

Major Project Portal
Attn: Patrick Copas

Re: SSD-84467726 Kogarah Golf Club Redevelopment Concept and Stage 1 – Advice on EIS – 13-19A Marsh Street, Arncliffe – Cooks River

Dear Mr Copas,

Thank you for your referral via the Major Project Portal on 23 June 2026 seeking comment on the Kogarah Golf Club Redevelopment Concept and Stage 1 Environmental Impact Statement (EIS) from DPIRD Fisheries, a division of NSW Department of Primary Industries and Regional Development on the proposed works stated above.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPIRD Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively, and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPIRD Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves in NSW.

Cooks River and the downstream environment of Botany Bay are important key fish habitat areas within Sydney, and it is important that the key fish habitat values are maintained. For further information about key fish habitat please refer to <https://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats#KFH>.

DPIRD Fisheries supports a policy of avoiding impacts to key fish habitat in the first instance. Where impacts are unavoidable, they must be mitigated. If it is not possible to mitigate impacts, offsetting would be required in accordance with section 3.3.3 of 'DPI Fisheries Policy and Guidelines for fish habitat conservation and management (https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/634694/Policy-and-guidelines-for-fish-habitat.pdf).

Advice

Impacts to key fish habitat have not been addressed in the EIS as per DPIRD Fisheries SEARs advice. DPIRD Fisheries provided SEARs advice via the Major Projects Planning Portal on 2 June 2025 (ref C25/445) which has not been considered in the EIS or its appendices.

The SEARs advice was as follows -

- 1) Avoid, minimise, mitigate or offset harm to key fish habitat
 - a) Impact to key fish habitat (KFH) as defined in Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update) should be avoided, minimised or mitigated where possible. Where impacts to KFH are proposed, what lesser impact options were considered and proposed mitigation measures. For further information about key fish habitat please refer to <https://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats#KFH>
 - b) Unavoidable impacts to KFH must be offset at a ratio of 2:1 in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (2013) and the NSW Biodiversity Offsets Policy for Major Projects - Fact sheet: Aquatic biodiversity. On-ground offsetting on site must be prioritised.

Fisheries Management Act Offset Requirements

This proposal will result in the harm of 0.02 ha of saltmarsh KFH and 0.01 ha of mangrove KFH, which are considered type 1 highly sensitive and type 2 moderately sensitive, respectively. This area of KFH must be offset at a 2:1 ratio in accordance with *DPI Fisheries Policy and Guidelines for Fish Habitat Conservation and Management* and the *NSW Biodiversity Offsets Policy for Major Projects Fact Sheet: Aquatic Biodiversity*. On-ground FM Act offsets are preferred and must be sought as part of this proposal.

These offsets required under the FM Act are addressing the impact to ecological values and ecosystem services of marine habitats that are not covered under the *Biodiversity Conservation Act* (BC Act). Therefore, the offsets required under the FM Act are in addition to the offsets proposed under the BC Act. Offsets proposed under the BC Act prior to, or as a part of this modification application cannot also be applied to the offsets required under the FM Act, unless they also have direct relevance to the objectives of the FM Act offset requirements in establishing offsets for marine habitats.

On-ground offsetting covering 600m² is required to satisfy the FM Act requirements. There are opportunities on site for on-ground offsetting however it is unclear at this stage if they will cover the entire area needed. Saltmarsh and mangrove regeneration proposed as a part of the proposed Cooks River foreshore interface and “ecological marshland” area described in the Landscape Design Report (Moir Studio, 20/03/2026) may be used as FM Act offsets.

Recommendations

DPIRD Fisheries recommends that the EIS and the Biodiversity Development Assessment Report be amended to address the above items (1a and 1b) or a new report be developed by a suitably qualified marine ecologist that specifically addresses key fish habitat impacts and offsetting be submitted to satisfy the DPIRD Fisheries requirements outlined as a part of the SEARs consultation.

If you require any further information, please contact me on jess.hyland@dpi.nsw.gov.au or 0455 794 560.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Hyland', written in a cursive style.

Jess Hyland

Fisheries Manager, Coastal Systems

DPIRD Fisheries