



Transport for NSW Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049

Independent Environmental Audit #3
Rev 0 - December 2024



Executive Summary

This audit

Transport for NSW (TfNSW) commissioned OptimE Pty Ltd (OptimE) to undertake an Independent Environmental Audit (IEA) of the Kamay Ferry Wharves at La Perouse and Kurnell Project (the Project) against Infrastructure Approval SSI 10049 (the Approval).

This IEA represents the third construction phase audit of the Project and covers the 6-month period from 4 April 2024 to 3 October 2024.

The Project includes the reinstatement of two public ferry wharves and associated infrastructure to allow a ferry service to operate between La Perouse and Kurnell in Botany Bay. At the time of the site inspection, construction of the ferry wharfs was complete. The following activities were observed at La Perouse and Kurnell:

- Use of temporary ancillary works including access roads and compound areas.
- Rehabilitation works of areas adjacent to the ferry wharfs
- Fit-out of ferry wharfs including decking, handrails, furniture and utilities.

Consultation with agencies

Emails were issued to relevant agencies referenced in the Approval and other stakeholders. The letters invited comments on the Project's compliance with the Approval and environmental performance generally. Consultation with agencies as part of this audit has been documented in this report.

Assessment of compliance

The Project demonstrated full compliance against the Approval conditions, as applicable during the reporting period including:

- Full compliance with applicable Part A - Administrative conditions.
- Full compliance with applicable Part B – Community Information and Reporting conditions.
- Full compliance with applicable Part C – Construction Environmental Management conditions.
- Part D – Operational Environmental Management conditions were not triggered.
- Full compliance with applicable Part E – Key Issue Conditions.

Adequacy and implementation of the CEMP and subplans

The CEMP and associated sub-plans were endorsed by the Environmental Representative (ER) to be consistent with the requirements outlined in the Conditions of Approval and were approved by the Planning Secretary, as required. The plans were not due to be updated during the audit period although one minor amendment was made to the Heritage Management Plan and endorsed by the ER.

This audit determined the plans to be of a high standard and adequate to maintain an excellent level of environmental performance by the Project. The environmental performance of the Project was determined by assessing the implementation and effectiveness of the mitigation measures and monitoring programs outlined in the management plans. The audit found substantial implementation of the CEMP, sub-plans and monitoring programs.

Recommendations and improvement opportunities

The Project demonstrated full compliance against the Approval, as applicable during the reporting period therefore no recommendations were raised by this audit.

Two improvement opportunities have been identified where the auditor has determined that the Project has met a substantive requirement, however, further action may be required to support compliance or demonstrate improved performance in the future.

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1 Introduction

1.1 Background

Transport for NSW (TfNSW) commissioned OptimE Pty Ltd (OptimE) to undertake an Independent Environmental Audit (IEA) program of the Kamay Ferry Wharves at La Perouse and Kurnell Project (the Project) against Infrastructure Approval SSI 10049 (the Approval). This report documents the findings of the second audit for the project.

State Approval for the Project was granted on 21 July 2022 granted by Department of Planning, Housing and Infrastructure, DPHI (formerly DPE). An administrative modification was determined in December 2023.

1.2 Development description

The Project includes the reinstatement of two public ferry wharves and associated infrastructure to allow a ferry service to operate between La Perouse and Kurnell in Botany Bay. Key features of the Project include:

- Demolition of an existing viewing platform at Kurnell
- Construction of temporary ancillary works including access roads, compound areas, stockpiles, fencing and temporary building platforms (including a temporary jetty structure at Kurnell and at La Perouse)
- Relocation of swing moorings at La Perouse
- Construction of two wharves on piles, one at La Perouse and one at Kurnell
- Signage and lighting
- Landside paving and landscaping at the entrance to the wharves
- New footpaths connecting the entrance of the wharves to the existing footpaths
- Reconfiguration of existing car parking area at La Perouse to increase the number of spaces, and associated footpath changes to accommodate these additional car parking spaces
- Bicycle racks near the La Perouse wharf
- Installation of utilities to service the wharves including power and water.

At the time of the site inspection, construction of the ferry wharfs was complete. The following activities were observed at La Perouse and Kurnell:

- Use of temporary ancillary works including access roads and compound areas.
- Rehabilitation works of areas adjacent to the ferry wharfs
- Fit-out of ferry wharfs including decking, handrails, furniture and utilities.

1.3 Audit objectives

The objective of this Independent Environmental Audit is to assess the environmental performance of the Project and whether it is complying with the requirements in the Approval (including the requirements of any approved strategy, plan or program), review the adequacy of the approved strategies, plans and programs and to recommend any appropriate measures to improve environmental performance of the Project.

1.4 Audit scope

This IEA has been prepared in accordance with Schedule 2, Conditions A36 to A40 of the Approval. Table 1 lists the requirements of these conditions and where each requirement is addressed within this report.

Table 1 Independent Environmental Audit (IEA) Conditions

Condition No.	Requirement	IEA details and reference
A36	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	Section 1.7 Appendix B
A37	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).	Refer to Table 2
A38	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.	Not triggered
A39	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A37 or Condition A38; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.	To be addressed by the Proponent after submission of this report.
A40	Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020).	To be addressed by the Proponent after submission of this report.

The scope of this IEA has been tailored to meet the specific requirements of Section 3.3 of the Independent Audit Post Approval Requirements (2020) as detailed in Table 2.

Table 2 Scope of the Independent Audit Post Approval Requirements (2020)

No.	Requirement	IEA details and reference
1	An assessment of compliance with the development application and management plans	Section □ Section 3.5
2	Review environmental performance of the development.	Section 3.5
3	Status of implementation of previous audit findings	Section 0
4	High level assessment of whether the Environmental management plans and sub-plans are adequate	Section 3.4
5	Any other matters considered relevant by the auditor or the department	Not applicable

1.5 Period covered by the audit

The audit period for this IEA has been determined to meet the specific requirements of Section 2 of the Independent Audit Post Approval Requirements (2020).

This IEA represents the second construction phase audit of the Project and covers the 6-month period from 4 April 2024 to 3 October 2024.

1.6 Key documents within the scope of the audit

The Project's compliance has been assessed against the Infrastructure Approval SSI 10049 (the Approval) and the following key documents:

- Construction Environmental Management Plan (CEMP) Rev F dated 08/06/23.
- Construction Traffic, Transport and Access Management Sub Plan (CTTAMP) Rev F dated June 2023.
- Construction Noise and Vibration Management Sub Plan (CNVMP) Rev K dated June 2023.
- Construction Biodiversity Sub Plan (fulfilling the requirements of the Terrestrial and Marine Biodiversity Sub Plan under condition C6(c)) (CBMP) Rev K dated June 2023.
- Construction Soil, Water and Contamination Management Sub Plan (fulfilling the requirements of the Soil and Surface Water Management Sub Plan under condition C6(e)) (CSWMP) Rev H dated June 2023.
- Construction Heritage Management Sub Plan (fulfilling the Aboriginal, Non-Aboriginal and Maritime Heritage Sub-Plans required under conditions C6(i), (h) and (g)) Rev 0 dated January 2024.
- Construction Noise and Vibration Monitoring Program Rev K dated June 2023.
- Construction Turbidity Monitoring Program Rev K dated June 2023.

1.7 Audit team and participants

For this IEA, OptimE nominated Maurice Pignatelli as lead auditor and Ben Bracken as a back-up auditor. Both Maurice Pignatelli and Ben Bracken were approved by the Department of Planning, Housing and Industry (DPHI), prior to commencement of the IEA. A copy of the approval letter, dated 13 September 2024, is attached in Appendix B to this report.

The audit was undertaken by Maurice Pignatelli as the lead auditor.

The following personnel attended the opening meeting:

- Maurice Pignatelli – OptimE Lead Auditor
- Tony Matthews – TfNSW Project Manager
- Hannah D'eau – TfNSW Senior Environment and Sustainability Officer
- Mitch Jones – McConnell Dowell Environmental Manager.

Project personnel that participated in the audit interviews were:

- Hannah D'eau – TfNSW Senior Environment and Sustainability Officer
- Mitch Jones – McConnell Dowell Environmental Manager

- Richard Peterson - Trigalana Environmental, Environmental Representative.

The TfNSW Senior Environment and Sustainability Officer collated information and evidence from other TfNSW and McConnell Dowell personnel, as required.

The following personnel attended the close meeting:

- Maurice Pignatelli – OptimE Lead auditor
- Hannah D'eau – TfNSW Senior Environment and Sustainability Officer
- Peta Chapman - TfNSW Senior Communication and Stakeholder Engagement Officer
- Mitch Jones – McConnell Dowell Environmental Manager
- Alison Ryan – McConnell Dowell Community Stakeholder Advisor

1.8 Limitations of this report

This report has been prepared by OptimE for TfNSW and may only be used and relied on by TfNSW for the purpose agreed as set out in Section 0 of this report. OptimE disclaims responsibility to any organisation or person other than TfNSW arising in connection with this report.

The services undertaken by OptimE in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report. The opinions, conclusions and recommendations in this report are based on conditions encountered, evidence sampled, and other information reviewed at the date of preparation of the report.

2 Audit methodology

2.1 Audit approach

This audit was undertaken in accordance with Independent Audit - Post Approval Requirements, May 2020 (DPIE Audit Guideline).

OptimE maintained open and transparent communications with all parties throughout the audit process to provide assurance of a fair and objective assessment of the Project's performance and compliance status against the requirements of the Approval and associated documents.

2.2 Audit stages

The audit was undertaken under the stages outlined in Table 3.

Table 3 Audit stages and program

Stage	Program
Consultation with agencies	From 20/09/2024
Opening meeting	7/11/2024
Site Inspections and interviews	7/11/2024
Draft compliance tables submitted to TfNSW for review	15/11/2024 and 6/12/2024
Draft report submitted to TfNSW for review	6/12/2024
Close meeting	6/12/2024
Final report submitted to TfNSW	16/12/2024
Final report and TfNSW response due to DPHI	07/01/2025

2.2.1 Consultation with the agencies and other stakeholders

Emails were issued to relevant agencies referenced in the Approval and other stakeholders. The letters invited comments on the development's compliance with the Approval and environmental performance generally. Consultation with agencies as part of this audit is presented in Section 3.2 of this report.

2.2.2 Audit protocols

Audit protocols consistent with previous audits on this project and were used to identify lines of inquiry to assess compliance with each of the Approval conditions, the CEMP and associated sub-plans.

2.2.3 Desk-top review

TfNSW provided documents, records and other evidence sought by the audit protocols for assessment by the auditor. A desk top review of documentary evidence was undertaken by the auditor and the audit protocols were updated with findings. Additional targeted questions were raised in preparation for the interviews.

2.2.4 Interviews

Following the desk-top review, audit interviews were conducted with TfNSW and McConnell Dowell personnel on-site. Where possible findings were closed out or further evidence was sought, documentary evidence and/or site observations were sought to verify responses provided by TfNSW and McConnell Dowell personnel.

2.2.5 Site visits and inspections

The site inspections involved face to face interviews with TfNSW and McConnell Dowell personnel, and walk-through inspections of the La Perouse and Kurnell sites. The inspections and interviews sought to determine the following:

- works were undertaken within the EIS project boundary.
- controls nominated in the management plans were implemented on each site.
- effectiveness of environmental controls.
- impact of the facility on the environment.
- verify responses provided by TfNSW and McConnell Dowell personnel.

2.2.6 Reporting

The audit findings were recorded on the audit protocol and presented to TfNSW in two rounds with further questions to address. These audit protocols evolved into the Compliance Tables which are presented in Appendix A of this report. The final draft report and compliance tables were presented to TfNSW for review for consistency with the Approval conditions and to identify any factual errors.

2.3 Compliance status descriptors

The compliance status of each condition in the Audit Compliance tables in Appendix A has been determined using the relevant descriptors below, in accordance with the DPIE Audit Guideline.

- **Compliant** - The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
- **Non-compliant** - The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
- **Not triggered** - A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

For transparency, where the Project was not able to provide sufficient verifiable evidence to demonstrate compliance or non-compliance, a determination was made by the auditor based on available information and a *"limitation of compliance status"* was recorded.

The compliance status was attained by assessing a representative sample of documents, records and data for each requirement. Observations on site targeted areas of higher risk and were assumed to be representative of project performance.

3 Audit findings

3.1 Documentary evidence

All documents reviewed as part of the IEA are referenced in the “Evidence Collected” column of the compliance tables attached to this report as Appendix A.

3.2 Consultation with relevant agencies and other stakeholders

Consultation with relevant agencies referenced in the Approval was via the Planning Project Portal. Agencies that do not have access to the Project Portal were contacted via email. All correspondence was initiated on 20/09/2024. The agencies were invited to comments on the development's compliance with the Approval conditions and environmental performance generally.

Agencies that responded to the invitation to comment, together with a summary of their comments, are summarised in Table 4. Agency responses in full are provided in Appendix C of this report.

Table 4 Summary of agency comments

Entity	Summary of Comment
NSW Department of Climate Change Energy, the Environment and Water, Water Group (DPHI Water Group)	DPHI Water Group, acknowledged the invitation to comment and had no comment and had no comment for the audit.
Department of Planning Housing and Infrastructure (DPHI Compliance)	DPHI Compliance, acknowledged the invitation to comment and had no comment and had no comment for the audit.
Environment Protection Authority (EPA)	EPA acknowledged the invitation to comment and had no comment and had no comment for the audit.
NSW Department of Climate Change Energy, the Environment and Water, As Delegate of the Heritage Council of NSW	<p>Heritage NSW (non-Aboriginal) sought clarification on the auditor's invitation to comment. Heritage NSW (non-Aboriginal) made no further comment.</p> <p>Heritage NSW (Aboriginal cultural heritage) advised:</p> <ul style="list-style-type: none"> all work should be undertaken against conditions of approval, the CMP, HMP and associated archaeological methodologies. the auditor should consult with DPE compliance to determine if there were any non-compliances. <p><i>Auditor response: Compliance with the relevant conditions including relevant management plans is addressed in Appendix A1, Table A1 of this report. This audit consulted with DPHI Compliance.</i></p>
NSW Department of Primary Industries and Regional Development - Fisheries (DPIRD Fisheries)	<p>DPIRD Fisheries advised that activities proposed in MBOS that were during the audit reporting period, have been completed or are under development at this stage of the Project. Fisheries offered the following status assessment:</p> <p><u>Translocation of seagrass</u></p> <ul style="list-style-type: none"> Stage 1 complete. Stage 2 will continue until 2031. DPIRD is satisfied the tasks are progressing generally in accordance with the MBOS). Monitoring of rehabilitation sites is progressing as per the program.

Installing environmentally friendly moorings (EFM)

- The EFM Implementation Plan was provided to the Implementation Reference Panel (IRP) and is under review.

Installing seahorse hotels

- The draft Seahorse Hotels Implementation Plan was provided to the IRP and comments have been returned to TfNSW.

Incidents during construction causing damage to seagrass

DPIRD Fisheries advised that two marine incidents occurred that resulted in unexpected scour to seagrass. TfNSW investigations indicated that:

- A project construction vessel may have caused the scour at Frenchmans Bay.
- A non-project vessel was the likely cause of the scour at Kurnell. A final investigation report was yet to be provided to DPIRD Fisheries.

Remediation at both sites has been attempted and its effectiveness is being monitored.

Auditor response: This status assessment has been acknowledged to determine compliance with Condition E12 of the Approval.

TfNSW provided evidence that the final investigation report into the Kurnell seagrass scour was submitted to DPIRD Fisheries on 19 November 2024. Minutes of MBOS dated 28 November 24 documented that "Fisheries provided comment that investigation report was thorough and noted they supported the learnings and recommendations made in the lessons learnt resource. Comment made that disturbance appears to correspond with tug prop wash from the July unmanned vessel incident"

Sutherland Shire Council
(SSC)

SSC noted:

- Council officers completed a review of council's community request system searching key words and found **NO** listed issues relating to Kamay ferry wharves during 4 April 2024 to 2 October 2024.
- Council's Building Compliance, and Environmental Health units indicated **NO** reported issues concerning the Kamay Ferry wharves during 4 April 2024 to 2 October 2024.
- Council officers raised concern about general decline of *Posidonia australis* in rehabilitation areas reported in the Seagrass Monitoring Report 3, especially when compared with initial baseline levels and sought consideration from the MBOS Implementation Reference Panel for increased monitoring.

Improvement opportunity 03/IO01: At the request of SSC, the BOS Implementation Reference Panel should consider having four rounds of monitoring in the second year as opposed to the scheduled two given the uncertainty of the monitoring results. Refer to the SSC response to the audit dated 30/10/24 (Appendix C of this report).

The following entities did not respond to the auditor's invitations to comment:

- National Parkes and Wildlife Service (NPWS)
- Randwick City Council (RCC)
- Commonwealth DCCEEW (formerly Department of Agriculture, Water and Environment DAWE)

3.3 Compliance

An assessment of compliance was undertaken against Approval SSI 10049. Compliance was assessed using the compliance status descriptors in Section 2.3 of this report. A summary of the compliance status awarded is presented in Table 5.

Table 5 Summary of compliance

SSI Requirement (Schedule 2)	No. of conditions	Findings		
		Compliant	Non-compliant	Not triggered
Part A – Administrative Conditions	45	18	-	27
Part B – Community Information and Reporting	12	6	-	6
Part C – Construction Environmental Management	21	2	-	19
Part D – Operational Environmental Management	4	2	-	2
Part E – Key Issue Conditions	119	41	-	78
Appendix A – Incident notification and reporting	4	4	-	0

The Project demonstrated full compliance against the Approval SSI 10049 conditions, as applicable during the reporting period. No non-compliances were identified.

3.4 Review of adequacy of management plans

The following management plans were reviewed as detailed in Appendix A, Table A2.

- Construction Environmental Management Plan (CEMP)
- Construction Traffic, Transport and Access Management Sub Plan (CTTAMP)
- Construction Noise and Vibration Management Plan (CNVMP)
- Soil, Water and Contamination Management Plan (SWCMP)
- Heritage Management Plan (HMP)
- Biodiversity Management Plan (BMP)

The CEMP and associated sub-plans were endorsed by the ER to be consistent with the requirements outlined in the Conditions of Approval and were approved by the Planning Secretary, as required. The plans were not due for review during the audit period.

This audit determined the plans to be of a high standard and adequate to maintain a high level of environmental performance by the Project.

3.5 Environmental performance

The environmental performance of the Project was determined by assessing the implementation and effectiveness of the mitigation measures and monitoring programs outlined in the management plans.

The audit found substantial implementation of the CEMP, sub-plans and monitoring programs. Details of management plans and monitoring programs implementation are detailed in Appendix A Table A2.

The findings are summarised against each management plan and sub-plan below.

3.5.1 Construction Environmental Management Plan (CEMP)

The CEMP was effectively implemented. It was observed that:

- The Project implemented a robust hierarchy of environmental documents to manage environmental performance.
- The documents were clearly communicated through site inductions, postings on site and reinforced through tool boxing.
- Environmental management across the La Perouse and Kurnell sites was of a high standard.
- Community liaison was undertaken in accordance with the CCS.
- Complaints/communications were managed in accordance with the CCS.

3.5.2 Construction Traffic, Transport and Access Management Sub Plan (CTTAMP)

The CTTAMP was effectively implemented. It was observed that:

- Access to site for construction vehicles is limited to access routes marked in the CTTAMP.
- Vehicular Access within site compound was limited within the Construction boundary.
- Construction boundaries were clearly delineated to prevent access and impact beyond the boundary.
- Provision was made for construction parking within the site compounds.
- Physical barriers delineating construction activities from pedestrian routes.
- Footpath access was maintained at La Perouse and Kurnell, except for Monument Track at Kurnell as per the EIS and a footpath at La Perouse, in consultation with Randwick Shire Council.
- Cycling shared paths have not been directly impacted, except for Monument Track at Kurnell as per the EIS.

3.5.3 Construction Noise and Vibration Management Plan (CNVMP)

The CNVMP was effectively implemented. It was observed that:

- Standard hours were adhered to, unless under an approved OOHW Permit approved by the ER.
- Notification letters were submitted to noise or vibration affected sensitive receivers were notified at least five days before starting work.
- Feasible and reasonable control measures were effectively implemented.
- Construction Monitoring Program – Noise & Vibration:
 - Monthly attended noise monitoring has been implemented. Ten (10) exceedances were recorded. All were attributed to non-project noise sources (including aircraft noise, waves, birds, road traffic etc).
 - Vibration monitoring for rock breaking works (for the protection of heritage sites or heritage buildings) has been implemented. No exceedance recorded.

3.5.4 Soil, Water and Contamination Management Plan (SWCMP)

The SWCMP was effectively implemented. It was observed that:

- Inspections are undertaken by site personnel of effectiveness of the PESCP at least fortnightly and immediately after each rainfall event > 10mm.
- Storage of fuels and chemicals were observed to be at least 50m from Botany Bay
- Emergency spill kits were observed at site compounds and works areas. Marine emergency spill kits were observed at compound areas and works areas over marine waters.
- Stockpiles were located outside of the tree protection zone and identified in the PESCP.
- Construction Monitoring Program – Turbidity Monitoring Program:
 - The monitoring program includes visual and water quality sampling. A review of monthly water monitoring data confirmed there were no exceedances.
 - Turbidity monitoring (TARP) implemented for causeway removal works which commenced in September. No exceedances recorded.

3.5.5 Heritage Management Plan (HMP)

The HMP was effectively implemented. It was observed that:

- Vibration monitoring has been undertaken during vibration generating activities that had the potential to impact on heritage items.
- Heritage protection zones and protection requirements for heritage items within and in the vicinity of the construction boundary were maintained.
- Exclusion zones were maintained for all registered AHIMS rock engraving sites within the construction boundary.
- Works in the vicinity of the Kurnell foreshore Midden (Captain Cook's Landing Place) were managed so to avoid disturbance, hence impact, to AHIMS Site #53-3-0219.

It is noted however that the Final Excavation Report was not undertaken within the timeframe specified in the Approval as delays to its preparation were not communicated to the Secretary in a timely manner. Refer to Appendix A1 Condition E25 for further detail.

3.5.6 Biodiversity Management Plan (BMP)

The BMP was implemented during the previous audit period when marine works were being undertaken. These works had substantially concluded. During this reporting period, it was determined that:

- The project was monitoring the progress of the Seagrass Translocation and Rehabilitation. Two reports were prepared during the reporting period indicating that conditions have been favourable and assessment criteria have been exceeded for both
 - Increase in area of Posidonia.
 - Maintain Posidonia australis density.

Areas of bare substrate were being monitored.

- The MBOS IRP was active during the audit period including quarterly meetings and and review of the MBOS
- The clearing of native vegetation has not exceeded the clearing footprint of the project. Tree protection remains in place at both sites.

One incident was reported related to seagrass scour. Refer to Section 3.6.2 for further detail.

3.6 Complaints and incidents

3.6.1 Complaints

Community complaints were managed in accordance with the Approval. The process for managing complaints and conflict resolution is detailed in the CEMP Section 6.4 and the Community Communications Strategy (CCS). A complaints management system including how to make a complaint; and a complaints register were observed to be operating effectively.

From 4 April 2024 to 3 October 2024 the Project received one (1) complaint. The complaint was received on 25/07/24 for Dust management at Kurnell. The complainant reported that dust was visible after vehicles had driven along the construction site driveway at Kurnell. TfNSW advised that following the complaint:

- the project team applied more spray binder, increased water sprinkler use, trailer mounted sprinkler and water truck use daily.
- further contact was made with the complainant, and they noted that since the previous day, the visible dust levels appear to have decreased significantly and thanked the team for their prompt response.

This complaint was captured in the monthly ER report to DPHI.

3.6.2 Incidents

The process for managing incidents and non-conformances was detailed in the CEMP Section 7.2.

The Project confirmed that there has been one incident during the reporting period. TfNSW notified the Planning Secretary of an incident at La Perouse involving seagrass scour as follows:

- Seagrass scour was observed by Niche during seagrass monitoring. Niche notified TfNSW.
- The MBOS Panel was notified, and TfNSW began an internal investigation and provided notification of a potential incident to both State (DPHI) and Commonwealth (DCCEEW).
- Remedial work and follow up monitoring was developed in consultation with the panel and continues to be implemented.
- Follow up reporting was provided to both DPHI and DCCEEW as per the reporting requirements of each.

A second seagrass scour was identified by the Project within the Kurnell Project Boundary. An investigation into the cause of the scour determined that a non-project related maritime incident occurred within the project boundary, at the site of the scour during winter, and it may have caused the observed deep scour marks.

As the event was not project-related, TfNSW determined that reporting against Condition A42 and A43 was not triggered. For completeness however, TfNSW undertook a detailed investigation and submitted the investigation report to the Planning Secretary, the MBOS Panel and Commonwealth DCCEEW.

3.6.3 Non-conformances

No non-compliances were raised.

3.7 Previous audit report

Table 6 lists the recommendations raised by the previous IEAs and actions undertaken by the Project to address the recommendations.

Table 6 Previous audit recommendations

ID	First IEA Recommendation	Action taken
Nil	The recommendations made by the first audit were closed out by the second audit.	Closed
Nil	No recommendations were made by the second audit.	Nil

3.8 Site inspection

A walk-through site inspection was undertaken of the La Perouse and Kurnell on 7 November 2024.

The site inspection covered the following areas:

- La Perouse site compound
- La Perouse ferry wharf
- La Perouse locality including:
 - Botany Bay
 - Anzac Parade
- Kurnell site compound
- Kurnell ferry wharf
- Kurnell main access road between the site compound and construction activities.
- Kurnell locality including:
 - Botany Bay
 - Captain Cook Drive.

A photographic record of the site inspection is presented as Appendix E of this report.

4 Recommendations

4.1 Recommendations to address non-compliance

The Project demonstrated full compliance against the Approval SSI 10049 conditions, as applicable during the reporting period therefore no recommendations were raised by this audit.

4.2 Opportunities for improvement

Improvement opportunities have been identified where the auditor has determined that the Project has met a substantive requirement, however, further action may be required to support compliance or demonstrate improved performance in the future.

The improvement opportunities raised by this report are presented in Table 7. Please refer to the reference provided for context on each recommendation.

Table 7 Improvement opportunities raised by this report

Report Reference	Finding / Observation	Improvement opportunity
Section 3.2	Sutherland Shire Council officers raised concern about general decline of <i>Posidonia australis</i> in rehabilitation areas reported in the Seagrass Monitoring Report 3, especially when compared with initial baseline levels and sought consideration from the MBOS Implementation Reference Panel for increased monitoring.	Kamay 03/IO-01 At the request of SSC, the BOS Implementation Reference Panel should consider having four rounds of monitoring in the second year as opposed to the scheduled two given the uncertainty of the monitoring results. Refer to the SSC response to the audit dated 30/10/24 (Appendix C of this report).
Appendix A Table A, Conditions E104 and E105	Fewer trees had been planted at Kurnell than were nominated in the UDLP. TfNSW advised the nominated number of tree plantings, may have been a typographical error. Not all evidence was available regarding the tree planting criterion.	Kamay 03/IO02 To attain full compliance with Conditions E104 and E105, within 6 months of commencement of operation, the Project must demonstrate the following: <ul style="list-style-type: none">• At the Kurnell site, tree plantings equivalent to the UDLP (15 trees) are planted to demonstrate a net increase in tree canopy and aim to enhance the SSC position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.• Evidence to meet the requirements for quality tree stock specified in the AS2303:2018: Tree Stock for Landscape Use;• Evidence that a minimum pot size consistent with the relevant council's plans/ programs/ strategies for vegetation management, street planting, or open space landscaping, or as agreed by NPWS.

Appendix A – Independent audit tables

Appendix A: Table A1 – SSI 10049 Compliance Table

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
PART A				
ADMINISTRATIVE CONDITIONS				
GENERAL				
A1	<p>The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:</p> <ul style="list-style-type: none"> (a) <i>Kamay Ferry Wharves Environmental Impact Statement</i> (the EIS), dated June 2021; (b) <i>Kamay Ferry Wharves Response to Submissions Report</i> (the Submissions Report), dated October 2021; and (c) <i>Kamay Ferry Wharves Marine Biodiversity Offset Strategy</i> (the MBOS), dated November 2021. 	<p>EIS</p> <p>Project documents - Kamay Ferry Wharves Transport for NSW</p> <p>Table A1 – SSI 10049 Compliance Table</p>	The Project demonstrated full compliance against the Approval SSI 10049 conditions, as applicable during the reporting period. This confirms the Project has been carried out generally in accordance with the key planning documents listed in Condition A1.	Compliant
A2	The SSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	Table A1 – SSI 10049 Compliance Table	Substantive compliance was awarded with the post-approval documents specified by this Approval which have been prepared in accordance with procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in Condition A1.	Compliant
A3	<p>In the event of an inconsistency between:</p> <ul style="list-style-type: none"> (a) the terms of this approval and any document listed in Condition A1 inclusive, the terms of this approval will prevail to the extent of the inconsistency; and (b) any document listed in Condition A1 inclusive, the most recent document will prevail to the extent of the inconsistency. <p><i>Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.</i></p>	Interview	No inconsistencies were identified, applicable to this audit period.	Not triggered
A4	<p>The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:</p> <ul style="list-style-type: none"> (a) the environmental performance of the SSI; (b) any document or correspondence in relation to the SSI; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; 	Interview	No additional written requirements or directions have been issued by the Planning Secretary.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.			
A5	This approval lapses five years after the date on which it is granted, unless work has physically commenced on or before that date.			Not triggered
A6	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.			Noted
STAGING				
A7	Staging the delivery of the SSI The SSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction and/or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared. The Staging Report must be endorsed by the ER and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation). <i>Note: Unless otherwise specified in this approval, early works are a stage of construction.</i>	<ul style="list-style-type: none"> Kamay Ferry Wharves Staging Report June 2024 (nsw.gov.au) ER endorsement letter Lodgement of Staging Report on Planning Portal (SSI-10049-PA-59) Follow up request from DPHI for more information (dated 1 July 2024, closing date 29 July) Response provided 29 July. Follow up request from DPHI for more information (dated 8 August 2024, closing date 31 Dec 2024) 	Project construction was not delivered in stages. No staging report was required for construction. The operation of the facility is proposed in stages: <ul style="list-style-type: none"> Stage 1 – Multi-user wharf open to the public Stage 2 – Future ferry connection TfNSW prepared an Operational Staging Report (June 2024) as required by this condition. The report was: <ul style="list-style-type: none"> endorsed by the ER on 11/06/24 lodged with DPHI (SSI-10049-PA-59) on 18 June 2024 via the Project Portal. published on the Transport project website. The Secretary submitted comments to TfNSW on the Staging report and sought a response by 31/12/2024. Operation of the facility had not commenced during this audit period.	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
A8	<p>The Staging Report must:</p> <ul style="list-style-type: none"> (a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging. <p><i>Note: A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based contracting and staging.</i></p>	Kamay Ferry Wharves Staging Report June 2024 (nsw.gov.au)	<ul style="list-style-type: none"> (a) Not applicable to construction (b) Details of activities proposed during operational stages have been addressed in Section 2 of the Staging Report. General timing was not addressed. (c) Conditions of approval applicable to operational stages 1 and 2 have been detailed in Table A1 of the Staging Report. (d) Cumulative impacts have been addressed in Section 2.3.4 of the Staging Report. <p>TfNSW provides updates to the Secretary on timing of operation commencement during the monthly meetings. A commitment has been made to update the Staging Report with known timing of operational stages by 31 December 2024.</p>	Compliant
A9	The SSI must be staged in accordance with the Staging Report , and submitted for information to the Planning Secretary.		Operation of the facility had not commenced during this audit period.	Not triggered
A10	Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.		Operation of the facility had not commenced during this audit period.	Not triggered
A11	Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared, endorsed by the ER and submitted to the Planning Secretary for information no later than one month prior to the proposed change in the staging.		Refer to Condition A7	Compliant
A12	Should a Construction Environmental Management Framework (CEMF) be submitted for approval under Condition A15 , the Staging Report must be submitted with the CEMF , i.e. no later than one month before the lodgement of any CEMP , CEMP Sub-plan or CMP to the Planning Secretary for approval.		Staging relates to operation not construction.	Not triggered
TIMING AND APPROVALS				
A13	Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or	Extension of Time (EoT) request letters and DPHI	TfNSW submitted all documents or taken actions within the timeframe specified under this approval (as detailed in this	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident.	planning portal receipts for E25 dated 5/9/24 and E69 dated 11/09/24. Refer to relevant conditions of this table.	compliance table, except for the following extensions of time granted by the Planning Secretary: <ul style="list-style-type: none">Condition E25Condition E69 Refer to relevant conditions for detail.	
A14	Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation. The evidence must include: (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Interview TfNSW Operational Environmental Management Plan, July 2024 Project Portal receipt - Evidence of Port Authority NSW (inclusive of consultation evidence and response Port Authority sent a final copy and responded acknowledging lodgement Evidence of efforts of consultation with DCCEEW	Consultation regarding OEMP Stage 1 was progressing in accordance with CoA requirements (as identified within the Staging Report). Based on the status of consultations at the time of the audit, consultation with relevant agencies was progressing as follows: <ul style="list-style-type: none">Port Authority NSW was consulted formally through the planning portal (PAE-74129706) which is inclusive of the Port Botany Harbour Master and follow up briefing meeting had occurred.Response from the Port Authority was received 27/8/24.TfNSW was updating the OEMP to address comments.TfNSW contacted DCCEEW and an offer of a briefing made. At the time of drafting this audit report, no response had been received. Consultation had not concluded at the time of drafting this report and the final document, together with communications documentation, had not been submitted to the Secretary and the ER. This condition was progressing, hence deemed "Not triggered".	Not triggered
CONSTRUCTION ENVIRONMENTAL MANAGEMENT FRAMEWORK				
A15	A Construction Environmental Management Framework (CEMF) may be prepared to facilitate the approval of construction environmental management and monitoring plans required under Conditions C1 and C15 . The CEMF must...		A Construction Environmental Management Framework (CEMF) has not been prepared.	Not triggered
A16	The approved CEMF must be implemented for the duration of construction.		Refer to Condition A15	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
A17	Where changes are proposed to the staging of construction, a revised CEMF must be prepared, endorsed by the ER and submitted to the Planning Secretary for approval no later than one month prior to the proposed change in the staging.		Refer to Condition A15	Not triggered
A18	<p>Staging, Combining and Updating Strategies, Plans or Programs</p> <p>Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.</p> <p>With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval.</p> <p>Strategies, plans or programs required by this approval can be combined in one document, as set out in documents in Condition A1 or with agreement with the Planning Secretary.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1) While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and 2) If the submission of any strategy, plan or program is to be undertaken in a progressive manner, then the relevant strategy, plan or program must clearly describe the specific stage to which strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program. 		<p>No staging was required for the construction phase of the development.</p> <p>The OEMP is proposed to be prepared in two stages as per the staging report (refer to condition A7).</p> <p>At the time of this audit, TfNSW was progressing with consultation related to the OEMP Stage 1.</p>	Compliant
CONSTRUCTION ANCILLARY FACILITIES				
A19	<p>Construction ancillary facilities</p> <p>Construction ancillary facilities that are not identified by description and location in the documents listed in Condition A1 can only be established and used in each case if:</p> <ol style="list-style-type: none"> (a) they are located within or immediately adjacent to the construction boundary; (b) they are not located next to sensitive land use(s) (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; 	Site inspection and interview	All construction ancillary facilities on site were nominated in the EIS. No additional ancillary facilities were observed.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<ul style="list-style-type: none"> (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts. 			
SITE ESTABLISHMENT WORK				
A20	<p>Construction ancillary facility - Site Establishment Management Plan</p> <p>Before the establishment of a construction ancillary facility that is required prior to the approval of a CEMP (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under Condition A22), the Proponent must prepare a Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The Site Establishment Management Plan must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one month before the establishment of any construction ancillary facilities. The Site Establishment Management Plan must detail the management of the construction ancillary facilities and include:</p> <ul style="list-style-type: none"> (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of work to be undertaken at the site); (b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s); (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work; (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: <ul style="list-style-type: none"> i. meet the performance outcomes stated in the documents listed in Condition A1; and ii. manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring. 	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>Nothing in this condition prevents the Proponent from preparing individual Site Establishment Management Plans for each construction ancillary facility.</p> <p><i>Note: This plan is only needed before a CEMP is approved. Once a CEMP is approved a Site Establishment Management Plan(s) is not required.</i></p>			
A21	<p>Use of a construction ancillary facility</p> <p>A construction ancillary facility established under Condition A19 must not be used for Construction until the CEMP required by Condition 0, relevant CEMP Sub-plans required by Condition CG and relevant CMPs required by Condition C14 have been approved.</p>	Site inspection and interview	No construction ancillary facilities were prepared under A19.	Not triggered
A22	<p>Minor construction ancillary facilities</p> <p>Minor construction ancillary facilities can be established and used where they have been assessed in the documents listed in Condition A1 or satisfy the following criteria:</p> <ul style="list-style-type: none"> (a) are located within or immediately adjacent to the construction boundary; and (b) have been assessed by the ER to have: <ul style="list-style-type: none"> i. minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts; ii. minimal environmental impact with respect to waste management and flooding; and iii. no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval. 	No information available	No minor ancillary facilities have been established.	Not triggered
A23	<p>Boundary screening</p> <p>Boundary screening must be erected between construction ancillary facilities (excluding minor construction ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).</p> <p>Boundary screening must minimise visual impacts on adjacent sensitive land use(s) and must incorporate Indigenous artwork wherever visible.</p>	<p>Site inspection</p> <p>Refer to Appendix E - Photos LP1, LP2, K1 and K2.</p>	<p>Boundary screening to ancillary facilities was established during the previous audit period and maintained during this audit period.</p> <p>In addition, shade cloth was also used on La Perouse additional parking construction area during its construction. TfNSW provided photos of the shade cloth as evidence.</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
A24	Boundary screening The SSI name, application number, telephone number, postal address and email address required under Condition B8 of this approval must be made available on site boundary fencing hoarding at each construction ancillary facility before the commencement of construction. This information must also be provided on the website required under Condition B12 of this approval.	Site inspection Refer to Appendix E - Photos LP1 and K1 Project documents - Kamay Ferry Wharves Transport for NSW	Boundary screening includes project details as required by this condition including: <ul style="list-style-type: none"> • identify the Project, • SSI application number, • postal address, and • email where complaints may be sent. This information is also readily accessible on the Project website.	Compliant
INDEPENDENT APPOINTMENTS				
A25	All Independent Appointments required by the terms of this approval must have regard to Seeking approval from the Department for the appointment of independent experts (OPIE, 2020) and hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.	<ul style="list-style-type: none"> • Kamay Ferry Wharves at La Perouse and Kumell - SSI 10049, Independent Environmental Audit Rev 0- December 2023 • Letter to DPHI requesting endorsement of secondary auditor (7/08/24) • DPHI endorsement letter for additional auditor dated 13/09/24 	Independent experts nominated in the CoA include: <ul style="list-style-type: none"> • Environmental Representative (Condition A28) • Independent Auditor (Condition A36). These independent experts were approved by the Planning Secretary and compliance was awarded for this condition during the first audit. During this audit period, DPHI endorsed a secondary auditor for construction audit #3, letter evidence attached.	Compliant
A26	The Planning Secretary may at any time commission an audit of how an Independent Appointment has exercised their functions. The Proponent must: <ul style="list-style-type: none"> (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an Independent Appointment that the Independent Appointment facilitate and assist the Planning Secretary in any such audit. 	Interview	The Planning Secretary has not triggered this condition.	Not triggered
A27	The Planning Secretary may withdraw its approval of an Independent Appointment should they consider the Independent Appointment has not exercised their functions in accordance with this approval.	Interview	The Planning Secretary has not triggered this condition	Not triggered
ENVIRONMENTAL REPRESENTATIVE				

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
A28	Work must not commence until an Environmental Representative (ER) has been nominated by the Proponent and approved by the Planning Secretary.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
A29	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of work.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
A30	The proposed ER must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in Condition A1 , and is independent from the design and construction personnel for the SSI and those involved in the delivery of it. Skills, qualifications, experience, availability and capacity of the ER must meet the requirements set out in Environmental Representative Protocol (Department of Planning and Environment, 2018) (the Environmental Representative Protocol).	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
A31	The Proponent may engage more than one ER for the SSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the SSI.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
A32	For the duration of the Work until the completion of construction, or as agreed with the Planning Secretary, the approved ER must: <ul style="list-style-type: none"> (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI; (b) consider and inform the Planning Secretary on matters specified in the terms of this approval; (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community; (d) review documents identified in Conditions A7, A19, A20, A22, C1, C6 and C14 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so: <ul style="list-style-type: none"> i. make a written statement to this effect before submission of such documents to the Planning Secretary (if those 	<ul style="list-style-type: none"> • ER report (April to August 2024) – each report includes evidence of DPHI lodgement and response and fortnightly ER Inspection Reports • Management Plan update endorsements (CEMP and HMP) • OOHW low impact work Saturdays review and endorsement (OOHWs Number 7, 9, 13, 19, 20, and 21) 	ER Activities include: <ul style="list-style-type: none"> - Fortnightly inspections (attached to monthly ER reports) - Management Plan update endorsements (endorsed minor updates to CEMP and HMP) - EWMS reviews - Dewatering EWMS and La Perouse Causeway removal EWMS) - OOHW low impact work Saturdays review and endorsement (OOHWs Number 7, 9, 13, 19, 20, and 21) - Participation in monthly DPHI briefing meetings - Preparation of monthly ER reports to DPHI – April, May, June, July, August, September - Staging report review and endorsement - OEMP review and endorsement 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>documents are required to be approved by the Planning Secretary); or</p> <p>ii. make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary I Department for information or are not required to be submitted to the Planning Secretary/Department); and</p> <p>iii. provide a written statement / submission via the Major Projects portal to the Planning Secretary advising the documents have been endorsed by the ER;</p> <p>(e) regularly monitor the implementation of the documents listed in Conditions A7, A20, C1, C6 and C14 to ensure implementation is being carried out in accordance with the document and the terms of this approval;</p> <p>(f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A37 of this approval;</p> <p>(g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;</p> <p>(h) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A21 of this approval;</p> <p>(i) consider any minor amendments to be made to the Site Establishment Management Plan, CEMP, CEMP Sub-plans and monitoring programs without increasing impacts to nearby sensitive land uses or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;</p> <p>(j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary; and</p>	<ul style="list-style-type: none"> EWMS reviews - Dewatering EWMS and Causeway removal EWMS) Participation in monthly DPHI briefing meetings - DPHI presentations (April to August) and email correspondence provided ER Endorsement letter – Staging report (June 2024) ER Endorsement letter – OEMP stage 1 (Oct 2024) 	The alternate ER attended quarterly site visit (17th July 2024)	

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	(k) review the appropriateness of any activities reliant on the definition of Low Impact Work.			
A33	<p>The Proponent must provide the ER with documentation requested in order for the ER to perform their functions specified in Condition A32 (including preparation of the Environmental Representative Monthly Report), as well as:</p> <ul style="list-style-type: none"> a) the complaints register (to be provided on a weekly basis or as requested); and b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work). 	<p>Interview with ER</p> <p>Kamay Ferry Wharves – SSI 10049 ER Monthly Reports for the audit period.</p>	<p>The ER confirmed that all information requested to enable the ER function to be conducted has been provided by the Project.</p> <p>A review of the ER Monthly reports confirms that the ER undertakes a review of the complaints register.</p> <p>TfNSW also provided the ER with a monthly stakeholder communications summary and monitoring data which is captured in the Monthly ER report summary. The communications summary provided to the ER includes complaints register and response.</p>	Compliant
NOTIFICATION OF COMMENCEMENT				
A34	The Department must be notified in writing of the dates of commencement of works, construction and operation at least one month before those dates.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
A35	If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of the relevant works, construction and operation at least one month before those dates.	Interview	<p>Operational Staging Report was prepared and lodged to DPHI. Refer to Condition A7.</p> <p>Construction completion is scheduled for late 2024 with written notice to be provided to DPHI one month prior to construction completion.</p>	Not triggered
AUDITING				
A36	Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an Independent Audit .	<p>DPE letter SSI-10049-PA-34 dated 15/08/23</p> <p>DPE letter SSI-10049-PA-67 dated 13/09/24</p>	<p>The nominated independent auditor, Maurice Pignatelli of OptimE Pty Ltd was approved by the Planning Secretary on 15/08/23.</p> <p>The nominated additional independent auditor (Ben Bracken of BBEnviro was approved by the Planning Secretary on 13/09/23.</p>	Compliant
A37	Independent Audits of the SSI must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (OPIE, 2020).	This report	Section 1.4 of this report sets out how the audit was conducted in compliance with the Independent Audit Post Approval Requirements (OPIE, 2020).	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
A38	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.		The Planning Secretary has not triggered this condition.	Not triggered
A39	In accordance with the specific requirements in the <i>Independent Audit Post Approval Requirements (OPIE, 2020)</i> , the Proponent must: <ul style="list-style-type: none"> (a) review and respond to each Independent Audit Report prepared under Condition A37 or Condition A38; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary. 	https://www.transport.nsw.gov.au/projects/current-projects/project-documents-kamay-ferry-wharves Post Approval form dated 28/06/24 Post Approval receipt_SSI-10049-PA-60 dated 5/8/24	During the reporting period Audit report #2 was completed. Audit report #2 and TfNSW response report were both lodged to DPHI on 28th June 2024 (SSI-10049-PA-60). Both reports were published on the TfNSW website on 10th July 2024.	Compliant
A40	Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the <i>Independent Audit Post Approval Requirements (OPIE, 2020)</i> .	Refer to condition A39	The Independent audit site inspections for the second audit were undertaken on 29/5/24 for both the LaPerouse and Kumell sites. Therefore, the independent audit report and the Proponent's response was due to the Planning Secretary by 29/07/24. The major projects portal receipt confirmed the independent audit report and the Proponent's response was submitted to the Secretary on 28th June 2024 (SSI-10049-PA-60).	Compliant
A41	Notwithstanding the requirements of the <i>Independent Audit Post Approval Requirements (OPIE, 2020)</i> , the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.		Beyond the scope of this audit	Not triggered
INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING				
A42	Incident Notification, Reporting and Response The Planning Secretary must be notified via the Major Projects Website immediately after the Proponent becomes aware of an incident. The	<ul style="list-style-type: none"> • Interview • Email from Niche dated 15/07/24 - Notice to Transport by Seagrass 	TfNSW notified the Planning Secretary of an incident involving seagrass scour at La Perouse as follows:	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	notification must identify the SSI (including the application number and the name of the SSI if it has one) and set out the location and nature of the incident.	<ul style="list-style-type: none"> reporting by Niche and follow up monitoring reports TfNSW letters dated 16/7/24 - Initial notification to regulators (NSW DPHI and Commonwealth DCCEEW) and confirmation of receipts TfNSW letters dated 2/08/24 - Correspondence with MBOS panel TfNSW letters dated 16/7/24 - Reporting to regulators and confirmation of receipt TfNSW investigation report dated July 2024 Project Portal receipt 22/11/24 for A42 and A43 TfNSW letter dated 22/11/24 Re: SSI-10049 – Kamay Ferry Wharves – Notification of potential incident (A42) Kamay Ferry Wharves: Incident report into seagrass disturbance at Kurnell dated November 2024 	<ul style="list-style-type: none"> Seagrass scour was observed by Niche during seagrass monitoring. Niche notified TfNSW. The MBOS Panel was notified, and TfNSW began an internal investigation and provided notification of a potential incident to both State (DPHI) and Commonwealth (DCCEEW). Remedial work and follow up monitoring were developed in consultation with the panel and continues to be implemented. Follow up reporting was provided to both DPHI and DCCEEW as per the reporting requirements of each. <p><i>A second seagrass scour was identified by the Project within the Kurnell Project Boundary. An investigation into the cause of the scour determined that a non-project related maritime incident occurred within the project boundary, at the site of the scour during Winter, and it may have caused the observed deep scour marks.</i></p> <p><i>As the event was not project-related, TfNSW determined that reporting against Condition A42 and A43 was not triggered. For completeness however, TfNSW undertook a detailed investigation and submitted the investigation report to the Planning Secretary, the MBOS Panel and Commonwealth DCCEEW.</i></p>	
A43	Incident Notification, Reporting and Response Subsequent notification must be given and reports submitted in accordance with the requirements set out in APPENDIX A .		Refer to Appendix A criteria	Compliant
A44	The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance, The notification must identify the SSI (including the application number and the	Interview	No non-compliances were reported during the audit period.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	name of the SSI if it has one), identify the condition/s against which the SSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.			
A45	A non-compliance which has been notified as an incident under Condition A42 does not need to be notified as a non-compliance.		Not triggered.	Not triggered
PART B COMMUNITY INFORMATION AND REPORTING				
COMMUNITY INFORMATION, CONSULTATION, AND INVOLVEMENT				
B1	<p>Community Communication Strategy</p> <p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with:</p> <ul style="list-style-type: none"> (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI); and (b) the relevant councils, EPA, EHG, DPI Fisheries, Heritage NSW, as applicable. 	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
B2	<p>The Community Communication Strategy must:</p> <p>identify people, organisations, councils and agencies to be consulted during the design and work phases of the SSI;</p> <ul style="list-style-type: none"> (a) identify details of the community and its demographics; (b) identify timing of consultation; (c) set out procedures and mechanisms for the regular distribution of accessible information including to Language Other than English (LOTE) and Culturally and Linguistically Diverse (CALO) and vulnerable communities about or relevant to the SSI; (d) detail the measures for informing Registered Aboriginal Parties (RAPs) as required by Condition E24; (e) identify opportunities for education within the community about construction sites; (f) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by Condition E51; (g) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI; 	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>No updates have been made to the CCS.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>(h) detail the role and responsibilities of the Public Liaison Officer(s) engaged under Condition B6;</p> <p>(i) set out procedures and mechanisms;</p> <p>(j) through which the community can discuss or provide feedback to the Proponent;</p> <p>i. through which the Proponent will respond to enquiries or feedback from the community; and</p> <p>ii. to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation; and</p> <p>iii. address who will engage with the community, relevant councils and agencies.</p>			
B3	The Community Communication Strategy must be submitted to the Planning Secretary and be approved prior to the commencement of any Work.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>No updates have been made to the CCS</p>	Not triggered
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>No updates have been made to the CCS</p>	Not triggered
B5	The Community Communication Strategy , as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.	<p>Kamay Ferry Wharves Project, Community Communication Strategy, V3 dated 27 April 2023</p> <p>McDonnell Dowel Excel spreadsheet Kamay ALL complaints register (last updated 01/11/2024)</p> <p>Notifications June 24 to October 2024 on the Project Web-site</p>	<p>The following evidence was sighted to confirm implementation of the CCS during the audit period:</p> <p>Consultation register</p> <p>The contractor continued to maintain a consultation register for the Project (titled the Kamay ALL complaints register).</p> <p>The register recorded all consultation including:</p> <ul style="list-style-type: none"> • Complaints • Emails/SMS • Phone calls • Letterbox drops • Meetings • Doorknocks • Community forums • Media and social media 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
			<p>Community notifications: Project update newsletters:</p> <ul style="list-style-type: none"> • <u>Community update Newsletter September 2024</u> - Update on work completed, upcoming work, and seagrass. • <u>Community update Newsletter June 2024</u> - Update on work completed, upcoming work, planning for wharf operation and potential future ferry connection and seagrass. <p>Construction notifications:</p> <ul style="list-style-type: none"> • May 2024 – La Perouse parking changes • June 2024 – La Perouse upcoming work activities • July 2024 – La Perouse causeway and crane removal • August 2024 – La Perouse upcoming work activities • August 2024 – Kurnell upcoming work activities <p>Signage:</p> <ul style="list-style-type: none"> • 12/4/2024 Signs: Temporary change to width of footpath (for wharf entrance work), La Perouse • 17/04/2024 Signs: Rock material removal from temporary causeway, Kurnell • 10/05/2024 Signs: Temporary changes to footpath and parking (parking reconfiguration), La Perouse • 17/05/24 Signs: Temporary changes to footpath and parking (parking reconfiguration update), La Perouse • 26/06/24 Signs: online community forum, La Perouse and Kurnell • 29/08/24 Signs: Rock material removal, La Perouse • 02/08/2024 Signs: Construction work update, Kurnell and La Perouse • 15/10/2024 Signs: Requesting memories and stories from community members, Kurnell and La Perouse 	

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
			Doorknocks: <ul style="list-style-type: none"> 13/05/24 and 16/05/24 Doorknock - Kurnell - electrical pole installation update + general project update 21/06/24 Doorknock - La Perouse - introductory doorknock Community Forums: <ul style="list-style-type: none"> July 2024 - Online design forum presentation and Q&A session. 	
B6	Public Liaison Officer A Public Liaison Officer must be appointed to assist the public with questions and complaints they may have at any time during Work. The Public Liaison Officer must be available at all times that Work is occurring.	Interview with Community and stakeholder engagement officer	CCS refers to the Public Liaison officer but does not reference the name of the officer. The CEMP (Table 4-1 Roles and responsibilities) allocates the role of PLO to the Community and stakeholder engagement officer (for the contractor).	Compliant
COMPLAINTS MANAGEMENT SYSTEM				
B7	A Complaints Management System must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.	Consultation Manager McDonnell Dowel Excel spreadsheet Kamay ALL complaints register (last updated 1/11/2024)	Complaints One formal complaint was reported during this audit period. The complaint was received on 25/07/24 for Dust management at Kurnell. The complainant reported that dust was visible after vehicles had driven along the construction site driveway at Kurnell. Following the complaint, the project team applied more spray binder, increased water sprinkler use, trailer-mounted sprinkler and water truck use daily. Further contact was made with the complainant, and they noted that since the previous day, the visible dust levels appear to have decreased significantly and thanked the team for their prompt response. This complaint was captured in the monthly ER report to DPHI. Other general enquiries were also captured and reported in the consultation register. A monthly summary of communication information and enquiries were also captured in the Monthly ER report (refer to A32).	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
B8	<p>The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction:</p> <ul style="list-style-type: none"> (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved. <p>This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.</p>	<p>Site inspection</p> <p>Refer to Appendix E – Photos LP1 and K1</p> <p>Project documents - Kamay Ferry Wharves Transport for NSW</p> <p>Kamay Ferry Wharves Project, Community Communication Strategy, V3 dated 27 April 2023</p>	<p>Community inquiries and complaints information details (B8(a), (b) and (c)) were available at on-site boundary fencing hoarding at the La Perouse and Kurnell ancillary facilities, TfNSW web page and on all community updates and notifications.</p> <p>Section 11.2 of the CCS available on the TfNSW web-page details a mediation system for complaints unable to be resolved.</p> <p>The CCS was available on the project website.</p>	Compliant
B9	<p>A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:</p> <ul style="list-style-type: none"> (a) number of complaints received; (b) the date and time of the complaint; (c) the method by which the complaint was made; (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; (e) nature of the complaint; (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and (g) if no action was taken, the reason(s) why no action was taken. 	<p>Kamay ALL Complaints Register (May to October 2024)</p>	<p>The Kamay Complaints Register was sighted for the Project. The register included the following field entries:</p> <ul style="list-style-type: none"> • Enquiry number (includes inquiries and complaints) • Date and time complaint received • Registered via ... (mode) • Name and organisation details • Details of complaint and complaint type • Actions taken • Resolution details 	Compliant
B10	<p>Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:</p> <ul style="list-style-type: none"> (a) the Complaints Register may be forwarded to government agencies, including the Department (via the Major Projects Website), to allow them to undertake their regulatory duties; (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies; (c) the supply of personal information by the complainant is voluntary; and 	<p>Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023</p>	<p>The Project demonstrated compliance with this condition during the first audit.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>(d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).</p> <p>The Collection Statement must be included on the Proponent or development website to make prospective complainants aware of their rights under the Privacy and Personal Information Protection Act 1998 (NSW). For any complaints made in person, the complainant must be made aware of the Collection Statement.</p>			
B11	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.	Interview	The Planning Secretary has not triggered this condition.	Not triggered
PROVISION OF ELECTRONIC INFORMATION				
B12	<p>A website or webpage providing information in relation to the SSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:</p> <ul style="list-style-type: none"> (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in Condition A1, and any documentation relating to any modifications made to the SSI or the terms of this approval; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI; (e) a copy of the current version of each document required under the terms of this approval; and (f) a copy of the audit reports required under this approval. <p>Where the information / document relates to a particular work or is required to be implemented, it must be published before the commencement of the relevant work to which it relates or before its implementation.</p> <p>All information required in this condition must be provided on the Proponent's website, ordered in a logical sequence and which is easy to navigate.</p>	<p>https://www.transport.nsw.gov.au/projects/current-projects/project-documents-kamay-ferry-wharves</p> <p>TfNSW Website document register</p> <p>Project documents - Kamay Ferry Wharves Transport for NSW</p>	<p>A review of the Project website confirmed the following was accessible:</p> <ul style="list-style-type: none"> • Community updates and notifications including information on the status of the development. • EIS and submissions report and MBOS. • Project approval and MOD 1 and Commonwealth Approval. • Current version of the CEMP and associated sub-plans. • Audit report #2 and Project response. • Seagrass monitoring reports - Summer construction report (April 2024) and Round 3 rehabilitation report (May 2024) <p>The project also maintains a web-site document register which records when the documents were loaded onto the webpage.</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
PART C CONSTRUCTION ENVIRONMENTAL MANAGEMENT				
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
C1	<p>Construction Environmental Management Plan</p> <p>Except as provided by Condition A15, a Construction Environmental Management Plan (CEMP) must be prepared having regard to the <i>Environmental Management Plan Guideline for Infrastructure Projects</i> (Department of Planning, Industry and Environment, 2020).</p>	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>There have been no material changes during this audit period.</p>	Not triggered
C2	<p>The CEMP must provide:</p> <ul style="list-style-type: none"> (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI; (c) a program for ongoing analysis of the key environmental and social risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI. The initial risk assessment may be undertaken as part of the CEMF pursuant to Condition A15; (d) details of how the activities described in subsection (a) of this condition will be carried out to: <ul style="list-style-type: none"> i. meet the performance outcomes stated in the documents listed in Condition A1 and as required by this approval; and ii. manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; (e) an inspection program detailing the activities to be inspected and frequency of inspections; (f) a protocol for managing and reporting any: <ul style="list-style-type: none"> i. incidents, and ii. non-compliances with this approval or statutory requirements; (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction; (h) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C6. Where staged construction of the SSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction; 	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>There have been no material changes during this audit period.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<ul style="list-style-type: none"> (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (k) for periodic review and update of the CEMP and all associated plans and programs. <p><i>Note: CEMP(s) may reflect the construction of the project through geographical activities, temporal activities or activity based staging.</i></p>			
C3	CEMP(s) (and relevant CEMP sub-plans) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a CEMF approved by the Planning Secretary under Condition A15 .	Interview	During the audit period, no plans were required to be submitted and approved by the Secretary.	Not triggered
C4	Where a CEMP (and relevant CEMP sub-plans) requires Planning Secretary's approval, the CEMP (and relevant CEMP sub-plans) must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.	Interview	Refer to Condition C3	Not triggered
C5	CEMP(s) (and relevant CEMP sub-plans) not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the ER no later than one month before the commencement of construction or where construction is staged no later than one month before the commencement of that stage. That CEMP (and relevant CEMP sub-plans) must obtain the endorsement of the ER as being consistent with the conditions of this approval and all undertakings made in the documents listed in Condition A1 .	<p>Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023</p> <p>Trigalana Environmental letter dated 24 May 2024 - Kamay Ferry Wharves – Construction Environmental Management Plan (Rev 0) ER Endorsement</p>	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>A minor amendment to the Plans was made and endorsed by the ER to reflect changes in project personnel.</p>	Compliant
C6	Except as provided by Condition A15 , the following CEMP Sub-plans must be prepared in consultation with the relevant government agencies identified for each CEMP Sub-plan . Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any	Interview	There were no updates during the audit period that triggered consultation with agencies.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status																								
	submission of the relevant CEMP Sub-plan , including copies of all correspondence from those agencies as required by Condition A14 .																											
	<table><thead><tr><th></th><th>Required CEMP Sub-plan</th><th>Relevant government agencies to be consulted for each CEMP Sub-plan</th></tr></thead><tbody><tr><td>(a)</td><td>Traffic, transport and access</td><td>Relevant council(s) and NPWS</td></tr><tr><td>(b)</td><td>Noise and vibration</td><td>Relevant council(s) and NPWS</td></tr><tr><td>(c)</td><td>Terrestrial and marine biodiversity</td><td>DPI Fisheries, OPIE Water, EHG, NPWS and relevant council(s)</td></tr><tr><td>(e)</td><td>Soil and surface water</td><td>OPIE Water, EHG, Sydney Water (if Sydney Water's assets are affected), NPWS and relevant council(s)</td></tr><tr><td>(i)</td><td>Aboriginal Cultural Heritage</td><td>Heritage NSW, relevant RAP(s), relevant LALC(s) and NPWS</td></tr><tr><td>(h)</td><td>Non-Aboriginal Heritage</td><td>Heritage NSW, NPWS and relevant council(s)</td></tr><tr><td>(g)</td><td>Maritime Heritage</td><td>Heritage NSW, NPWS and relevant council(s)</td></tr></tbody></table>		Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan	(a)	Traffic, transport and access	Relevant council(s) and NPWS	(b)	Noise and vibration	Relevant council(s) and NPWS	(c)	Terrestrial and marine biodiversity	DPI Fisheries, OPIE Water, EHG, NPWS and relevant council(s)	(e)	Soil and surface water	OPIE Water, EHG, Sydney Water (if Sydney Water's assets are affected), NPWS and relevant council(s)	(i)	Aboriginal Cultural Heritage	Heritage NSW, relevant RAP(s), relevant LALC(s) and NPWS	(h)	Non-Aboriginal Heritage	Heritage NSW, NPWS and relevant council(s)	(g)	Maritime Heritage	Heritage NSW, NPWS and relevant council(s)			
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(g)	Maritime Heritage	Heritage NSW, NPWS and relevant council(s)																										
	Note: <i>CEMP Sub-plan(s) may reflect the construction of the project through geographical activities, temporal activities or activity-based staging.</i>																											
C7	The CEMP Sub-plans must state how: (a) the environmental performance outcomes identified in the documents listed in Condition A1 will be achieved; (b) the mitigation measures identified in the documents listed in Condition A1 will be implemented; (c) the relevant terms of this approval will be complied with; and	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit. There have been no material changes during this audit period.	Not triggered																								

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	(d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.			
C8	<p>The Traffic, Transport and Access CEMP Sub-plan must include the following:</p> <ul style="list-style-type: none"> (a) identify roads to be utilised as part of Construction and measures to ensure construction vehicles follow this route; (b) identify marine construction and vessel mooring zones and measures to delineate these areas; (c) measures to physically separate pedestrian and construction vehicle movements, such as temporary barriers; and (d) where access is via non-road land (such as across lawn areas of NPWS land) vehicle routes must be agreed in consultation with NPWS, and large vehicle movements is to be minimised to avoid excess ground compression and Aboriginal cultural heritage and vegetation impacts. 	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>There have been no material changes during this audit period.</p>	Not triggered
C9	<p>The Noise and Vibration CEMP Sub-plan must include measures to minimise vibration impacts on Aboriginal and historic heritage, including:</p> <ul style="list-style-type: none"> (a) monitoring of vibration impacts in the immediate area of AHIMS Site# 45-6-0653 (Site 6 - La Perouse), including procedures to be followed should any impact or damage occur; (b) identification of smaller equipment or hand tools for use in the following locations: <ul style="list-style-type: none"> i. the La Perouse Monument inside the Anzac Parade Loop, which is near the construction boundary and may be impacted if large vibration generating equipment is used; ii. the Coursed Stone Sea Wall, which is located at Kurnell and will be within 5-10 metres of Piling; iii. the Captain Cook Monument, which is set on sandstone bedrock and is within the construction boundary and adjacent to Monument Track, where a utilities trench will be installed; and iv. landscape works close to the ferry shelter shed, where there is potential for indirect vibration impacts to the structure. 	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>There have been no material changes during this audit period.</p>	Not triggered
C10	Unexpected Heritage Finds and Human Remains Procedure required under Condition C10 may be submitted as part of the Non-Aboriginal Heritage CEMP Sub-plan and Aboriginal Cultural Heritage CEMP Sub-plan .	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent	The Project demonstrated compliance with this condition during the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
		Environmental Audit Rev 0- December 2023	There have been no material changes during this audit period.	
C11	<p>The Aboriginal Cultural Heritage CEMP Sub-plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person; (b) be prepared in consultation with Heritage NSW and the RAPs; (c) include a protocol for ongoing consultation with the RAPs and LALCs for the duration of this project; (d) include measures to prevent harm to any Aboriginal objects outside the construction boundary; (e) include a program to monitor and report on the effectiveness of any mitigation and management measures in protecting or limiting harm to Aboriginal objects; (f) ensure any workers on site receive suitable Aboriginal cultural heritage induction(s) prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions; (g) include a Trigger Action Response Plan that included stop work provision, notification protocols and significance assessment protocols to manage key Aboriginal heritage, including: <ul style="list-style-type: none"> i. the discovery of any potential human remains; ii. the discovery of previously unidentified Aboriginal objects within the construction footprints; and iii. managing unauthorised ground disturbance. 	<p>Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023</p> <p>Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit #2 Rev 1- June 2024</p>	<p>The CEMP Sub-plans were deemed compliant with this condition by the first audit and minor changes to the Heritage Management Plan were approved by the ER during the second audit period.</p> <p>There have been no material changes during this audit period.</p>	Not triggered
C12	Construction must not commence until the relevant CEMP(s) and CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER , (as applicable and as identified in the CEMF approved under Condition A15 .	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
C13	The CEMP(s) and CEMP Sub-plans as approved or endorsed (as relevant), including any minor amendments approved by the ER , must be implemented for the duration of construction.	Appendix A, Table A2 – CEMP and sub-plans	The Project demonstrated compliance with this condition during the first audit.	Not triggered
CONSTRUCTION MONITORING PROGRAMS				
C14	Except as provided by Condition A15 , the following CMP must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the SSI against the	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>There have been no material changes during this audit period.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status									
	performance predicted in the documents listed in Condition A1 or in the CEMP : <table><tr><td></td><td>Required CMP</td><td>Relevant government agencies to be consulted for each CMP</td></tr><tr><td>(a)</td><td>Noise and Vibration</td><td>EPA</td></tr><tr><td>(b)</td><td>Turbidity</td><td>DPI Fisheries</td></tr></table>		Required CMP	Relevant government agencies to be consulted for each CMP	(a)	Noise and Vibration	EPA	(b)	Turbidity	DPI Fisheries	Environmental Audit Rev 0- December 2023		
	Required CMP	Relevant government agencies to be consulted for each CMP											
(a)	Noise and Vibration	EPA											
(b)	Turbidity	DPI Fisheries											
C15	Each CMP must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) details of all monitoring of the project to be undertaken; (d) the parameters of the project to be monitored; (e) the frequency of monitoring to be undertaken; (f) the location of monitoring; (g) the reporting of monitoring results and analysis results against relevant criteria; (h) details of the methods that will be used to analyse the monitoring data; (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; and (j) any consultation to be undertaken in relation to the monitoring programs.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit. There have been no material changes during this audit period.	Not triggered									
C16	CMP(s) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a CEMF approved by the Planning Secretary under Condition A15 ,		Refer to Conditions C15	Not triggered									
C17	Where a CMP requires Planning Secretary's approval, the CMP must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.		Refer to Conditions C15	Not triggered									
C18	CMP(s) not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the ER no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The CMP(s)		Refer to Conditions C15	Not triggered									

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	must be endorsed by the ER as being consistent with the conditions of this approval and all undertakings made in the documents listed in Condition A1 .			
C19	Construction must not commence until the relevant CMP(s) have been approved by the Planning Secretary or endorsed by the ER , (as applicable and as identified in the CEMF approved under Condition A15 , and all relevant baseline data for the specific construction activity has been collected.		Refer to Conditions C15	Not triggered
C20	The CMP(s) , as approved or endorsed (as relevant), including any minor amendments approved by the ER , must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.	<p>Refer to Appendix A, Table A2 – CEMP and sub-plans</p> <p>6-month monitoring summary</p> <p>EMT – Environmental Monitoring tracker (April - October 24):</p> <ul style="list-style-type: none"> Noise Monitoring Vibration monitoring Surface water monitoring Marine Mammal observation monitoring 	<p>Surface water monitoring:</p> <ul style="list-style-type: none"> Monthly results provided for April and May (for piling activities), April – July 2024 (Routine sampling) and during September (causeway removal works) No exceedances were recorded. Turbidity monitoring (TARP) implemented for causeway removal works which commenced in September. No exceedances recorded. <p>Noise monitoring:</p> <ul style="list-style-type: none"> Monthly results provided for April, May, June, July, August, September 2024 10 exceedances were recorded during the audit period (3x April, 1x May, 3x June, 2x July, 1x September). All were attributed to non-project noise sources (including aircraft noise, waves, birds, road traffic etc). <p>Vibration monitoring:</p> <ul style="list-style-type: none"> Monthly results provided for April and June (rock breaking works) No exceedance recorded. <p>Marine Mammal observations:</p> <ul style="list-style-type: none"> Completed in April and May and finished in May with the completion of piling activities. Two marine mammal interaction was recorded in April with dolphins observed at La Perouse (23 and 24 April), no active piling works were occurring at the time of the observation. 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
C21	<p>The results of the CMP(s) must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a Construction Monitoring Report at the frequency identified in the relevant CMP.</p> <p><i>Note: Where a relevant CEMP Sub-plan exists, the relevant CMP may be incorporated into that CEMP Sub-plan.</i></p>		The CMPs do not specify any reporting to the Planning Secretary.	Not triggered
PART D OPERATIONAL ENVIRONMENTAL MANAGEMENT				
OPERATIONAL ENVIRONMENTAL MANAGEMENT				
D1	<p>An Operational Environmental Management Plan (OEMP) must be prepared having regard to the Environmental Management Plan Guideline for Infrastructure Projects (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in Condition A1, including hours of operation, will be implemented and achieved during operation. Condition D1 does not apply if Condition D2 of this approval applies.</p>	<ul style="list-style-type: none"> TfNSW OEMP July 2024 OEMP (stage 1) and ER endorsement letter dated 8/10/24 Project Portal receipt dated 27/10/24 - Evidence of Port Authority NSW (inclusive of consultation evidence and response) TfNSW email dated 5/8/24 - Evidence of efforts of consultation with DCCEEW 	<p>Stage 1 OEMP has been prepared and sent to stakeholders for consultation. The OEMP addresses only Stage 1 of operation which captures the opening of the wharves for use, excluding Ferry service operation.</p> <p>Port Authority NSW were consulted formally through the Planning Portal (PAE-74129706) which is inclusive of the Port Botany Harbour Master and follow up briefing meeting. Response received 27/08/2024. TfNSW updated the OEMP to address comments and provided an updated version with comment response register to Ports. Ports sent acknowledgement of update and lodgement.</p> <p>TfNSW obtained ER endorsement letter and lodged the OEMP with DPHI on 14/10/24 as per the requirement to lodge at least one month prior to operation.</p> <p>Efforts were made to consult with DCCEEW and an offer of briefing made. No response was received.</p>	Compliant
D2	<p>An OEMP is not required for the SSI if the Proponent has an Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the EMS or equivalent:</p> <p>(a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in Condition A1, including hours of operation, and specified relevant terms of this approval can be achieved;</p> <p>(b) issues identified through ongoing risk analysis can be managed; and</p>		The Project does not hold an EMS.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	(c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.			
D3	The OEMP or EMS or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation.	Refer to Condition D1	The OEMP was lodged to DPPI on 14/10/24 to satisfy the requirement of at least one month prior to operation.	Compliant
D4	The OEMP or EMS or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the OEMP or EMS or equivalent must be made publicly available before the commencement of operation.		Stage 1 operation did not commence during this audit reporting period.	Not triggered
PART E KEY ISSUE CONDITIONS				
BIODIVERSITY				
Terrestrial biodiversity				
E1	The clearing of native vegetation must not exceed the clearing footprint identified in the documents listed in Condition A1 . All practicable measures to reduce the clearing of native vegetation within the clearing footprint must be undertaken, with the objective of reducing impacts to threatened ecological communities and threatened species habitat.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023 Refer to Appendix E1, Photos K2a, K2b, K6, and K7	The Project demonstrated compliance with this condition during the first audit. During this audit period, site project boundary has been maintained and no additional vegetation clearing occurred.	Compliant
E2	Impacts to plant community types must not exceed those identified in the documents listed in Table 1 . The Proponent must minimise impacts to plant community types and not exceed the total areas impacted as listed in Table 1 .	Refer to Condition E1	Refer to Condition E1	Compliant
E3	Impacts to threatened or endangered fauna and flora species exceeding those as impacted in the documents listed in Condition A1 or Table 2 must not occur. On the discovery of potential or actual impacts to any species not listed in the documents listed in Condition A1 or Table 2 , all work in the associated location must stop to prevent further impact and the Planning Secretary and EHG notified. Work is not to recommence until appropriate approvals have been issued.	Refer to Condition E1	There was no evidence that impacts to threatened or endangered fauna and flora species exceeding those as impacted in the documents listed in Condition A1 or Table 2 has occurred.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
Biodiversity credits				
E4	<p>The Proponent must meet the terrestrial biodiversity offset obligations for ecosystem and species credits as set out in Table 1 and Table 2. The offset obligations must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by:</p> <ul style="list-style-type: none"> (a) acquiring and retiring "biodiversity credits" within the meaning of the BC Act; and / or (b) properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and / or (c) making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the Biodiversity Offsets Payment Calculator; or (d) a Biodiversity Offset Strategy prepared in consultation with EHG and DAWE that provides supplementary measures or where the Proponent intends to utilise the biodiversity credit variation <p>(Tables deleted)</p>	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit #2 Rev 0- June 2024	The Project demonstrated compliance with this condition during the second audit.	Not triggered
E5	Evidence of the retirement of credits to satisfy Condition E4 or payment to the Biodiversity Conservation Fund to satisfy Condition E4 must be provided to the Planning Secretary, Environment and Heritage Group and DAWE for information before any impact occurs on the species or community types to be offset.		Refer to condition E4	Not triggered
Marine Biodiversity				
E6	The location of areas of seagrass (<i>Posidonia australis</i>) and other seagrass beds (Type 1 Key Fish Habitat (KFH)) and macroalgae (Type 2 KFH) that have been identified for removal and disturbance at Kurnell and La Perouse must be confirmed and recorded by surveying and mapping prior to the commencement of clearing in consultation with DPI Fisheries and DAWE.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E7	An inspection must be undertaken by an appropriately qualified and experienced ecologist (and diver) in the 24 hour period prior to the start of work that may impact potential habitat for White's Seahorse (<i>Hippocampus white</i> ,) (seagrass, kelp, sargassum, and existing structures such as piles, jetties, wharf pylons) located in and within 100 metres of the construction footprint.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E8	Any seahorses that are detected in the construction footprint must be relocated to nearby suitable habitat in consultation with an appropriately qualified and experienced ecologist and consistent with location and design criteria provided in section 5.2 <i>Creation of artificial habitat – seahorse hotels of the MBOS</i> . Seahorse relocations must be performed by a suitably qualified and experienced ecologist with consultation from DPI Fisheries and as outlined in the Biodiversity Management Plan.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023 Interview	The Project demonstrated compliance with this condition during the first audit. <i>Note: Seahorses were detected during seagrass monitoring work but did not need to be relocated as marine activities had already ceased and there was no risk necessitating relocation. The consultant confirmed the observations would be formally recorded in the BioNet database.</i>	Not triggered
E9	An inspection must be undertaken by an appropriately qualified and experienced ecologist (and diver) when any construction methods have the potential to impact potential habitat for Black Rockcod (<i>Epinephelus daemeli</i>) (rocky reefs, caves, ledges, gutters and artificial structures such as wharves, piers and rock emplacements).	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E10	Suitable methods must be used to protect Black Rockcod habitat and individuals in the construction footprint at La Perouse and Kurnell sites in accordance with the provisions of the MBOS, <i>Black Rockcod Recovery Plan 2012</i> and DPI Fisheries' <i>Priorities Action Statement – Actions for Black Rockcod</i> .	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E11	Prior to the commencement of ferry services, and to avoid and/ or mitigate potential impacts on marine biodiversity including but not limited to Black Rockcod (<i>Epinephelus daemeli</i>), the Proponent must consult DPI Fisheries regarding proposed ferry swept path/navigation channels for approach, departure and manoeuvring areas for all traffic using the wharves. The swept path / navigation channel with DPI Fisheries' consultation response must be submitted to the Planning Secretary no later than one month before the commencement of operation.	Interview	No date for the commencement of stage 2 – Ferry Services has been nominated by the Project. This condition would be captured as part of the consultation for OEMP Stage 2 once a Ferry service operator is confirmed.	Not triggered
Marine Biodiversity Offset Strategy				
E12	The Proponent must ensure that the proposal is undertaken in accordance with the requirements of DPI Fisheries policy and guidelines, including the <i>Policy and Guidelines for Fish Habitat Conservation and Management 2013</i> , and the <i>NSW Biodiversity Offsets Policy for Major Projects, Fact sheet: Aquatic biodiversity</i> .	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit. In addition, TfNSW advised that MBOS Rev 5 with track change updates has been provided to the MBOS panel. MBOS Rev 5 can be published once it receives formal panel endorsement. Further, in response to the auditor's invitation to comment, DPIRD Fisheries advised that MBOS requirements during the audit reporting period have been completed or are under development at this stage of the Project. Refer to	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
			Appendix C of this report for DPIRD Fisheries full response.	
E13	The Proponent must allow for an additional winter and summer season in which to monitor marine biodiversity within the construction footprint prior to commencement of construction.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E14	The Proponent must satisfy the marine biodiversity offset obligations that specify the required offset size in accordance with the <i>EPBC Act</i> , <i>Environmental Offsets Policy 2012</i> , <i>NSW Biodiversity Offsets Policy for Major Projects – Fact sheet: Aquatic Biodiversity</i> . Evidence of this must be provided to the Planning Secretary, DPI Fisheries and DAWE for information, within 12 months of the commencement of construction.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E15	Areas of seagrass (<i>Posidonia australis</i>) and other seagrass beds (Type 1 KFH) and macroalgae (Type 2 KFH) that have been identified for removal or disturbance within the construction footprint at Kurnell and La Perouse must be offset in accordance with the MBOS and as agreed with DPI Fisheries and DAWE.	KFW, Seagrass Translocation, Rehabilitation and Monitoring, Seagrass Monitoring Report 1, November 2023 KFW, Seagrass Translocation, Rehabilitation and Monitoring, Seagrass Monitoring Report 2 February 2024. KFW, Seagrass Translocation, Rehabilitation and Monitoring, Seagrass Monitoring Report 3 May 2024, UNSW	The project was monitoring the progress of the Seagrass Translocation, Rehabilitation. Two reports were prepared during the reporting period indicating that conditions have been favourable and assessment criteria have been exceeded for both: <ul style="list-style-type: none"> • Increase in area of <i>Posidonia</i>. • Maintain <i>Posidonia australis</i> density. Areas of bare substrate were being monitored. Monitoring report (round 3) was completed during this audit period (May 2024) and the report was available on the project website. The report indicates 394m ² of restoration area has been achieved and the success criteria is met for the area of seagrass restored and for shoot density. In addition, DPIRD Fisheries advised that Monitoring report 4 for September/October 2024 monitoring event was provided to the IRP on 29/10/24 and was being reviewed at the time of drafting this report.	Compliant
E16	Prior to the commencement of pre-construction seagrass transplantation, the Proponent must establish a MBOS Implementation Reference Panel to review data collected, including from the marine biodiversity monitoring as required by Condition E13 , recommend changes to the MBOS if required, and review the Operational Impact Assessment Report (see Condition E20). The MIRP must comprise representatives from the Proponent, DPI	Meeting 12 – Minutes and presentation (04 June 2024) Meeting 13 – Agenda of upcoming meeting (02	During the audit period, quarterly MBOS Panel meeting was held on 4/6/24. Panel meeting presentation and minutes were sighted. The MBOS Panel scheduled meeting in early September 2024 was rescheduled to 2/10/24 to cater for attendee	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	Fisheries-Coastal Systems, DPI Fisheries-Marine Research, DAWE, and OPIE Planning and Assessment, and include a suitably qualified, experienced and independent scientist. The MBOS Implementation Reference Panel must be operational for the life of the MBOS or as agreed by the Planning Secretary.	October 2024). Minutes of meeting and Presentation to panel also attached.	availability. A copy of the agenda was sighted. MBOS Panel meeting minutes and Presentation were also sighted.	
E17	The MBOS must have an operational life of no less than ten (10) years from the date of MBOS approval, unless otherwise agreed by the Planning Secretary.	Minutes Kamay Ferry Wharves MBOS Implementation Reference Panel (IRP) Meeting 11 dated 5/3/2024	The MBOS IRP was active during the audit period. Refer to Condition E16.	Compliant
E18	The MBOS may be reviewed and updated during its operational life as required and recommended by the MBOS Implementation Reference Panel . At least 50 per cent of the MBOS funding must be allocated to the restoration and rehabilitation of <i>Posidonia australis</i> and <i>Zostera</i> seagrass beds in consultation with the MBOS Implementation Reference Panel .	Interview	The MBOS rev 5 with track change updates was provided to the MBOS panel at the June 2024 panel meeting. Revision 5 will be published once it receives formal panel endorsement.	Compliant
E19	Prior to marine Works, a bank guarantee to a value identified by the MBOS Implementation Reference Panel must be provided to DPI Fisheries to offset marine biodiversity impacts in accordance with the <i>DPI Fisheries Policy and guidelines for fish conservation and management</i> , and the <i>NSW Biodiversity Offsets Policy for Major Projects, Fact sheet: Aquatic Biodiversity</i> . The MBOS Implementation Reference Panel may use this bank guarantee to manage key fish habitats, threatened species and/or populations if planned activities as agreed under the MBOS are unsuccessful.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit #2 Rev 0- June 2024	The Project demonstrated compliance with this condition during the second audit.	Not triggered
E20	An Operational Impact Assessment Report must be prepared on impacts to marine biodiversity following 12 months of the full operation of the ferry wharves. This report must: <ul style="list-style-type: none"> (a) be submitted to the MBOS Implementation Reference Panel for review no later than six (6) months after the 12-month full operation period; (b) include the results of before and after monitoring of all seagrass species, <i>White's Seahorse</i>, populations and habitats impacted by the ferry wharf structures and associated commercial and recreational vessel uses; and (c) be used to review the MBOS no later than six (6) months after the submission of the Operational Impact Assessment Report to the MBOS Implementation Reference Panel. 		Operation has not commenced. Outside the scope of this audit period.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
HERITAGE				
Unexpected Finds and Human Remains				
E21	An Unexpected Heritage Finds and Human Remains Procedure (required to be included in the relevant CEMP Sub-plans under Condition C10) must be prepared to manage unexpected heritage finds (including maritime discoveries) in accordance with guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW and submitted to the Planning Secretary no later than one (1) month before the commencement of construction.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project demonstrated compliance with this condition during the first audit.	Not triggered
E22	The Unexpected Heritage Finds and Human Remains Procedure , as submitted to the Planning Secretary, must be implemented for the duration of construction. <i>Note: Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	Everick Heritage report – Unexpected finds at Kurnell Monument track, May 2024	During this audit period, unexpected finds were encountered during construction of the Monument Track at Kurnell on 16 May 2024. None of the finds were found to hold significance. Everick were present to supervise the excavation works along Monument track as per the recommendation.	Compliant
Aboriginal Cultural Heritage				
E23	All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023 Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit #2 Rev 0- June 2024 EMT – Environmental Monitoring tracker (April - October 24) for Vibration monitoring.	The Project demonstrated compliance with this condition during the first and second audit. During this audit period, exclusion zones were maintained to protect AHIMS areas. This includes <ul style="list-style-type: none"> fencing of the Kurnell midden site no ground disturbance at La Perouse no expansion of the compound site to maintain no impact to AHIMS in adjoining areas. Vibration monitoring was completed as required for vibration generating works at La Perouse near AHIMS item. No exceedances were recorded.	Compliant
E24	The RAPs must be kept informed at intervals not exceeding three (3) months about construction of the SSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSI throughout design and construction.	Kamay Ferry Wharves RAP Stakeholder Consultation Manager	TfNSW maintains register of communication touch points with the members of the RAP. For each member, the register records: <ul style="list-style-type: none"> Date and time of communications 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
		Report to 4 November 2024	<ul style="list-style-type: none"> Communication method Summary of key messages <p>The Kamay Ferry Wharves RAP Stakeholder Consultation Manager Report recorded correspondence issued to each member of the RAP.</p>	
E25	<p>At the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s) must be prepared by a suitably qualified person. The Aboriginal Cultural Heritage Excavation Report(s), must:</p> <ul style="list-style-type: none"> (a) be prepared in accordance with the <i>Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW</i>, OEH 2011 and the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>, DECCW 2010; and (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds). <p>The RAPs must be given a minimum of 28 days to provide comments before the report is finalised. The final report must be provided for information to the Planning Secretary, Heritage NSW, relevant Councils, La Perouse Local Aboriginal Land Council (LALC), RAPs and local libraries within 12 months of the completion of the Aboriginal archaeological excavations (both test and salvage).</p>	<p>TfNSW letter dated 5/9/24 - SSI-10049 Kamay Ferry Wharves Project, Request for approval to defer the conditions of approval of E25</p> <p>DPHI letter dated 13/11/2024, Ref: SSI-10049-PA-68, Kamay Ferry Wharves (SSI-10049), E25 Aboriginal Cultural Heritage Excavation Report Extension of Time</p>	<p>TfNSW requested an extension of time to finalise and submit the Aboriginal Cultural Heritage Excavation Report (ACHER).</p> <p>The project required an extension of time to consult with the Registered Aboriginal Parties (RAPs) and finalise the ACHER. The archaeological excavation works were completed in August 2023, following confirmation in October 2024 that works on the Kurnell Midden site would not trigger further archaeological excavations.</p> <p>On this basis, DPHI approved the extension of time until 06 June 2025 for submission of the ACHER. Therefore, the ACHER was not due during this audit period, hence "Not Triggered" has been awarded.</p>	Not triggered
E26	Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects and places must not recommence until Heritage NSW has been informed and provided a response in writing. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition E21 and include registration in the Aboriginal Heritage Information Management System (AHIMS) .	Interview	There has been no previously unidentified Aboriginal objects or places of cultural significance discovered.	Not triggered
E27	The Proponent must undertake a visual inspection before commencement of construction of AHIMS Site# 45-6-0650 (Site 3 - La Perouse) and AHIMS Site# 45-6-0651 (Site 4 - La Perouse) and geotextile fabric (or similar) should be laid on the ground surface within the location of both sites.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project demonstrated compliance with this condition during the first audit.</p> <p>The geofabric materials remained in place during this audit period.</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
Appendix E, Photo LP3				
E28	Supervision by an appropriately qualified and experienced archaeologist of AHIMS Site # 45-6- 0653 (Site 6 - La Perouse) must be undertaken during ground penetrating works. If the engraving is identified, all works must cease and the construction methodology revised to mitigate further impacts. Any revision to the methodology must be undertaken in consultation with Heritage NSW, RAPs and LALCs.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit.	Not triggered
E29	During construction works impacts to the exposed sandstone surrounding AHIMS Site # 45-6- 0653 (Site 6 - La Perouse) must be avoided. Visual markers must be used to delineate these areas.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit. Physical barricades remained in place during this audit period to prevent access to the area.	Compliant
E30	During construction works, monitoring of vibration impacts in the immediate area of AHIMS Site # 45-6-0653 (Site 6 - La Perouse) must be undertaken. If vibration monitors are affixed to sandstone, non-invasive adhesive methods (such as beeswax) must be used. If it is identified that levels of vibration would result in damage to AHIMS Site# 45-6-0653 (Site 6 - La Perouse), all works must cease, and the construction methodology revised to mitigate further impacts. This must be undertaken in consultation with Heritage NSW, RAPs and LALCs.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023 EMT – Environmental Monitoring tracker (April - October 24) for Vibration monitoring.	Vibration monitors were present on the site, as described in previous audit reports. Vibration monitoring was completed as required for vibration generating works at La Perouse near AHIMS item. No exceedances were recorded.	Compliant
E31	Supervision by an appropriately qualified and experienced archaeologist is required for any excavation near AHIMS Site #52-3-0219 (Foreshore Midden - Captain Cook's Landing Place) where it exceeds 400mm in depth. If Aboriginal cultural heritage is identified during the proposed works, further archaeological investigations may be required. This must be determined in consultation with Heritage NSW, RAPs and La Perouse LALC.	Interview and site inspection Refer to Appendix E – Photos K7	No works occurred below 400mm in the vicinity of AHIMS Site #52-3-0219 (Foreshore Midden - Captain Cook's Landing Place). The boundary fencing remained in place to prevent access.	Compliant
Non-Aboriginal Cultural Heritage				
E32	Maritime Archaeologist A Non-Aboriginal Heritage Management Plan (HMP) must be prepared and include maritime heritage considerations and requirements. A suitably qualified and experienced maritime archaeologist is to undertake the maritime component of any aspect related to maritime heritage including relevant construction management plans, in consultation with Heritage NSW. The HMP must include a policy and measures to manage the retention,	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	conservation, storage and display of any artefacts and relics recovered by the SSI. The HMP must be prepared prior to construction and be approved by the Planning Secretary.			
Historical Archaeology				
E33	Prior to the commencement of archaeological excavation, an Archaeological Research Design and Excavation Methodology must be prepared in accordance with the Heritage Council of NSW guidelines to guide the archaeological program. The revised methodology must be prepared in consultation with Heritage NSW and submitted to the Planning Secretary if requested.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit.	Not triggered
E34	Prior to the commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with Heritage NSW Excavation Director Criteria 2019 (September 2019) to direct the historical archaeological program. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the Archaeological Research Design and Excavation Methodology required by Condition E33	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit.	Not triggered
E35	Following the completion of the archaeological excavation programs a Final Excavation Report must be prepared that includes: the details of any further historical research undertaken to enhance the final reporting and results of archaeological excavations (including artefact analysis and identification of a final repository for relics including details of their ongoing conservation and protection in perpetuity by the landowner). The report must be prepared in accordance with guidelines and standards required by Heritage Council of NSW and the relevant Council's local studies unit within twelve (12) months of completion of archaeological excavation.	Everick Heritage report – Unexpected finds at Kurnell Monument track, May 2024	During this audit period, unexpected finds were encountered during construction of Monument Track at Kurnell on 16 May 2024. None of the finds were found to hold significance. An interim report was prepared. Everick was present to supervise the excavation works along Monument track as per the recommendation. The Final Excavation Report is due within twelve (12) months of completion of archaeological excavation.	Not triggered
Landscape Heritage				
E36	The Proponent, in consultation with NPWS, must consider alternative placement locations for the installation of the Kurnell services cabinet to reduce impacts to the heritage landscape.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition during the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E37	The Proponent, in consultation with Heritage NSW and NPWS, must implement measures to minimise impacts on remnant Coast Banksia communities at La Perouse and Kurnell including any offset planting (if required).	EWMS – Terrestrial vegetation disturbance Ver 0 dated June 2023 Refer to Condition E1 Refer to Appendix E – Photos LP3a, LP3b, K6 and K7.	The Project was deemed compliant with this condition during the first audit. During this audit period, protection fencing remained in place. Tree protection was also recorded in the TfNSW and ER site inspection reports during the audit period.	Compliant
HOURS OF FERRY OPERATION				
E38	The approved hours of operation of any ferry service are 7:00am to 6:00pm every day.		Ferry operation has not commenced.	Not triggered
LAND USE AND PROPERTY				
E39	The Proponent must identify the utilities and services (services) potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the project are avoided where practical and advised to customers.	KFW Community update, dated August 2024 Kamay Ferry Wharves June 2024 La Perouse construction notification Kamay ALL Complaints Register (November 2024)	The following community notifications were sighted regarding utility service disruption: <ul style="list-style-type: none"> August 2024 Kamay Ferry Wharves Kurnell construction notification August 2024. Additional notifications and letter box drops were also sighted on the Kamay ALL Complaints Register. <ul style="list-style-type: none"> Doorknocks, emails SMS were carried out to provide updates on aerial connection work over multiple dates in April; May, August and September at Kurnell. Electrical pillar relocation updates were provided in La Perouse via SMS, informal meeting and phone calls on 3, 11, 21 June 2024. A general construction update also covered relocation of utilities Kamay Ferry Wharves June 2024 La Perouse construction notification – Upcoming work activities.	Compliant
E40	Any property access that is physically affected by the SSI must be reinstated to at least an equivalent standard, in consultation with the landowner or alternative access provided in consultation with the landowner.	Interview	The Project advised that no property access impacts have occurred on the Project.	Not triggered
NOISE AND VIBRATION				

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
Land Use Survey				
E41	A detailed land use survey must be undertaken to confirm sensitive land user(s) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the Noise and Vibration CEMP Sub-plan required by Condition C6.	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit.	Not triggered
Work hours				
E42	Work must only be undertaken during the following hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 1:00pm Saturdays; and (c) at no time on Sundays or public holidays.	Interview	No work outside of the work hours have occurred except under an OOHW Permit endorsed by the ER. Refer to E44.	Compliant
Highly Noise Intensive Work				
E43	Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken: (a) between the hours of 8:00 am to 6:00 pm Monday to Friday; (b) between the hours of 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three hours, with a minimum cessation of highly noise intensive work of not less than one hour. For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the work.	Interview Kamay ALL Complaints Register	Highly noise intensive works that result in an exceedance of the applicable NML has not been undertaken outside the prescribed hours. There have been no noise complaints regarding highly intensive noise out of hours. The site does not hold an EPL. No noise or vibration related complaints during the audit period were recorded in the Kamay All complaints register (November 2024).	Compliant
Variation to Work Hours				

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E44	<p>Notwithstanding Conditions E42 and E43, work may be undertaken outside the hours specified in any of the following circumstances:</p> <p>(a) Safety and Emergencies, including:</p> <ol style="list-style-type: none"> for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm. <p>On becoming aware of the need for emergency work in accordance with this condition, the Proponent must notify the ER, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land user(s) of the likely impact and duration of those work.</p> <p>Or</p> <p>(b) Low impact, including:</p> <ol style="list-style-type: none"> construction that causes $L_{Aeq15 \text{ Minute}}$ noise levels: <ul style="list-style-type: none"> no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); or construction that causes $L_{Aeq15 \text{ Minute}}$ noise levels no more than 15 dB(A) above the rating background level at any residence; or construction that causes: <ul style="list-style-type: none"> continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), or intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006). <p>Or</p> <p>(c) By Approval, including:</p>	<p>OOHW low impact work Saturdays. ER provided review and endorsement (OOHWs Number 7, 9, 13, 19, 20, and 21)</p>	<p>A sample of OOHW permits signed off by TfNSW and the Project ER were sighted. The work was signed of as meeting the requirements of Condition E44(b):</p> <ul style="list-style-type: none"> #7 – Update of La Pouse Saturday works to update the work methodology to reflect current plant/equipment #9 – Update of Kumell Saturday works to update the work methodology to reflect current plant/equipment #13 – Contingency OOHW for concrete finishing works in case of disruption to concrete deliveries #19 – OOHW to capture temporary dewatering activities at Kumell #20 – La Pouse update to reflect current plant/equipment including low impact Marine works and deck fit out #21 – Kumell update to reflect current plant/equipment including low impact Marine works and deck fit out 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>i. where different construction hours are permitted or required under an EPL in force in respect of the SSI; or</p> <p>ii. negotiated agreements with directly affected residents and sensitive land user(s).</p> <p>Or</p> <p>(d) By Prescribed Activity, including:</p> <p>i. Piling between 10:00pm and 7:00am Monday-Friday inclusive and if endorsed by the ER; or</p> <p>ii. delivery of material that is required to occur outside of standard construction hours in Condition E42 to directly support Piling.</p>			
Construction Noise Management Levels and Vibration Criteria				
E45	<p>Mitigation measures must be implemented with the objective of achieving the following construction noise management levels and vibration objectives:</p> <p>(a) construction 'Noise affected' NMLs established using the Interim Construction Noise Guideline (DECC, 2009);</p> <p>(b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure);</p> <p>(c) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they are "applicable to Australian conditions"; and</p> <p>(d) the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage).</p> <p>Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-plan.</p> <p><i>Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.</i></p>	<p>NVMP Rev K.</p> <p>EMT – Environmental Monitoring tracker (April - October 24):</p> <ul style="list-style-type: none"> Noise Monitoring Vibration monitoring 	<p>The NVMP, following consultation with the EPA, states that... <i>"Section 13.2.1 (Now E 2.1) has been updated. It should be noted that recommended feasible and reasonable mitigation measures have been developed based on the Predicted Noise Level (PNL)"</i>.</p> <p>On this basis, the Project measures noise levels of standard hours work and approved out-of-hours works will be compared against the PNL to determine if the recommended feasible and reasonable measures that are implemented are sufficient.</p> <p>A review of the monitoring data determined that:</p> <p>Noise monitoring:</p> <ul style="list-style-type: none"> Monthly results provided for April, May, June, July, August, September 10 exceedances were recorded during the audit period (3x April, 1x May, 3x June, 2x July, 1x September). All were attributed to non-project noise sources (including aircraft noise, waves, birds, road traffic etc). <p>Vibration monitoring:</p> <ul style="list-style-type: none"> Monthly results provided for April and June (rock breaking works) No exceedance recorded. 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E46	<p>Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:</p> <p>(a) evening (6:00 pm to 10:00 pm) - internal LAeq11s min,lel: 40 dB(A); and</p> <p>(b) night (10:00 pm to 7:00 am)- internal LAeq(15 min)lel: 35 dB(A).</p> <p>The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan.</p>	Interview	NVMP, section 7.3. Due to the distance between construction works and receivers, ground borne noise impacts are expected to be negligible in comparison to airborne impacts. Further, no out - of - hours work likely to generate ground borne noise has occurred.	Compliant
Construction Noise and Vibration Mitigation and Management				
E47	<p>Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised. Practices must include, but are not limited to:</p> <p>(a) use of regularly serviced low sound power equipment; and/ or</p> <p>(b) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rock-hammering and concrete cutting; and / or</p> <p>use of alternative construction and demolition techniques.</p>	<p>NVMP Rev K dated June 2023</p> <p>Interview</p> <p>Site Inspection</p> <p>Noise monitoring records (Refer to E45).</p>	<p>The following practices were implemented, where reasonably practicable to minimise noise levels:</p> <ul style="list-style-type: none"> Piling activities ceased in April at La Pouse. No noise or vibration complaints during the audit period Noise mats in place around dewatering equipment at Kurnell – (Environment inspection observation 03 July 2024) All works as per OOHW approvals <p>No noise complaints have been received.</p>	Compliant
E48	<p>Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Noise and Vibration CEMP Sub-plan required by Condition CG and the Community Communication Strategy required by Condition B1.</p>	NVMP Rev K dated June 2023	<p>NVMP, section 7.3. Due to the distance between construction works and receivers, ground borne noise impacts are expected to be negligible in comparison to airborne impacts.</p> <p>There is no risk of cosmetic damage to property.</p>	Not triggered
Construction Vibration Mitigation - Heritage				
E49	<p>The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the</p>	<p>NVMP Rev K dated June 2023</p> <p>Environmental monitoring tracker, Vibration Monitoring for:</p>	<p>Two vibration monitoring events occurred during the reporting period:</p> <ul style="list-style-type: none"> April 2024 – compaction works near AHIMS site 6, La Pouse 	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	construction methodology and, if necessary, implement additional mitigation measures.	<ul style="list-style-type: none"> April 2024 June 2024. 	<ul style="list-style-type: none"> Rock breaking near the Captain Cooks Monument, Kurnell <p>No exceedances were recorded.</p>	
E50	Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration and movement monitoring at heritage-listed structures.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit.	Compliant
Out-of-Hours Works - Community Notification				
E51	<p>In order to undertake out-of-hours work as prescribed under Condition E42(d) (piling), the Proponent must justify to the ER the reasons why these works cannot be undertaken during standard working hours. These works must be endorsed by the ER prior to the commencement of such work.</p> <p>Any justification must be in writing and include the following information:</p> <ul style="list-style-type: none"> (a) reasons for the OOH Work; (b) a description of location and duration of the OOH Work; (c) the noise characteristics and likely noise levels of the OOH Work; (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under Condition E44 (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers); and (e) proposed community notifications which must be provided to impacted sensitive receivers in the community at least 10 days prior to the proposed OOH Work. 	OOHW Permit tracker	No work associated with out-of-hours piling (Condition E44(d) work has been undertaken during the reporting period.	Not triggered
Operational Noise Mitigation Measures				
E52	Prior to the commencement of ferry operation, the Proponent must prepare an Operational Noise Review (ONR) to confirm noise control measures that would be implemented for the operation of the SSI. The ONR must be prepared in consultation with relevant council(s) and must confirm the operational noise predictions based on the final vessel selection. The results of these revised predictions must be compared to the noise performance assumptions in the documents listed in Condition A1 . Should the results indicate a worsening of impact predicted in the documents listed in Condition A1 , appropriate mitigation measures must be identified and implemented.		Operational phase condition	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E53	The ferry vessel selected for operation must be free of annoying noise characteristics as determined in the Noise Policy for Industry (EPA 2017) Fact Sheet C when assessed at offset distances representative of the nearest residential receivers to each wharf. Where it is demonstrated that this is not reasonably practicable, justification of the best achievable noise levels must be submitted to the Planning Secretary, prior to the commencement of ferry operation.		Operational phase condition	Not triggered
E54	Noise associated with the operation of the wharf and vessel based public address system(s) must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver, excluding for emergency announcements and testing of the emergency PA system.		Operational phase condition	Not triggered
E55	Operational noise mitigation measures as identified in Condition E52 that will not be physically affected by work, must be implemented within six months of submitting the ONR , unless otherwise agreed by the Planning Secretary. Where implementation of operational noise mitigation measures are not proposed to be in accordance with this requirement, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be submitted to the Planning Secretary within six months of submitting the ONR . <i>Note: Not having finalised detailed design is not sufficient justification for not implementing the proposed mitigation measures.</i>		Operational phase condition	Not triggered
Operational Noise Validation				
E56	Within six (6) months of the commencement of ferry operation of the SSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by Condition E52 .		Operational phase condition	Not triggered
Operational Noise Compliance Report				
E57	An Operational Noise Compliance Report (ONCR) must be prepared to document the findings of the operational noise monitoring carried out under Condition E56 . The ONCR must address the following: (a) compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E52 ;		Operational phase condition	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>(b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;</p> <p>(c) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;</p> <p>(d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring;</p> <p>(e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and</p> <p>(f) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E52, that are to be implemented, the effectiveness of the mitigation measures and reported to the Planning Secretary.</p> <p>The Operational Noise Compliance Report must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring and made publicly available.</p>			
Condition Survey				
E58	<p>A pre-construction condition assessment of Aboriginal and non-Aboriginal heritage items that have the potential to be impacted must be carried out by a suitably qualified building condition surveyor prior to construction. During construction, inspections of the construction activities and work areas must be undertaken to monitor and review the construction methodology and confirm the integrity of the nearby significant structural elements. For heritage items identified at risk during the pre-construction condition assessment, minimum safe working distances must be established, and vibration monitoring must be carried out prior to the commencement of construction and monitored through construction to identify any construction-related impacts. If impacts are detected during construction, work in the area must stop and appropriate environmental management measures must be implemented such as alternative construction techniques or installing protection structures in collaboration with a heritage specialist.</p>	<p>Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023</p>	<p>The Project was deemed compliant with this condition by the first audit.</p> <p>Refer to Conditions E30 and E49 for vibration monitoring associated with heritage items.</p>	Compliant
E59	<p>The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration) by construction at no cost to the owner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the property owner.</p>	<p>Written response to audit questionnaire</p>	<p>The Project advised that no damage has been caused by the Project.</p> <p>There are no complaints records or other records indicating property damage had occurred.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
SOILS				
E60	Prior to the commencement of any Work, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication <i>Managing Urban Stormwater: Soils & Construction</i> (41h edition, Landcom 2004) commonly referred to as the 'Blue Book'.	<p>PROGRESSIVE EROSION & SEDIMENT CONTROL PLAN Kamay Ferry Wharves – Kurnell KFW 02 MCD ALL EN DRG 000005_ Rev4 dated 26/03/2024 prepared by project CPESC</p> <p>PROGRESSIVE EROSION & SEDIMENT CONTROL PLAN Kamay Ferry Wharves – La Perouse KFW02 MCD ALL EN DRG 000002_ Rev7 dated 07/07/2024.</p> <p>Appendix E Photos LP03a 3, 8a, 8b and 8c</p>	<p>Progressive erosion and sediment control plans have been prepared for both La Perouse and Kurnell sites by a certified CPESC.</p> <p>The LaPerouse PESCP was progressively updated during the audit reporting period to account for:</p> <ul style="list-style-type: none"> • update for carpark works (07/05/2024) • updates for grouting works (07/06/2024) <p>The Kurnell PESCP was progressively updated during the audit reporting period to account for:</p> <ul style="list-style-type: none"> • minor updates to the temporary causeway removal (02/05/2024) • updates to include soaker pit (29/05/2024) • updates for grouting works (07/06/2024) <p>TfNSW and ER inspection reports confirm that the controls were generally applied in accordance with the Plans. The Auditor's site observations confirm the controls were generally applied to the sites at the time of the inspection.</p>	Compliant
E61	<p>Prior to the commencement of any Work, the Proponent must prepare a Soil and Water Management Plan (SWMP) to address any contamination found during construction works. The SWMP must be prepared in consultation with NPWS in respect of NPWS land. The SWMP must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (GPSS CSAM) scheme and include detailed measures to:</p> <ul style="list-style-type: none"> (a) identify contamination during works; (b) store, test and appropriately dispose of disturbed groundwater and soils; (c) include a clear and detailed unexpected finds protocol for use and implementation throughout the duration of construction works; 	Kamay Ferry Wharves at La Perouse and Kurnell – SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>(d) include turbidity monitoring at both Kurnell and La Perouse at a frequency commensurate with the level of risk for each construction phase; and</p> <p>(e) include a Trigger Action Response Plan (TARP) which includes contingencies to identify and manage any unpredicted impacts and their consequences to ensure corrective actions are implemented.</p> <p>The Plan must be submitted to the Planning Secretary for information prior to the commencement of construction.</p>			
Contaminated sites				
E62	<p>The Proponent must engage a NSW EPA-accredited site Auditor to review contamination reports relating to the site throughout the duration of the project to ensure that any work required in relation to sediment, soil or groundwater contamination is appropriately managed.</p>	<p>Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023</p> <p>Senversa letter dated 10/7/24 - Interim Audit Advice #3: Kamay Wharf, Captain Cook Drive, Kurnell and Anzac parade, La Perouse, Review of Interim Draft Validation Report</p> <p>Senversa letter dated 15/10/24 - Interim Audit Advice #4: Kamay Wharf, Captain Cook Drive, Kurnell and Anzac Parade, La Perouse, Review of Updated Interim Draft Validation Report</p>	<p>The Project was deemed compliant with this condition by the first audit.</p> <p>During this reporting period, validation information has been progressively supplied to the site auditor for review and to assist in the progressive preparation of site audit reporting.</p>	Compliant
E63	<p>Prior to the commencement of construction, the Proponent must obtain:</p> <p>(a) a Section B1 Site Audit Statement to certify that the nature and extent of the contamination has been appropriately determined; and</p> <p>(b) a Section B2 Site Audit Statement to certify that the Soil and Water Management Plan required by Condition E61 is appropriate.</p> <p>A copy must be provided to the Planning Secretary.</p>	<p>Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023</p>	<p>The Project was deemed compliant with this condition by the first audit.</p>	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E64	Following the NSW EPA-accredited Site Auditor review of contamination reports, if it is determined that remediation is required, a Remedial Action Plan must be prepared in accordance with the guidelines made and approved under section 105 of the Contaminated Land Management Act 1997, and reviewed by the EPA-accredited Site Auditor.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit. During this audit period, there has been no change to the RAP.	Not triggered
E65	Where remediation is required, the Remedial Action Plan must be: (a) prepared or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (GPSS CSAM) scheme and reviewed by an EPA-accredited Site Auditor; and (b) prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the <i>Contaminated Land Management Act 1997</i> and must include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use when the Remedial Action Plan is implemented.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit. During this audit period, there has been no change to the RAP.	Not triggered
E66	Where remediation is required, prior to commencing with the remediation works, the Proponent must submit to the Planning Secretary for information the Remedial Action Plan and an Interim Audit Advice or a Section B Site Audit Statement prepared by a NSW EPA-accredited Site Auditor which certifies that the Remedial Action Plan is appropriate and that the site can be made suitable for the proposed use.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	The Project was deemed compliant with this condition by the first audit.	Not triggered
E67	Once reviewed by the auditor, the Remedial Action Plan must be implemented, and any changes must be approved in writing by the EPA-accredited Site Auditor.	EDP Report dated June 2024 - Site Remediation & Validation Report, Kamay Ferry Wharves, Kurnell and La Perouse NSW, Reference: S-05009.SRVR.001_202406 DRAFT	The draft site remediation and validation report concluded: <i>"Based on the validation fieldwork undertaken, review of field and analytical results EDP considers that the remedial excavation area at the site has been successfully remediated and validated. EDP considers that through the remediation process, the identified risk associated with asbestos and PAH within the fill soils has been removed or sufficiently rationalised to demonstrate a low and acceptable ongoing risk. As such, EDP consider the site appropriate for continued use as public open space without the need for ongoing management."</i>	Compliant
E68	Where remediation has taken place, a Section A1 Site Audit Statement - or a Section A2 Site Audit Statement (SAS) accompanied by an		Remedial works for the expected asbestos finds are complete, though the RAP also requires testing of all	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	Environmental Management Plan - and a Site Audit Report (SAR) must be prepared certifying that the remediation works have made the land suitable for the intended land use.		import material including remaining landscaping work materials, therefore the site audit report is not due until this work is complete, to finalise the validation report.	
E69	The SAS and SAR must be submitted to the Planning Secretary no later than one (1) month prior to the commencement of operation of the approved land use.	<p>TfNSW letter dated 9/09/2024 - SSI-10049 Kamay Ferry Wharves Project, Request for approval to amend the conditions of approval of E69</p> <p>DPHI letter dated 25/11/24, Ref: SSI-10049-PA-70, Kamay Ferry Wharves – Alternate timeframe request, Site Audit Statement and Site Audit Report (condition E69)</p>	<p>The operation of the development has not commenced hence this requirement has not been triggered.</p> <p>Notwithstanding, TfNSW has lodged an Extension of time (EOT) request to DPHI for the lodgement of this document given that remedial work is likely to continue up to close to completion. The extension of time sought was up to 31/03/2025 and then adjusted to one week before the commencement of operation.</p> <p>DPHI approved the extension of time to submit the Site Audit Statement and Site Audit Report one (1) week prior to the commencement of operation.</p>	Not triggered
E70	Where, following site auditor review, remediation is not considered necessary, an Unexpected Contamination Finds Procedure for Contamination must be prepared before the commencement of Work and must be followed should unexpected contamination including asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The Procedure must be submitted to the Planning Secretary for information (if requested) before Work commences and must be implemented during all stages of work and construction. The unexpected finds procedure must be prepared or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (GPSS CSAM) scheme.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023	<p>The Project was deemed compliant with this condition by the first audit.</p> <p>During this audit period, there has been no change to the RAP.</p>	Not triggered

TRAFFIC AND TRANSPORT

Construction traffic management

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E71	Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.	TTAMP – Section 10.6 Interview	TfNSW advised that no property access has been impacted during the audit period. No complaints have been recorded associated with property access.	Not triggered
E72	Any property access physically affected by the SSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.	Refer to Condition E71	No property access was affected during the audit period.	Not triggered
E73	Local roads proposed to be used by heavy vehicles to directly access the construction boundary and ancillary facilities that are not shown in Figure 49 and 50 of Appendix K of the EIS listed in Condition A1 must be approved by the Planning Secretary and included in the Traffic, Transport and Access Management CEMP Sub-plan required in Condition C6 .	TTAMP – Section 7.5	TfNSW advised that heavy vehicles use only the routes in the EIS and identified in the TTAMP. No complaints have been recorded associated with use of local roads, during this audit reporting period.	Not triggered
E74	<p>All requests to the Planning Secretary for approval to use local roads for construction activities must include a Traffic and Pedestrian Impact Assessment and be prepared in consultation with the relevant local council(s). The assessment must be undertaken by an appropriately qualified and experienced person and must include a swept path analysis if required by the Department. The assessment must include the following:</p> <ul style="list-style-type: none"> (a) a swept path analysis; (b) demonstration that the use of local roads by heavy vehicles for the SSI will not compromise the safety of pedestrians and cyclists or the safety of two-way traffic flow on two-way roadways; (c) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and (d) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during their peak operation times. <p>The outcomes and recommendations of the assessment must be incorporated into the Traffic Management CEMP Sub-plan required in Condition CS as relevant.</p>	Refer to Condition E73		Not triggered
Construction traffic management				
E75	Before any local road is used by a heavy vehicle for the purposes of the SSI, a Road Dilapidation Report must be prepared for the road. A copy of the Road Dilapidation Report must be provided to the relevant council within	Refer to Condition E73		Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with the SSI.			
E76	<p>If damage to roads occurs as a result of the SSI, the Proponent must either (at the relevant road authority's discretion):</p> <ul style="list-style-type: none"> (a) compensate the relevant road authority for the damage so caused; or (b) rectify the damage to restore the road to at least the condition it was in pre-works as identified in the Road Dilapidation Report(s). 	Interview	During the audit reporting period, no damage has been identified.	Not triggered
Pedestrian and Cyclist Access				
E77	Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent , appropriately qualified and experienced person, must be provided (including signposting) prior to the restriction or removal of the impacted access.	Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit #2 Rev 0- June 2024	<p>Disruptions to pedestrian and cyclist access were deemed by the previous audit to be compliant. This included:</p> <ul style="list-style-type: none"> • Alternate pedestrian access to the Kurnell monument within the National Park • Pedestrian access at La Perouse was not impacted. • Cyclist routes at both Kurnell or LaPerouse were not impacted. <p>During the previous period (April 2024), minor narrowing of a short section of shared path at La Perouse occurred. Access had been maintained. Clear site signage had been provided and consultation with Randwick Council occurred both via email and in person at the ERG meeting.</p> <p>During this audit period, there have been no new pedestrian or cyclist impacts. Ongoing traffic control at La Perouse compound entrance were in place to manage safe access for pedestrians and cyclists across site entrance driveway.</p>	Compliant
Construction Parking Management				
E78	<p>Construction and construction worker vehicles (including light and heavy vehicles) associated with the SSI must be accommodated within the construction boundaries on both the La Perouse and Kurnell sites at all times. On-site parking must be provided within the construction boundary to:</p> <ul style="list-style-type: none"> (a) minimise parking on public roads; (b) minimise idling and queueing on local roads; 	<p>TTAMP Section 7.3</p> <p>Site inspection</p>	<p>Provision for parking has been provided within site compounds. Construction activities were also managed during the La Perouse new car parking construction to minimise impact on public parking availability (refer to Condition E82).</p> <p>There have been no complaints regarding parking.</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	(c) not carry out marshalling of construction vehicles near sensitive land use(s); (d) not block or disrupt access across pedestrian or shared user paths at any time; and			
E79	During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.	Interview Site inspection	Refer to Condition E78. No mitigation measures, in addition to those identified in the TTAMP, have been identified at this stage, hence consultation with businesses has not been necessary.	Compliant
Road Safety				
E80	The SSI must be designed to meet relevant design, engineering and safety guidelines, including the <i>Aus/roads Guide to Traffic Management</i> for new or modified local roads, parking, pedestrian and cycle infrastructure.		Design condition	Not triggered
Anzac Parade Parking Loop				
E81	To improve local traffic flow and where existing road widths allow, line marking for two lanes within the Anzac Parade loop, La Perouse, must be provided before the commencement of operation of the SSI. Line marking must be undertaken in consultation with Randwick City Council and NPWS, unless otherwise agreed by the Planning Secretary.	TfNSW letter to DPHI dated 9/9/24 - SSI-10049 Kamay Ferry Wharves Project, Request for approval to amend the conditions of approval of E81 DPHI email dated 24/09/2024	TfNSW advised that it consulted with Council and NPWS regarding line marking for two lanes within the Anzac Parade loop. Council expressed concerns regarding the proposed line marking and requested that "two lanes" does not proceed due to safety concerns. NPWS concurred with Council view. As required by this condition, TfNSW lodged a letter to DPHI requesting the Project does not proceed with this requirement. DPHI responded by email, requested TfNSW provide further information. This matter is ongoing. This condition has not been triggered as operation of the development has not commenced.	Not triggered
Operational Parking at La Perouse				

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E82	<p>Prior to the commencement of operation of Ferry services, the Proponent must provide an increase in car parking spaces (greater than 13) at La Perouse along the Anzac Parade parking loop through the reconfiguration of parking bays. The establishment of additional car parking spaces must be undertaken during the winter months. The Proponent must avoid the temporary closure of existing car parking bays for the purposes of installing the additional car parking spaces during the peak visitation periods at La Perouse. The Proponent must consider the impact that the provision of additional parking would have on surrounding heritage and artifacts and demonstrate the total and additional number of spaces that can be provided.</p> <p>This must be undertaken in consultation with relevant council(s) and NPWS. Evidence of consultation must be provided to the Planning Secretary for approval within 60 days of its completion.</p> <p><i>Note: Identified mitigation measures may need to be further assessed under the EP&A Act. Work will need to meet relevant design standards and subject to independent road safety audits.</i></p>	<p>EIS Appendix F Statement of Heritage Impacts Section 5.2.2 and Figure 106</p> <p>Kamay Ferry Wharves Utilities Plan Drg # KFW01-ARUP-LPR-UT-DRG-748401</p> <p>Appendix E, Photo LP4</p>	<p>The construction of new car parking at La Perouse was completed during the reporting period. The work was completed during the winter months (June to August 2024) to minimise potential parking availability impacts.</p> <p>In total, seventeen additional spaces were created. (31 perpendicular spaces were created, 13 parallel spaces were lost, 1 additional space was lost at the entrance to the wharf.</p> <p>The area worked to create the additional parking spaces was assessed as part of the EIS scope Consideration of heritage impacts was addressed during the EIS.</p>	Compliant
Operational Parking Kurnell				
E83	<p>The operation of ferry services must not commence until the off-street parking at Kurnell, that is to be undertaken by NPWS, is operational, unless otherwise agreed to by the Planning Secretary. Associated wayfinding and signage must be provided to encourage the use of these parking facilities.</p>		<p>This requirement is not due until prior to operation of the ferry services.</p> <p>Operation of ferry services has not commenced.</p>	Not triggered
E84	<p>Car parking facilities must be designed to meet the relevant Australian Standards to provide safe, convenient and disabled access from the carpark to the ferry service.</p>		Design requirement.	Not triggered
Maritime Risk Management Plans				
E85	<p>Prior to the commencement of Construction, a Construction Marine Works Management Plan (CMWMP) must be prepared by a suitably qualified person, in consultation with the Harbour Master. The CMWMP should, at a minimum, include the management and mitigation measures and recommendations outlined in the Navigation Safety Assessment prepared by Thompson Clarke Shipping, dated September 2021.</p> <p><i>Note: Prior to the commencement of any Works that will disturb the bed of a port, the Proponent must seek written approval from the Harbour Master in accordance with clause 67ZN of the Ports and Maritime Administration Regulation 2012.</i></p>	<p>Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023</p>	This condition was deemed compliant by the first audit.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E86	Prior to the commencement of operation of the SSI, an Operational Maritime Risk Management Plan (OMRMP) must be prepared by a suitably qualified person, in consultation with the Harbour Master. The OMRMP must demonstrate how vessel movements associated with the proposal will not impact on commercial shipping movements in Port Botany and how vessel movements will interact with recreational vessels.	OEMP (Stage 1) - Appendix C Refer to condition A14.	An Operational Maritime Risk Management Plan (OMRMP) is not due until Stage 2 operation hence a "not triggered" has been awarded. It is noted however that Appendix C of the OEMP Stage 1 includes an OMRMP. The OMRMP identifies mitigation measures to control ferry and additional recreational vessel movements associated with the proposal, so they do not impact on commercial shipping movements. The OEMP was prepared in consultation with the Port Authority and Harbour Master. Refer to condition A14.	Not triggered
Vessel Traffic Management Plan				
E87	The Proponent must prepare a Vessel Traffic Management Plan (VTMP) in consultation with Port Authority of NSW that identifies priority to sea going ships and protocols for interactions between different vessel types to aid with the safe operation of ferry vessels associated with the SSI. The VTMP must include operation of recreational vessels around the wharves and the use of the wharves for berthing/drop off/pick up (signage). The VTMP must include emergency management arrangements for incidents and accidents.	OEMP (Stage 1) - Appendix B Refer to condition A14.	A Vessel Traffic Management Plan (VTMP) is not due until Stage 2 operation hence a "not triggered" has been awarded. It is noted however that Appendix B of the OEMP Stage 1 includes a VTMP. The VTMP addresses: <ul style="list-style-type: none"> • coordination of ferry services with sea going ships although further detail is required prior to Stage 2 Operation. • operation of recreational vessels around the wharves • emergency management arrangements for incidents and accidents. The OEMP was prepared in consultation with the Port Authority and Harbour Master. Refer to condition A14.	Not triggered
E88	Ferry movements must not impede any future activities by the Port Operator of the Port of Botany Bay within the navigation channel including, but not limited to, any dredging activities.		Not triggered until OEMP stage 2 (Ferry operation)	Not triggered
Vessel traffic Service System				
E89	All passenger ferry vessels operating between La Perouse and Kurnell to service the SSI must participate in the Vessel Traffic Service (VTS) system at all times. All ferry activities must be reported to the Harbour Master and all vessels must be fitted with an Automatic Identification System (AIS)		Not triggered until OEMP stage 2 (Ferry operation)	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	transponder, in consultation with the Harbour Master, to enable monitoring of vessels by VTS and other AIS fitted vessels in the area.			
PLACE DESIGN AND VISUAL AMENITY				
Construction Sites				
E90	The SSI must be constructed in a manner that minimises adverse visual impacts of construction sites on the public domain, including provision of high-quality public art and graphics to the hoarding surrounding the construction sites, minimising light spill, and incorporating high quality treatments and finishes for temporary structures that reflect the context within which the construction sites are located.	Site inspection Refer to Appendix E - Photos LP2 and K1	Boundary screening to ancillary facilities has been established continues to be erected to minimise visual impacts of the Project. Boundary screens at both La Perouse and Kurnell feature artwork by local indigenous artists.	Compliant
General Design Outcomes				
E91	The SSI must be designed with consideration of: a) the design objectives, principles and guidelines identified in documents listed in Condition A1 ; b) the principles and objectives of the draft <i>Connecting with Country Framework</i> ; and c) relevant conservation management plans, masterplans and initiatives, where this information is known and/or available. Responses to items (a) - (c) must be reviewed by the State Design Review Panel (SDRP) to inform the final design of permanent built works and landscape design of the SSI.		This requirement is related to design not construction.	Not triggered
Lighting and Security				
E92	The SSI must be constructed and operated with the objective of minimising light spillage to surrounding properties and wildlife habitat. All lighting associated with the construction and operation of the SSI must be consistent with the requirements of <i>AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and relevant Australian Standards in the series AS/NZ 1158 - Lighting for Roads and Public Spaces</i> . Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.	Interview	Photos provided by the Project of lighting at night confirms that light spillage is minimised. Light is contained within the boundary of the site compounds.	Compliant
E93	Adequate lighting and Aids to Navigation must be incorporated into the design of the wharf and jetty for navigation safety purposes.		This requirement is related to design not construction.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
Finishes				
E94	The use of neutral external colour schemes and finishes that avoid reflection to minimise visual impacts must be maximised.		This requirement is related to design not construction.	Not triggered
Urban Design and Landscape Plan				
E95	An updated Urban Design and Landscape Plan (UDLP) must be prepared to inform the final design of the SSI and detail how the SSI is to be maintained. The UDLP must be: <ul style="list-style-type: none"> (a) submitted to the Planning Secretary prior to the construction of permanent built surface works and / or landscaping, excluding those for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary that do not allow for alternate design outcomes; and (b) implemented during construction and operation of the SSL 	TfNSW letter to DPHI dated 22/5/24 - Kamay Ferry Wharves (SSI-10049) – Urban Design and Landscape Plan Kamay Ferry Wharves, Urban Design and Landscape Plan dated 6/12/23	The final UDLP was formally approved by DPHI on 22/5/24.	Compliant
Design Review Panel				
E96	The Proponent must establish an independent DRP to provide advice and recommendations to the Proponent during the finalisation of the SSI's design and construction detailing to facilitate quality design and place outcomes. The DRP must be formed and hold its first meeting within six months of the date of this approval, or as otherwise agreed with the Planning Secretary. <i>Note: Nothing in this approval prevents the use of an existing design panel as the DRP convened for this project where the function and composition of that panel complies with the terms of this approval.</i>		This requirement is related to design not construction.	Not triggered
E97	The responsibilities of the DRP include: <ul style="list-style-type: none"> (a) providing advice and recommendations to the Proponent for consideration in finalisation of the design development of the SSI; and (b) provide advice on the application of Kamay Ferry Wharves Submissions Report - UDLP to key design elements in relation to place making, architecture, heritage, urban and landscape design and artistic aspects of the SSL <p>The DRP's advice must be consistent with the SSI as approved.</p>		This requirement is related to design not construction.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E98	<p>The DRP must be chaired by the NSW Government Architect (or their nominee), and must be comprised of, where relevant, suitably qualified, experienced and independent professional(s) in each of the fields of:</p> <ul style="list-style-type: none"> (a) urban design and place making; (b) landscape architecture; (c) historic heritage; and (d) architecture. <p>The DRP must also comprise a First Nations representative with a background in design.</p> <p>The DRP may seek advice from suitably qualified, experienced independent professionals in other fields as required, including but not limited to sustainability and active transport.</p>		This requirement is related to design not construction.	Not triggered
E99	The DRP members must be sourced from the NSW State Design Review Panel Pool or otherwise be approved by the NSW Government Architect.		This requirement is related to design not construction.	Not triggered
Operation of the Design Review Process				
E100	<p>Prior to forming the DRP, a Design Review Panel Terms of Reference must be developed and endorsed by the NSW Government Architect. The Terms of Reference must be submitted to the Planning Secretary once it is endorsed by the NSW Government Architect and:</p> <ul style="list-style-type: none"> (a) must be generally consistent with the NSW State Design Review Panel Terms of Reference (version 5); (b) outline the frequency of DRP meetings, coordinated with the Proponent's program requirements, to ensure timely advice and design adjustment; and (c) identify cessation arrangements. 		This requirement is related to operation not construction.	Not triggered
E101	The DRP must be operated and managed in accordance with the Design Review Panel Terms of Reference .		This requirement is related to design not construction.	Not triggered
E102	The relevant councils, Heritage NSW, RAPs and La Perouse LALC may be invited to the meetings of the Panel as observers or to provide feedback on key design elements of the SSI.		This requirement is related to design not construction.	Not triggered
E103	The Proponent must respond to the outcomes of the DRP's review. The DRP advice and recommendations, and the Proponent's response to each		This requirement is related to design not construction.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	recommendation must be included when submitting the final UDLP to the Planning Secretary for information.			
Tree Removal, Replacement Plantings and Rehabilitation				
E104	The SSI must be designed to retain as many existing trees as possible. Replacement trees and plantings must be provided at a ratio of no less than 2:1 and deliver a net increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.	<p>Kamay Ferry Wharves at La Perouse and Kurnell - SSI 10049, Independent Environmental Audit Rev 0- December 2023</p> <p>Kamay Ferry Wharves, Urban Design and Landscape Plan (UDLP), 6 December 2023</p>	<p>The previous audit confirmed controls around tree removal and protection had been addressed through project documentation, procedures and site controls. During this reporting period, there has been no further tree removal or trimming.</p> <p>The UDLP (Pages 20 and 27) states that:</p> <ul style="list-style-type: none">La Perouse - No trees were to be removed. Six (6) were to be planted.Kurnell – six trees were to be removed. Fifteen (15) trees were to be planted. <p>On this basis, the design of the tree removal and replacement is consistent with this condition and compliance has been granted for this audit period.</p>	Compliant
E105	Replacement trees must: <ul style="list-style-type: none">(a) be located on public land in consultation with NPWS, that delivers increased shading to footpaths, pedestrian and cycle paths;(b) be of a species suitable to the location, having regard for local ecology and existing street trees;(c) meet the requirements for quality tree stock specified in the AS2303:2018: Tree Stock for Landscape Use;(d) be provided no later than six months following the commencement of operation; and(e) have a minimum pot size consistent with the relevant council's plans/ programs/ strategies for vegetation management, street planting, or open space landscaping, or as agreed by NPWS.	<p>Kamay Ferry Wharves, LaPerouse Wharf, Land side – detailed finishes and Planting Plan, Drg # KFW01-ARUP-LPR-AR-DRG-762501 dated 20/01/2023</p> <p>Kamay Ferry Wharves, Kurnell Wharf, Land side – detailed finishes and Planting Plan, Drg # KFW01-ARUP-KNL-AR-DRG-742501 dated 20/01/2023</p> <p>Appendix E Photos LP5, K2a, K2b, K6 and K7.</p>	<p>The replacement trees must be provided no later than six months following the commencement of operation. Operation has not commenced hence this condition has not been triggered.</p> <p>The following was observed regarding compliance information available at the time of the audit:</p> <ul style="list-style-type: none">a) Replacement trees are on public land on NPWS owned land and are located in landscaping of the wharf entrance areas adjoining footpaths.b) The species selection was specific Coastal Heath species mix and Bush Tucker species mix native to the area and the full plant species list was endorsed by the State Design Review panel. Confirmed by the UDLP.c) No evidence was provided.d) Plantings during the audit period:<ul style="list-style-type: none">o Six (6) trees have been planted at La Perouse as part of landscaping works.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
			<ul style="list-style-type: none"> Six trees were removed at Kurnell. The planning plan confirms that six trees and nine shrubs have been at Kurnell as part of landscaping works. <p>e) No evidence was provided.</p> <p>Across the project, the ratio of 2:1 tree replacement described in Condition E104 has been achieved. However, the number of tree plantings stated in the UDLP and a net increase in tree canopy has not been achieved at Kurnell, in the Sutherland Shire.</p> <p><i>Improvement opportunity Kamay 03/10-02:</i></p> <p><i>To attain full compliance with Conditions E104 and E105, within 6 months of commencement of operation, the Project must demonstrate the following:</i></p> <ul style="list-style-type: none"> <i>At the Kurnell site, tree plantings equivalent to the UDLP (15 trees) are planted to demonstrate a net increase in tree canopy and aim to enhance the SSC position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.</i> <i>Evidence to meet the requirements for quality tree stock specified in the AS2303:2018: Tree Stock for Landscape Use;</i> <i>Evidence that a minimum pot size consistent with the relevant council's plans/ programs/ strategies for vegetation management, street planting, or open space landscaping, or as agreed by NPWS.</i> 	
Operational Maintenance				
E106	<p>The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the UDLP.</p> <p>The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.</p>		This requirement is related to operation not construction.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
E107	Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.		This requirement is related to operation not construction.	Not triggered
E108	Management and routine maintenance for design elements and landscaping work (including weed management) to ensure the success of the design and landscape outcomes must be undertaken for the life of the SSI.		This requirement is related to operation not construction.	Not triggered
Active Transport Network				
E109	Prior to operation of the SSI the Proponent must install bicycle parking racks near the entrances to the ferry wharves as recommended by the documents listed in Condition A1. At Kurnell, the Proponent must consult with NPWS on the installation of bicycle parking near the ferry wharf. The Proponent must also ensure that dedicated bicycle parking is provided on the ferry service and that the future ferry operator will accept bicycles on board all vessels.		This requirement is related to operation not construction.	Not triggered
E110	Continuous active transport paths linking the ferry wharves to the nearest public transport bus stops, located on Anzac Parade, La Perouse and Captain Cook Drive, Kurnell must be provided. Wayfinding signage must be provided to direct commuters from the ferry wharves to the bus stops. In Kamay Botany Bay National Park, all new permanent signage must be provided in consultation with NPWS. The path must be in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling (Austroads, 2017)</i> .		This requirement is related to operation not construction.	Not triggered
WASTE				
E111	<p>Waste generated during construction and operation must be dealt with in accordance with the following priorities:</p> <ul style="list-style-type: none"> (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced; (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of. <p>All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.</p>	<p>SERR, Waste Register updated 11/10/2024</p> <p>McConnell Dowell Hold Point dated 5/09/2024 RE: Kamay Ferry Wharves Project - La Perouse Causeway Removal - G36 Cl. 4.11.14 - Offsite Waste Disposal (Gabion Rock) including S143 (DGB and gabion rock transfer)</p>	<p>Waste register records sighted from 4 March 2024 to 11 October 2024. The waste register maintains a record of all wastes generated by the site. The register includes:</p> <ul style="list-style-type: none"> • Stockpile ID, material description and quantity • Outcome_recycled or otherwise • waste classifications for each materials stockpile • reference to waste classification reports • waste receiving facility including EPL • Reference to disposal dockets <p>Site observations confirmed that wastes on site were minimised and segregated.</p> <p>As a sample, a Section 143 certificate hold point letter and associated hold point document were sighted to confirm</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
			that DGB and gabion rock (VENM) was transported to a property on Belanglo, with approval from the owner of that property and appropriate waste classification documentation.	
E112	The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must be done in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, as the case may be.	<p>EDP Report dated June 2024 - Site Remediation & Validation Report, Kamay Ferry Wharves, Kurnell and La Perouse NSW, Reference: S-05009.SRVR.001_202406 DRAFT</p> <p>Senversa letter dated 10/7/24 - Interim Audit Advice #3: Kamay Wharf, Captain Cook Drive, Kurnell and Anzac parade, La Perouse, Review of Interim Draft Validation Report</p> <p>Senversa letter dated 15/10/24 - Interim Audit Advice #4: Kamay Wharf, Captain Cook Drive, Kurnell and Anzac Parade, La Perouse, Review of Updated Interim Draft Validation Report</p> <p>VENM Assessment Classification Certificate, EDP Reference: S-05009.WCC.024 LP Rock McConnell Dowell Level 15, 201 Miller Street North Sydney NSW 2060 Date: 04 July 2024</p>	<p>The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste is progressively validated by the Site Remediation & Validation Report.</p> <p>A review of the Site Remediation & Validation Report (June 2024) determined that limited Material certificates and Waste classification certificates were appended.</p> <p>Further, the site auditor's Interim Audit Advice #3 and #4 noted that "the off-site disposal and imported material details have not been included in the reviewed versions of the report [Site Remediation & Validation Report June 2024 and August 2024] and will be provided in a future version". The site auditor requested that disposal dockets and a waste tracking register needed to be provided for Kurnell and La Perouse in the completed validation report.</p> <p>On this basis this condition has been awarded a "not triggered" as the evidence will be provided in future Site Remediation & Validation Reports.</p> <p>For this audit TfNSW provided a sample of assessment classification documentation for imported gabion rock and rock base dense graded base (DGB). On the basis of available information, compliance has been granted.</p> <p><i>Note: Ongoing compliance with this condition will be subject to the site auditor's satisfaction that the off-site disposal and imported material details are provided in a future version of the Site Remediation & Validation Report.</i></p>	Compliant
E113	Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the	SERR, Waste Register	Waste register records sighted from 4 March 2024 to 11 October 2024. The waste register maintains a record of all	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept such waste.		wastes generated by the site including waste receiving facility and the EPL number.	
E114	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	SERR, Waste Register	Waste register records sighted from 4 March 2024 to 11 October 2024. The waste register maintains a record of all wastes generated by the site, including waste classifications for each materials stockpile and reference to waste classification reports.	Compliant
WATER				
E115	The SSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW Water Quality Objectives over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the NSW Water Quality Objectives , in which case those requirements must be complied with.	SWMP – Appendix J Turbidity Monitoring Program Environmental Monitoring Tracker, surface water Monitoring for April 2024 to September 2024.	The Project does not have an EPL hence NSW Water Quality Objectives apply. A turbidity monitoring program has been established in the SWMP Appendix J. The program outlines a turbidity monitoring procedure and Trigger Action Response Plan (TARP). An exceedance occurs where impact site turbidity readings are above the recommended limit of 2.2 NTU and there is more than a 5 NTU increase in turbidity between impact and control sites. The monitoring program includes visual and water quality sampling. A review of water monitoring data confirmed there were no exceedances.	Compliant
Construction Requirements				
E116	The Proponent must consider the Department of Industry's Guidelines for controlled activities on waterfront land Riparian corridors 2018 when carrying out work within 40 metres of a watercourse, including its bed.	Interview	The Department of Industry's Guidelines for controlled activities on waterfront land Riparian corridors 2018 is not applicable to this project.	Not triggered
E117	If construction stage stormwater discharges are proposed, a water pollution impact assessment must be undertaken to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.	Project response to audit questionnaire	The Project confirmed that no stormwater discharge is proposed from the Project area.	Not triggered
E118	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.	Project response to audit questionnaire	The Project confirmed that no drainage feature crossings have/will occur as part of the works.	Not triggered

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
Operational Requirements				
E119	<p>All new or modified drainage systems associated with the SSI must be designed to:</p> <ul style="list-style-type: none"> (a) meet the capacity constraints of any council's drainage system to receive and convey the proposed flows from the SSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s); (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and/or the receiving environment 		This requirement is related to design not construction.	Not triggered
Appendix A WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS				
	<p>1) A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under Condition A42 or, having given such notification, subsequently forms the view that an incident has not occurred.</p> <p>2) Written notification of an incident must:</p> <ul style="list-style-type: none"> (a) identify the CSSI and application number; (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); (c) identify how the incident was detected; (d) identify when the Proponent became aware of the incident; (e) identify any actual or potential non-compliance with terms of the approval; (f) describe what immediate steps were taken in relation to the incident; (g) identify further action that will be taken in relation to the incident; and (h) identify a project contact for further communication regarding the incident. 	Refer to CoA A42/43	<p>Incident La Prouse</p> <ul style="list-style-type: none"> (a) Original notification – letter 16/7/24 (b) Description – letter 16/7/24. Date and time of discovering the incident was provided in the incident report (14/08/2024) (c) Incident detected - letter 16/7/24 (d) Incident awareness - letter 16/7/24 (e) Noncompliance not identified. (f) Steps taken provided in the incident report (14/08/2024) <p>Incident Kurnell</p> <p>This criterion was not applicable to the second scour event within the Kurnell project boundary as the event was attributable to non-project activities. Refer to Condition A42.</p>	Compliant

Approval (ID)	Requirement	Evidence Collected	Findings	Compliance Status
	<p>3) Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.</p> <p>4) The Incident Report must include:</p> <ul style="list-style-type: none"> (a) a summary of the incident; (b) outcomes of an incident investigation, including identification of the cause of the incident; (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and (d) details of any communication with other stakeholders regarding the incident. 			

Appendix B –

Planning secretary approval letters

Department of Planning and Environment

Our ref: SSI-10049-PA-67

Your ref: Transport for NSW

via Major Projects Portal

13 September 2024

Attention: [REDACTED]

Subject: Kamay Ferry Wharves – agreement to independent auditors

Dear Tim,

I refer to your letter dated 7 August 2024 (PA-67) requesting the Planning Secretary's agreement to an additional independent environmental auditor for Kamay Ferry Wharves (SSI-10049).

NSW Planning has reviewed the information you have provided against the *Independent Audit Post Approval Requirements* (2020). NSW Planning is satisfied that the additional nominee is certified with Exemplar Global as lead auditor in environmental management systems, is suitably experienced in state significant projects, and has supplied a declaration of independence.

Consequently, I can advise that under Condition A36 of SSI-10049, the Planning Secretary has agreed to the following auditors:

- Mr Maurice Pignatelli, OptimE Pty Ltd, as lead auditor
- Mr Ben Bracken, OptimE Pty Ltd, as lead auditor

This agreement supersedes any previous agreement to independent auditors by the Planning Secretary under Condition A36 of SSI-10049.

Please ensure this correspondence is appended to the Independent Audit Report.

Independent Audits must be prepared, undertaken, and finalised in accordance with the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

NSW Planning reserves the right to request an alternate auditor(s) for future audits. Please note that agreement to the above auditors is conditional upon them maintaining certification as lead (or principal) auditors.

Department of Planning and Environment

Should you wish to discuss the matter further, please contact [REDACTED] Senior Compliance Officer,
via email at compliance@planning.nsw.gov.au.

Yours sincerely,



A/Team Leader Compliance – Government Projects
NSW Planning

As nominee of the Planning Secretary

Appendix C – Consultation with agencies

**Department of Climate Change, Energy, the Environment
and Water**



Our ref: OUT24/18383

Maurice Pignatelli
Optimenv PTY Ltd
[Redacted]

26 November 2024

Subject: Kamay Ferry Wharves (SSI-10049) – Initial Independent Environmental Audit

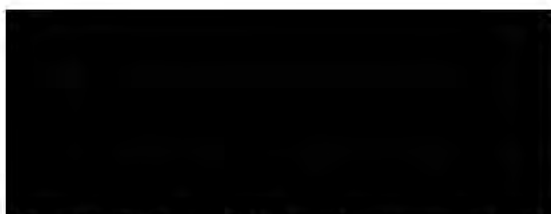
Dear Maurice,

I refer to your request for advice sent on 22 November 2024 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group.

NSW DCCEEW Water Group has no comments on this matter.

Should you have any further queries in relation to this submission please do not hesitate to contact NSW DCCEEW Water Assessments at water.assessments@dpie.nsw.gov.au

Yours sincerely,



Senior Project Officer, Assessments, Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

From: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Kamay Ferry Wharves - Invitation to comment IEA #3
Date: Monday, 21 October 2024 4:38:46 PM
Attachments: [..datacontent\magerte\images\logo1644468813661.png](#)

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

This email is to acknowledge receipt of the Invitation to comment IEA #3 for the Kamay Ferry Wharves .

The Department has no comments on the document at this time.

If you have any enquiries, please contact [REDACTED]

To sign in to your account click [here](#) or visit the [Major Projects Website](#).
Please do not reply to this email.

Kind regards

The Department of Planning and Environment



Subscribe to our [newsletter](#)

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If you are not the intended recipient, please notify the sender and then delete it immediately.

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14 November 2024

Department of Planning and Environment
Lodged via Major Projects Planning Portal
Attn: Hannah Deau (TfNSW)

Re: Kamay Ferry Wharves Project –Independent Environmental Audit #3 –post approval consultation

Dear Hannah,

Thank you for getting in touch with DPIRD Fisheries as part of the Independent Environmental Audit #3 of the Kamay Ferry Wharves (the Project). Our understanding of the scope of the audit is that it is to *“assess whether the development complies with the relevant requirements of the consent, and any strategy, plan or program required under the consent”*. The nominated period for this audit is 4 April 2024 to 2 October 2024.

During development of the Project, marine biodiversity offsets were identified under NSW offset policies. A key strategy that formed part of the consent for the Project included the Marine Biodiversity Offsets Strategy (MBOS), which was prepared to develop and manage the offset requirements as part of the Project’s Conditions of Approval. DPIRD Fisheries is represented on the MBOS Implementation Reference Panel (IRP), set up in January 2023. The broad task of the panel is to review and oversee the development and implementation of the MBOS. For this audit, our comments refer to the activities proposed in the MBOS that were required have been completed, or are under development at this stage of the Project (i.e. 4 April 2024 to 2 October 2024).

Topic	DPIRD Fisheries Comments
<p>MBOS Section 7 Direct offset actions- <i>Posidonia australis</i></p>	<p><u>Translocation of seagrass.</u></p> <p>MBOS Stage 1 of offsetting direct impacts to <i>Posidonia australis</i> involved translocating <i>Posidonia australis</i> harvested from the Project impact areas to nearby rehabilitation sites.</p> <p>Stage 1 has been completed.</p> <p>Stage 2 of the rehabilitation efforts involves collecting naturally detached <i>Posidonia australis</i> fragments from shorelines in Botany Bay and transplanting them in rehabilitation sites at Kurnell.</p> <p>This stage commenced in mid-July 2023 and will continue at regular intervals for about eight years until about mid-2031. DPIRD Fisheries had significant input into the transplanting design and methods, has reviewed the methods for this activity and is satisfied that tasks are being done on time and generally according to the methods detailed in the MBOS (refer to Implementation Plan 2).</p> <p>Monitoring of rehabilitation sites within restored <i>Posidonia australis</i> and reference sites is to occur four times per year for the first year (July 2023-July 2024) and twice per year for the next four years. Monitoring will occur annually after five years with the program completing by about the end of 2033. Monitoring reports are to document the outcomes of the offset strategy for <i>Posidonia australis</i> by assessing against success criteria.</p> <p>Monitoring report 3 for the May/June 2024 monitoring event in the audit period was provided to the Implementation Reference Panel (IRP) for review and endorsement and was considered satisfactory. Monitoring report 4 for the Sept/Oct 2024 monitoring event in the audit period was provided to the Implementation Reference Panel (IRP) on 29 October 2024 and is currently being reviewed.</p>

Topic	DPIRD Fisheries Comments
MBOS Section 7 Direct offset actions- <i>Posidonia australis</i>	<p><u>Installing Environmentally Friendly Moorings.</u></p> <p>MBOS Section 7.5 indicates that Environmentally Friendly Moorings (EFMs) would be delivered as part of the MBOS in or within 10 m of <i>Posidonia australis</i> seagrass meadows of the Manning – Hawkesbury ecoregion ecological community.</p> <p>The MBOS states that a detailed Implementation Plan for EFMs would be developed within 4 months from the date of revision 3 of the MBOS (30 May 2023) and delivered soon after. The EFM Implementation Plan was provided to the IRP on 4 October 2024 and is under review.:</p>
MBOS Section 8 Direct offsets – Artificial habitats – Seahorse Hotels	<p><u>Installing Seahorse Hotels.</u></p> <p>MBOS Section 8 indicates that a detailed Implementation Plan for works related to the seahorse hotels would be developed and endorsed by the MBOS Implementation Reference Panel (IRP). The MBOS states that a detailed Implementation Plan would be developed within 4 months from the date of revision 3 of the MBOS (30 May 2023) with the Seahorse Hotels delivered soon after.</p> <p>The draft Seahorse Hotel Implementation Plan was provided to the IRP on 28 August 2024 and comments have been returned to TfNSW.</p>
Other Items	<p><u>Incidents During Construction Causing Damage to Seagrass.</u></p> <p>Two maritime incidents have occurred during the audit period that resulted in additional (unexpected) scour to seagrass (including <i>Posidonia</i>) at Frenchmans Bay and Kurnell.</p> <p>Investigations into the incidents by TfNSW indicated that a Project construction vessel may have caused the scour at Frenchmans Bay and that the scour at Kurnell was caused by a non-project vessel. A finalised incident report has yet been provided to DPIRD Fisheries with conclusions about the cause of the damage at Kurnell. TfNSW engaged consultants to report on the extent of scour and liaised with DPIRD Fisheries regarding strategies to remediate the damage. Remediation has been attempted at both sites and its effectiveness is being monitored.</p>

Sincerely



DPIRD Fisheries

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject:

RE: Invitation to comment on Kamay Ferry Wharves Independent Environmental Audit [ref:!00D7F06iTix.!500GA01WVprU:ref]

Date:

Friday, 4 October 2024 4:05:52 PM

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Maurice,

Acknowledging you have informed us that you're conducting third party audit on Kamay Ferry Wharf against the Project Approval. We won't be providing comments to your audit.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ref:!00D7F06iTix.!500GA01WVprU:ref]

Hi Victoria

Thank you for your reply. I do not require the EPA to review any reports, although you are most welcome to consider the "*Independent Environmental Audit2*" dated June 2024 when preparing your comments.

The purpose of my correspondence was to advise that I am conducting the third audit against the Project Approval and to provide the EPA with the opportunity to share any observations it has made on the performance of the project. That is, any concerns the EPA has regarding the Project and POEO matters. Or conversely any positive observations. I will then consider/investigate/report any observations the EPA may wish to share.

[REDACTED]

[REDACTED]

Subject: RE: Kamay Ferry Wharves (SSI-10049) - (PAE-76889214) Post approval audit
Date: Monday, 21 October 2024 2:36:00 PM

Attachments: [image008.png](#)
[image011.png](#)
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Hi Ruth,

Thanks for reaching out to follow up on the audit comment request as part of construction phase audit #3 for [Kamay Ferry Wharves](#) project. The project is required to complete 6 monthly construction audits by an independent auditor to satisfy conditions of approval. Heritage NSW were involved in the EIS and post approval management plan reviews for the project. The auditor sought comment from Heritage NSW previously for construction phase audits #1 ([Dec 2023](#), see pdf page 104) and #2 ([June 2024](#), see pdf page 107). Previous responses directed the auditor to review compliance with the approved CEMP and HMP.

Please reach out if you have any further questions.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]



Transport
for NSW



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

[REDACTED]
[REDACTED]
[REDACTED]

Subject: Kamay Ferry Wharves (SSI-10049) - (PAE-76889214) Post approval audit

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Hi Hannah

Can you please provide additional context to this request received via the major projects portal in relation to Heritage NSW comment on the environmental audit.

Can you please advise:

- Which condition of approval it relates to? [CoA to complete 6 monthly construction phase audits](#)
- If there is a required format for the audit response? [Please refer to this previous Heritage NSW response received for the previous audit if useful for reference -> see pdf page 107 from Audit #2 report.](#)
- What is the scope of Heritage NSW role? [Heritage NSW previously reviewed and endorsed the Heritage Management Plan in mid-2023.](#)

Regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

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Our ref: HMS ID 7527

Mr Maurice Pignatelli
Director
Certified Lead Environmental Auditor
OptimE
[REDACTED]

Letter uploaded to the Major Projects Planning Portal

SSI 10049 Mod 1: Kamay Ferry Wharves Independent Environmental Audit #3 (April to October 2024).

Dear Mr Pignatelli

Thank you for your referral, received 13 October 2024, seeking comment from Heritage NSW on the Independent Environmental Audit for the above State Significant Infrastructure project.

Heritage NSW (as a delegate of the Heritage Council) provided responses to the Department of Planning and Environment at various stages of the project's approval process including Secretary's Environmental Assessment Requirements, Environmental Impact Statement and Response to Submissions stages. Post approval, Heritage NSW has also provided advice to the proponent on the Construction Management Plan and Heritage Management Plan. All works must therefore comply with the final approved CMP and HMP documents as well as Conditions of Approval E21-E22 and E32-E37.

In respect to the scope of audit for Aboriginal cultural heritage, Heritage NSW notes Conditions E23-E31 and the Heritage Management Plan (and associated archaeological methodologies) for archaeological investigations and compliance with these documents.

It is recommended that the Department of Planning, Housing and Infrastructure Compliance Team be contacted via compliance@planning.nsw.gov.au to determine if there is any non-compliance with the Conditions of Approval for the project.

If you have any questions about this correspondence, please [REDACTED] Transport for NSW MOU at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

[REDACTED]



Subject:



Kamay Ferry Wharves

Hi Maurice,

It was good to talk with you last week. Because you mentioned you're not back until November 4, I've taken a couple of extra days.

Thank you for the opportunity for Sutherland Shire Council staff to make comment on the scope of your audit.

- Council officers completed a review of council's community request system searching key words and found **NO** listed issues relating to Kamay ferry wharves during 4 April 2024 to 2 October 2024.
- Council's Building Compliance, and Environmental Health units indicated **NO** reported issues concerning the Kamay Ferry wharves during 4 April 2024 to 2 October 2024.

While not necessary directly related to the current audit, council staff would like to raise the following issues,

- Council staff hold concerns around the general decline of *Posidonia australis* in rehabilitation areas reported in the Seagrass Monitoring Report 3, especially when compared with initial baseline levels. Although the shoot density of the combined rehabilitation area (~36m²) meets the requirements of the short-term offsetting success criteria (>50% of the impacted area, having 25 shoots/m²), concern remains for shoot density trends at Scar B, Scar E and the East Trench.
- With the concerns outlined above, council staff would like to know if the MBOS Implementation Reference Panel would consider having four rounds of monitoring in the second year as opposed to the scheduled two? Condition E18 states that the MBOS can be reviewed and updated. Staff are happy to be guided by the MBOS Implementation Reference Panel, however given the uncertainty of the results, and the early stages of the project, staff believe an increase in monitoring frequency will improve the likelihood of either, confirming a declining trend or confirming stability in the rehabilitation areas. Further, section 7.4 (page 25) of the Implementation Plan #1 *Posidonia australis* translocation strategy states "*More frequent monitoring in the initial years reflects the greater risk of loss of transplanted Posidonia australis shoots during this period. More frequent monitoring would also help to identify any problems early on so that these can be corrected in consultation with the MBOS Implementation Reference Panel and other relevant stakeholders*".
- Council staff feel like the storm event(s) in April 2024 could have been one of the five post storm monitoring periods required for the project, especially given the early stages of the project. The monitoring rounds recorded in Report 3 took place at the end of May/early June, suggesting it was outside the post-storm requirement.

Thank you and regards,





We acknowledge the Dharawal people as the Traditional Custodians of the land within Sutherland Shire. We pay respect to the Elders and their families, past, present and emerging, and through them, to all Aboriginal and Torres Strait Islander peoples.



Appendix D –

Independent auditor declaration form

Appendix D – Declaration of Independence Form Template

Declaration of Independence - Auditor

Project Name: *Kamay Ferry Wharves*

Consent Number: *SSI-10049*

Description of Project: *Construction and operation of two wharves at La Perouse and at Kurnell*

Project Address: *La Perouse and Kurnell, Botany Bay.*

Proponent: *Transport for NSW*

Date: *2 December 2024*

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an

-
- approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor:	<i>Maurice Pignatelli</i>
Qualification:	<i>BE(Civil). MEng.Sc. Exemplar Global Lead Environmental Auditor</i>
Company:	<i>OptimE Pty Ltd</i>
Signature:	

Appendix E –

Site inspection photographs

Appendix E1 – La Perouse site photographs

Photo LP1: La Perouse site compound - Site compound signage with project details.



Photo LP2

Boundary screen with local indigenous artwork continues to surround the site compound.



Photo LP3a and 3b: La Perouse site compound – Entire site compound lined with geofabric and road base to prevent disturbance of AHIMS Site# 45-6-0650 (Site 3 - La Perouse).

Site was terraced with perimeter bunds and internal drive-over bunds as per the ESCP.



Photo LP4: The new car parking at La Perouse was completed during June to August 2024 compliant with E82.



Photo 5: Landscaping progressing in accordance with the UDLP



Photo LP6a, 6b and 6c: Superstructure complete. Fixing hardware handrails, flooring and furniture progressing.

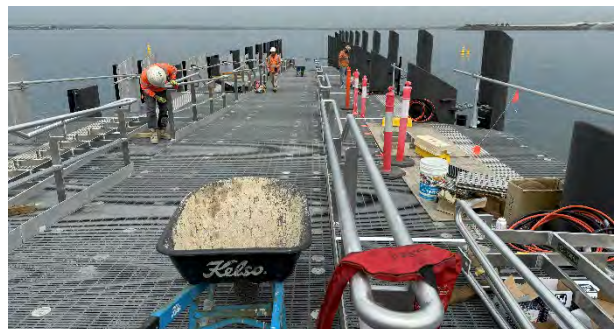
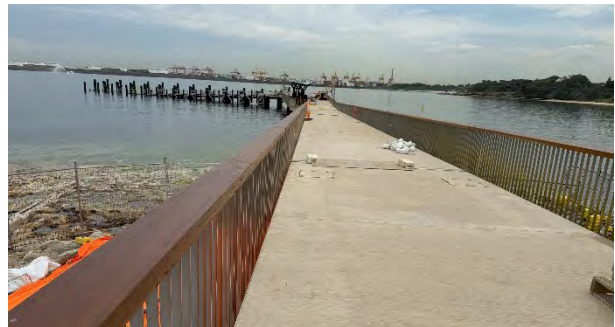
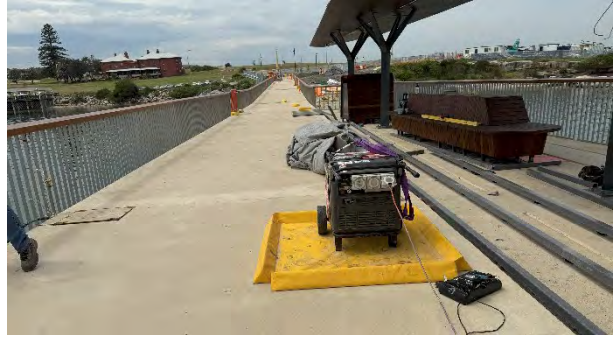


Photo LP7: Rock ballast removed to expose rock platform.



Photo LP8a, 8b and 8c: Working over water
–Spill controls were deployed to contain potential spills including bunded equipment, spill kits and wrapping hydraulic joints with absorbent materials.



Appendix E2 – Kurnell site photographs

Photo K1: Kurnell site compound.
Site compound signage with project details.



Photo K2a, and K2b: Kurnell site compound
- Tree protection zones and signage in place.



Photo K3: Kurnell site compound
Monument track has been re-established (not open to the public).



Photo K4: Kurnell site – Monument stones
have been relocated adjacent to the
Monument track.



Photo K5: Kurnell site compound – Sandstone blocks won from the site have been relocated in consultation with NPWS.

Ballast rock was removed to expose the rock platform



Photo K6: Kurnell construction site access. Signage for low vibration area adjacent heritage items.

Camera surveillance and site hive monitor were located adjacent to heritage sites.



Photo K7: Kurnell construction site. Tree protection zone in place. Approximate location of AHIMS Site #52-3-0219 (Foreshore Midden - Captain Cook's Landing Place). No works exceeding 400mm has occurred. Landscape progressing.



Photo K8: Kurnell construction site. Temporary working platform was removed from the rock platform as it is no longer required for jetty construction. Ballast was being removed to expose original rock platform. Landscape progressing.



Photo K9: Kurnell site compound

Access to Kurnell site. Concrete apron and rumble grid in place. No mud tracking onto public roads was evident at the time of the inspection.



Photo K10: Kurnell site compound

Access to Kurnell site. Sprinkler system installed to control dust from the access track.





Photo LP11a, 11b and 11c: Superstructure complete. Fixing hardware handrails, flooring and furniture progressing.





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No:	Revision:	Approved:	Signature	Date:
Rev A	Draft report	M Pignatelli		5/12/2024
Rev 0	FINAL	M Pignatelli		16/12/2024