

Heritage Item	Statutory Listing	Official Values	Important considerations relevant to the proposed action
		<p><i>Pratia (Lobelia) purpurascens; Pteridium esculentum; Pterostylis revoluta; Rhagodia candolleana (incl baccata); Ricinocarpos pinifolius; Rumex brownii; Scaevola calendulacea; Scaevola ramosissima; Schoenus ericetorum; Schoenus paludosus; Senecio linearifolius; Stackhousia viminea; Stephania japonica; Stylidium graminifolium; Styphelia viridis; Symphionema paludosum; Synoum glandulosum; Syzygium paniculum; Triglochin procera; Utricularia biloba; Vernonia cinerea; Viola banksii prev hederacea; Westringia fruticosa; Woollisia pungens; Xanthosia pilosa; Xylomelum pyriforme; Zieria pilosa (pinnata).</i></p>	
<b>Kurnell Peninsula Headland</b>	National Heritage List Nominated Place (Place ID 105812)	<p>The property is on the NHL for meeting the thresholds of cultural Criterion A, B, G, and H:</p> <p><i>Criterion A: The Meeting Place Precinct, Kurnell Peninsula, was the site of first recorded contact between Indigenous people and Britain in eastern Australia, and symbolically represents the birthplace of a nation, and the dispossession of Indigenous people. This symbolism is reinforced by its proximity to Sydney, the site of the first British settlement, as well as its accessibility. The discovery of Botany Bay, including Kurnell Peninsula, in April 1770 by Lt. James Cook, Commander of the Endeavour, was a precursor to the colonization of Australia by Britain. The association of Cook's visit with the place is clear and well substantiated and has been celebrated since 1822.</i></p> <p><i>The Meeting Place Precinct, including Captain Cook's Landing Place, includes memorials and landscape plantings commemorating the events of 1770. Place names such as Inscription Point and Point Solander, the remnant watercourse, the memorials to explorers and Indigenous inhabitants, and Cook's maps of the Peninsula, in conjunction with Cooks Journal, and those of officers and scientists, clearly illustrate the events of 1770. Attributes specifically associated with its Indigenous values include the watering point and immediate surrounds, and the physical evidence of Aboriginal occupation in the area broadly encompassed by the watering place and the landing stage.</i></p> <p><i>Kurnell Peninsula, Botany Bay, was the first site on the east coast of the Australian continent explored by scientists from Britain, with many of the first type-specimens of flora and fauna collected near the landing site by both Banks and Solander. Of particular note in 1770 was the naming of the Banksia genus after Joseph Banks. Cook's naming of 'Botany Bay' in 1770 would result in its adoption as an emotive term for a destination, which came to be associated with convictism for much of the nineteenth century.</i></p>	<p>The proposed action should aim to preserve the symbolic nature of Kurnell as the meeting place of Aboriginal Australians and Europeans, and the subsequent history of colonisation and dispossession in both tangible and intangible forms. The proposed action should not impact on the intangible cultural heritage values associated with the place.</p> <p>The proposed action should preserve Captain Cook's Landing Place and later commemorative elements, including plantings and memorials.</p> <p>The proposed action should protect and enhance (where possible) Indigenous values associated with the watering point and Aboriginal places throughout the headland.</p> <p>The proposed action should preserve Native Australian flora, examples of which were collected by Banks and Solander and became the botanical type specimens of</p>

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		<p><i>Although Cooks' mapping of the east coast of Australia in 1770 did not appreciate the extent and importance of Port Jackson, nor the existence of Bass Strait, his running surveys were an outstanding achievement, which enabled the continental characteristics of Terra Australis, and its relationship to Papua New Guinea and New Zealand, to be defined fully for the first time. Cook's survey of Botany Bay in 1770, and clear description of the headlands at its entrance, provided information about a safe harbour with fresh water for British ships which followed.</i></p> <p><i>The headland area of Kurnell Peninsula, in its landmark role bounding the entrance to Botany Bay, is significant to the nation as the destination for the First Fleet under Captain Arthur Phillip in 1787. Although first settlement occurred at Sydney Cove in January 1788, Cook's first voyage, with his first landfall in Australia at Kurnell Peninsula, Botany Bay, informed the subsequent British declaration of terra nullius through his reports, and, as the destination of the First Fleet, began the process that would lead to British possession of the Australian continent by 1830.</i></p> <p><i>Criterion B: Kurnell Peninsula was the first landfall made by Cook on continental Australia during his successful mapping of the eastern coastline, and is the point of first recorded contact between the British and Indigenous Australians in eastern Australia.</i></p> <p><i>The impact of the event and the events themselves are well described. The association of the events with the place is clear and well substantiated.</i></p> <p><i>The place possesses rare aspects of Australia's cultural heritage and is of outstanding heritage value to the nation.</i></p> <p><i>For Attributes refer to the first entry for Criterion (a).</i></p> <p><i>Criterion G: 'Captain Cook's Landing Place' at Kurnell Peninsula is considered by many to be of outstanding heritage value to the nation for its association with the 'the birth of the nation'. The events hold a different meaning for Indigenous Australians, marking the commencement of colonization of Australia, and dispossession, underpinned by the doctrine of terra nullius. The story of Cook's first landing on the east coast of Australia is nationally</i></p>	<p>several species previously unknown to Europeans.</p> <p>The proposed action should preserve and enhance (where possible) significant views throughout the Meeting Place Precinct, across Botany Bay, and towards the Botany Bay Headlands.</p> <p>The proposed action should aim to preserve archaeological evidence associated with Captain Cooks landing and camp.</p> <p>The proposed action should aim to preserve physical evidence of Aboriginal occupation across the Kurnell Peninsula, including Aboriginal archaeological sites. Eleven recorded Aboriginal archaeological sites are located within the mapped extend of the project area (shown in Figure 4):</p> <ul style="list-style-type: none"> <li>• Site 1, La Perouse (AHIMS ID 45-6-0648)</li> <li>• Site 2, La Perouse (AHIMS ID 45-6-0649)</li> <li>• Site 3, La Perouse (AHIMS ID 45-6-0650)</li> <li>• Site 4, La Perouse (AHIMS ID 45-6-0651)</li> <li>• Site 5, La Perouse (AHIMS ID 45-6-0652)</li> </ul>

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		<p><i>important, and Captain Cook's Landing Place has become a symbolic place representing an important national story.</i></p> <p><i>The story of Cook's voyage, including Cook's landing place at Kurnell and first contact between the British and Indigenous Australians on the eastern seaboard, has become an integral part of Australian folk-lore and our collective psyche. There are 'Captain Cook' stories in many parts of Aboriginal Australia, including remote areas such as Central Australia and the Victoria River Downs, Northern Territory. The events have been well documented by many authors, acknowledging the place's important association with Indigenous Australian's at a national level.</i></p> <p><i>Captain Cook's Landing Place is within the Meeting Place Precinct and part of the reserve set aside in 1899. For Attributes refer to the first entry for Criterion (a).</i></p> <p><i>Criterion H: The Meeting Place Precinct, Kurnell Peninsula, is significant to the nation as the first landfall of Captain James Cook during his successful mapping of Australia's eastern coastline in 1770. This event has been celebrated by the placing of memorials since 1822 and through commemorations such as the bicentenary in 1970.</i></p> <p><i>On this, Cook's first of three voyages in the Pacific, Joseph Banks was botanist, assisted by Daniel Solander and the artists Sydney Parkinson, Alexander Buchan and Herman Sporing. The artists were to produce botanical, zoological and ethnographic drawings. Banks and Solander collected 83 specimens, many of which are now the type specimens of species and genera, including Banksia. Both Banks and Solander as scientists on Cook's crew are remembered by local geographical place names; Cape Banks and Point Solander have defined the entrance to Botany Bay since 1770.</i></p> <p><i>Attributes clearly associated with the landing are included within the Meeting Place Precinct. Although the location of botanical specimens collected by Banks and Solander was referred to generically as 'Botany Bay', the landing place, as the site of first exposure to the environment, was a key source of botanical specimens and species types. A number of species, including Angophora costata woodland on the adjacent headland areas and a native violet at the watering place, named after Banks, occur in close proximity to the landing site.</i></p>	<ul style="list-style-type: none"> <li>• Site 6, La Perouse (AHIMS ID 45-6-0653)</li> <li>• La Perouse (AHIMS ID 45-6-1144)</li> <li>• La Perouse (AHIMS ID 45-6-1403)</li> <li>• La Perouse Midden 19-01 (AHIMS ID Pending)</li> <li>• Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)</li> <li>• Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366)</li> </ul>

Figure 4: Aboriginal archaeological sites within and near the proposal boundary

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## 1.3 Assessment of Potential Impacts to National Heritage Values

The proposed action will have direct impacts within the Kamay Botany Bay: Botanical collection sites and Kurnell Peninsula Headland NHL items. The construction of each wharf and associated carparking, in addition to landscaping and earthworks, would occur within the listed curtilage of each NHL item.

It is noted that the construction footprints and extent of earthworks have been confirmed for EIS purposes. The design assessed in this document is the EIS design freeze. Detailed design of the earthworks required to install utilities is yet to be confirmed. The following assessment is preliminary, and this referral has been prepared in advance of detailed assessment of Aboriginal and non-Aboriginal heritage for the EIS.

### 1.3.1 Kamay Botany Bay - botanical collection sites

The significance of the Kamay Botany Bay – botanic collection sites NHL item lies primarily with its remnant vegetation. These areas provide a reference point and historical connection with Cook's voyage to map the eastern coastline, and the species collected by Banks and Solander in 1770.

The features within Kamay Botany Bay which express its botanical significance include the vegetation communities at Kurnell Peninsula and La Perouse Headland, both of which would be impacted by the proposed action.

Field survey undertaken for the project identified a patch of littoral rainforest within the Kurnell study area identified as being a potential Threatened Ecological Community (TEC) containing an open mid-storey of Cabbage Palm *Livistona australis* and examples of Swamp Paperbark *Melaleuca quinquinervia*.<sup>14</sup> Communities of Coast Banksia were also identified within the La Perouse study area. The Cabbage Palm, *Myrtaceae* family (*Eucalyptus*, *Melaleuca* and *Leptospermum*) and the *Proteaceae* family (Banksia) are species identified in the NHL listing as being the reference point for Banks' and Solander's botanic collection. These remnant plant communities therefore contribute to the overall significance of the NHL listing.

The proposed works will not impact on the littoral rainforest Threatened Ecological Community at Kurnell, and no examples of Cabbage Palm or Swamp Paperbarks would be removed. In addition, the works would be setback as much as practicable and a flora and fauna management plan implemented to minimise risk of indirect impacts during construction. Alternative construction methods will also be explored (i.e. tunnel boring) to further minimise impacts.

The Coast Banksia community identified within the La Perouse study area was identified as being in low condition due to historical clearing and land use which has resulted in a high degree of weed invasion.<sup>15</sup> Impacts to these species are likely to be minor.

Overall, it is anticipated that significant vegetation would be avoided by the proposed action. Specific areas of significant vegetation identified by the listing, such as the pines on the Kurnell headland, would not be impacted. Impacts to significant botanical elements or landscapes associated with Joseph Banks and Daniel Solander are not anticipated.

<sup>14</sup> Arup, Kamay Ferry Wharves EPBC Act Significant Impact Assessment – Terrestrial biodiversity, draft dated 10 June 2020

<sup>15</sup> Arup, draft dated 10 June 2020

### 1.3.2 Kurnell Peninsula Headland

#### 1.3.2.1 Assessment of impacts to setting and views

The NHL listing and official national values for the Kurnell Peninsula Headland do not discuss specific significant view lines, although the gazettal briefly describes the setting as follows:

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*The headland area of Kurnell Peninsula, in its landmark role bounding the entrance to Botany Bay, is significant to the nation as the destination for the First Fleet under Captain Arthur Phillip in 1787.*

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The proposed action may result in some disruption of the views between Captain Cook Drive and the Botany Bay headlands leading to the Pacific Ocean, however it is not anticipated that the view between the headlands and Captain Cooks Landing Place would be interrupted. The overall setting of the Kurnell Peninsula Headland would not be adversely affected by the proposed action, which would utilise pre-existing infrastructure in the area to minimise visual impacts resulting from the proposed action.

The EIS design indicates that the proposed wharf structures would be streamlined and minimal in design, and as such, are unlikely to detract from the overall setting or significance of the item.

#### 1.3.2.2 Assessment of direct impacts and historical archaeology

The Kurnell Peninsula was the first landfall made by Cook on continental Australia during his successful mapping of the eastern coastline and is the point of first recorded contact between the British and Indigenous Australians in eastern Australia, and is the location where Captain Cook claimed Australia (*Terra Australis*) as a British colony. The site symbolises a history of colonisation and dispossession and the vastly different experiences of Europeans and Indigenous Australians following Cook's first landing. This historic event has been recognised since 1822 through the introduction of later commemorative elements including memorial plantings, plaques and memorials.

The proposed action would occur within the NHL curtilage for the peninsula and the proposed site for the proposed wharf would be constructed to the north of the area identified as being Captain Cook's Landing Place and containing an obelisk memorialising the event.

The proposed action would not impact directly on Captain Cook's Landing Place or later commemorative elements located throughout the peninsula, including plantings and memorials. It is not anticipated that the proposed action would result in impact to significant remnant vegetation associated with the botanical collections of Banks and Solander (discussed above in the Kamay Botany Bay – botanic collection sites NHL item).

The preferred wharf site is located in close proximity to known archaeological sites associated with Cook's landing and subsequent historical development of the peninsula. These sites include the 'landing place wharf abutment' archaeological site (listed on the Sutherland Shire Local Environmental Plan (LEP) as item A2516), 'Captain Cook's watering hole' (Sutherland Shire LEP A2518) and 'Captain Cook's watering well' (Sutherland Shire LEP A2519). Archaeological remains associated with these sites are likely to reach the threshold of local, State or National significance.

Potential European archaeological resources are not explicitly identified in the NHL gazettal. It is assumed, however, that intact archaeological remains associated with the development of the peninsula would contribute to the overall significance of the place. Archaeological remains, particularly those directly associated with Cook's landing and subsequent contact between Europeans and the local Indigenous inhabitants, would be particularly significant and would contribute to NHL criterion a – *the place possesses rare aspects of Australia's cultural heritage and is of outstanding heritage value to the nation.*

The construction footprint and extent of earthworks associated with the proposed action have not yet been determined or assessed. It is assumed that earthworks would be limited in scope and located in known areas of disturbance where possible. Assessment undertaken at the EIS stage would endeavour to accurately identify significant archaeological sites and recommend appropriate avoidance or mitigation measures as appropriate.

There are also several intangible heritage values associated with the Kurnell Peninsula Headland which are of cultural significance to Aboriginal and European heritage. The symbolic nature of the place would not be significantly impacted by the proposed action, and the proposed action would not detract from these intangible values. The project team are proactively engaging with community throughout the design and EIS processes.

Overall, the proposed action would result in direct impacts within the NHL curtilage. These impacts would not remove significant heritage elements such as the existing obelisk, commemorative plantings of pine trees or the new commemorative sculptures installed in April of this year to commemorate the 250<sup>th</sup> anniversary of Cooks landing. It is not anticipated that the proposed action would significantly adversely impact the symbolic or intangible significance of the place.

#### **1.3.2.3 Assessment of impacts to Aboriginal objects within the Kurnell Peninsula Headland**

Aboriginal archaeological sites are physical evidence of Aboriginal occupation of across the Kurnell Peninsula and are of significance to the Kurnell Peninsula Headland NHL place. Impacts to these sites may occur. These archaeological remains may reach the threshold for high Aboriginal cultural heritage significance and are included in the values of the NHL item as 'physical evidence of Aboriginal occupation in the area broadly encompassed by the watering point and immediate surrounds'.

Overall, the proposed action would result in direct impacts within the NHL curtilage. Although these impacts would **not** result in removal of the majority of the physical evidence of Aboriginal occupation, there is potential for removal of some Aboriginal objects from the project footprint. Excavation impacts within sensitive landforms would include landscaping works at the entrance of the wharf, construction of the jetty tie in and utilities trenching. Within the Kurnell project area impacts to potential foreshore midden material may occur due to the installation of utilities within the existing footpath, construction of the jetty tie-in and during landscaping (Figure 5). Within the La Perouse project area utilities excavation and landscaping have the potential to impact on a buried rock shelter (Site 6 AHIMS ID 45-6-0653; Figure 6)

Further investigation of the potential extent of impacts to physical evidence of Aboriginal occupation will be undertaken during preparation of the EIS. The level of impact will depend on depth and areal extent of impacts, with the footprint being very limited in size in comparison with the Kurnell Peninsula Headland NHL item as a whole. Previous archaeological investigations within some specific portions of the project footprint suggest the sub-surface context to around 400 millimetres depth is archaeologically sterile and potentially disturbed.<sup>16</sup>

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<sup>16</sup> Paul Irish, 2007. 'Final Report on Aboriginal Archaeological Test Excavations: Meeting Place Precinct, Botany Bay National Park, Kurnell, NSW'. Report to DECC and the Government Architects Office



Figure 5: Known Aboriginal sites within the Kurnell proposal boundary

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Figure 6: Known Aboriginal sites within the La Perouse proposal boundary

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### 1.3.3 Preliminary assessment against the Significant Impact Criteria

The Significant Impact Criteria outlined in the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (2013)* are intended to assist in determining whether the impacts of a proposed action on any matter of national environmental significance are likely to be significant impacts.

An action is likely to have a significant impact on the cultural or natural heritage values of a National Heritage Place if there is a real chance or possibility that the action will result in the outcomes listed in the first column of Table 3. The below assessment against the Significant Impact Criteria has been prepared by Artefact Heritage and the EIS ecology team.

**Table 3 Assessment against Significant Impact Criteria**

Possible outcomes	Impact to Kamay Botany Bay: botanical collection sites	Impact to Kurnell Peninsula Headland
Permanently remove, destroy, damage or substantially alter the fabric of a World Heritage property or National Heritage Place in a manner which is inconsistent with relevant values	No	Potential for impact: The re-establishment of wharfage is not inconsistent with the values outlined in Table 1, provided the design is sympathetic to its surroundings and impacts to significant archaeological remains are avoided.
Extend, renovate, refurbish or substantially alter a World Heritage property or National Heritage Place in a manner which is inconsistent with relevant values	No	No
Permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a World Heritage property or National Heritage Place	No	Potential impacts to physical remains of evidence of Aboriginal occupation within the NHL curtilage through excavation works associated with the jetty tie in, landscaping works, utilities installation and additional carparking areas.
Involve activities in a World Heritage property or National Heritage Place with substantial and/or long-term impacts on its values	No	No
Involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a World Heritage property or National Heritage Place which are inconsistent with relevant values	No	No
Make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a World Heritage property or National Heritage Place which are inconsistent with relevant values	No	No
Alter the setting of a World Heritage property or National Heritage Place in a manner that	No	No

Possible outcomes	Impact to Kamay Botany Bay: botanical collection sites	Impact to Kurnell Peninsula Headland
is inconsistent with relevant values		
Damage, modify, alter or obscure important geological formation in a National Heritage place	No. Potential impacts are limited to some localised disturbance of coastal rock platforms within the construction footprint at La Perouse. However these do not support vegetation and are not considered important for botanical collection.	No
Damage, modify, alter or obscure landforms or landscape features, for example, by clearing, excavating or infilling the land surface in a National Heritage place	No	No. The design minimises requirements for the clearing of vegetation and is unlikely to impact landscape amenity
Modify, alter or inhibit landscape processes, for example, by accelerating or increasing susceptibility to erosion, or stabilising mobile landforms, such as sand dunes in a National Heritage place	No	No
Divert, impound or channelise a river, wetland or other water body in a National Heritage place	No	No
Substantially increase concentrations of suspended sediment, nutrients, heavy metals, hydrocarbons or other pollutants or substances in a river, wetland or water body in a National Heritage place; permanently damage or obscure rock art or other cultural or ceremonial features with World Heritage values	No	No
Modify or inhibit ecological processes in a National Heritage place	No. Potential impacts limited to temporary disturbance of adjacent fauna habitats during construction. However these are unlikely to significantly impact threatened species.	No. Potential impacts limited to temporary disturbance of adjacent fauna habitats during construction. However these are unlikely to significantly impact threatened species.
Reduce the diversity of modify the composition of plant and animal species in a National Heritage place	No. Vegetation communities are subject existing weed disturbance. Pest species including Common Starling ( <i>Sturnus vulgaris</i> ) are also known from the site. Proposed works are unlikely to pose a significant risk as a result of weeds, pests or pathogens and are unlikely to alter the composition of habitats on site.	No. Vegetation communities are subject existing weed disturbance. Pest species including Common Starling ( <i>Sturnus vulgaris</i> ) are also known from the site. Proposed works are unlikely to pose a significant risk as a result of weeds, pests or pathogens and are unlikely to alter the composition of habitats on site.
Fragment or damage habitat important for the conservation of biological diversity in a National Heritage place	No. No significant impacts to threatened species or ecological communities are likely as a result of the project.	No. No significant impacts to threatened species or ecological communities are likely as a result of the project.
Cause a long-term reduction in rare, endemic or unique plant or animal populations or species in a National Heritage place	No	No

Possible outcomes	Impact to Kamay Botany Bay: botanical collection sites	Impact to Kurnell Peninsula Headland
Fragment, isolate or substantially damage habitat for rare, endemic or unique animal populations or species in a National Heritage place	No	No

### 1.3.4 Preliminary assessment against the Major Guideline Questions

*The Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (2013) pose a series of questions on the nature of the impact to the heritage values of a World Heritage Property or National Heritage Place which are to be considered when assessing the potential impact of a proposed action on items of work World or National heritage.

These questions have been considered with reference to the potential impacts associated with the proposed action as follows:

1. *Are there any matters of national environmental significance located in the area of the proposed action (noting that 'the area of the proposed action' is broader than the immediate location where the action is undertaken; consider also whether there are any matters of national environmental significance adjacent to or up/ downstream from the immediate location that may potentially be impacted)?*

Yes, construction of the proposed action would occur within the NHL curtilages of the Kamay Botany Bay - botanical collection sites and the Kurnell Peninsula Headland items.

2. *Considering the proposed action at its broadest scope (that is, considering all stages and components of the action, and all related activities and infrastructure), is there potential for impacts, including indirect impacts, on matters of national environmental significance?*

The proposed action is likely to result in direct and indirect impacts to the NHL listed items. The proposed action is likely to impact on physical evidence of Aboriginal occupation within the NHL curtilage, which is a significant value of the Kurnell Peninsula Headland NHL item.

The proposed action would not result in significant impacts to the Kamay Botany Bay – botanic collection sites heritage item. Impact to specific species identified by the NHL listing would be minor and consist of limited clearing of a remnant Coast Banksia community within the La Perouse study area.<sup>17</sup>

3. *Are there any proposed measures to avoid or reduce impacts on matters of national environmental significance (and if so, is the effectiveness of these measures certain enough to reduce the level of impact below the 'significant impact' threshold)?*

The project has considered the potential impacts on national non-Aboriginal heritage values by preparing a Preliminary Environmental Impacts (PEI) options analysis and constraints report prior to EIS phase, which enabled the selection of preferred options with heritage considerations taken into account. All options on both the La Perouse and Kurnell sides of Botany Bay would be located within the NHL curtilage.

The project has considered potential impacts to National Aboriginal heritage values by the preparing an Aboriginal heritage assessment in accordance with Stage 2 of the PACHCI (Roads and Maritime

<sup>17</sup> Arup, draft dated 10 June 2020

2011), and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a).

Design development has resulted in the removal of an amenities building to avoid additional impacts within archaeologically sensitive areas. Ongoing design of the proposed action would also seek to further avoid impact to cultural landscape elements, including plantings on the Kurnell and La Perouse headlands. Ongoing design of the proposed action will also further assess potential Aboriginal and non-Aboriginal archaeological impacts and provide appropriate mitigation measures, potentially including excavation and heritage interpretation.

4. *Are any impacts of the proposed action on matters of national environmental significance likely to be significant impacts (important, notable, or of consequence, having regard to their context or intensity)?*

Yes, the proposed action is expected to impact on matters of National environmental significance with regards to their heritage values. This includes potential impact to physical evidence of Aboriginal occupation.

## 1.4 Conclusions and Recommendations

The proposed action is expected to result in significant impacts to the National heritage values, setting, and/or fabric of the Kurnell Peninsula Headland NHL items. The proposed action may result in impacts to archaeological resources.

Due to potential impacts to physical evidence of Aboriginal occupation and Biodiversity, the proposed action may be considered to be a 'controlled action' under the EPBC Act with respect to potential heritage impacts.

Further detailed assessment of Aboriginal and non-Aboriginal heritage values will take place throughout preparation of the EIS.

Potential mitigation would include:

- The guidelines and policies as set out in the *Kamay Meeting Place Precinct Conservation Management Plan* and *La Perouse Headland Conservation Management Plan* should be adopted by TfNSW as the basis for the effective management of the heritage values of the setting of Kamay Botany Bay.
- Avoidance of any cultural landscape components, including plantings, plinths, retaining walls, and other ornamental structures, is the preferred management strategy.
- Further review of the results of previous archaeological investigations within the project area and corresponding depth and areal extent of proposed impacts to determine the potential extent of impacts to physical evidence of Aboriginal occupation
- Aboriginal stakeholder consultation in accordance with the NPW Regulation 2019 and PACHCI guidelines has commenced and will continue throughout preparation of the EIS.

This consultation process will incorporate the principles of the following EPBC Act guidelines:

- 'Ask First – A guide to respecting Indigenous heritage places and values' authored by the Australian Heritage Commission.
- 'Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity

Conservation Act 1999 (EPBC Act)' authored by the Commonwealth of Australia  
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## 1.5 References

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