

Mr Andrew Dooley
Project Director
Kamay Ferry Wharves
Transport for NSW
27-29 Argyle Street
Parramatta NSW 2150

Our ref: SSI-10049

19/11/2021

Attn: Mr Christopher Williams

Dear Mr Dooley

Kamay Ferry Wharves Project (SSI-10049)
Request for additional information

The Department notes that the exhibition of the Environmental Impact Statement (EIS) for the above project closed on 14 August 2021 and that the Response to Submissions (RtS) report was submitted on 22 October, 2021. The RtS includes a revised Marine Biodiversity Offset Strategy (MBOS) and Biodiversity Development Assessment Report (BDAR). The BDAR (updated - 1 October 2021), Marine Biodiversity Assessment Report (May 2021), draft MBOS (September 2021), as well as the RtS have been reviewed by the Department and relevant agencies.

Based on the reviews undertaken and agency advice provided, the Department requires further information to understand potential impacts of the project on marine and terrestrial biodiversity, their habitat and the proposed measures to mitigate the impacts. This includes:

Marine biodiversity

- Identify all potential direct and indirect impacts associated with construction and operation of the project, including *Posidonia australis*, White's Seahorse and Black Rockcod. The MBOS should be revised to ensure compliance with *NSW Biodiversity Offsets Policy for Major Projects Fact sheet: Aquatic biodiversity*.
- Demonstrate how the risk of failure of proposed *Posidonia australis* transplantation will be reduced or managed, noting that use of the monetary bond to achieve this would form only part of the approach.
- Identify potential impacts of ferry type and manoeuvring on seagrass beds including scouring effects.
- Clarify why a maximum lifespan of 5 years is proposed for the MBOS.
- Identify the 'before' benchmark for KPIs measuring the success of MBOS actions.

- Demonstrate how the cumulative impact of construction and operation on marine biodiversity, required under the *Fisheries Management Act 1994* and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will be reduced.
- Provide a revised risk of loss with offset calculation under the EPBC Act and correct the offset cost discrepancy for *Posidonia australis* seagrass meadows TEC versus White's Seahorse.

Terrestrial biodiversity

In accordance with s. 6.14 (1) (b) of the *Biodiversity Conservation Act 2016*, a revised BDAR should be prepared and re-certified by the accredited assessor. This should comply with the requirements of BAM 2020 and include information previously requested by Environment, Energy and Science Group (EESG):

- Provision of BAM Calculator files, vegetation plot data sheets, and vegetation zone structure, function and composition scores.
- Rectify inconsistencies in the BDAR regarding the amount of vegetation to be cleared. Provide details of survey requirements for Australian Pied Oystercatcher and Sooty Oystercatcher, in accordance with the NSW BioNet Threatened Biodiversity Profile Data Collection (TBDC).
- Supply the species polygon for Sooty Oystercatcher and location maps for Australian Pied Oystercatcher and Sooty Oystercatcher that were recorded during the survey. Note that species polygons must conform with TBDC requirements.

Historic Heritage

An assessment of the impacts to Bare Island's heritage listing beyond its built elements and offshore dive sites is required. Consideration should be given to the significance of the island's shoreline, maritime habitat and wash caused by ferries in the assessment.

Please note, the Department's assessment timeframes do not include the seeking of further information, re-exhibition (if required) and condition negotiation. It is the proponent's responsibility to accommodate these actions in its own timeframes and to ensure that requested documentation is provided in a timely manner and is of a standard to allow the Department to complete its assessment.

Should you have any inquiries regarding these matters, please contact Fadi Shakir Project Lead via email at fadi.shakir@planning.nsw.gov.au or on 9274 6277.

Yours sincerely,

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