appendix I (Biodiversity Development Assessment Report)
6. The BDAR must include details of the measures proposed to address offset obligations.	Section 11.4 Section 7 and 8 of Appendix I (Biodiversity Development Assessment Report)
7. The BDAR must include an assessment of biodiversity values not covered by the BAM. This includes: (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.	Section 10.3 Appendix H (Marine Biodiversity Assessment Report)
8. Water-based construction and vessel operation impacts on aquatic biodiversity, including: (a) disturbance to <i>Posidonia australis</i> populations and other seabed grasses (including from dredging, and propeller wash, anchoring, turbidity and sedimentation from vessel operations); (b) the nature and impact of underwater noise generating activities; and (c) proposed specific sound exposure and peak impulsive and continuous noise criteria for identified noise sensitive fauna.	Section 10.3, Section 15.4 Appendix H (Marine Biodiversity Assessment Report) Appendix P (Underwater Noise Assessment)
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).	Section 10.3, Section 11.3 Appendix H (Marine Biodiversity Assessment Report) Appendix I (Biodiversity Development Assessment Report)
3. Climate Change Risk The project is designed, constructed and operated to be resilient to the future impacts of climate change.	
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: (a) on the proposal; and (b) arising from the proposal.	Section 19.3

Secretary's Requirement	Where addressed in the EIS
2. The potential health and safety risks associated with the project arising from human exposure to environmental hazards and extreme weather events.	Section 19.3
4. Design, Place and Movement The project is well-designed and enhances the environment where it is located, including improved accessibility and connectivity for communities and public spaces.	
1. A design led process that is informed, collaborative and iterative, which: <ul 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. 	Section 5.4
2. Place design principles that are reflective of the design objectives in Better Placed, including a focus on: <ul 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. 	Section 5.4 Appendix M (Landscape Character and Visual Impact Assessment)
3. Place designs, actions and outcomes for the project that protect and facilitate improvements to the built environment, including in relation to: <ul style="list-style-type: none"> (a) public space (including open space); (b) active and public transport; and (c) views and vistas. 	Section 5.4 Appendix M (Landscape Character and Visual Impact Assessment)
4. This should address maintenance of infrastructure, place and residual land; and processes to refine design (as per point 1).	Section 5.4
5. The provision of visual representations of the project from key locations to illustrate the project.	Section 13.3 Appendix M (Landscape Character and Visual Impact Assessment)
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).	Section 5.4 Appendix M (Landscape Character and Visual Impact Assessment)
5. Environmentally Sensitive Lands and Processes The project is designed, constructed and operated to avoid or minimise impacts on protected and sensitive lands. The project is designed, constructed and operated to avoid or minimise future exposure to coastal hazards and processes.	

Secretary's Requirement	Where addressed in the EIS
1. Environmentally sensitive land and processes (and the impact of processes on the project) including, but not limited to: (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);	Section 18.2
(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;	Section 18.2, Section 18.3, Section 18.4
(c) safe public access to coastal areas, beaches, headlands and foreshores;	Section 18.3, Section 18.4
(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> ;	Section 10.2
(e) Key Fish Habitat as mapped and defined in accordance with the <i>Fisheries Management Act 1994</i> (FM Act);	Section 10.2 Appendix H (Marine biodiversity Assessment Report)
(f) waterfront land as defined in the <i>Water Management Act 2000</i> ;	Section 2.3, Section 18.1
(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	Section 10.2 Appendix H (Marine biodiversity Assessment Report)
(h) biodiversity stewardship sites, private conservation lands and other lands identified as offsets.	Section 10.2 Appendix H (Marine biodiversity Assessment Report)
6. Noise and Vibration Construction noise and vibration (including airborne noise, ground-borne noise and blasting) are effectively managed to minimise adverse impacts on acoustic amenity. 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.	
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.	Section 15.4, Section 16.4 Appendix O (Surface Noise and Vibration Impact Assessment Report), Appendix P (Underwater Noise Assessment)
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.	Section 15.4, Section 16.4 Appendix O (Surface Noise and Vibration Impact Assessment Report), Appendix P (Underwater Noise Assessment)

Secretary's Requirement	Where addressed in the EIS
3. Impacts to the structural integrity and heritage significance of items (including Aboriginal places, items of environmental heritage and maritime archaeology).	Section 7.4, Section 8.3, Section 9.3, Section 15.4 Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report), Appendix O (Surface Noise and Vibration Impact Assessment Report)
7. Non-Aboriginal Heritage 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.	
1. Direct and/or indirect impacts to the significance of: <ul 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. 	Section 8.3, Section 9.3 Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report)
2. Where impacts to National, State or locally significant heritage is identified, the assessment must: <ul style="list-style-type: none"> (a) include a significance assessment, a statement of heritage impact, and an historical archaeological assessment; (b) assess the consistency of the project against conservation policies of any relevant conservation management plan; (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 (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). 	Section 8.3, Section 9.3 Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report)
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.; <ul style="list-style-type: none"> a) identify any known and potential maritime archaeology within the project area; 	Section 9.2 and 9.3 Appendix G (Underwater Cultural Heritage Assessment Report)
b) assess the direct and indirect impacts of the project on maritime archaeology;	Section 9.3 Appendix G (Underwater Cultural Heritage Assessment Report)

Secretary's Requirement	Where addressed in the EIS
c) assess the scale of impact on maritime archaeology; and	Section 9.3 Appendix G (Underwater Cultural Heritage Assessment Report)
d) identify strategies and procedures to be followed in the case of an unexpected discovery of items and/or relics of maritime heritage significance.	Section 9.4 Appendix G (Underwater Cultural Heritage Assessment Report)
8. Social and Economic The project minimises adverse social impacts and capitalises on opportunities potentially available to affected communities. 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.	
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.	Section 14.2, Section 14.3 Appendix N (Socioeconomic Impact Assessment)
2. How potential environmental changes in the locality may affect people's (including, but not limited to): (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.	Section 14.3 Appendix N (Socioeconomic Impact Assessment)
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.	Section 14.3 Appendix N (Socioeconomic Impact Assessment)
4. Social actions and outcomes that address both negative and positive social impacts.	Section 14.3 and 14.4 Appendix N (Socioeconomic Impact Assessment)
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.	Section 2.2, Section 14.3 Appendix N (Socioeconomic Impact Assessment)
9. Soil, Water and Contamination The environmental values of land, including soils, subsoils, marine sediments and landforms, are protected. 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).	

Secretary's Requirement	Where addressed in the EIS
1. Assess the potential impacts of the project on soil, water and contaminated material and marine sediments, including: (a) acid sulfate soils (including impacts of acidic runoff offsite);	Section 17.3 Appendix Q (Targeted Site Investigation), Appendix R (Groundwater Assessment Report)
(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	Section 17.3 Appendix Q (Targeted Site Investigation)
(c) appropriate mitigation and management measures to safeguard the environment and people during construction and operation.	Section 17.4 Appendix Q (Targeted Site Investigation) Appendix R (Groundwater Assessment Report) Appendix S (Surface Water Assessment Report)
2. Assess the impacts of the project on water quality including: (a) the nature and degree of impact on receiving waters;	Section 17.3 Appendix R (Groundwater Assessment Report) Appendix S (Surface Water Assessment Report)
(b) mitigating effects of proposed stormwater and wastewater management during and after construction; and	Section 17.3, Section 17.4 Appendix S (Surface Water Assessment Report)
(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).	Section 17.3, Section 18.3 Appendix T (Coastal Processes Memorandum)
10. Transport and Traffic The safety and efficiency of the transport system (including parking) in the vicinity of the project are managed to minimise impacts. The safety of transport system customers is maintained. Impacts on network capacity and the level of service are effectively managed.	
1. Construction transport and traffic (maritime vessels, pedestrian and cyclists) impacts, including, but not necessarily limited to: (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 with the construction of the project and the duration of these changes; (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	Section 5.2, Section 5.5, Section 12.2, Section 12.3 Appendix K (Landside Traffic and Transport Assessment Report), Appendix L (Navigational Safety Assessment)

Secretary's Requirement	Where addressed in the EIS
(g) temporary and/or permanent relocation of swing moorings at La Perouse within Frenchmans Bay.	
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: (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	Section 12.3 Appendix K (Landside Traffic and Transport Assessment Report), Appendix L (Navigational Safety Assessment)
(e) temporary and permanent changes to bus stop locations.	Section 12.3 Appendix K (Landside Traffic and Transport Assessment Report)
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.	Section 12.3 Appendix L (Navigational Safety Assessment)
Other Issues	
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): - Air space	Section 24.2
- Air quality	Chapter 20 (Air quality) Appendix V (Air Quality Assessment Report)
- Sustainability, including Waste	Chapter 22 (Sustainability), Chapter 23 (Waste)
- Greenhouse gases	Chapter 21 (Greenhouse gas) Appendix W (Greenhouse Gas Calculations)

Commonwealth assessment requirements

Assessment requirements	Where addressed in the EIS
Matters for assessment	
<p>There are likely to be significant impacts on the following controlling provisions:</p> <ol style="list-style-type: none"> National Heritage Places (sections 15B and 15C); and Listed threatened species and communities (sections 18 and 18A). <p>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.</p> <p>Based on the referral documentation, the Department considers that there is likely to be a significant impact on the following matters:</p> <ul style="list-style-type: none"> Posidonia australis Seagrass Meadows of the Manning-Hawkesbury Ecoregion endangered. Black Rock-cod (Epinephelus damemelii) – 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. 	<p>Biodiversity: Chapter 10 (Marine biodiversity) Appendix H (Marine Biodiversity Assessment Report)</p> <p>Heritage: Chapter 7 (Aboriginal heritage), Chapter 8 (Non-Aboriginal heritage), Chapter 9 (Underwater heritage) Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report)</p>
Assessment approach	
<p>The NSW Government has advised the Department that your project will be assessed in accordance with the bilateral agreement, specifically as State Significant Infrastructure under Division 5.2, Part 5 of the Environmental Planning and Assessment Act 1979 (NSW). This assessment pathway requires the preparation of an environmental impact statement (EIS), and will require that matters of national environmental significance are adequately addressed.</p>	<p>The EIS has been prepared in accordance with the EP&A Act and matters of national environmental significance are addressed.</p>
Additional advice	
<p>Note that the NSW assessment process includes a public consultation phase, in which any third parties can comment on the proposed action. Indigenous communities should also be consulted during the assessment process. The Department recommends that the EIS include:</p>	
<ul style="list-style-type: none"> 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). 	<p>Chapter 6 (Consultation) Appendix D (Consultation Process and Outcomes Report), Appendix E (Aboriginal Cultural Heritage Assessment Report)</p>
<ul style="list-style-type: none"> Concerns raised by Aboriginal people identified during consultation about the Indigenous heritage values and how they have been addressed. 	<p>Chapter 6 (Consultation)</p>

Assessment requirements	Where addressed in the EIS
	Appendix D (Consultation Process and Outcomes Report), Appendix E (Aboriginal Cultural Heritage Assessment Report)
<ul style="list-style-type: none"> Detail of any MOUs, agreements/plans, (including those with confidentiality arrangements) to manage the Indigenous heritage values over the development timeframe. 	The potential impacts on Aboriginal heritage will be managed through a Heritage Management Plan, and the specific measures outlined in Chapter 7 (Aboriginal heritage).
<ul style="list-style-type: none"> 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. 	The project has followed Transport for NSW's PACHCI process as described in Appendix E (Aboriginal Cultural Heritage Assessment Report). This process ensures legislative requirements for consultation and assessment of Aboriginal heritage are met.
<ul style="list-style-type: none"> 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. <p>For more information on indigenous engagement, please refer to the indigenous engagement guidelines at: http://www.environment.gov.au/epbc/publications/engage-early.</p>	Chapter 7 (Aboriginal heritage), Chapter 8 (Non-Aboriginal heritage), Chapter 9 (Underwater heritage) Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report)
<p>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 matters of national environmental significance.</p>	A description of the project including its components is provided in Chapter 5 (Project description) Spills are assessed in Chapter 24 (Hazard and risk)
<p>The National Indigenous Australians Agency on behalf of the Minister for Indigenous Australians has suggested TfNSW engage with the NSW Indigenous Business and employment Hub (known as Yarpa Hub and Supply Nation) to engage Indigenous businesses in their supply chain and/or employ Indigenous people.</p>	The Aboriginal Participation in Construction (APiC) requirements will be met during the construction phase in accordance with the NSW Government Aboriginal Procurement Policy. Applications from local businesses to participate in the project are welcome and will be encouraged within the requirements of the NSW Government procurement policy. Details on who has been consulted are provided in Chapter 6 (Consultation) and Appendix D (Consultation Process and Outcomes Report).

Assessment requirements	Where addressed in the EIS
Relevant references and guidelines	
<p>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:</p> <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Australia's obligations under the: <ul style="list-style-type: none"> • 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. 	<p>These are NSW Government obligations to consider when assessing the project for approval.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 	
Schedule 4 – Matters to be addressed	
General information	
<p>The background of the action including: (a) the title of the action;</p>	<p>Chapter 1 (Introduction)</p>

Assessment requirements	Where addressed in the EIS
(b) the full name and postal address of the designated proponent;	Executive summary
(c) a clear outline of the objective of the action;	Chapter 3 (Strategic justification and project need)
(d) the location of the action;	Chapter 1 (Introduction)
(e) the background to the development of the action;	Chapter 4 (Project development and alternatives)
(f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;	Chapter 3 (Strategic justification and project need), Chapter 25 (Cumulative)
(g) the current status of the action;	Chapter 2 (Assessment process)
(h) the consequences of not proceeding with the action.	Chapter 4 (Project development and alternatives)
Description	
A description of the action, including:	Chapter 5 (Project description)
(a) all the components of the action;	
(b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;	Chapter 5 (Project description)
(c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;	Chapter 5 (Project description)
(d) relevant impacts of the action;	Chapter 7-25 Appendices E - W
(e) proposed safeguards and mitigation measures to deal with relevant impacts of the action;	Appendix A (Project synthesis and summary of environmental management measures)
(f) any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action;	Chapter 2 (Assessment process)
(g) to the extent reasonably practicable, any feasible alternatives to the action, including: (i) if relevant, the alternative of taking no action; (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; (iii) sufficient detail to make clear why any alternative is preferred to another;	Chapter 4 (Project development and alternatives)
(h) any consultation about the action, including: (i) any consultation that has already taken place; (ii) proposed consultation about relevant impacts of the action; (iii) if there has been consultation about the proposed action—any documented response to, or result of, the consultation;	Chapter 6 (Consultation) Appendix D (Consultation Process and Outcomes Report)
(i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.	Chapter 6 (Consultation), Chapter 14 (Socioeconomic)

Assessment requirements	Where addressed in the EIS
	Appendix D (Consultation Process and Outcomes Report), Appendix N (Socioeconomic Impact Assessment Report)
Relevant impacts	
<p>Information given under paragraph 2.01(d) must include:</p> <ul style="list-style-type: none"> (a) a description of the relevant impacts of the action; (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts; (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible; (d) analysis of the significance of the relevant impacts; (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts. 	<p>For heritage: Chapter 7 (Aboriginal heritage), Chapter 8 (Non-Aboriginal heritage), Chapter 9 (Underwater heritage) and Appendix E (Aboriginal Cultural Heritage Assessment Report), Appendix F (Statement of Heritage Impact), Appendix G (Underwater Cultural Heritage Assessment Report). For marine biodiversity: Chapter 10 (Marine biodiversity), Appendix H (Marine Biodiversity Assessment Report).</p>
Proposed safeguards and mitigation measures	
<p>Information given under paragraph 2.01(e) must include:</p> <ul style="list-style-type: none"> (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures; 	Chapter 26 (Environmental risk analysis) Appendix A (Project synthesis and summary of environmental management measures)
<ul style="list-style-type: none"> (b) any statutory or policy basis for the mitigation measures; 	The basis for mitigation measures are presented through all impact assessment chapters and specialist reports.
<ul style="list-style-type: none"> (c) the cost of the mitigation measures; 	All costs relating to the project will be borne by Transport for NSW
<ul style="list-style-type: none"> (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; 	Appendix A (Project synthesis and summary of environmental management measures)
<ul style="list-style-type: none"> (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; 	<p>The Department for Planning Industry and Environment (DPIE) are the regulatory authority for the project and will approve the management measures as outlined the in final Conditions of Approval.</p> <p>Various agencies will be consulted with for developing the management plans (including Department of Primary Industries (DPI) Fisheries, Environmental Protection Authority, Environment, DPIE Energy and Science, Randwick City Council,</p>

Assessment requirements	Where addressed in the EIS
	Sutherland Shire Council, the Harbour Master, Ports Authority NSW).
(f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.	Appendix A (Project synthesis and summary of environmental management measures)
Other approvals and conditions	
<p>Information given under paragraph 2.01(f) must include:</p> <p>(a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:</p> <ul style="list-style-type: none"> (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts; <p>(b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;</p> <p>(c) a statement identifying any additional approval that is required;</p> <p>(d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action</p>	Chapter 2 (Assessment process) Chapter 3 (Strategic justification and project need)
Environmental record of person proposing to take the action	
<p>Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:</p> <p>(a) the person proposing to take the action; and</p> <p>(b) for an action for which a person has applied for a permit, the person making the application.</p>	Appendix X (Transport for NSW Environmental Record)
If the person proposing to take the action is a corporation—details of the corporation’s environmental policy and planning framework.	Appendix Y (Transport for NSW Transport Environment and Sustainability Policy)
Information sources	
For information given in the EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested and what uncertainties (if any) are in the information.	Throughout the EIS document.