

Response to EPA, DCCEEW Comments and Public Submissions

Table 1 Comments from EPA Services

| No. | EPA Services comment | Proponent response |
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| General | | |
| 1. | <p>Comment</p> <p>EPA Services notes several stakeholders are associated with projects and developments on the island, including the Daminangari people. The level of engagement across stakeholders is not clear (i.e. timing of engagement, general content of engagement) and does not represent the true nature of engagement with some stakeholders.</p> <p>Action</p> <p>Please capture all consultation undertaken with all relevant stakeholders (i.e. Part 3, page 12) consistent with the EPA's Instructions: How to prepare an environmental review document, including the type of engagement (e.g. meeting/phone call etc), general timing of engagement (Date) general content of engagement (e.g. meeting to discuss proposal, meeting to discuss agreement, field survey), and outcomes (whether issues/matters were resolved or outstanding). This can be presented in Table format.</p> | Stakeholder consultation presented in Table 3.1. |
| Benthic communities and habitats | | |
| 2. | <p>Comment</p> <p>EPAS notes baseline data and modelling are inherent to predicting the likely residual environmental impacts as a result of a proposal. Once the likely residual impacts are assessed then environmental outcomes can be proposed. Without site specific baseline data and modelling it is unlikely proposed environmental outcomes will be specific, measurable, achievable, relevant and time-bound (SMART) for example, No detectable change from the baseline state of benthic communities and habitats outside the zone of high impact and authorised zone of moderate impact as spatially defined in Figure X is a contemporary environmental outcome for BCH. The proposed management target - during operations no irreversible impacts to BCH in the two bays to the east of the proposal and along the drop-off between the intertidal and subtidal zones is not SMART.</p> <p>Action</p> <p>Revise the CEMP and OEMP to include residual impacts, clear environmental outcomes, triggers and thresholds consistent with EPA's Environmental outcomes and outcomes based conditions guidance and Instructions: How to prepare EP Act Part IV environmental management plans</p> | <p>The potential impact (residual impact) from construction-related generation of fines on BCH was identified in the previous CEMP submission that served to define the ZoI. An environmental outcome based approach as requested by EPAS that is SMART has been incorporated for this impact. However, the other potential impact in regards to anchor effects on BCH cover cannot be reasonably and practicably framed as an environmental outcome based SMART objectives, but rather as environmental objectives through the implementation of management actions. Hence the revised CEMP is comprised of both management frameworks, namely a SMART-based environmental outcome (triggers, thresholds) and management action based environmental objectives.</p> <p>Similarly, the OEMP management of operational risks to BCH (boat shading, anchoring) cannot be reasonably and practicably framed as an environmental outcome based SMART objectives, but rather as environmental objectives through the implementation of management actions. Hence the revised OEMP is comprised solely of management action based environmental objectives.</p> |

| No. | EPA Services comment | Proponent response |
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| Marine environmental quality | | |
| 3. | <p>Comment</p> <p>EPAS notes baseline data and modelling are inherent to predicting the likely residual environmental impacts as a result of a proposal. Once the likely residual impacts are assessed then environmental outcomes can be proposed. Without site specific baseline data and modelling it is unlikely proposed environmental outcomes will be specific, measurable, achievable, relevant and time-bound (SMART) for example the management target - no unacceptable impacts to water and sediment quality in the MEPA and HEPA during operations is not SMART.</p> <p>Action</p> <p>Revise the CEMP and OEMP to include residual impacts, clear environmental outcomes, triggers and thresholds consistent with EPA's Environmental outcomes and outcomes based conditions guidance and Instructions: How to prepare EP Act Part IV environmental management plans. Ensure contemporary information is provided to support the impact assessment to justify the relevance of the information being presented. If a rationale for use of existing data cannot be provided, undertake targeted or complimentary sampling sufficient to verify the adequacy of the existing data relevant to the proposed development.</p> | <p>As with item 1 regarding BCH, one of the potential MEQ impacts (sediment quality effects from potentially contaminated reclamation fill) is addressed in the CEMP as a SMART-based environmental outcome framework (triggers, thresholds). The other potential impacts are provided with a reasonable and practicable framework as management action based environmental objectives.</p> <p>Similarly, one potential operational risk (degradation of water and/or sediment quality) in the OEMP can be reasonably and practically managed with an environmental outcome based framework. The management of other potential operational impacts (unplanned releases from vessels and wharf) to MEQ cannot be reasonably and practicably framed as an environmental outcome based SMART objectives, but rather as environmental objectives through the implementation of management actions. Hence the revised OEMP is comprised of both management frameworks, namely a SMART-based environmental outcome (triggers, thresholds) and management action based environmental objectives.</p> |
| Marine fauna | | |
| 4. | <p>Comment</p> <p>EPAS notes baseline data and modelling are inherent to predicting the likely residual environmental impacts as a result of a proposal. Once the likely residual impacts are assessed then environmental outcomes can be proposed. Without site specific baseline data and modelling it is unlikely proposed environmental outcomes will be specific, measurable, achievable, relevant and time-bound (SMART) for example, conservation significant marine fauna are not prevented/deterred from undertaking critical behaviours in biologically important areas is a contemporary environmental outcome for marine fauna. The management target – No incidences of marine fauna injury or death from exposure to underwater noise during construction is not SMART.</p> <p>Action</p> <p>Revise the CEMP and OEMP to include residual impacts, clear environmental outcomes, triggers and thresholds consistent with EPA's Environmental outcomes and outcomes based conditions guidance and Instructions: How to prepare EP Act Part IV environmental management plans</p> | <p>The potential impact (residual impact) from the reclamation construction-related generation of underwater noise during rock dumping and subsequent rock placement by excavator has been modelled (see items 6 and 7). This site-specific modelling has been used to define the zone of potential TTS on the range marine fauna that may potentially occur during construction (no PTS predicted). The potential TTS zone is limited to within ~450 m for low frequency species (e.g. whales) of the wharf footprint, but much lower (i.e. tens of meters) for high frequency sensitive species, when reclamation activities take place during high tides in the deepest water at the offshore extent of the proposed reclamation wharf (worst case for underwater noise impacts).</p> <p>The CEMP and OEMP management of construction and operational risks to marine fauna, respectively (construction-related underwater noise, vessel strike, IMS, light pollution) cannot be reasonably and practicably framed as an environmental outcome based SMART objectives, but rather as environmental objectives through the implementation of management actions. Hence the revised CEMP and OEMP are comprised solely of management action based environmental objectives.</p> |

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| 5. | <p>Comment</p> <p>EPA Services notes the risk assessment and proposed mitigation and management measures for marine fauna are inadequate and unlikely to provide confidence that the EPA’s environmental objective for marine fauna can be met.</p> <p>Threatened marine fauna listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act) are considered as likely to use the reclamation area, including <i>Pristis zijsron</i> (green sawfish; ranked vulnerable), <i>Chelonia mydas</i> (green turtle; ranked vulnerable), <i>Eretmochelys imbricata</i> (hawksbill turtle; ranked vulnerable), and <i>Lepidochelys olivacea</i> (olive ridley turtle; ranked endangered).</p> <p>Action</p> <p>Using contemporary marine fauna data review marine fauna discussion, and proposed management and mitigation measures based on the level of risk. For example, but not limited to the current management measure requiring work to be undertaken outside important seasonal periods (i.e., breeding, calving, feeding or resting and migration season) for marine fauna will only be implemented “if possible”.</p> <p>Action</p> <p>Review discussion and ensure that lighting during operation is implemented in alignment with the current National Light Pollution Guidelines (DCCEEW, 2023).</p> | <p>The marine fauna technical report has been updated and is contemporary.</p> <p>Previous ‘if possible’ management actions now commitments at all times, including outside of important seasonal periods.</p> <p>An Underwater Noise Impact Assessment (UNIA) has been carried out and demonstrates that PTS to LF species (e.g. whales, but not to HF and SI species) may occur if within 10 m during active rock placement, which is clearly, not remotely a credible risk. The UNIA also predicts that TTS during rock dumping is limited to within 40 m (SI species) to 140 m (LF species) (90 m for HF species), which will be readily managed as construction activities will only occur during daytime under MMO supervision. Rock placement is predicted TTS to LF species for distances up to 430 m, which will be readily managed as construction activities will only occur during daytime under MMO supervision and the likely LF species (Byrde’s and humpback whales) can be readily observed in this impact zone and actions undertaken to manage the impact/risk. In light of the limited spatial extent of predicted underwater noise impacts, the proposed management actions are appropriate, and proposed construction activities can be undertaken throughout the year. It is also noted that these distances are based on continuous 12 hour daytime construction activities (with no breaks, breakdowns) and that the receiving marine fauna are stationary over the entire time. As such, the predicted impacts are highly conservative in nature.</p> <p>We also note that the adjacent mining port has recently (is undergoing) upgrades that includes pile driving. The proposed construction activities of this Proposal represent a much lower degree of noise impacts, which will be managed with sound monitoring and management regime.</p> <p>Updated lighting plan provided in appendix A is in alignment with the current National Light Pollution Guidelines (DCCEEW, 2023).</p> |

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| 6. | <p>Comment</p> <p>EPAS has requested an underwater noise and vibration impact assessment specific to the emissions associated with the proposal including an assessment of the potential cumulative impacts from existing operations on two occasions (November 2023 and June 2024). The proponent still has not adequately delivered on the required underwater noise (and vibration if relevant) impact assessment. The impact assessment in the Supporting Documentation is restricted to a statement that rock dumping will generate underwater noise at a level which will not result in physiological damage to marine fauna but have the potential to cause temporary behaviour changes during construction.</p> <p>The Supporting Documentation does not include information/data on the underwater noise (and vibration if relevant) generated from rock dumping or the potential impacts to marine fauna. Of particular concern are the impacts to humpback whales which are known to breed and calve within the waters surrounding the proposal area. It is noted that there is no commitment to stop construction during the calving period, which occurs between June-September, only a statement that construction elements which generate underwater noise will be avoided/minimised. Given that construction and noise generation are proposed to continue during the calving period it is important that there is a thorough assessment of the noise generation and potential impacts to calving humpback whales.</p> <p>EPAS notes in the Response to EPA comments, the proponent states that there is a lack of information on noise emissions from rock dumping/placement, however, underwater noise experts have advised that source does exist for rock dumping.</p> <p>Action</p> <p>Provide data on underwater noise (and vibration if relevant) generated from rock dumping and assessment of potential impacts against the Permanent and Temporary Threshold Shifts (PTS and TTS) and potential behaviour changes.</p> | <p>UNIA is provided in the Appendices and results detailed in section 4.6.4</p> |
| 7. | <p>Comment</p> <p>EPAS notes a commitment to implementing shutdown zones (300 m for turtles and sawfish and 500 m for whales) has been made. However, it is difficult to know if these shut down zones are adequate without an understanding of the noise generated from rock dumping.</p> <p>Action</p> <p>Provide information on both the noise generated from rock dumping and the suitability of these shut down zones to protect turtles, sawfish and whales.</p> | <p>UNIA is provided in Appendices and results detailed in Section 4.6.4. The shutdown zones have been amended to reflect the UNIA.</p> |

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| Flora and vegetation | | |
| 8. | <p>Comment</p> <p>EPA Services notes the full extent (local and regional) of impacts (direct and indirect) from the proposal on individuals and/or populations of Priority flora remains unclear.</p> <p>Two Priority flora species, the Priority 1 <i>Triodia</i> sp. Hidden Island (T. Handasyde TH 6109) and the Priority 2 <i>Solanum vansittartense</i> have been recorded on Cockatoo Island, indicating that they may be present within the development envelope. However, based on the information provided the scale and significance of proposed direct and indirect impacts on these species cannot be clearly ascertained.</p> <p><i>T. sp.</i> Hidden Island (T. Handasyde TH 6109) is currently only known from two islands, including Cockatoo Island. Given the restricted distribution, the subpopulation on Cockatoo Island is considered significant for the conservation of the species. Surveying for the species within the development envelope in 2016 did not identify any individuals. However, it is important to note that the conditions during this survey were not appropriate to identify the species due to a recent bushfire. A subsequent survey in 2017 outside of the development envelope located the species in habitat which may be present in the development envelope. In the absence of appropriate survey information, it is difficult to determine the significance of impacts from the proposal on the species.</p> <p><i>Solanum vansittartense</i>, is known from 12 locations, including Cockatoo Island. The subpopulation on Cockatoo Island is greater than 250 kilometres from all other known records and may therefore represent unique genetic diversity. DBCA's records of this species on Cockatoo Island is represented by a single specimen, with no quantitative data on population size. As this species has not been adequately surveyed, the potential impacts cannot be accurately determined. However, the loss of this subpopulation could result in a significant reduction in the species range and extent of occurrence.</p> <p>Action</p> <p>Undertake adequate surveys or appropriate investigations to clarify the full extent (local and regional) of impacts (direct and indirect) on individuals and/or populations of conservation significant flora species from the proposal.</p> | <p>A targeted survey was undertaken in February 2025. This technical report has been provided in Appendix A and the results have been incorporated into Section 4.7.</p> |
| Terrestrial fauna | | |
| 9. | <p>Comment</p> <p>A total of one confirmed, three likely and 15 potential short range endemic species (SRE) taxa have been collected from surveyed areas on Cockatoo Island. Based on the information provided the proposal may impact one confirmed and several potential SRE taxa.</p> <p>Action</p> <p>Review and address key risks and impacts from the proposal on invertebrates, including SRE.</p> | <p>No confirmed SRE species have been recorded based on the technical survey reports provided. Three likely and 15 potential SRE species were recorded to occur within the Woodland habitat. Text updated in section 4.8.4.</p> |
| Social surroundings | | |
| 10. | <p>Comment</p> <p>Section 4.10.5, an assessment of the impacts of the proposal against the National Heritage criteria was undertaken. The assessment concluded that the proposal is unlikely to have a significant impact on the current condition of the National heritage values of the West Kimberly. However, the assessment against the National heritage values has not been clearly demonstrated or referenced in this section.</p> <p>Action</p> <p>Review the ERD to include the National heritage values and the assessment of the impacts of the proposal against those values under social surroundings.</p> | <p>The assessment undertaken in the MNES chapter (sections 5.1 and 5.6.1) is referenced in this section and a description of the outcomes of the assessment is provided.</p> |

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| 11. | <p>Comment EPAS previously requested copies of ethnographic and anthropologic heritage studies undertaken in collaboration with Traditional Owners. The proponent responded that the report is confidential and not for available for distribution. Therefore, it remains unclear, the area surveyed, the extent and the target of the surveys.</p> <p>Action Review the relevant sections to include further information regarding what the 'joint survey' of 2023 involved.</p> | <p>Letter of support and survey report to be provided to EPA as a confidential document not for release.</p> |

Table 2 Response to Public Submissions

| No. | Submitter | Submission and/or issue | Response to comment |
|--|-----------|---|--|
| The proposal – General comments | | | |
| 1. | A | <p>Comment</p> <p>The proponent states the Cockatoo Island supply base is intended to operate for over 60 years and is aimed primarily at servicing the oil and gas industry’s plans for the browse basin. Full development of the Browse basin, including Woodside’s Scott Reef project, has the potential to result in far greater use and pressure for expansion of the proposed supply base, thereby increasing its ‘reasonably foreseeable future’ impacts. Furthermore, with the planned recommencement of mining on Cockatoo Island, the cumulative impacts of the supply base project and mining on the Island and on surrounding marine areas will be further increased. The Proposal:</p> <ul style="list-style-type: none"> – Has a significant adverse impact on the environment surrounding Cockatoo Island; and – Fails to adequately consider and provide for cumulative impact assessment which considers the other projects and operations that are ongoing and/or planned in the near future on the island <p>Action</p> <p>Please review the cumulative and holistic impact assessment discussion (including but not limited to Section 4.7.6 and Section 4.8.7) within the Referral Supporting Document, and update to ensure it considers current and reasonably foreseeable proposal impacts on Cockatoo Island terrestrial and marine environmental factors and from broader regional perspective.</p> | <p>No additional vegetation clearing is proposed for Cockatoo Island based on the most recent Mining Proposal (Cockatoo Island Mining Pty Ltd).</p> <p>The Proposal is not expected to contribute to cumulative impacts to Marine Fauna within the region. The project will not increase the number of vessels that operate within the region given it is providing support to other projects which is independent to the implementation of this proposal. Vessel movements will be contained to existing shipping channels and movements within the Yampi Soud port will be governed by the Port Of Yampi Sound Port And Terminal Handbook (KPA 2024).</p> |
| Marine environmental quality | | | |
| 2. | A | <p>Comment</p> <p>The ERD states no significant impact is expected to marine environmental quality. However, the ERD also states ‘no known marine water quality investigations have been undertaken in the proposed wharf area, and sediment contaminant levels have not been investigated. Monitoring of contamination levels post-commencement will not address the absence of baseline data. A detailed study is required, of the makeup and potential impact of the 700,000 m3 of ‘largely mine waste’ fill proposed to be used to reclaim the intertidal area and create the wharf.</p> <p>Action</p> <p>Review the ERD and update as appropriate to include a discussion on the baseline marine environmental quality, relevant to the likely residual environmental impact of the material proposed for reclamation of the wharf area. Include proposed management and mitigation measures.</p> | <p>A baseline water and sediment quality survey has been undertaken and the technical memorandum has been provided as an additional technical appendix. A preliminary and indicative survey of the material to be used as reclamation fill has been undertaken and the technical memorandum has been provided as an additional technical appendix. The supporting documentation, OEMP and CEMP have been updated accordingly on the basis of this baseline information.</p> <p>Further collection of MEQ baseline data is committed as a pre-construction MEQ survey.</p> <p>In terms of the contamination potential of reclamation fill, a commitment for a progressive assessment of batches (volumes) of contamination fill has been included in the CEMP, where prior to use a batch (volume) of contamination fill must meet contamination guidelines prior to use as fill material in the proposed reclamation.</p> <p>A preliminary analysis of the proposed fill material has shown contaminants of concern (CoC) within the material sampled were all below ANZECC 2000 Interim Sediment Quality Guidelines (ISQG).</p> |

| No. | Submitter | Submission and/or issue | Response to comment |
|----------------------------|-----------|--|--|
| Marine Fauna | | | |
| 3. | A | <p>Comment</p> <p>In addressing impacts to marine fauna the ERD relies largely on a desktop report by GHD ('Marine flora and fauna - Technical report 2017'). The report is outdated and unreliable and fails to consider the important findings of more recent research relating to, for example, Humpback whales, sawfish, dolphins, dugong and marine turtles including Flatback turtles. The proponent focuses on potential impacts close to the supply base and during construction. The potential impacts of the project during construction and operation on listed and threatened marine fauna have not been adequately addressed.</p> <p>Action</p> <p>Please review discussion in the referral supporting document and/or appropriate management plan/s to address potential direct and indirect impacts to marine fauna from the proposal over the entire life (i.e. not limited to construction period). Analyse and refer to contemporary technical data and reports to support the discussion.</p> | <p>The technical report, supporting document, CEMP and OEMP have been updated (now contemporary) in regards to marine fauna (see EPA item 5).</p> <p>The OEMP addresses and manages potential impacts to marine fauna.</p> |
| Terrestrial Fauna | | | |
| 4. | A | <p>Comment</p> <p>As stated by the proponent, the most recent survey for terrestrial fauna on Cockatoo Island is ~8 years old. Given the cessation of mining and recovery from major fires, it is quite likely population sizes and habitat utilisation for species including Masked Owls and Ghost Bats has changed significantly on Cockatoo Island since 2016.</p> <p>Action</p> <p>A new targeted survey of those species ought to be a minimum requirement for the ERD and this proposal.</p> | <p>An updated flora and fauna survey has been undertaken and provided as the technical report has been provided as an additional appendix.</p> |
| 5. | A | <p>Comment</p> <p>The proponent downplays any significant impact to threatened species, including the masked owl and ghost bat. The proponent states that significant impacts to masked owls and ghost bats are unlikely. This is based partly on the availability of suitable habitat on Koolan and Irvine Islands. Koolan Island is currently being mined and there are long standing plans to recommence mining on both Cockatoo and Irvine islands. Therefore, the availability of suitable habitat across all three islands is uncertain and a cumulative impact assessment of suitable habitat across all three islands ought to be presented if the proponent is to rely on habitat on other islands to support its conclusion that the proposal will have no significant impact on these species.</p> <p>Action</p> <p>Review the ERD and update as appropriate to include a discussion on the availability of suitable masked owl and ghost bat habitat on Koolan and Irvine Islands to support the other suitable habitat evidence leading to the 'no significant impact' conclusion on these species.</p> | <p>An updated flora and fauna survey has been undertaken and provided as the technical report has been provided as an additional appendix.</p> |
| Social surroundings | | | |
| 6. | A | <p>Comment</p> <p>The National Heritage List is Australia's list of natural, historic and Indigenous places of outstanding significance to the nation. The Australian Heritage Strategy sets out Australia's national heritage priorities and a strategic direction for its future. The vision of the strategy is that our natural, historic and Indigenous places are valued by Australians, protected for future generations and cared for by the community.</p> <p>Action</p> <p>Review the ERD and update as appropriate to include a discussion of how West Kimberley natural heritage significance has been considered with regards to mitigation of impacts from the proposal.</p> | <p>The assessment undertaken in the MNES chapter (sections 5.1 and 5.6.1) is referenced in this section and a description of the outcomes of the assessment is provided.</p> |

| No. | Submitter | Submission and/or issue | Response to comment |
|--------------|-----------|---|--|
| 7. | A | <p>Comment</p> <p>The Myala and Lalang-gaddam A Class reserve marine parks have not been identified or considered regarding impacts the proposal may have on the environmental values and integrity of these marine parks. Any industrialisation proposal which has the potential to contribute (in itself and cumulatively) to the threats to the world-significant marine and coastal environment of the Kimberly requires the closest scrutiny based on the best available science – which is totally absent from the proponent’s ERD.</p> <p>Action</p> <p>Review the ERD and update as appropriate to include a discussion of how the Myala and Lalang-gaddam A class reserve marine parks significance has been considered with regards to mitigation of impacts from the proposal.</p> | <p>Potential impacts to both Myala and Lalang-gaddam A Class reserve marine parks have been considered. As outlined in the respective management plans, vessel transit is a permitted use within all designated zones. Where required, the plans acknowledge additional controls including increase requirements for pilotage may be required however, it is expected that existing shipping channels will be maintained. As the project will use existing shipping channels, there is not expected to be any significant impacts to the Myala and Lalang-gaddam A Class reserve marine parks.</p> |
| Other | | | |
| 8. | A | <p>Comment</p> <p>The ERD does not provide enough information in relation to the plans to be a waste disposal contractor for the oil and gas industry.</p> <p>Action</p> <p>Review discussion relevant to accepting waste from external parties and provide further details on the type of waste, and how and where it will be stored and disposed.</p> | <p>Section 2.3.3 updated</p> <p>Crestlink may also handle and dispose of waste streams as part of the services offered at Cockatoo Island, aligning with established practices at Broome and Darwin facilities. The proponent may collect and/or transfer offshore waste, including hydrocarbon-contaminated materials (sludges, sediments), hazardous waste, domestic and general industrial waste. These will be temporarily stored in designated containment areas at Cockatoo Island, such as bunded storage tanks, lined waste pits, or secured hazardous waste containers, before transport via barges to approved onshore facilities in Derby or Broome. The proposed process follows established practices at Broome and Darwin ports, ensuring compliance with environmental standards. Onshore, waste will be segregated, treated, recycled, or disposed of according to its classification. Hydrocarbon-contaminated waste will undergo bioremediation, recyclable materials such as scrap metal and e-waste will be processed at licensed recycling facilities, and non-recyclable or hazardous materials will be disposed of at licensed hazardous waste facilities. Disposal locations and methods will align with regulatory requirements and client environmental plans. Crestlink will ensure compliance with environmental standards and industry best practices in waste management.</p> |

| No. | Submitter | Submission and/or issue | Response to comment |
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| 9. | A | <p>Comment</p> <p>The Browse offshore oil and gas industry already has substantial support and supply bases at Djarindjin airport near Lombadina on the Dampier peninsula and in Broome. How has the proposal been determined economically and environmentally defensible. Additionally, if the proposal were to become operational to service Browse companies, it would likely take business away from the Indigenous owned and operated Djarindjin airport.</p> <p>Action</p> <p>Review discussion relevant to proposal alternatives and potential impact on the Indigenous owned and operated Djarindjin airport.</p> | <p>Crestlink's proposed facility on Cockatoo Island will attract businesses that currently do not operate in the state or region, complementing the services offered by existing hubs in Broome, Djarindjin Airport, and Derby. This will be achieved through:</p> <ul style="list-style-type: none"> - Establishing a new industry that integrates marine and aerodrome services, which are currently unavailable in the region. - Operating a multi-user facility capable of providing efficient emergency response support for incidents in the northern Kimberley, including Angel Flights and search and rescue operations. - Addressing the region's lack of heavy-lift facilities by offering offshore unit maintenance, reducing reliance on long-distance transport from Singapore for subsea emergency repair equipment such as Xmas trees, pipeline connectors, and umbilical reels. <p>In August 2019, the Cockatoo Island project was granted Major Project Status by the Minister for State Development, with the Department of Jobs, Tourism, Science, and Innovation (JTSI) appointed as the lead agency for the project. Please contact JTSI for more information as required.</p> |
| 10. | B | <p>Comment</p> <p>Crestlink is proposing to utilise and extend the road between the airstrip and the wharf in order to carry out the construction of the project, which will be used by several stakeholders on Cockatoo Island.</p> <p>Action</p> <p>Please review discussion in the referral supporting document and/or appropriate management plan/s regarding mitigation measures which will be employed to reduce proposal related impacts, for example (but not limited to) surface water run off, dust, and noise on environmental factors when multiple Cockatoo Island users frequent roadways proposed to be used for proposal related activities.</p> | <p>Section 4.9.5.1 updated. In the ERD, Table 4.35 includes proposed mitigation measures associated with drainage design. Regular monitoring and maintenance of the drainage infrastructure will be carried out during both the construction and operational phases as noted in Table 2.7 of the CEMP and Table 2.4 of the OEMP.</p> |
| 11. | B | <p>Comment</p> <p>The ERD gave no consideration to the potential for expansion and development of existing operations on Cockatoo Island.</p> <p>Actions</p> <p>Please update the referral supporting document to include a discussion which outlines the proposal alternatives which were considered, and how the proposed development represents the lowest environmental impact.</p> | <p>In the ERD, Table 4.28, 4.32 + 4.36 includes proposed mitigation measures associated with dust deposition controls. Dust management measures are noted in Table 2.5 + 3.4 of the CEMP.</p> |

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| 12. | B | <p>Comment</p> <p>Upon review of the ERD and the land tenure could not be identify in which KTS will access the land subject of the proposal to construct and operate the multi-user supply base. The activities proposed may not constitute a mining operation under the Mining Act 1978 (Mining Act), and therefore access to the land via Mining Act tenure may not appropriate.</p> <p>Action</p> <p>It is recommended KTS clarify they have appropriate access to the land to construct and operate the facility within the ERD.</p> | <p>Indicated in table 3.1, Approval has been granted under section 16(3) of the Mining Act 1978 for the grant of a section 79 LAA lease and a section 144 easement over Crown land and reserve 22493 (FNA 17293 and FNA 17294 in Tengraph). Approval has also been granted under section 91(5) of the LAA for the issuance of a license in favour of KTS for early access and feasibility studies (FNA 17219 in Tengraph), subject to conditions.</p> |

Table 3 Response to DCCEEW Comments

| Item | Item | Environmental Review Document | DCCEEW Comment 21 February 2025 | Proposed Response |
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| A | Use of ambiguous language | Throughout the ERD documentation and attachments | <p>Avoid use of ambiguous terminology such as 'where possible', 'as required', 'to the greatest extent possible'. If it is necessary to include ambiguous terminology, it should be explained, and examples given. By way of an example: Where the term 'regular' is utilised, please ensure a clear timeframe is used, or clearly explain what is meant by the term.</p> <p>Always use the terms 'will' and 'must', rather than 'should' or 'may' when committing to carry out management actions.</p> <p>When using the word 'regular' stipulate how this is defined.</p> <p>For further guidance on this please refer to the DCCEEW 2024, Environmental Management Plan Guidelines, Department of Climate Change, Energy, the Environment and Water, Canberra¹. All management plans must also align with this.</p> | Reviewed and revised the use of ambiguous language throughout the document package. |
| B. | The project is located within mapped biologically important habitat (a portion of which is a Commonwealth marine environment) and could have significant impacts on breeding, calving and/or foraging activities of protected species such as | <p>i. Section 2.3.3 ERD Operations will occur 24/7 as required.</p> <p>ii. Section 4.3.5 ERD Elevated excess suspended solids (SS) is predicted to be sufficient to effect the underwater light climate in Bay 2 near the completion of the wharf as the construction turbidity source will be adjacent to this water body, though materially elevated SS (>3 mg/L above ambient levels) is only predicted for 1-5% of the time during construction periods.</p> <p>iii. Sections 4.3.5, 4.6.5 and 5.6.2 ERD Any accidental spillages or releases of wastes or discharges will quickly disperse due to the large tidal range and associated dilution rates of the area.</p> <p>iv. Section 4.3.5 The effects of the warming climate on water temperatures are increasing the frequency and severity of coral bleaching events that may mask any small effect the wharf may have on BCH. It is therefore advisable that</p> | <p>i. List avoidance and mitigation measures, and where required proposed offsets, designed to minimise harm to marine Matters of National Environmental Significance (MNES) and Benthic Communities and Habitats (BCH)</p> <p>ii. Please detail the timeline of marine works proposed to be undertaken as part of the action. This detail must include any overlaps with breeding, calving, nesting and migratory windows for listed threatened species potentially or likely to be impacted by the proposed action. Clarify if these important ecological windows that will be avoided. Table 4.20 states "if possible"; kindly use language of committal (see item A above).</p> <p>iii. Quick dispersal" of pollutants in the marine environment is an unacceptable management option. Please clarify throughout the ERD package how accidental spill and waste discharge will be managed, including reference to the Spill Contingency Plan (SCP). The SCP will need to be reviewed by DCCEEW prior to commencing the action.</p> <p>iv. Provide detail of contingency measures to be implemented if bleaching or other forms of heat stress and coral disease are observed during construction because of climate change, noting that sedimentation has a higher impact on heat-stressed corals and other BCH than on healthy corals.</p> | <p>i. Avoidance and mitigation measures detailed through the documents have been listed in section 5.5.1 and 5.5.2.</p> <p>ii. Table 4.20 has been revised as these periods will not be avoided. As detailed, construction including rock dumping will take approximately 10 months overlapping with breeding, calving, nesting and migratory windows for listed threatened species</p> <p>iii. Management of spill and waste discharge is detailed throughout the ERD within the mitigation sections relevant to each key environmental factor. Within where there is reference to the SCP. These measures are also detailed within the CEMP and OEMP.</p> <p>iv. Detailed in table 4.9: Undertake continuous water temperature measurements to demine if potential coral bleaching event may occur. Should elevated temperature be recorded, undertake a risk assessment to determine if potential sedimentation may impact heat</p> |

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| | | continuous water temperature measurements are carried out to understand the cause of any potential future effects on BCH (e.g. climate change, project effect). | | stressed corals, using the results of the below sediment plume observations. |
| | 1) Vulnerable and migratory Humpback Whale (<i>Megaptera novaeangliae</i>); | Table 4.16 ERD This species is not anticipated to occur within the Development Envelope given the inshore location. | DCCEEW acknowledges that this species is not anticipated to occur within the development envelope (DE); however, Humpbacks arrive in the coastal waters of the Kimberley after summer to breed and calve. These breeding activities are known to occur within waters surrounding the proposed action area. Please detail avoidance and mitigation measures for indirect impacts identified to the species. Please consider measures designed at reducing any impact to the Humpback Whale, including seasonal timeframes of when construction works will not be undertaken (see comment at item B(ii) above) and increased vessel movements. | These avoidance and mitigation measures are detailed in Table 4.20. |
| | 2) Migratory Spotted Bottlenose Dolphin (<i>Tursiops aduncus</i>) (Arafura/Timor Sea populations); | | The department suggests the proponent collates all avoidance and mitigation measures aimed at minimising impacts to this species, including use of qualified marine fauna observers during construction, speed limits, avoidance distances for construction and operational vessels, noise and light management plans information in one table (noting that the bulk of this has already been done at sections 2.3.5 and 3.3 of the Construction Environmental Management Plan (CEMP), and 2.3.5 and 3.3 of the Operational Environmental Management Plan (OEMP)). At Table 2.4 of the CEMP, include 'dolphins' to the list of Marine Fauna (that is, in addition to 'marine turtles, sawfish and whales'; or replace 'whales' with 'cetaceans'), throughout. Ensure this is done in all other sections of the ERD Documentation. | These avoidance and mitigation measures are detailed in Table 4.20. |
| | 3) Migratory- Australian Humpback Dolphin (<i>Sousa sahulensis</i>) | | As per above comments for the Spotted Bottlenose Dolphin | These avoidance and mitigation measures are detailed in Table 4.20. |
| | 4) Migratory- Australian Snubfin Dolphin (<i>Orcaella heinsohni</i>) | Tables 4.16 and 5.3 The Australian Snubfin Dolphin is known to use the waters surrounding Cockatoo Island and the entire Buccaneer Archipelago for breeding. This species is not anticipated to occur within the Development envelope given the inshore location. | As per above comments for the Spotted Bottlenose Dolphin | These avoidance and mitigation measures are detailed in Table 4.20. |

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| | 5) Marine turtles | | As above, please include management strategies aimed at avoiding and mitigating any harm to turtles. | These avoidance and mitigation measures are detailed in Table 4.20. |
| C. | National Heritage | <p>i. Tab 5.1 ERD</p> <p>Listing criterion (a) – The place has outstanding heritage value because of the place’s importance in the course, or pattern of Australia’s natural or cultural history. – No impact</p> | <p>Criterion A partially addressed</p> <p>The proponent claims that the project area does not include unique habitat, however, the National Heritage values note that all habitat in the region is refugial habitat. Refugial habitat signifies areas in which more widespread habitats have been reduced and now only exist in limited areas. Refugial habitat provides an area in which a population of organisms can survive through a period of unfavourable conditions. The habitat of the West Kimberley is National Heritage listed as refugia which serves to protect species against human-induced environmental changes. Any remnants of refugial habitat form the National Heritage value of the West Kimberley. Islands in particular are identified as significant in supporting the biodiversity of the place, as islands are often able to preserve remnant habitat that has been cleared on the mainland.</p> <p>The cumulative impacts of reducing refugial habitats may have an impact on the biodiversity of the island and the West Kimberley region. Habitat loss through deforestation, vegetation clearing, and loss of connectivity is the largest driver of biodiversity extinction globally. Any remaining habitat, especially habitat which is has good connectivity to surrounding habitat as opposed to isolated, can be crucial in preventing species extinction.</p> <p>The proponent also notes ecological survey of short-range invertebrate species. The West Kimberley is listed for its significant diversity of invertebrates, especially limited range invertebrates and species which may have evolved on individual islands. Research into each island’s unique invertebrate life may yield insights into evolutionary processes. The proposal notes that there have already been significant impacts to the habitat of invertebrates on the island, and the proposed impacts from this development may further reduce habitat for unique species and subspecies.</p> <p>Although the proposal notes it will not damage habitat for any listed or protected species, the department considers any impact to the biodiversity of the area to be an impact to the values. Many species with limited distribution do not have sufficient data to meet the assessment threshold for threatened species, and so may belong to small, at risk, populations that are not</p> | <p>Acknowledging that habitat within these islands is refugial habitat, the quality of the habitat for supporting flora biodiversity, terrestrial vertebrate fauna, SRE invertebrate fauna and marine fauna is not representative of the high quality habitat that is present within undisturbed areas within the local area, including remaining areas of Cockatoo Island and the adjacent Irvine Island. Given the areas proposed to be cleared are of lower quality, the proposal is not expected to significantly reduce the area of habitat available as refugia protecting against human-induced environmental changes.</p> <p>An updated biological survey for significant fauna and flora species (Ecologia 2025) is provided in Appendix A.</p> |

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| | | | <p>listed formally as threatened.</p> <p>Correspondence from the Dambimangari Aboriginal Corporation raised concerns that ecological surveys have not been conducted in all seasons which may result in impacts to seasonal species being missed.</p> <p>The report does not include an assessment of indirect operational impacts, such as the impact of a projected increased in marine and air traffic on migratory species and the impact of overnight marine and air traffic, noise and light pollution on nocturnal species.</p> <p>The consideration of cumulative impact is incorrectly based on the percentage of additional area cleared (noted to be an additional 5% of existing habitat to be cleared) rather than considering the total impact of cleared and degraded area (noted elsewhere in the report to be close to 35% of total habitat on the island).</p> <p>Tasks for action:</p> <ul style="list-style-type: none"> - Discuss how the above concerns are being addressed and managed. - Provide an assessment of indirect operational impacts to species habitat or migration within transport corridors in the Western Kimberley, such as the impact of a projected increase in marine and air traffic on migratory species and the impact of overnight marine and air traffic, noise and light pollution on nocturnal species. - Provide an updated biological survey for significant fauna and flora species, noting the surveys referred to in the documentation are from June 2017. | |
| | | <p>ii. Table 5.1 ERD</p> <p>Listing criterion (c) - The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history</p> | <p>Criterion C partially addressed</p> <p>The proponent indicates there is no potential to yield information on human archaeology. The proponent has said they have undertaken ethnographic and archaeological heritage surveys with the Dambimangari People. The proponent has not provided those surveys with their report, nor they have provided surveys pertaining to the impacts on geological values. Without access to these surveys, the department cannot adequately assess these claims.</p> <p>Tasks for action:</p> <p>Provide the relevant documents to the department in order to provide appropriate advice on impacts to Criterion C.</p> | <p>The proposal area is located within the Dambimangari native title determination area. A pre-ILUA survey undertaken by Dambimangari Traditional Owners and representatives of the Kimberley Technology Solutions (KTS) in 2023 did not identify Aboriginal cultural values within the proposed ILUA area. It is noted that the proposed ILUA area aligns with the project's disturbance area.</p> <p>A copy of the survey report prepared by the Dambimangari Aboriginal Corporation (DAC), dated July 2023 is provided as confidential information.</p> <p>Table 5.1 in the supporting document has been updated to include the survey results.</p> |
| | | <p>iii. Not discussed by the</p> | <p>Criterion D not addressed</p> | <p>Criterion D addressed in Table 5.1</p> |

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| | | proponent | <p>No claims are made by the proponent to address impacts on Natural Heritage Criterion D, which identifies the West Kimberley coast for demonstrating the principal characteristics of a major coastal landform type, in an extensive region without significant modification by coastal infrastructure. The region of coastline from King Sound to the Cambridge Gulf is unique in Australia as the best expressed, longest, and undisturbed by infrastructure rocky coastline. Additional infrastructure to this region has the potential to impact on Criterion D.</p> <p>Tasks for action:</p> <ul style="list-style-type: none"> Clearly articulate how the major coastal landform type will be protected and discuss the proposed avoidance, mitigation and management measures to ensure the infrastructure will not damage this Criterion. | <p>Cockatoo Island has been mined since 1951 and the Proposal will not cause further significant degradation, loss, modification or diminishment of the existing coastal landform of the island. The decision to construct the marine components directly adjacent to the existing port means no significant alteration to the coastal landform will occur as this section of the Cockatoo Island coastline has already been modified as the embayment is not intact and no longer represents this landform type without significant modification by coastal infrastructure. The remaining coastline to the west remains intact with embayments un-modified.</p> |
| | | <p>iv. Table 5.1 ERD Listing criterion (e) - The place has outstanding heritage value because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group. – No impact</p> | <p>Criterion E partially addressed</p> <p>The proponent claims that the proposed action is unlikely to impact on values listed under Criterion E as the area has already been degraded. Identified values under criterion E include the colour of the landscape, the richness and abundance of diverse flora, fauna, and marine life, the experience of remoteness in the region, and the substantially unmodified nature of the natural landscapes. These values may be impacted by additional infrastructure in the landscape, increased light pollution, and by changing the abundance of wildlife.</p> <p>The islands of the West Kimberley are listed for extensive seascapes in a sea supporting diverse marine life. We advise the proponent to consider the indirect or operational impacts of increased marine traffic on marine species including migratory species in transport access corridors on the Western Kimberley coastline and Buccaneer Archipelago.</p> <p>The ERD provided does not include a visual impact assessment nor mitigation strategy, and we advise the proponent considers the current degraded state of the area as a cumulative impact with this proposal.</p> <p>Please discuss how these concerns are being addressed and managed.</p> <p>Tasks for action:</p> <p>Please provide a visual impact assessment and associated mitigation strategy for the proposed action area in relation to the Western Kimberley coastline and</p> | <p>Further justification provided in Table 5.1</p> <p>The Proposal includes the upgrade of existing infrastructure on the island, predominantly around areas that have previously been developed and used for mining purposes. The proposed wharf development is immediately adjacent to the existing permanent seawall and wharf, and will extend the existing developed area. The development is limited to an embayment that has already been significantly impacted by previous mining development. The nature of the embayment mean visual impacts are confined to these areas of existing development, and undisturbed areas of coastline are not impacted. While some additional changes to the visual amenity will occur, these are limited to areas adjacent to the existing development, and do not substantially contribute to a loss of visual amenity in this area. The proposal has avoided any development within undeveloped areas of Cockatoo Island, thus preserving the visual amenity of the remaining coastline of the island.</p> |

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| | | | Buccaneer Archipelago. When considering cumulative impacts to the proposed action this must take into account the current degraded state of the area. | |
| | | v. Not discussed by the proponent | <p>Criterion I not addressed</p> <p>No claims by the proponent are made to address the impacts from the proposal on the National Heritage values listed under Criterion I, which identifies the significance of the Wanjina-Wunggurr tradition connected to tangible features in the landscape and intangible connections to land, sea and sky.</p> <p>The proponent claims they have consulted with Dambimangari Aboriginal Corporation (DAC) but there is no supporting documentation (although they reference a consultation document in their report) to show the extent and outcomes of this consultation. In the report they have stated that the Indigenous heritage values for the West Kimberley are not definitively mapped and acknowledge that "indigenous people are the primary source of information on the value of their heritage."</p> <p>The Dambimangari Traditional Owners have the knowledge of the location and associated tangible and intangible values of their sites.</p> <p>Without the supporting documentation demonstrating consultation with Dambimangari Traditional Owners, through DAC, the department cannot make an assessment on the impacts to Indigenous Heritage values for the West Kimberley.</p> <p>Tasks for action</p> <p>Provide supporting documentation demonstrating consultations with Traditional Owners, as well as evidence of archaeological, geographical, ecological and ethnographic surveys.</p> | <p>The proposal area is located within the Dambimangari native title determination area. A pre-ILUA survey undertaken by Dambimangari Traditional Owners and representatives of the Kimberley Technology Solutions (KTS) in 2023 did not identify Aboriginal cultural values within the proposed ILUA area. It is noted that the proposed ILUA area aligns with the project's disturbance area.</p> <p>A copy of the survey report prepared by the Dambimangari Aboriginal Corporation (DAC), dated July 2023 is provided as confidential information.</p> |
| D | Insufficient consultation with the Dambimangari people. The Dambimangari Aboriginal Corporation's submission states that the referral is not complete, current or correct. | Section 4.10.3.1 of the ERD A joint Kimberley Technology Solutions Pty Ltd (KTS) and Dambimangari heritage survey was completed in July 2023. The Dambimangari survey team members were confident that their cultural sites of significance are located outside the proposed Indigenous Land Use Agreement (ILUA) and confident with their decision that the Proposal area and proposed ILUA area is cleared for all ground disturbing activities by | <p>Not addressed</p> <p>The proponent has not provided any evidence of engagement with and support by Traditional owners.</p> <p>The department has considered the submission by DAC in 2017 which notes a lack of support by DAC for the proposal. The department therefore requests that further consultation be carried out with DAC to determine impacts for an appropriate assessment to be made</p> <p>Tasks for action</p> <p>Provide supporting documentation to evidence engagement with and support by Traditional Owners</p> | <p>The proposal area is located within the Dambimangari native title determination area. A pre-ILUA survey undertaken by Dambimangari Traditional Owners and representatives of the Kimberley Technology Solutions (KTS) in 2023 did not identify Aboriginal cultural values within the proposed ILUA area. It is noted that the proposed ILUA area aligns with the project's disturbance area.</p> <p>A copy of the survey report prepared by the Dambimangari Aboriginal Corporation (DAC), dated July 2023 is provided as confidential information.</p> |

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| | | KTS with no conditions. | Groups, including meeting minutes, correspondence, or any consultation reports references in the submission. N providing evidence of this engagement please consider the interim guidance for Engagement with First Nations People and Communities on Assessments and Approvals under EPBC Act. | |
| E | Inadequate proof of support from Traditional Owners, who are the primary source of information on the identification, value, Protection and management of their heritage. | Section 6.8 of the ERO Impacts to Aboriginal heritage will be avoided. Consultation with Traditional Owners has been and will continue to be undertaken during the construction of the Proposal in order to understand the values present and to minimise impacts where practicable. Where possible concerns raised during heritage site surveys, including potential impacts from the loss of heritage values these will be address during final design, construction or operational phases. | Not addressed Section 4.10.5 states that Traditional Owners are supportive of the project and that evidence of this is provided in Appendix A. However, Appendix A does not list any documentation regarding consultation with Traditional Owners. Please provide evidence of engagement and consultation with traditional owners which clearly articulates topics discussed, issues raised and how these issues were resolved. The language "where possible" is unacceptable. Modify to include language of committal (see Item A). Task for action: The department recommends that a detailed heritage assessment of the proposal - including evidence of consultation and support of the Dambimangari Traditional Owners, and with particular regard to natural heritage values and he listed values of the Western Kimberley National Heritage Place – be prepared by an independent heritage expert. | The proposal area is located within the Dambimangari native title determination area. A pre-ILUA survey undertaken by Dambimangari Traditional Owners and representatives of the Kimberley Technology Solutions (KTS) in 2023 did not identify Aboriginal cultural values within the proposed ILUA area. It is noted that the proposed ILUA area aligns with the project's disturbance area. A copy of the survey report prepared by the Dambimangari Aboriginal Corporation (DAC), dated July 2023 is provided as confidential information. |
| F | Potentially significant economic implications for the region and interest from the local media | | Not addressed Please provide documentation outlining the economic and social impacts of the proposed action on the region as required under section 136(1)(b) of the EPBC Act. | Business plan provided to EPA and DCCEEW as a confidential document not for release. |
| G | Wharf Lighting Plan | Section 2.2 OEMP | Ensure the latest Wharf Lighting Plan (as detailed in OEMP) makes reference to and is compliant with the <i>National Light Pollution Guidelines for Wildlife</i> (DCCEEW 2023). | Wharf Lighting Plan updated to include reference to <i>National Light Pollution Guidelines for Wildlife</i> (DCCEEW 2023). Updated version provided as appendix. |
| H | Spatial Data | Section 2.3 ERD | The location of the Subsea Workshop and of the warehouse are missing from the Schematic of proposed wharf (fig. 2.3 ERD). Kindly review these plans and include all components of the proposed action. | Figure 2.3 updated to include location of the Subsea Workshop. |