

Snug Cove Maritime Precinct

Application Number: **02592**

Commencement Date:
16/09/2024

Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Snug Cove Maritime Precinct

1.1.2 Project industry type *

Transport - Water

1.1.3 Project industry sub-type

Port

1.1.4 Estimated start date *

01/07/2025

1.1.4 Estimated end date *

31/12/2027

1.2 Proposed Action details

1.2.1 Provide an overview of the proposed action, including all proposed activities. *

Overview of Proposed Action

Transport for NSW (Transport) proposes to build and operate boating facilities and associated infrastructure including an administration building and ancillary services (the proposal) at Snug Cove, Eden on the northern side of Twofold Bay on Yuin Country, New South Wales (NSW). The Port of Eden (the Port) is located in the Bega Valley Local Government Area and subject land and sea country connected with the Eden Local Aboriginal Land Council.

The boating facilities would sit in the lee of the fixed panel wave attenuator installed by Transport in April 2023. The wave attenuator reduces the energy of shorter period waves entering Snug Cove thus enhancing the Port's maritime safety and efficiency and creates opportunities for future development.

Key features of the proposal include:

- Construction of a gangway connection to the existing rock groyne
- Construction of a new pathway connecting the car park to the gangway
- Construction of up to 79 wet berths including a fuel berth consisting of pontoons restrained by steel piles
- Installation of a vessel re-fuelling berth, delivered from diesel and unleaded petrol fuel tanks
- Installation of other ancillary services including substation, sewer pump-out system and lines, lighting, security systems, wi-fi, potable water and firefighting equipment
- Installation of service pedestals providing power, potable water, wi-fi and lighting to be supplied at every berth
- Construction of a two-storey building with up to 700 square metres (m²) gross floor area including administration, amenities (public toilets, showers and laundry), maritime workshop and storage to be fronted by an onshore boardwalk (landward of the mean high water mark)
- Construction of public beach access structure (stairs and or ramp) near the proposed two-storey building
- Resurfacing of the access road and carpark, and formalisation of more than 21 car spaces and 8 car and trailer spaces
- Improvements to the public domain and foreshore (urban landscaping).
- Establishment of ancillary facilities including a site compound, temporary site offices, ablution facilities, workshops, material storage containers and laydown areas during construction
- Establishment of an ancillary temporary mooring zone for construction vessels and storage of material.

Land Tenure

Lot 2 in DP 747363 and Lot 2 in DP 1268599 is a Crown Land - Reserve 180072 for Port Facilities. Under the land management agreement, the Maritime Infrastructure Delivery Office within Transport is responsible for the care, control and management of the Crown Land Reserve and infrastructure as if it was a category 1 non-Council Crown land manager appointed under Section 3.3 (2)(h) of the *Crown Land Management Act 2016* (CLM Act) over a reserve for port facilities and services, in accordance with Section 3.13 of the CLM Act.

In addition, part of the indicative temporary mooring area is within a Crown Land (Waterway) (no Lot DP), in which Licence 618891 from Crown Land to Transport is currently in place. No property is needing to be acquired for the proposal.

Size of Project Area

The size of the total project boundary area is estimated to be approximately 7.37 Ha. The size of the total disturbance footprint is estimated to be 4.48 Ha comprised of landside (1.30 Ha) and marine (3.11 Ha), the avoidance footprint is not applicable.

See Section 2.1 of this EPBC Referral for Project footprint map, estimating a total project area 7.37 Ha and disturbance footprint 4.48 Ha.

Area of Impact

For an estimated area of direct impact areas relating to scope items, please see the table below:

Key Fish Habitat of Impact	Habitat Type	Type of Impact	Area
Type 1	Type 1 – Posidonia seagrass (sparse)	Overshadowed by new	25.6
m2	25.6 m2	mesh deck gangway	
Type 2	Type 2 – Artificial rocky reef (rock	Overshadowed by new	7.5 m2
base	2,447.5 m2	revetment) with macroalgae (kelp) at	
mesh deck gangway			
	Type 2 – Subtidal	Overshadowed by	2,440
m2		pontoons, localised	(direct
area of	rocky reef with	piling of seafloor in	impact
of piling is	macroalgae	some areas, localised	15.8
m2 of this total area)		sedimentation	
			Total
	2,473.1 m2		

Attachments

- See **Attachment A** 'Att A-Review of Environmental Factors-excl Appendices-2024, Section '3 Description of Proposal', pages 36-44 for further details of the proposal.
- See **Attachment A** 'Att A-Appendix A-Proposal Drawings-2024', pages 1-30 for the proposal drawings.
- See **Attachment A** Review of Environmental Factors, Appendix B-Appendix H, included for completeness.
- See **Attachment B** 'Att B-Submissions Report-2024', Section '3. Changes to the Proposal', page 36 for the submissions report.
- See **Attachment C** 'Att C-Marine Ecology Assessment-2024' Section '6.2.1 Areas of Indirect and Direct Impact on Type 1 and Type 2 Habitat, page 120-123 and 'Table 6-1 Calculation of Type 1 and Type 2 habitat likely to be directly or indirectly impacted within the proposal footprint', page 121.
- See **Attachment D** 'Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024', page 1 for estimate and location of marine habitat area likely to be directly or indirectly impacted within the proposal footprint.

1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? *

The proposal is for a port facility within the meaning of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and is to be carried out by Transport.

It has been assessed and determined under Division 5.1 of the *Environmental Planning and Assessment (EPA) Act 1979 (NSW)*. Development consent from Council is not required.

- See **Attachment E** 'Att E - Snug Cove - Review of Environmental Factors - Decision Memo - Approved', pages 1-11 for a copy of Transport's determination under EPA Act.

The proposal would require a permit under Section 205 and a Section 199 notification under the *Fisheries Management Act 1994 (FM Act)*. The proposal would require Harbour Master Approval under Section 110 of the *Port and Maritime Administration Regulation 2021*.

The proposal would be unlikely to cause a significant impact on the environment. Therefore it is not necessary for an environmental impact statement to be prepared and approval to be sought from the Minister for Planning under Division 5.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. A Biodiversity Development Assessment Report or Species Impact Statement is not required.

The proposal is not likely to have a significant impact on matters of national environmental significance or the environment of Commonwealth land within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. *

An overview of Community and Stakeholder consultation undertaken during the environmental assessment is included in **Attachment A** 'Att A-Snug Cove-Review of Environmental Factors-excl Appendices-2024' Section '5 Consultation', pages 52-58.

Statutory Stakeholder consultation checklists are also included in **Attachment A-Appendix C** "Att A-Appendix C-Statutory consultation checklists-2024", pages 196-198.

Preliminary consultation with Indigenous stakeholders has occurred with the development of an Aboriginal archaeological survey report to inform design development and environmental assessment for the proposed activity. This was prepared in accordance with the Stage 2 requirements of the Transport's *Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI)* (Roads and Maritime 2011) and the Heritage NSW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Office of Environment and Heritage 2010).

Details of this consultation is included in the Aboriginal archaeological survey report, see **Attachment A-Appendix F** "Att A-Appendix F-Aboriginal Archaeological Survey-2024" Section 2 Aboriginal Stakeholder Consultation, page 6.

Various government agencies and stakeholders have been consulted about the proposal, including:

- NSW Department of Climate Change, Energy, the Environment and Water (Biodiversity and Conservation Division)
- NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries
- NSW Environment Protection Authority (EPA)
- Port Authority of New South Wales
- Bega Valley Shire Council.
- Eden Local Aboriginal Land Council

Key issues raised by the government agencies which have been addressed in the Review of Environmental Factors (REF) include potential:

- Direct and indirect impacts to water quality and receiving environments, erosion and sediment control and waste management
- Direct and indirect impacts on marine vegetation, fauna and habitats
- Effects of coastal processes and coastal hazards
- Construction noise and vibration impacts
- Water and land-based construction and operational traffic, transport and access impacts
- Impacts of lighting, glare and reflectivity of the proposal on ships navigating in and out of Eden
- Cumulative impacts with other projects planned in the area.

The REF was placed on public exhibition for a statutory period of 21 days from the 15th July to the 5th August, 2024 as per Transport's Environmental Assessment Procedure.

The public exhibition elicited responses across a breadth of issues ranging from allowing continued access to the commercial boat ramp for commercial operators, aquatic ecology impacts, cultural heritage management, and to the provision of hospitality and kiosk venues.

Following the public exhibition period Transport has prepared a comprehensive REF Submissions Report to address these submissions included as **Attachment B 'Att B-Submissions Report-2024'** Section '*Summary of issues and responses*', pages 4-6 and is provided below.

Summary of issues and responses

Public display of the REF and the supporting consultation resulted in a total of 40 submissions, of which 29 were from the general community, one from Bega Valley Shire Council, six from government agencies and 4 from businesses. 80% of these submissions had made comment but did not explicitly state if they objected to the proposal or were in support of it. 13% of the submissions directly stated support for the proposal and 7% of the submissions expressed objection towards the proposal.

The main issues raised and responses to those issues are summarised in **Attachment B 'Att B-Submissions Report-2024'** Section '*Summary of issues and responses*' pages 4-6 and includes submissions relating to biodiversity, socio-economic, land transport and parking, and water transport categories.

1.3.1 Identity: Referring party

Privacy Notice:

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

By completing and submitting this form, you consent to the collection of all personal information contained in this form. If you are providing the personal information of other individuals in this form, please ensure you have their consent before doing so.

The Department of Climate Change, Energy, the Environment and Water (the department) collects your personal information (as defined by the Privacy Act 1988) through this platform for the purposes of enabling the department to consider your submission and contact you in relation to your submission. If you fail to provide some or all of the personal information requested on this platform (name and email address), the department will be unable to contact you to seek further information (if required) and subsequently may impact the consideration given to your submission.

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	18804239602
Organisation name	TRANSPORT FOR NSW
Organisation address	2000 NSW

Referring party details

Name	Isaac Smith
Job title	Project Manager
Phone	0487905001
Email	Isaac.Smith@transport.nsw.gov.au
Address	33 James Craig Road, Rozelle NSW 2039

1.3.2 Identity: Person proposing to take the action

1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? *

Yes

Person proposing to take the action organisation details

ABN/ACN 18804239602

Organisation name TRANSPORT FOR NSW

Organisation address 2000 NSW

Person proposing to take the action details

Name Isaac Smith

Job title Project Manager

Phone 0487905001

Email Isaac.Smith@transport.nsw.gov.au

Address 33 James Craig Road, Rozelle NSW 2039

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

No

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including 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 the Person proposing to take the action. *

Transport for NSW is the lead State Government entity responsible for the delivery of major transport projects, and has a strong history of working to ensure projects minimise, mitigate and offset environmental impacts.

Transport for NSW has a robust Environment & Sustainability Management Framework and is committed to achieving good environmental outcomes and continual environmental performance improvement.

Examples of best practice undertaken by Transport for NSW in sustainability and environmental management include:

- No prosecutions under any environmental statute in the last 10 years
- A detailed guide to environmental planning and assessment
- A Planning and Environment Compliance Monitoring System implemented across Transport for NSW's transport infrastructure activities
- Regular environmental inspections of construction works for all projects
- Representatives or independent environmental management representatives for all projects.

Transport for NSW has engaged appropriately qualified and experienced specialists to undertake environmental assessments for the proposed action to ensure impacts to the environment are comprehensively considered and impacts avoided or minimised wherever possible.

1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

Transport for NSW Environment and Sustainability Policy 2020 (Attachment F):

'Transport is a key enabler of economic and social activity. We are committed to delivering transport which contributes to economic prosperity and social inclusion in an environmentally responsible and sustainable manner, consistent with the Future Transport Strategy 2056.

Transport for NSW's activities cover the whole State and its infrastructure will last for generations to come. We have a duty to undertake our activities in the interest of the greater good, moving beyond compliance, and being a genuine leader in environment and sustainability performance.

- *Leadership – contributing to and influencing the strategic environment and sustainability agenda of the NSW Government*
- *Environmental protection – being accountable for addressing and minimising the environmental impacts of our activities to satisfy the expectations and legislative requirements of the NSW Government and community*
- *Energy and carbon – improving energy efficiency and working towards net zero carbon emissions*
- *Resilience – embedding climate risk and resilience considerations in our activities*
- *Sustainable procurement – procuring and delivering sustainable, efficient and cost effective transport options, including responsible supply chains*

- *Whole of life – considering whole of life benefits and impacts from our activities across all life cycle stages - demand/need, plan, acquire, operate/maintain and disposal*
- *Social – recognising the social impacts and benefits of our activities, and working for healthy liveable communities*
- *Awareness – raising the awareness and capacity of our workforce to be accountable for implementing the Policy through their activities to achieve enhanced environmental outcomes and a culture of environmental responsibility*
- *Communication – communicating openly, responsively and empathetically with our customers, partners and stakeholders on environmental matters and report on our performance.'*

Transport for NSW Biodiversity Policy 2022 (Attachment G):

'Transport strives to protect and enhance biodiversity, with the goal of achieving a no net loss of biodiversity as a consequence of its infrastructure development activities.

This Policy outlines what we do to protect and enhance biodiversity for NSW. We hold ourselves to an ethical standard in line with our pivotal role in the community; working together within Transport and across government and industry to get the things done that make a difference – for the greater good.

For the purpose of this Policy, no net loss means that in undertaking development activities Transport has:

- *avoided biodiversity impacts to the fullest extent reasonably practicable*
- *applied mitigation measures, including measures to reduce habitat fragmentation effects, to the fullest extent reasonably practicable*
- *provided offsets through either biodiversity credit purchase or payment of the required number and type of biodiversity credits in accordance with recognised methodologies , and/or*
- *delivered conservation measures in accordance with the requirements of this Policy and guidelines.*

To achieve no net loss we will:

- *apply the 'Avoid, Minimise, Mitigate and Offset' hierarchy to all Transport infrastructure, through all stages of the infrastructure development lifecycle*
- *provide biodiversity offsets or conservation measures for all Transport development activities where it is feasible and reasonable to do so, including where the impacts do not trigger the legal offset requirements – see Biodiversity offset scheme thresholds for a summary of legal offset requirements*
- *work with communities to deliver transparent, scientifically robust, conservation outcomes and improved opportunities to care for Country*
- *support a robust credit market and an equitable and transparent approach to credit sourcing and pricing*
- *maximise opportunities to improve the financial sustainability of biodiversity offsets.*

The development of transport infrastructure can lead to unavoidable direct and indirect impacts on biodiversity including habitat fragmentation effects that can persist long after the infrastructure is built. Mitigation measures can reduce the severity of impacts, including supporting habitat connectivity, and are critical to the ongoing sustainable operation of transport infrastructure.

Biodiversity offsetting is an important supplementary strategy to address unavoidable impacts by improving the ecological values of like-for-like offset lands through in perpetuity land management of those lands. Where biodiversity offsets are being voluntarily provided, they can be supplemented by

targeted actions (known as conservation measures) which provide assistance to land managers to address particular conservation challenges or support relevant research activities by a recognised tertiary institution.

Together these approaches strive to deliver a no net loss outcome for biodiversity, can improve the liveability and adaptive capacity of our environments in the face of climate change and make a positive contribution to human health and wellbeing'

For further details see attached:

- **Attachment F** 'Att F-Transport for NSW Environment and Sustainability Policy-2020'
- **Attachment G** 'Att G-Transport for NSW Biodiversity Policy-2022'

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details

ABN/ACN 18804239602

Organisation name TRANSPORT FOR NSW

Organisation address 2000 NSW

Proposed designated proponent details

Name Isaac Smith

Job title Project Manager

Phone 0487905001

Email Isaac.Smith@transport.nsw.gov.au

Address 33 James Craig Road, Rozelle NSW 2039

1.3.4 Identity: Summary of allocation

✔ Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN/ACN	18804239602
Organisation name	TRANSPORT FOR NSW
Organisation address	2000 NSW
Representative's name	Isaac Smith
Representative's job title	Project Manager
Phone	0487905001
Email	Isaac.Smith@transport.nsw.gov.au
Address	33 James Craig Road, Rozelle NSW 2039

✔ Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

Same as Referring party information.

✔ Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? *

No

1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? *

No

1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?

No

1.4.7 Has the department issued you with a credit note? *

No

1.4.9 Would you like to add a purchase order number to your invoice? *

Yes

1.4.10 Enter purchase order number *

P.0090858

1.4 Payment details: Payment allocation

1.4.11 Who would you like to allocate as the entity responsible for payment? *

Referring party

2. Location

2.1 Project footprint



Project area (7.37 Ha)
Disturbance footprint (4.48 Ha)

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2.2 Footprint details

2.2.1 What is the address of the proposed action? *

Legally described as part Lot 2 in DP 747363 and part Lot 2 in DP 1268599 and Crown Reserve

2.2.2 Where is the primary jurisdiction of the proposed action? *

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

Lot 2 in DP 747363 and Lot 2 in DP 1268599 is a Crown Land - Reserve 180072 for Port Facilities. Under the land management agreement, the Maritime Infrastructure Development Office (MIDO) within Transport is responsible for the care, control and management of the Crown Land Reserve and infrastructure as if it was a category 1 non-Council Crown land manager appointed under Section 3.3 (2)(h) of the *Crown Land Management Act 2016* (CLM Act) over a reserve for port facilities and services, in accordance with Section 3.13 of the CLM Act.

In addition, part of the indicative temporary mooring area is within a Crown Land (Waterway) (no Lot DP), in which Licence 618891 from Crown Land to Transport is currently in place.

No property is needing to be acquired for the proposal.

3. Existing environment

3.1 Physical description

3.1.1 Describe the current condition of the project area's environment.

The Review of Environmental Factors included as **Attachment A** "Att A-Snug Cove-Review of Environmental Factors-excl Appendices-2024" Section 6. Environmental Assessment pages, 59-163 provides a detailed description of the potential environmental impacts associated with the construction and operation of the proposal. All aspects of the existing environment potentially impacted upon by the proposal are considered.

For assessment of the project area's existing environment see **Attachment A** "Att A-Snug Cove-Review of Environmental Factors-excl Appendices-2024", *Section 6.1 Biodiversity, Sub-Section 6.1.2 Existing environment*, Page 60-71.

Aquatic

Marine Habitats

Twofold Bay is an open oceanic embayment. It has a catchment area of 11km² with a total volume of 334,559 megalitres over a surface area of 30.7km² at an average depth of 10.9m making it reputedly the third deepest natural harbour in the Southern Hemisphere. Twofold Bay is the only ocean embayment in the Twofold Shelf Bioregion. The Bay contains a wide variety of natural marine habitats including intertidal rocky shores, sandy beaches, intertidal and subtidal reefs, deepwater areas, sand flats and coastal wetlands which provide important habitat for marine life, cetaceans and threatened and migratory birds.

NSW Department of Climate Change, Energy, the Environment, and Water (DCCEEW) (2019) has undertaken large scale seabed mapping of the continental shelf seabed habitats of NSW with focus on habitats within NSW state coastal waters. The distribution of seabed habitats in the region between Bermagui and Cape Howe is characterised by nearshore reefs occurring adjacent to areas of rocky shoreline interspersed between sand dominated beaches. Mapping shows that nearshore soft sediment and nearshore reef habitat are present within Twofold Bay and the Port, with nearshore reef mainly distributed around the edges of the bay.

Marine protected areas

Eagles Claw Nature Reserve is located over 700 m to the north-east of the proposal as the crow flies, and approximately 1,500 m via water. The reserve covers an area of approximately 2.5 acres and comprises a strip of rocky coastline, consisting of four narrow sea gutters/bays with a numerous crevices and cavities in which Little Penguins have been previously known to nest. In 2015, a collaboration program was established by the community, DCCEEW and Bega Valley Shire Council to re-establish Little Penguins through the installation of artificial nesting burrows and broadcast of night-time mating calls. The funds raised by community fundraising were used in this rehabilitation. A chick was born in October 2023, making Eden the second mainland breeding colony of little penguins in NSW in over three decades.

Protected Marine Vegetation

All marine vegetation is protected under the FM Act. Marine vegetation, such as saltmarsh, mangroves, seagrasses, and macroalgae (seaweeds), provides shelter and nursery areas for marine animals and a hiding place from predators, and is an essential component of the food chain in estuarine and coastal environments. It also stabilises sediments and shorelines and protects water quality in estuaries for recreational users.

Marine vegetation within the study area was mapped using the NSW DPI Fisheries Spatial Data Portal. Northern Twofold Bay includes areas of different species of seagrass (*Zostera*, *Posidonia* and *Halophila* sp.), while its southern areas include saltmarsh and mangroves and *Zostera* seagrass. Areas of *Posidonia* have been mapped by NSW DPI within Snug Cove, within the footprint of the proposal.

Areas of *Halophila* are mapped between the Mooring and Multipurpose Jetty next to the proposal site. Extensive areas of *Zostera* seagrass have been mapped in Snug Cove off Cocora Beach, adjacent to the proposal site. These areas of seagrass were identified by Worley Consulting during previous field surveys.

Field Surveys

The shoreline to the northeast consists of an artificial rock revetment. To the north of Snug Cove is a beach with coarse-grained sediments, small pebbles and medium boulders. At the western side of the beach there are a number of intertidal rock pools. The upper intertidal zone was characterised by Neptune's necklace, rock oysters, blue mussels, limpets and small sessile and mobile molluscs. There were other various types of macroalgae taxa including encrusting yellow and green soft lichen and coralline algae.

The subtidal waters between the wave attenuator and shoreline were inhabited by sessile organisms, including blue mussels, rock oysters, and marine macroalgae. The artificial structure provided by the wave attenuator was inhabited by sessile organisms including ascidians, mussels, barnacles, and sponges.

Marine Fauna

The marine habitats of Twofold Bay provide areas for shelter, foraging and breeding/nursery areas for a range of mobile and sessile marine fauna. Mobile marine vertebrates include bony fishes (including Syngnathids), sharks and rays, marine mammals (i.e. whales, dolphins and seals), marine reptiles (e.g. turtles) and marine migratory birds. Many of these species are listed as threatened or protected under State and or Commonwealth legislation including *Threatened and Protected Marine Fauna – Biodiversity Conservation Act 2016 (BC Act)* and *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Online database searches for threatened and protected fauna listed under the EPBC Act (via the Protected Matters Search Tool) were undertaken on 28 and 29 February 2024, respectively. The Protected Matters Search was centered on the proposed boating facility area and adopted a search radius of 5 km.

Terrestrial

Flora

The terrestrial land area of the proposal site is highly modified and is a working port (i.e. the existing rock groyne, road and parking areas) and no native terrestrial vegetation occurs here. There is some environmentally sensitive land along the northern beach of Snug Cove where the vegetation is undisturbed. There are no threatened ecological communities within the proposal site.

The plant community type is categorised as Far Southeast Headland Scrub vegetation near the proposal site. The vegetation class is identified as a tall open shrubland or low to mid-high open forest dominated by *Melaleuca* with a sparse mid stratum and a grass and small forb ground layer, the plant community is found on coastal headlands and sea cliffs south of Bega (Department of Planning and Environment, 2022). This vegetation patch has little disturbance and is located on the cliff face behind the car park and boat trailer parking area.

The closest Coastal Wetlands to the proposal site are the Lake Curalo Wetlands, located over 2km to the north of Eden. Lake Curalo is adjacent to Aslings Beach and Calle Calle Bay.

There is no littoral rainforest at Eden.

There are no groundwater dependent ecosystems mapped within the proposal site according to the Groundwater Dependent Ecosystem Atlas.

Fauna

Due to the absence of natural terrestrial habitats within the proposal site, native terrestrial fauna (with the exception of shorebirds, marine and/or migratory birds) are not expected to occur within the study area.

Shorebirds, marine and migratory birds are known to utilise natural aquatic habitats (e.g. rocky intertidal shores and sandy beaches) and artificial structures (e.g. the breakwater, floating pontoons, piles, wharves and jetties) within Snug Cove.

Marine and shorebird site usage data collected between 1997 and 2015 for Snug Cove, Cattle Bay and Cocora Beach by South Coast Birdwatchers Group Inc. recorded twenty bird species to use these areas. Marine birds and shorebirds have been observed to roost on the Eden Breakwater Wharf, jetties, floating pontoons and moored boats. Rocks along the shorelines and headlands are also reported to provide shelter for marine and shorebirds.

In summary, while the study area provides suitable foraging and roosting habitat for a number of shorebirds, marine and/or migratory birds, little breeding habitat is available and no known breeding colonies of any listed threatened bird species are expected to be affected by the proposal.

Potential Impacts - Aquatic

The potential construction related impacts on marine ecology that were identified from the Marine Ecology Assessment include highly localised disturbance and short term mobilisation of seafloor sediments as a result of piling, potential direct impact to macroalgae and indirect impacts on seagrass and macroalgae, mobilisation of bottom sediments as a result of vessel movements, increased risk of contaminants resulting in short- or long-term impacts to water and sediment chemistry, increased artificial light and noise impacts, increased risk of marine debris, introduction of marine species and unplanned incidents, including accidental spills, vessel incidents and incidental pollution.

These impacts are likely to be minor during the construction phase.

Provided that the mitigations specified in the Submissions Report and Marine Ecology Assessment are applied and effectively implemented during construction of the proposal, the identified potential impacts on marine ecology are able to be managed within acceptable levels.

See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', Section '5.2 Summary of Safeguards and Mitigation Measures', pages 36-51.

Potential Impacts - Terrestrial

The proposal site does not contain any areas of natural terrestrial habitat, nor does it contain any terrestrial protected areas.

It lies within an already developed area of foreshore. Therefore, no impacts from construction on terrestrial habitats or protected areas are expected to occur. There is expected to be some minor trimming required to overhanging vegetation (i.e. Melaleuca trees) to the car parking area to facilitate construction of the Administration Building, however this would have minimal impact to terrestrial biodiversity values of the locality.

3.1.2 Describe any existing or proposed uses for the project area.

The proposal site is part of the Port, which is a deep-water harbour and the southern-most designated port in NSW. Snug Cove, located within Twofold Bay, is protected by land mass on the northern and eastern sides and exposed to southwest weather conditions. It is home to one of the largest fishing fleets and is a regional cruise destination in NSW.

The three main berthing facilities in Snug Cove comprise the recently upgraded Mooring Jetty, Multipurpose Jetty, and the Eden Cruise Wharf/Breakwater Wharf.

The Eden Cruise Wharf/Breakwater Wharf was extended under State Significant Infrastructure (SSI) Approval SSI 7734 to accommodate the berthing of cruise and other vessels and commenced operation in 2019.

The nearby Welcome Centre opened in 2021, which is located adjacent to the Police Jetty.

Other maritime facilities located in Snug Cove include the NSW Water Police Mooring Facility, 'T' Jetty, Cat Balou Cruises and Freedom Charters floating pontoon, northern and southern boat launching ramps and commercial and private swing moorings, and an existing slipway located between the two jetties.

Recently, there has also been the addition of a fixed wave attenuator which is 366m in length and commences 55m from the end of the Multipurpose Jetty extending into part of Cattle Bay.

Snug Cove features a number of commercial and administrative premises/facilities, including the Welcome Centre.

The Welcome Centre contains the Eden Visitor Information Centre that showcases the region's attractions, promotes local businesses and offers local arts, crafts and products to tourists and a new maritime hub for the Port Authority, Transport and NSW Water Police. The former Port Administration building is located adjacent to the Multipurpose Jetty.

Extensive car parking areas are located within and in the vicinity of the proposal site. The proposal site is accessible by car and foot via Imlay Street and the access road.

Approximately 600m south-west of the proposal site, two commercial mussel leases have been established with a further two mussel leases near Boydtown, some 3 kilometres from the proposal site.

3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

Marine Habitats

NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (2019) has undertaken large scale seabed mapping of the continental shelf seabed habitats of NSW with focus on habitats within NSW state coastal waters. The distribution of seabed habitats in the region between Bermagui and Cape Howe is characterised by nearshore reefs occurring adjacent to areas of rocky shoreline interspersed between sand dominated beaches. Mapping shows that nearshore soft sediment and nearshore reef habitat are present within Twofold Bay and the Port, with nearshore reef mainly distributed around the edges of the bay.

Protected Marine Vegetation

Marine vegetation within the study area was mapped for the Review of Environmental Factors using the NSW Department of Primary Industries and Regional Development (DPIRD) - Fisheries Spatial Data Portal. Northern Twofold Bay includes areas of different species of seagrass (*Zostera*, *Posidonia* and *Halophila* sp.), while its southern areas include saltmarsh and mangroves and *Zostera* seagrass.

Areas of *Posidonia* have been mapped by NSW DPIRD within Snug Cove, within the footprint of the proposal.

Areas of *Halophila* are mapped between the Mooring and Multipurpose Jetty next to the proposal site.

Extensive areas of *Zostera* seagrass have been mapped in Snug Cove off Cocora Beach, adjacent to the proposal site.

Marine Fauna

The marine habitats of Twofold Bay provide areas for shelter, foraging and breeding/nursery areas for a range of mobile and sessile marine fauna. Mobile marine vertebrates include bony fishes (including Syngnathids), sharks and rays, marine mammals (i.e. whales, dolphins and seals), marine reptiles (e.g. turtles) and marine/migratory birds. Many of these species are listed as threatened or protected under State and/or Commonwealth legislation.

South-east Marine Region

The Upwelling East of Eden is a Key Ecological Marine Feature of the South-east Marine Region which is listed under the EPBC Act 1999.

The Upwelling East of Eden is an area of regionally high biodiversity and primary productivity supporting fisheries and aggregations of marine life. When they interact with the continental shelf and headlands, dynamic eddies of the East Australian Current (EAC) cause episodic productivity events.

Episodic mixing and nutrient enrichment events drive phytoplankton blooms which are the basis of productive food chains including zooplankton, copepods, krill and small pelagic fish.

The Upwelling East of Eden includes several top order predators, marine mammals and seabirds. It is one of two known feeding aggregation areas for blue whales and humpback whales. It is also an important area for seals, other cetaceans, sharks and seabirds.

The construction phase of the proposal would have no direct or indirect impact on the Upwelling East of Eden.

There is the potential for increased recreational vessel traffic through the Upwelling East of Eden during the operational phase.

3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

Existing Bathymetry

Transport for NSW undertook hydro survey of the Project site bathymetry in March 2024 - refer **Attachment H**.

The Project site depth range to seabed varies from 0.0m to approximately -9.0m below the Twofold Bay Hydro Datum (TBHD) where zero is 0.924 metres below Australian Height Datum (A.H.D.).

Potential excavation of localised areas of rocky reef for navigation

Some localised high points of rocky reef within the proposed footprint may need to be trimmed down (in the order of 300 mm or less) for navigational purposes as identified in **Attachment D**.

There would be direct impacts on associated macroalgae and sessile fauna within the current design footprint. This is yet to be confirmed and may be able to be avoided or further optimised in the detailed design phase with an aim to reduce coverage of the subtidal reef. During this phase, opportunities to prevent the need for any excavation of high points will also be made.

A Section 199 Notification under the *Fisheries Management Act 1994* to Dredge/Reclaim will be needed for piling and if any high points of reef that cannot be designed around are needed to be trimmed down.

Attached:

- See **Attachment D** '*Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024*'
- See **Attachment H** '*Att H-Hydrographic Survey-March 2024*'

3.2 Flora and fauna

3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

A Review of Environmental Factors is included as **Attachment A** '*Att A-Review of Environmental Factors-excl Appendices-2024*' see Section '6.1 Biodiversity', Section '6.1.1 Methodology' and Section '6.1.2 Existing Environment', pages 59-70 for a detailed description of the flora and fauna within the affected area.

Terrestrial

Terrestrial biodiversity was assessed via a review of background information including database searches for threatened and protected flora and fauna and online mapping tools (e.g. for vegetation communities, groundwater dependent ecosystems, coastal wetlands and protected areas).

No terrestrial ecology surveys (flora or fauna) have previously been undertaken within the natural vegetation areas of the Precinct.

This is because previous proposals/projects and investigations within the Port have not been located within, or had the potential to directly impact, these areas.

The terrestrial land area of the proposal site is highly modified and is a working port (i.e. the existing rock groyne, road and parking areas) and no native terrestrial vegetation occurs here.

There is some environmentally sensitive land along the northern beach of Snug Cove where the vegetation is undisturbed.

There are no threatened ecological communities within the proposal site.

There are no groundwater dependent ecosystems mapped within the proposal site according to the Groundwater Dependent Ecosystem Atlas.

Due to the absence of natural terrestrial habitats within the proposal site, native terrestrial fauna (with the exception of shorebirds, marine and/or migratory birds) are not expected to occur within the study area.

The proposal site does not contain any areas of natural terrestrial habitat, nor does it contain any terrestrial protected areas.

It lies within an already developed area of foreshore. Therefore, no impacts from construction on terrestrial habitats or protected areas are expected to occur. There is expected to be some minor trimming required to overhanging vegetation (i.e. Melaleuca trees) to the car parking area to facilitate construction of the Administration Building, however this would have minimal impact to terrestrial biodiversity values of the locality.

Online database searches for threatened and protected fauna listed under the Biodiversity Conservation Act (via the BioNet Atlas of NSW Wildlife) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (via the Protected Matters Search Tool) were undertaken on 28 and 29 February 2024, respectively. The BioNet search used the Bega Valley Shire Local Government Area (LGA) as the search criteria, while the Protected Matters Search was centred on the proposed boating facility area and adopted a search radius of 5 km.

Aquatic

A comprehensive Marine Ecology Assessment is included as **Attachment C** 'Att C-Marine Ecology Assessment-2024' for a detailed description of the flora and fauna within the study area see the following relevant sections:

- Section '3. Background Data', pages 16-30
- Section '3.12.1 Biodiversity Conservation Act 2016 (NSW) & Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)', pages 32-33
- Section '3.13 Marine Fauna Occurring in the Study Area', pages 35-54
- Section '3.14 Previous marine habitat surveys', pages 54-68
- Section 'Appendix A. EPBC Act Protected Matters Search', page 136
- **Attachment D** 'Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024'

The Marine Ecology Assessment provides an overview of the marine ecology associated with the proposed boating facility highlighting the key flora and fauna species that could potentially be impacted by this proposed development.

Attachment I "Att I-Assessments of Significance-2024" Section "Appendix D. Assessments of Significance" includes assessments of significance as below:

1. Assessment of significance under the Biodiversity Conservation Act undertaken for the following threatened species:

- Little Penguin (Protected)
- Southern Right Whale (Endangered)
- Humpback Whale (Vulnerable)
- Blue Whale (Endangered)
- Australian Fur Seal (Vulnerable)
- Leatherback Turtle (Endangered)
- Sperm Whale (Vulnerable)
- New Zealand Fur Seal (Vulnerable).

2. Further additional assessments of significance under the EPBC Act are included for the following species:

- Southern Right Whale (Endangered)
- Blue Whale (Endangered)
- Leatherback Turtle (Endangered)

Overall, the proposal is not expected to cause any long term or significant impact on these species, nor would it impact on the viability of local populations or place either at the risk of extinction.

Assessment of significance under the Fisheries Management Act 1994 (FM Act) were also undertaken for the following species:

- White's Seahorse (Endangered)
- Black Rock-Cod (Vulnerable)

Terrestrial ecology has also been considered as part of this REF with the land-based portions of the proposed development (admin building, car park upgrades) to be undertaken on previously disturbed parcels of land with little to no impacts on native vegetation.

3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

Aquatic

A comprehensive Marine Ecology Assessment is included as **Attachment C** 'Att C-Marine Ecology Assessment-2024' for a detailed description of Marine vegetation present in the project study area.

All marine vegetation is protected under the *NSW Fisheries Management Act 1994* (FM Act). Marine vegetation, such as saltmarsh, mangroves, seagrasses, and macroalgae (seaweeds), provides shelter and nursery areas for marine animals and a hiding place from predators, and is an essential component of the food chain in estuarine and coastal environments. It also stabilises sediments and shorelines and protects water quality in estuaries for recreational users. NSW Department of Primary Industries and Regional Development (DPIRD) administers legislation, which protects mangroves, seagrasses and seaweeds on public water land and foreshores. Harming or removal of marine vegetation is generally only permissible by permit.

Areas of *Posidonia* have been mapped by NSW DPIRD within Snug Cove, within the footprint of the proposal.

Areas of *Halophila* are mapped between the Mooring and Multipurpose Jetty next to the proposal site.

Extensive areas of *Zostera* seagrass have been mapped in Snug Cove off Cocora Beach, adjacent to the proposal site.

A detailed map of marine vegetation within the Project area is provided in the Marine Ecology Assessment included as **Attachment D** 'Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024'.

Terrestrial

No terrestrial ecology surveys (flora or fauna) have previously been undertaken within the natural vegetation areas of the Precinct. This is because previous proposals/projects and investigations within the Port have not been located within, or had the potential to directly impact, these areas.

The terrestrial land area of the proposal site is highly modified and is a working port (i.e. the existing rock groyne, road and parking areas) and no native terrestrial vegetation occurs here. There is some environmentally sensitive land along the northern beach of Snug Cove where the vegetation is undisturbed. There are no threatened ecological communities within the proposal site.

Due to the absence of natural terrestrial habitats within the proposal site, native terrestrial fauna (with the exception of shorebirds, marine and/or migratory birds) are not expected to occur within the study area.

The plant community type is identified as the Far Southeast Headland Scrub vegetation near the proposal site. The vegetation class is identified as a tall open shrubland or low to mid-high open forest dominated by *Melaleuca* with a sparse mid stratum and a grass and small forb ground layer, the plant community is found on coastal headlands and sea cliffs south of Bega (Department of Planning and Environment, 2022). This vegetation patch has little disturbance and is located on the cliff face behind the car park and boat trailer parking area.

The closest Coastal Wetlands to the proposal site are the Lake Curalo Wetlands, located over 2km to the north of Eden. Lake Curalo is adjacent to Aslings Beach and Calle Calle Bay. There is no littoral rainforest at Eden.

The proposal site does not contain any areas of natural terrestrial habitat, nor does it contain any terrestrial protected areas.

It lies within an already developed area of foreshore. Therefore, no impacts from construction on terrestrial habitats or protected areas are expected to occur. There is expected to be some minor trimming required to overhanging vegetation (i.e. Melaleuca trees) to the car parking area to facilitate construction of the Administration Building, however this would have minimal impact to terrestrial biodiversity values of the locality.

Terrestrial ecology has also been considered as part of this Review of Environment Factors with the land-based portions of the proposed development (admin building, car park upgrades) to be undertaken on previously disturbed parcels of land with little to no impacts on native vegetation.

Further details and relevant mapping extracts of the terrestrial environment is included in the Review of Environmental Factors as **Attachment A** 'Att A-Review of Environmental Factors-excl Appendices-2024', Section "6.1.2 Existing Environment", Figures 6-9, 6-10, 6-11, and 6-12, pages 67-69.

3.3 Heritage

3.3.1 Describe any Commonwealth heritage places overseas or other places recognised as having heritage values that apply to the project area.

There are no Commonwealth heritage places overseas applicable to this project.

3.3.2 Describe any Indigenous heritage values that apply to the project area.

Snug Cove and the broader Twofold Bay locality is part of an Aboriginal cultural landscape that is of high to very high cultural value in terms of its social and spiritual importance, historical associations and aesthetic values.

Based on an archaeological survey of the proposal site by the project's appointed archaeologists and representatives from the Eden Local Aboriginal Land Council (LALC) and the South Coast People's claimants (Native Title Claim NC2017/003) it was assessed that the project study area has low archaeological significance overall and that there would be no harm to Aboriginal objects or artefacts.

Transport's Stage 2 PACHCI consultation with the Eden LALC and the representative from the South Coast People's claimants revealed the fact that Snug Cove and the broader Twofold Bay locality is part of an Aboriginal cultural landscape that is of high to very high cultural value in terms of its social and spiritual importance, historical associations and aesthetic values.

This importance has been addressed through the incorporation of design elements and opportunities to interpret Aboriginal connection to place throughout the maritime precinct. Further consultation with relevant stakeholders will continue through the detailed design.

See **Attachment A-Appendix F** '*Att A-Appendix F-Aboriginal Archaeological Survey-2024*' for further details.

3.4 Hydrology

3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. *

Eden Port is a seaport located in Snug Cove within Twofold Bay. Twofold Bay is an open oceanic embayment with a catchment area of approximately 11 km² and an average depth of approximately 10.9 m. Twofold Bay is the third deepest natural harbour in the Southern Hemisphere. The area adjacent to the Eden Cruise Wharf was dredged, as part of the construction phase to -10.5 m. The tidal range between HAT and LAT in Snug Cove is approximately 2.03m.

Twofold Bay is fed by three key fluvial systems; the Towamba, Nullica and Palestine catchments. The most dominant of the three is the Towamba River, in which peak flows occur during February and March. However, average flows for the catchment are somewhat high all year round. None of the three river systems typically carry sediment near the proposal site, although, during extreme meteorological events such as the flooding event which occurred in 2011, a mud plume discharge from Towamba River entered and remained in Twofold Bay for several days. Twofold Bay also receives runoff from numerous catchments including Shadracks, Nullica, Brandy Creek, Towamba and Lake Curalo catchments.

A detailed coastal processes environmental assessment is included in the Review of Environmental Factors.

- See **Attachment A** '*Att A-Snug Cove-Review of Environmental Factors-excl Appendices-2024*' Section '6.2 Coastal Processes' page 76-93.

Furthermore, the terrestrial land areas of the proposal site are highly modified by anthropological processes as a working port (i.e. the existing rock groyne, road and parking areas) with existing stormwater services consisting of an inlet pit and subsurface pipe network.

A utilities survey was undertaken in March and April 2024 to validate the location of the existing stormwater service network and subsequent meetings held with Bega Valley Shire Council - Assets representative in May 2024.

- See **Attachment J** 'Att J - Terrestrial and Utilities Survey - Snug Cove-2024', pages 4-7

Following this investigation a Utilities and Services Demand Assessment was completed by (Moore Management Pty Ltd) in May 2024 which identified additional infrastructure required for the proposal;

- See **Attachment K** 'Att K - Services Demand Assessment-2024', Section '5 Stormwater', page 15.

A summary of the urban stormwater assessment is provided below.

'Basis of Stormwater Assessment

- *Clean stormwater runoff to duplicate the existing stormwater drainage arrangements along the marina access road.*
- *The majority of required stormwater drainage is already in place.*
- *The only additional infrastructure to be provided is for fuel delivery tanker discharge area. The NSW EPA document "Practice Note Managing run-off from service station forecourts" requires that High contamination risk zone(s) – including tank fill points may have runoff that is directed to the a stormwater system, with prior treatment to a maximum allowable discharge concentration of 5-parts per million (ppm) of total petroleum hydrocarbons.*

Assessment of Stormwater Service Demand

Typical fuel delivery tankers are approximately 35,000 litres in total with individual compartments of up to 9,000 litres.

In the event of a catastrophic failure, capture of the maximum size compartment of 9,000 litres is required.

A stormwater treatment device is required in the fuel tanker delivery area capable of :

- *Capture and holding 9,000 litres of hydrocarbon*
- *Shutting of further flow if hydrocarbon capture exceeds maximum levels*
- *Treating the discharge water to less than 5 parts per million of total petroleum hydrocarbons*

Commercially treatment systems capable of the above are available. Due to physical constraints on the site, an underground system is recommended .

The area of fuel tanker delivery shall be bunded and prevent escape of potentially oily water from discharge to stormwater without first being treated by the treatment system.

Recommendation

A bunded hardstand area which excludes flow from other hardstand areas, directly connected to an inground treatment system, for example an Atlan Spillceptor (formerly Spel Puraceptor) or equivalent should be installed. Discharge from the treatment system should then be in a dedicated in ground stormwater drain to bay.

Stormwater drainage from the proposed office should be directed to the existing stormwater system in the area.'

4. Impacts and mitigation

4.1 Impact details

Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	Yes	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No World Heritage Impacts are applicable to this Proposal.

See **Attachment A-Appendix B** '*Att A-Appendix B-Consideration S1712 and MNES-2024*', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No National Heritage Impacts are applicable to this Proposal.

See **Attachment A-Appendix B** '*Att A-Appendix B-Consideration S1712 and MNES-2024*', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No Ramsar Wetland impacts are applicable to this Proposal.

See **Attachment A-Appendix B** '*Att A-Appendix B-Consideration S1712 and MNES-2024*', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.4 Threatened Species and Ecological Communities

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Amphibromus fluitans	River Swamp Wallaby-grass, Floating Swamp Wallaby-grass
No	No	Anthochaera phrygia	Regent Honeyeater
No	No	Aphelocephala leucopsis	Southern Whiteface
No	No	Ardenna grisea	Sooty Shearwater
Yes	Yes	Balaenoptera musculus	Blue Whale
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Caladenia tessellata	Thick-lipped Spider-orchid, Daddy Long-legs
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris canutus	Red Knot, Knot
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Callocephalon fimbriatum	Gang-gang Cockatoo
No	No	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo
No	No	Carcharias taurus (east coast population)	Grey Nurse Shark (east coast population)
No	No	Carcharodon carcharias	White Shark, Great White Shark
No	No	Caretta caretta	Loggerhead Turtle
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover
No	No	Chelonia mydas	Green Turtle
No	No	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
No	No	Cryptostylis hunteriana	Leafless Tongue-orchid

Direct impact	Indirect impact	Species	Common name
No	No	Dasyornis brachypterus	Eastern Bristlebird
No	No	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
Yes	Yes	Dermochelys coriacea	Leatherback Turtle, Leathery Turtle, Luth
No	No	Diomedea antipodensis	Antipodean Albatross
No	No	Diomedea antipodensis gibsoni	Gibson's Albatross
No	No	Diomedea epomophora	Southern Royal Albatross
No	No	Diomedea exulans	Wandering Albatross
No	No	Diomedea sanfordi	Northern Royal Albatross
No	No	Epinephelus daemeli	Black Rockcod, Black Cod, Saddled Rockcod
No	No	Eretmochelys imbricata	Hawksbill Turtle
Yes	Yes	Eubalaena australis	Southern Right Whale
No	No	Falco hypoleucos	Grey Falcon
No	No	Fregetta grallaria grallaria	White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian)
No	No	Galeorhinus galeus	School Shark, Eastern School Shark, Snapper Shark, Tope, Soupfin Shark
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Grantiella picta	Painted Honeyeater
No	No	Heleioporus australiacus	Giant Burrowing Frog
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Isodon obesulus obesulus	Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern)
No	No	Lathamus discolor	Swift Parrot

Direct impact	Indirect impact	Species	Common name
No	No	<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit
No	No	<i>Litoria aurea</i>	Green and Golden Bell Frog
No	No	<i>Litoria raniformis</i>	Southern Bell Frog,, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog
No	No	<i>Litoria watsoni</i>	Southern Heath Frog, Watson's Tree Frog
No	No	<i>Macronectes giganteus</i>	Southern Giant-Petrel, Southern Giant Petrel
No	No	<i>Macronectes halli</i>	Northern Giant Petrel
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Neophema chrysogaster</i>	Orange-bellied Parrot
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)
No	No	<i>Petauroides volans</i>	Greater Glider (southern and central)
No	No	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
No	No	<i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	<i>Potorous tridactylus trisulcatus</i>	Long-nosed Potoroo (southern mainland)
No	No	<i>Prototroctes maraena</i>	Australian Grayling
No	No	<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel, Australian Gould's Petrel
No	No	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
No	No	<i>Pycnoptilus floccosus</i>	Pilotbird
No	No	<i>Rhincodon typus</i>	Whale Shark
No	No	<i>Rostratula australis</i>	Australian Painted Snipe

Direct impact	Indirect impact	Species	Common name
No	No	<i>Seriolella brama</i>	Blue Warehou
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail
No	No	<i>Sternula nereis nereis</i>	Australian Fairy Tern
No	No	<i>Thalassarche bulleri</i>	Buller's Albatross, Pacific Albatross
No	No	<i>Thalassarche bulleri platei</i>	Northern Buller's Albatross, Pacific Albatross
No	No	<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross
No	No	<i>Thalassarche cauta</i>	Shy Albatross
No	No	<i>Thalassarche eremita</i>	Chatham Albatross
No	No	<i>Thalassarche impavida</i>	Campbell Albatross, Campbell Black-browed Albatross
No	No	<i>Thalassarche melanophris</i>	Black-browed Albatross
No	No	<i>Thalassarche salvini</i>	Salvin's Albatross
No	No	<i>Thalassarche steadi</i>	White-capped Albatross
No	No	<i>Thesium australe</i>	Austral Toadflax, Toadflax
No	No	<i>Thinornis cucullatus cucullatus</i>	Eastern Hooded Plover, Eastern Hooded Plover
No	No	<i>Westringia davidii</i>	

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Brogo Vine Forest of the South East Corner Bioregion
No	No	Lowland Grassy Woodland in the South East Corner Bioregion
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria

4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

Potential Impacts are summarised in the Review of Environmental Factors (REF) **Attachment A** 'Att A- Snug Cove-Review of Environmental Factors-excl Appendices-2024', Section '6.1.3 Potential Impacts', page 71.

Construction - Aquatic

The potential construction related impacts on marine ecology that were identified from the Marine Ecology Assessment include the following:

- highly localised disturbance and short term mobilisation of seafloor sediments as a result of piling, potential direct impact to macroalgae and indirect impacts on seagrass and macroalgae, mobilisation of bottom sediments as a result of vessel movements,
- increased risk of contaminants resulting in short- or long-term impacts to water and sediment chemistry,
- increased artificial light and noise impacts,
- increased risk of marine debris,
- introduction of marine species and unplanned incidents
- introduction of marine species and unplanned incidents, including accidental spills, vessel incidents and incidental pollution.

These impacts are likely to be minor during the construction phase.

Operation - Aquatic

On a similar nature to the construction related impacts, impacts during operation of the proposed boating facility include:

- mobilisation of bottom sediments as a result of vessel movements,
- increased risk of contaminants resulting in short- or long-term impacts to water and sediment chemistry,
- increased artificial light and noise impacts,
- increased risk of marine debris,
- introduction of marine species and unplanned incidents that may occur during the operation of the boating facility, including accidental spills, vessel incidents and incidental pollution.

These impacts are likely to be minor during the operation phase.

Potential cumulative impacts to sensitive environmental receivers within the Port from sedimentation are expected to be minimal, given the existing nature and scale of the operations within the Eden port and the size of vessels that would use the additional berths.

4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.4.6 Describe why you do not consider this to be a Significant Impact. *

Of relevance to EPBC selected marine species were assessed for impact significance (Southern Right Whale, Blue Whale and Leatherback Turtle) to Key Threatening Processes (KTP) being introduction of marine species and injury/fatality caused by marine debris may have the potential to harm these species and their populations.

These KTPs are able to be adequately managed and/or mitigated with the adoption of specific safeguards (avoidance or mitigation measures) listed in Section 4.1.4.10 of this EPBC Referral.

Further information on the three species assessed for their significance of impact is provided:

- See Marine Ecology Assessment **Attachment B** 'Att C-Marine Ecology Assessment-2024' for full details.
- See Assessments of Significance contained in **Attachment I** 'Att I-Assessments of Significance-2024' and the below referenced sections:

NSW Biodiversity Conservation Act 2016

- Section 1.2.2 Southern Right Whale (Endangered), pages 10-11
- Section 1.2.4 Blue Whale (Endangered), pages 13-14
- Section 1.2.6 Leatherback Turtle (Endangered) pages 17-18

Environment Protection and Biodiversity Conservation Act 1999

- Section 1.3.1 Southern Right Whale (Endangered), pages 22-23
- Section 1.3.2 Blue Whale (Endangered), pages 23-24
- Section 1.4 Leatherback Turtle (Endangered), pages 24-25

Summary

Overall Assessment of Significance – No significant impact on any species listed under the EPBC Act 1999 are expected to occur, and no additional assessment in the form of an Environmental Impact Statement (EIS) is considered to be required.

4.1.4.7 Do you think your proposed action is a controlled action? *

No

4.1.4.9 Please elaborate why you do not think your proposed action is a controlled action. *

Impacts have been assessed to be not significant particularly with the implementation of safeguards (avoidance and or mitigation measures) to be adopted during the construction and operation phases of the proposed boating facility.

The proposal is not likely to have a significant impact on matters of national environmental significance or the environment of Commonwealth land within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Provided that the mitigations and safeguards specified in the Submissions Report (**Attachment B**) are applied and effectively implemented during construction of the proposal, the identified potential impacts on marine ecology are able to be controlled within acceptable levels.

- See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', Section '5.2', page 36 and Table 5-1, pages 37-51 for a comprehensive summary of safeguards and management measures to be implemented for the proposal.

Summary

Overall Assessment of Significance – No significant impact on any species listed under the EPBC Act 1999 are expected to occur, and no additional assessment in the form of an Environmental Impact Statement (EIS) is considered to be required.

4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

Summary of safeguards and management measures

The REF for the proposal identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts.

After consideration of the issues raised in the public submissions, the environmental management measures for the proposal have been revised.

Should the proposal proceed, the environmental management measures in Table 5-1 (refer below) will guide the subsequent phases of the proposal. Additional and/or modified environmental safeguards and management measures to those presented in the REF have been underlined and deleted measures, or parts of measures, have been struck out. The submissions report reflects any changes to the environmental safeguards and management measures that have arisen in response to submissions received.

As the most current document, the submissions report will be the single point of reference for environmental safeguards and management measures going forward into detailed design and construction phases.

- See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', **Section '5.2'**, page 36 and **Table 5-1**, pages 37-51 for a comprehensive summary of safeguards and management measures to be implemented for the proposal.
- See **Attachment B** 'Att B-Submissions Report-2024' for a copy of the Submissions Report in full.

4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

It is noted a Part 7 Permit under the *Fisheries Management Act 1994* (FM Act) will be required to Harm Marine Vegetation (Section 205) due to potential direct and indirect impacts on seagrass and macroalgae within the proposal footprint.

A Section 199 Notification under the FM Act to Dredge/Reclaim may also be triggered if any dredging or reclamation is proposed. It is understood that there may be a requirement for minor and localised profiling of select rock pinnacles following recent hydrographic surveys (March 2024).

Offsetting requirements are outlined in the Policy and Guidelines for Fish Habitat Conservation and Management (NSW DPIRD 2013). NSW DPIRD has advised that all proposed direct and indirect impacts on seagrass, macroalgae and rocky reef in the project footprint are required to be quantified and offset using a 2:1 ratio.

For full details of areas of indirect and direct impact on Type 1 and Type 2 Key Fish Habitat and offset opportunities:

- See **Attachment C** 'Att C-Marine Ecology Assessment-2024', Section '6. Permits and Offsets', pages 120-126
- See **Attachment D** 'Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024'

Based on the offset requirements above, Transport believe that the following habitat offsets may be viable options in Snug Cove or areas of Twofold Bay. A combination of options could be used.

These would be considered further in a Marine Biodiversity Offset Strategy report.

- **Protecting the Aboriginal cultural values of the marine estate** in alignment with the *NSW Government's Marine Estate Management Strategy*, which may include Aboriginal Cultural Values programs and/or other opportunities for positive engagement with Eden Local Aboriginal Land Council led biodiversity initiatives that enable community connection to sea country and provide for social, cultural, sustainable, and restorative benefits for the marine estate.
- **Environmentally friendly moorings** relocated moorings (including 4 located over the Posidonia seagrass bed) are to be removed or reinstated using environmentally friendly moorings to limit scouring impacts on the seafloor which are currently seen around moorings in Snug Cove, impacting large areas of seagrass.
- **Seahorse hotels** could be deployed to areas where natural syngnathid habitat is lacking and/or for periods of construction activities – these would be intended to be left in place.
- **Artificial reef structures** could be deployed on areas of soft sediment beneath the proposed pontoon structures and other wharves in Snug Cove (to avoid navigational impacts) to provide additional areas of rocky reef habitat and refuge for marine fauna.
- **Living seawalls** opportunities for attachment of living seawall panels to existing vertical seawalls (concrete or sandstone) in the Port or to the wave attenuator could be investigated.
- **New mooring piles** – the new piles installed will provide a total area of 467 m² of artificial habitat for the attachment of sessile marine organisms, in turn providing areas of refuge and shelter for mobile fauna including crustaceans, small fish and syngnathids.

An offset strategy and implementation management sub-plans would be prepared which outlines proposed offset site rehabilitation requirements, including the need for monitoring to achieve proposed performance measures.

The following environmental safeguard has been included as B16 Biodiversity - Marine Habitats:

'A Marine Biodiversity Offset Strategy and implementation management sub-plans are to be prepared to the satisfaction of NSW DPIRD which outlines proposed offset requirements, including the need for monitoring to achieve proposed performance measures.'

- See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', Section '5.2', Table 5-1, page 42.

4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	<i>Actitis hypoleucos</i>	Common Sandpiper
No	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Ardenna carneipes</i>	Flesh-footed Shearwater, Fleshy-footed Shearwater
No	No	<i>Ardenna grisea</i>	Sooty Shearwater
No	No	<i>Balaenoptera edeni</i>	Bryde's Whale
Yes	Yes	<i>Balaenoptera musculus</i>	Blue Whale
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris canutus</i>	Red Knot, Knot
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Caperea marginata</i>	Pygmy Right Whale
No	No	<i>Carcharhinus longimanus</i>	Oceanic Whitetip Shark
No	No	<i>Carcharodon carcharias</i>	White Shark, Great White Shark
No	No	<i>Caretta caretta</i>	Loggerhead Turtle
No	No	<i>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
No	No	<i>Chelonia mydas</i>	Green Turtle
Yes	Yes	<i>Dermochelys coriacea</i>	Leatherback Turtle, Leathery Turtle, Luth
No	No	<i>Diomedea antipodensis</i>	Antipodean Albatross
No	No	<i>Diomedea epomophora</i>	Southern Royal Albatross

Direct impact	Indirect impact	Species	Common name
No	No	Diomedea exulans	Wandering Albatross
No	No	Diomedea sanfordi	Northern Royal Albatross
No	No	Eretmochelys imbricata	Hawksbill Turtle
Yes	Yes	Eubalaena australis	Southern Right Whale
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Lagenorhynchus obscurus	Dusky Dolphin
No	No	Lamna nasus	Porbeagle, Mackerel Shark
No	No	Limosa lapponica	Bar-tailed Godwit
No	No	Macronectes giganteus	Southern Giant-Petrel, Southern Giant Petrel
No	No	Macronectes halli	Northern Giant Petrel
No	No	Megaptera novaeangliae	Humpback Whale
No	No	Monarcha melanopsis	Black-faced Monarch
No	No	Myiagra cyanoleuca	Satin Flycatcher
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew
No	No	Orcinus orca	Killer Whale, Orca
No	No	Pandion haliaetus	Osprey
No	No	Rhincodon typus	Whale Shark
No	No	Rhipidura rufifrons	Rufous Fantail
No	No	Sternula albifrons	Little Tern
No	No	Thalassarche bulleri	Buller's Albatross, Pacific Albatross
No	No	Thalassarche carteri	Indian Yellow-nosed Albatross
No	No	Thalassarche cauta	Shy Albatross
No	No	Thalassarche eremita	Chatham Albatross

Direct impact	Indirect impact	Species	Common name
No	No	Thalassarche impavida	Campbell Albatross, Campbell Black-browed Albatross
No	No	Thalassarche melanophris	Black-browed Albatross
No	No	Thalassarche salvini	Salvin's Albatross
No	No	Thalassarche steadi	White-capped Albatross

4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.5.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

Potential Impacts are summarised in the Review of Environmental Factors (REF) **Attachment A** 'Att A- Snug Cove-Review of Environmental Factors-excl Appendices-2024', Section '6.1.3 Potential Impacts', page 71.

Construction - Aquatic

The potential construction related impacts on marine ecology that were identified from the Marine Ecology Assessment include the following:

- highly localised disturbance and short term mobilisation of seafloor sediments as a result of piling, potential direct impact to macroalgae and indirect impacts on seagrass and macroalgae, mobilisation of bottom sediments as a result of vessel movements,
- increased risk of contaminants resulting in short- or long-term impacts to water and sediment chemistry,
- increased artificial light and noise impacts,
- increased risk of marine debris,
- introduction of marine species and unplanned incidents
- introduction of marine species and unplanned incidents, including accidental spills, vessel incidents and incidental pollution.

These impacts are likely to be minor during the construction phase.

Operation - Aquatic

On a similar nature to the construction related impacts, impacts during operation of the proposed boating facility include:

- mobilisation of bottom sediments as a result of vessel movements,
- increased risk of contaminants resulting in short- or long-term impacts to water and sediment chemistry,
- increased artificial light and noise impacts,
- increased risk of marine debris,

- introduction of marine species and unplanned incidents that may occur during the operation of the boating facility, including accidental spills, vessel incidents and incidental pollution.

These impacts are likely to be minor during the operation phase.

Potential cumulative impacts to sensitive environmental receivers within the Port from sedimentation are expected to be minimal, given the existing nature and scale of the operations within the Eden port and the size of vessels that would use the additional berths.

While the study area provides suitable foraging and roosting habitat for a number of shorebirds, marine and/or migratory birds, little breeding habitat is available and no known breeding colonies of any listed threatened bird species are expected to be affected by the proposal.

4.1.5.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.5.6 Describe why you do not consider this to be a Significant Impact. *

Of relevance to EPBC selected marine species were assessed for impact significance (Southern Right Whale, Blue Whale and Leatherback Turtle) to Key Threatening Processes (KTP) being introduction of marine species and injury/fatality caused by marine debris may have the potential to harm these species and their populations.

These KTPs are able to be adequately managed and/or mitigated with the adoption of specific safeguards (avoidance or mitigation measures) listed in Section 4.1.4.10 of this EPBC Referral.

Further information on the three species assessed for their significance of impact is provided

- See Marine Ecology Assessment **Attachment C** '*Att C-Marine Ecology Assessment-2024*' for full details.
- See Assessments of Significance contained in **Attachment I** '*Att I-Assessments of Significance-2024*' and the below referenced sections:

NSW Biodiversity Conservation Act 2016

- Section 1.2.2 Southern Right Whale (Endangered), pages 10-11
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- Section 1.2.6 Leatherback Turtle (Endangered) pages 17-18

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- Section 1.3.1 Southern Right Whale (Endangered), pages 22-23
- Section 1.3.2 Blue Whale (Endangered), pages 23-24
- Section 1.4 Leatherback Turtle (Endangered), pages 24-25

Summary

Overall Assessment of Significance – No significant impact on any species listed under the EPBC Act 1999 are expected to occur, and no additional assessment in the form of an Environmental Impact Statement (EIS) is considered to be required.

4.1.5.7 Do you think your proposed action is a controlled action? *

No

4.1.5.9 Please elaborate why you do not think your proposed action is a controlled action. *

Impacts have been assessed to be not significant particularly with the implementation of safeguards (avoidance and or mitigation measures) to be adopted during the construction and operation phases of the proposed boating facility.

The proposal is not likely to have a significant impact on matters of national environmental significance or the environment of Commonwealth land within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Provided that the mitigations and safeguards specified in the Submissions Report (**Attachment B**) are applied and effectively implemented during construction of the proposal, the identified potential impacts on marine ecology are able to be controlled within acceptable levels.

- See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', **Section '5.2'**, page 36 and **Table 5-1**, pages 37-51 for a comprehensive summary of safeguards and management measures to be implemented for the proposal.

Summary

Overall Assessment of Significance – No significant impact on any species listed under the EPBC Act 1999 are expected to occur, and no additional assessment in the form of an Environmental Impact Statement (EIS) is considered to be required.

4.1.5.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. ***Summary of safeguards and management measures**

The REF for the proposal identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts.

After consideration of the issues raised in the public submissions, the environmental management measures for the proposal have been revised.

Should the proposal proceed, the environmental management measures in Table 5-1 (refer below) will guide the subsequent phases of the proposal. Additional and/or modified environmental safeguards and management measures to those presented in the REF have been underlined and deleted measures, or parts of measures, have been struck out. The submissions report reflects any changes to the environmental safeguards and management measures that have arisen in response to submissions received.

As the most current document, the submissions report will be the single point of reference for environmental safeguards and management measures going forward into detailed design and construction phases.

- See **Attachment B** '*Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024*', **Section '5.2'**, page 36 and **Table 5-1**, pages 37-51 for a comprehensive summary of safeguards and management measures to be implemented for the proposal.
- See **Attachment B** '*Att B-Submissions Report-2024*' for a copy of the Submissions Report [in full](#).

4.1.5.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

It is noted a Part 7 Permit under the *Fisheries Management Act 1994* (FM Act) will be required to Harm Marine Vegetation (Section 205) due to potential direct and indirect impacts on seagrass and macroalgae within the proposal footprint.

A Section 199 Notification under the FM Act to Dredge/Reclaim may also be triggered if any dredging or reclamation is proposed. It is understood that there may be a requirement for minor and localised profiling of select rock pinnacles following recent hydrographic surveys (March 2024).

Offsetting requirements are outlined in the Policy and Guidelines for Fish Habitat Conservation and Management (NSW DPIRD 2013). NSW DPIRD has advised that all proposed direct and indirect impacts on seagrass, macroalgae and rocky reef in the project footprint are required to be quantified and offset using a 2:1 ratio.

For full details of areas of indirect and direct impact on Type 1 and Type 2 Key Fish Habitat and offset opportunities:

- See **Attachment C** '*Att C-Marine Ecology Assessment-2024*', Section '6. Permits and Offsets', pages 120-126
- See **Attachment D** '*Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024*'

Based on the offset requirements above, Transport believe that the following habitat offsets may be viable options in Snug Cove or areas of Twofold Bay. A combination of options could be used.

These would be considered further in a Marine Biodiversity Offset Strategy report.

- **Protecting the Aboriginal cultural values of the marine estate** in alignment with the *NSW Government's Marine Estate Management Strategy*, which may include Aboriginal Cultural Values programs and/or other opportunities for positive engagement with Eden Local Aboriginal Land Council led biodiversity initiatives that enable community connection to sea country and provide for social, cultural, sustainable, and restorative benefits for the marine estate.
- **Environmentally friendly moorings** relocated moorings (including 4 located over the *Posidonia* seagrass bed) are to be removed or reinstated using environmentally friendly moorings to limit scouring impacts on the seafloor which are currently seen around moorings in Snug Cove, impacting large areas of seagrass.
- **Seahorse hotels** could be deployed to areas where natural syngnathid habitat is lacking and/or for periods of construction activities – these would be intended to be left in place.
- **Artificial reef structures** could be deployed on areas of soft sediment beneath the proposed pontoon structures and other wharves in Snug Cove (to avoid navigational impacts) to provide additional areas of rocky reef habitat and refuge for marine fauna.
- **Living seawalls** opportunities for attachment of living seawall panels to existing vertical seawalls (concrete or sandstone) in the Port or to the wave attenuator could be investigated.
- **New mooring piles** – the new piles installed will provide a total area of 467 m² of artificial habitat for the attachment of sessile marine organisms, in turn providing areas of refuge and shelter for mobile fauna including crustaceans, small fish and syngnathids.

An offset strategy and implementation management sub-plans would be prepared which outlines proposed offset site rehabilitation requirements, including the need for monitoring to achieve proposed performance measures.

The following environmental safeguard has been included as B16 Biodiversity - Marine Habitats:

'A Marine Biodiversity Offset Strategy and implementation management sub-plans are to be prepared to the satisfaction of NSW DPIRD which outlines proposed offset requirements, including the need for monitoring to achieve proposed performance measures.'

- See **Attachment B** 'Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024', Section '5.2', Table 5-1, page 42.

4.1.6 Nuclear

4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No Nuclear Impacts are applicable to this Proposal.

See **Attachment A-Appendix B** 'Att A-Appendix B-Consideration S1712 and MNES-2024', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.7 Commonwealth Marine Area

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No Commonwealth Marine Area impacts are applicable to this Proposal.

See **Attachment A-Appendix B** '*Att A-Appendix B-Consideration S1712 and MNES-2024*', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.8 Great Barrier Reef

4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No Great Barrier Reef impacts are applicable to this Proposal. The Project is located in Eden, NSW.

See **Attachment A-Appendix B** '*Att A-Appendix B-Consideration S1712 and MNES-2024*', page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.9 Water resource in relation to large coal mining development or coal seam gas

4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposal is categorised as port, wharf and boating facilities.

It does not relate to, or involve *any “large coal mining development or coal seam gas”* activities.

No Water resource in relation to large coal mining development or coal seam gas impacts are applicable to this Proposal.

See **Attachment A-Appendix B** ‘*Att A-Appendix B-Consideration S1712 and MNES-2024*’, page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.10 Commonwealth Land

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

Transport for NSW consulted with Commonwealth Department of Defence during public exhibition of the Review of Environmental Factors, see **Attachment L** “Att L-Department of Defence-REF Submission-2024” for the submission which stated:

- “The site is located approximately 4 kilometres north-west of the Defence Depot Twofold Bay Wharf. Defence does not believe that this proposal will have any impact on the safety of efficiency of Defence facilities or operations and as such no concerns”

On this basis the action is deemed unlikely to impact Commonwealth land or Commonwealth areas.

4.1.11 Commonwealth Heritage Places Overseas

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is located within Eden, NSW and will not have an impact on “Commonwealth Heritage Places Overseas”.

See **Attachment A-Appendix B** ‘Att A-Appendix B-Consideration S1712 and MNES-2024’, page 194 for a summary of Matters of National Environmental Significance and Commonwealth Land.

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

None

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

Operational need

Prior to the 2019/2020 bushfires and COVID-19 pandemic, Eden on the far south coast of NSW was already experiencing high unemployment levels and was ranked as one of the highest disadvantaged areas in Bega Valley and other Regional NSW communities. Bega Valley's economy has been trending downwards since its peak in 2012 and has been experiencing a further slowdown since 2015 with the Construction, Manufacturing and Retail trade sectors contracting, while the Agriculture, Forestry and Fishing industry remained stagnant. The 'bright spot' has been the tourism sector, which saw growth in the accommodation and food services and arts, and recreational services sectors.

In the late 2019 to early 2020, NSW endured its most catastrophic bushfire season in recorded history. The community of Eden suffered devastating impacts and continue to deal with the overwhelming financial, emotional and social costs. In March 2020, the local and international border closures caused by the COVID-19 pandemic further decimation of their local economy and tourism sector. These concurrent challenges have substantially hampered the recovery of the Eden community and economy. The proposal therefore presents an opportunity to upgrade the Snug Cove foreshore and waterway to unlock the town's tourism potential and support local job growth and economic development by providing additional moorings and associated maritime services and facilities including for other NSW government agencies operating in the area.

Recent analysis undertaken by Transport found demand for berths for commercial vessels in Snug Cove has risen to around 60. This demand was confirmed independently through a Competitive Selection Process run by Transport to grant a long-term lease to develop areas of the Precinct. Respondents proposed between 40 and 85 berths as part of the first stage of development. While no proposal submitted as part of the Competitive Selection Process was capable of acceptance at the time, Transport's engagement with the market confirmed there is increasing demand for boating facilities and that further intervention by government is required to fully realise the benefits from government's investment to date.

Proposal Objectives

The objectives of the proposal include:

1. Increase capacity for local and visiting vessels to safely moor in Snug Cove, thereby enhancing Eden's reputation as a boating and tourist destination
2. Support tourism and boating jobs growth in South-East NSW and socio-economic development of Eden and the Bega Valley
3. Facilitate complementary public and private sector investment in tourism, additional moorings and associated maritime services and facilities
4. Protect and enhance the unique natural environment, culture and heritage of Snug Cove and its surrounds, and encourage public connection to it.

Engineering Constraints

There are a number of constraints which have influenced the option and design development of the proposal, including environmental and social considerations (such as presence of rocky reef in Snug Cove, areas of Posidonia seagrass, existing infrastructure and Port operations, traffic management and access), geological profile and vessel navigation.

Methodology for selection of preferred option

Transport considered two options for the proposal in addition to the 'do nothing' option. The options were assessed following consideration of criteria including:

- environmental and social considerations
- infrastructure and services
- operation and maintenance
- cost and constructability.

Options Considered

The three options considered for the proposal and assessed against the proposal objectives and development criteria:

- **Option 1** – Do nothing
- **Option 2** – Berthing layout from the Mooring Jetty
- **Option 3** – Berthing layout from the rock groyne adjacent to the existing commercial boat ramp.

Preferred Option

The preferred option is **Option 3** as it best meets the proposal objectives in terms of providing increased berthing capacity and supporting tourism activities (including onshore infrastructure and shoreline access), whilst minimising impacts to the environment and to the operation of the existing Port infrastructure.

The potential benefits of Option 3 outweigh any negatives of this option.

Further Details

Further details of options considered, please refer to:

- See **Attachment A** 'Att A-Review of Environmental Factors-excl Appendices-2024', Section '2.5 Alternatives and options considered', pages 33-35 for advantages and disadvantages of each option assessed
- See **Attachment A-Appendix A** 'Att A-Appendix A-Proposal Drawings-2024' for proposal drawings
- See **Attachment A-Appendix H** 'Att A-Appendix H-Design Report-2024', Section '2.0 Context', pages 3-9 for public domain site context, constraints, opportunities
- See **Attachment M** 'Att M - Design Report - Options - Snug Cove Boat Storage Facility', Section '5 Concept Options', pages 32-36 for boating facilities concept options assessment.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix A-Proposal Drawings-2024.pdf Review of Environmental Factors - Appendix A Proposal Drawings	31/05/2024	High	
#2.	Document	Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High	
#3.	Document	Att A-Appendix C-Statutory consultation checklists-2024.pdf Review of Environmental Factors - Appendix C – Statutory consultation checklists	31/05/2024	High	
#4.	Document	Att A-Appendix E-LCVI Assessment-2024.pdf Review of Environmental Factors - Appendix E - Landscape Character and Visual Impact Assessment	31/05/2024	High	
#5.	Document	Att A-Appendix F-Aboriginal Archaeological Survey-2024.pdf Review of Environmental Factors - Appendix F - Aboriginal Archaeological Survey	31/05/2024	High	
#6.	Document	Att A-Appendix G-NSW Coastal Design Guideline-2024.pdf Review of Environmental Factors - Appendix G - NSW Coastal Design Guideline	31/05/2024	High	
#7.	Document	Att A-Appendix H-Design Report-2024.pdf Review of Environmental Factors - Appendix H - Design Report	31/05/2024	High	
#8.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High	
#9.	Document	Att B-Submissions Report-2024.pdf Submissions Report	31/10/2024	High	
#10.	Document	Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	
#11.	Document	Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High	
#12.	Document				

Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High
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1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att E - Snug Cove - Review of Environmental Factors - Decision Memo - Approved.pdf Snug Cove Maritime Precinct - Review of Environmental Factors - Decision Memo Approval	01/12/2024	Yes	High

1.2.7 Public consultation regarding the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Appendix C-Statutory consultation checklists-2024.pdf Review of Environmental Factors - Appendix C – Statutory consultation checklists	31/05/2024		High
#2.	Document Att A-Appendix F-Aboriginal Archaeological Survey-2024.pdf Review of Environmental Factors - Appendix F - Aboriginal Archaeological Survey	31/05/2024	No	High
#3.	Document Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024		High
#4.	Document Att B-Submissions Report-2024.pdf Submissions Report	31/10/2024		High

1.3.2.18 (Person proposing to take the action) If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att F-Transport for NSW Environment and Sustainability Policy-2020.pdf Transport for NSW - Environment and Sustainability Policy	12/01/2020	No	High
#2.	Document Att G-Transport for NSW Biodiversity Policy-2022.pdf Transport for NSW - Biodiversity Policy	31/07/2022	No	High

3.1.1 Current condition of the project area's environment

Type	Name	Date	Sensitivity	Confidence
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#1.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High
#2.	Document	Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High

3.1.4 Gradient relevant to the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High
#2.	Document	Att H-Hydrographic Survey-March 2024.pdf Snug Cove, Eden - Hydrographic Survey - March 2024	29/02/2024	High

3.2.1 Flora and fauna within the affected area

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High
#2.	Document	Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High
#3.	Document	Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High
#4.	Document	Att I-Assessments of Significance-2024.pdf Marine Ecology Assessment - Appendix D - Assessments of Significance	19/11/2024	High

3.2.2 Vegetation within the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High
#2.	Document			

	Att C-Marine Ecology Assessment-2024.pdf	19/11/2024	High
	Marine Ecology Assessment		
#3.	Document Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High

3.3.2 Indigenous heritage values that apply to the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Appendix F-Aboriginal Archaeological Survey-2024.pdf Review of Environmental Factors - Appendix F - Aboriginal Archaeological Survey	31/05/2024	High	High

3.4.1 Hydrology characteristics that apply to the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High	High
#2.	Document Att J - Terrestrial and Utilities Survey - Snug Cove-2024.pdf Terrestrial and Utilities Survey	09/04/2024	High	High
#3.	Document Att K - Services Demand Assessment-2024.pdf Services Demand Assessment	30/04/2024	High	High

4.1.1.3 (World Heritage) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High	High

4.1.2.3 (National Heritage) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of	31/05/2024	High	High

national environmental significance and Commonwealth
land

4.1.3.3 (Ramsar Wetland) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High	

4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High	

4.1.4.6 (Threatened Species and Ecological Communities) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High	
#2.	Document	Att I-Assessments of Significance-2024.pdf Marine Ecology Assessment - Appendix D - Assessments of Significance	19/11/2024	High	

4.1.4.9 (Threatened Species and Ecological Communities) Why you do not think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B-Submissions Report-2024.pdf Submissions Report	31/10/2024	High	
#2.	Document				

Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf	31/10/2024	High
Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures		

4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	
#2.	Document Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High	
#3.	Document Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High	

4.1.5.2 (Migratory Species) Why your action has a direct and/or indirect impact on the identified protected matters

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A-Review of Environmental Factors-excl Appendices-2024.pdf Review of Environmental Factors - Environmental Assessment	31/05/2024	High	

4.1.5.6 (Migratory Species) Why you do not consider the direct and/or indirect impact to be a Significant Impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High	
#2.	Document Att I-Assessments of Significance-2024.pdf Marine Ecology Assessment - Appendix D - Assessments of Significance	19/11/2024	High	

4.1.5.9 (Migratory Species) Why you do not think your proposed action is a controlled action

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	

4.1.5.10 (Migratory Species) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B-Submissions Report-2024.pdf Submissions Report	31/10/2024	High	
#2.	Document	Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	

4.1.5.11 (Migratory Species) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B-Submissions Report-S5-Summary Safeguards and Mitigation Measures-2024.pdf Submissions Report - Section 5 - Summary of Safeguards and Mitigation Measures	31/10/2024	High	
#2.	Document	Att C-Marine Ecology Assessment-2024.pdf Marine Ecology Assessment	19/11/2024	High	
#3.	Document	Att D-Seagrass and Intertidal Subtidal Reef Overshadowing Plan-2024.pdf Seagrass and Intertidal Subtidal Reef Overshadowing Plan	13/11/2024	High	

4.1.6.3 (Nuclear) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix B-Consideration S1712 and MNES- 2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High	

4.1.7.3 (Commonwealth Marine Area) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix B-Consideration S1712 and MNES- 2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High	

4.1.8.3 (Great Barrier Reef) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
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#1.	Document	Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High
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4.1.9.3 (Water resource in relation to large coal mining development or coal seam gas) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High

4.1.10.3 (Commonwealth Land) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att L-Department of Defence-REF Submission-2024.pdf Commonwealth Department of Defence - Submission	01/08/2024	Yes High

4.1.11.3 (Commonwealth heritage places overseas) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix B-Consideration S1712 and MNES-2024.pdf Review of Environmental Factors - Appendix B Consideration of section 171_2 factors and matters of national environmental significance and Commonwealth land	31/05/2024	High

4.3.8 Why alternatives for your proposed action were not possible

Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A-Appendix A-Proposal Drawings-2024.pdf Review of Environmental Factors - Appendix A Proposal Drawings	31/05/2024	No High
#2.	Document	Att A-Appendix H-Design Report-2024.pdf Review of Environmental Factors - Appendix H - Design Report Public Domain	31/05/2024	High
#3.	Document	Att A-Review of Environmental Factors-excl Appendices-2024.pdf	31/05/2024	No High

Review of Environmental Factors - Environmental Assessment				
#4.	Document	Att M - Design Report - Options - Snug Cove Boat Storage Facility.pdf Design Report - Options - Snug Cove Boat Storage Facility	29/02/2024	High

5.2 Declarations

☒ Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN/ACN	18804239602
Organisation name	TRANSPORT FOR NSW
Organisation address	2000 NSW
Representative's name	Isaac Smith
Representative's job title	Project Manager
Phone	0487905001
Email	Isaac.Smith@transport.nsw.gov.au
Address	33 James Craig Road, Rozelle NSW 2039

☒ Check this box to indicate you have read the referral form. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ By checking this box, I, **Isaac Smith of TRANSPORT FOR NSW**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

✔ Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

Same as Referring party information.

- ☒ Check this box to indicate you have read the referral form. *
- ☒ I would like to receive notifications and track the referral progress through the EPBC portal. *
- ☒ I, **Isaac Smith of TRANSPORT FOR NSW**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *
- ☒ I, **Isaac Smith of TRANSPORT FOR NSW**, the Person proposing the action, consent to the designation of **Isaac Smith of TRANSPORT FOR NSW** as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *
- ☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

✔ Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

- ☒ Check this box to indicate you have read the referral form. *
- ☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ I, **Isaac Smith of TRANSPORT FOR NSW**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *