

Mr Fadi Shakir
Senior Project Officer, Infrastructure Assessments
Department of Planning, Industry & Environment
fadi.shakir@planning.nsw.gov.au

Kamay Wharves Project Environmental Impact Statement SSI-10049

Dear Mr Shakir,

I write in response to the exhibition of the Kamay Ferry Wharves Project Environmental Impact Statement SSI-10049 (EIS) currently exhibited proposing reinstatement of ferry wharves at Kurnell and La Perouse within the Kamay Botany Bay National Park (KBBNP). National Parks and Wildlife Service (NPWS) has worked collaboratively with Transport for NSW (TfNSW) in developing this proposal, as part of the joint Australian and New South Wales Governments' Kamay 2020 Project.

NPWS is generally comfortable with the proposed work, provided appropriate impact protections and mitigation measures are in place. Attached are some suggested conditions of approval, including measures to mitigate areas of particular interest to NPWS, including:

- Aboriginal Heritage including midden area proximal to the construction zone at Kurnell;
- Historic Heritage, including impact to the heritage landscape and impacts to heritage features;
- protection of fauna and flora in the national park, including protection against introduction of species to a national park setting; and
- pedestrian safety given construction is in two high visitation sites.

We would also suggest that TfNSW consider if alternative locations are available for the installation of the Kurnell services cabinet to reduce impacts to the heritage landscape; I note that NPWS will have the opportunity to contribute to TfNSW's Construction Management Plans.

Thank you for considering our response in preparing and the EIS assessment. For any questions, please don't hesitate to contact Nicole Butcher, Senior Project Officer
nicole.butcher@environment.nsw.gov.au and 0432 977 346.

Yours sincerely



DEON VAN RENSBURG
Director, Park Programs
National Parks and Wildlife Service

12 August 2021

- 1) Consent for the works in the form of appropriate tenure documents will be required by the land owner in accordance with the *National Parks and Wildlife Act 1974*. The consent may include conditions and requirements.
- 2) An Environmental Management Plan (EMP) identifying the potential risks of the activity and how these will be managed must be prepared. The plan must detail the environmental management procedures to be applied during and after the completion of the activity including, but not limited to, the following components:
 - a) measures to protect areas of environmental sensitivity;
 - b) location of active work and storage areas;
 - c) vehicle and pedestrian access arrangements, including parking and alternative access where access routes are interrupted;
 - d) environmental safeguards, including water pollution controls, waste management, protection against introduction of non-endemic species and management of hazardous substances;
 - e) site rehabilitation;
 - f) contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for relevant contractor, TfNSW and NPWS officers;
 - g) site induction and training arrangements;
 - h) site monitoring and reporting; and
 - i) protocols for incidents and emergencies.
- 3) Where vegetation is proposed to be damaged or cleared, a Vegetation Management Plan (VMP) must be prepared. The plan must identify the precise extent, location and type of vegetation to be cleared, areas to be revegetated or regenerated at the conclusion of the activity and appropriate monitoring and treatment for weed growth. Prior to commencing clearing, the applicant must clearly mark the areas approved for clearing via stakes or other suitable markers identified in the Vegetation Management Plan.
- 4) The applicant must take reasonable steps to restrict public access during the construction period and provide signage to advise appropriate project details and contact information.
- 5) Machinery, equipment or materials required for the activity must only be stored in existing cleared areas.
- 6) All laydown/parking/staging areas must be returned to a condition consistent with that prior to the commencement of the activity.
- 7) The applicant must ensure that fire-fighting equipment is provided on site during periods of declared high or greater fire danger.
- 8) Hot works and machinery which may result in sparking or ignition must not be used on a Total Fire Ban day without an exemption from the Rural Fire Service.
- 9) Hot works and machinery which may result in sparking or ignition may only be used during a Park Fire Ban with written permission from the NPWS Authorised Officer and subject to the following minimum fire suppression measures being available:
 - a) 400 litre tank full of water with a motorised pump
 - b) 50 metres of hose
 - c) Handtools such as rakehoes and shovels
 - d) trained staff in appropriate attire (long sleeve and pants).
- 10) Fuel and other similar flammable materials, such as gas cylinders and paint, must be stored in appropriate fire-resistant storage containers.
- 11) All excavated material must be stockpiled in an appropriate area, and bunded at all times. Stockpiles must be covered if they are to remain on-site for longer than two weeks or during periods of expected high rainfall.

- 12) Any topsoil removed during excavation must be stockpiled for later reuse in rehabilitation of the work site.
- 13) Vehicles and machinery must only use the track/s detailed in the EIS. New access tracks or re-opening of old tracks must not occur without NPWS approval.
- 14) Works must not be undertaken in wet weather if the proposed track surfaces and sites are going to be damaged by vehicles, equipment or works.
- 15) The activity must have appropriate erosion and sediment controls installed to adequately manage drainage.
- 16) Any areas including vehicular tracks which are damaged or disturbed in such a way that may lead to soil erosion must be stabilised immediately and rehabilitation undertaken within 14 days. Where excavation occurs and is to be remediated, appropriate fill and compaction will be delivered in accordance with the following principles: compact in layers of 120–150 mm depth (compaction of layers less than this thickness may result in separation from the underlying layer and scaling of the material off the surface; compaction of layers thicker than 150 mm may result in under-compaction and the development of soft spots)
- 17) use appropriate imported material for fill, including a good range of fines through to larger particle sizes. Any imported material should be tested and recommended by a qualified road practitioner. A record should be kept of all fill material, including its performance over time – material that performs well should be favoured and used for future works.
- 18) when material is compacted onto an existing road surface the surface should be scarified prior to compaction. Scarification breaks the shear plane and aids: i. bonding of the compacted material to the existing surface
 - a) mixing of existing and new materials
 - b) formation of sufficient compaction depth.
- 19) At least one person on-site at all times must be capable of identifying the threatened species described in the EIS. All identified specimens must be flagged, identified to staff/contractors involved in the activity and not disturbed.
- 20) Any deep excavations left open at night must be left with ramps or openings such that any fauna entering has a means of escape. Excavations must be checked each morning for any trapped animals.
- 21) Disturbance to low growing species must be minimised and ground cover retained.
- 22) Any restoration or rehabilitation works must only use locally sourced indigenous plant species, unless otherwise approved in writing by the NPWS Authorised Officer.
- 23) Any felled timber or vegetation must be dispersed throughout the adjacent environment to aid stabilisation of bare soils, enhance fauna habitat and reduce fire risk.
- 24) All imported material must be from a source agreed with NPWS and must not contain soil or vegetative matter.
- 25) All vehicles, plant and equipment must be washed down to remove any soil or plant matter prior to entering the reserve and when travelling from an area of known weed infestation to a new work area within the reserve.
- 26) Concrete mixing or washout must not occur at the work site.
- 27) If concrete washout is to occur on-site the resultant effluent must be discharged to a fully lined impervious bunded container for later discharge offsite.
- 28) At least one person on-site at all times must be capable of identifying the heritage features described in the EIS. All identified specimens must be flagged, identified to staff/contractors involved in the activity and not disturbed.
- 29) Protection measures must be implemented for heritage items from construction impacts including vibration – eg Midden and Cook Obelisk are immediately adjacent to the construction boundary.

- 30) If during the course of the activity any human skeletal remains are located the applicant must:
- a) immediately cease the activity
 - b) not further harm these remains
 - c) secure the area so as to avoid further harm to the remains
 - d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and at that time provide any available details about the nature and location of the remains
 - e) notify the NPWS Authorised Officer; and
 - f) recommence the activity only after receiving confirmation in writing from the local police or NPWS that it is appropriate to do so.
- 31) If, during the course of undertaking the activity, the applicant becomes aware of the presence of threatened species, populations or endangered ecological communities, or their habitats, that were not identified and assessed in the EIS and which are likely to be affected by the activity, the applicant must:
- a) immediately cease all work likely to affect the threatened species, populations or endangered ecological communities, or their habitats;
 - b) inform the relevant authority. Notification must be made as soon as practicable by phone, electronically or in writing; and
 - c) not recommence work likely to affect the threatened species, populations or endangered ecological communities, or their habitats until receiving written advice from the relevant authority to do so.