

Our Ref: C21/404

9 August 2021

Your Ref: SSI-1009

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Department of Planning, Industry and Environment
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Via the Major Projects Portal

Mr Shakir,

**Advice on the Environmental Impact Statement (EIS) for the
Kamay Ferry Wharves Project (SSI-1009)**

Thank you for seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above. This office previously undertook a consistency review on the draft Environmental Impact Statement (EIS) and comments were issued as C21/279 on 28/05/2021.

DPI 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, DPI 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)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

Transport for NSW is seeking approval to construct and operate the Kamay Ferry Wharves in La Perouse and Kurnell, Botany Bay.

DPI Fisheries has reviewed the Environmental Impact Statement (EIS), particularly Chapter 10 Marine Biodiversity and Appendix H Marine Biodiversity Assessment Report and make the following comments:

Coastal Systems

DPI Fisheries are currently unable to support this proposal.

This due to:

- A lack of information about the type (hull shape, draft and propulsion mechanism) and frequency of ferry services and type of recreational vessel usage, consequently the final impact of this proposal is unable to be quantified.
- The proponent has not yet demonstrated how offset requirements under the *Fisheries Management Act* (1994) or the Commonwealth *Environmental Biodiversity Conservation Act* (1999) will be met. The Marine Biodiversity Offset Strategy is incomplete.
- It is not stated if any supplementary moorings (recreational or commercial) or dredging is proposed as part of construction or operation. These activities have a profound and long-lasting effect on seagrass.

- Navigation channels and exact vessel pathways are yet to be disclosed.
- At the consistency review DPI Fisheries found that a *threatened aquatic species assessment* (Part 7A Fisheries Management Act, 1994) to address whether there are likely to be any significant impact on listed threatened species, populations or ecological communities under the Fisheries Management Act, 1994 (Key Issue SEARs requirement: Section 2 Biodiversity, Point 7 (a)) had not been undertaken. While this Key Issue SEARs requirement has been undertaken the determinisation has not been included. Appendix H Section 5.4.2 is missing a sentence that identifies that there will be a significant impact to *Posidonia australis* as part of the 7 Part test of significance. This is the corner stone of the environmental assessment process.

Recreational Fisheries

DPI Fisheries would like to raise the following significant issues with the proposal:

Botany Bay is a renowned Recreational Fishing Haven (RFH) since 2002 and given its Sydney location, recreational fishing is very popular in the bay (both boat and land based). Fishing tourism provides for significant social and economic contributions to the southern Sydney region.

Inscription Point is a popular area for boat-based fishing, including fishing for squid, which will be potentially impacted by the ferry swept path. Likewise, Frenchman's Bay of La Perouse Point is also popular for boat fishing providing for a safe, protected fishing location. DPI is also aware spearfishes use these fishing areas, which should be considered.

DPI Fisheries in collaboration with Transport NSW has proactively managed recreational fishing access on Sydney Harbours' ferry wharf network since the inception of the 'Clean, Safe Wharves Program' in 2010.

To date this collaborative management has proven successful in maintaining the ferry wharves for their primary purpose of transporting commuters around the harbour on Sydney ferries while also providing recreational fisher amenity. The ferry wharves have provided quality fishing locations in the Harbour for many decades.

It is recommended that recreational fishing activity on the Kamay ferry wharves in Botany Bay be managed using similar management arrangements and initiatives used as part of the Clean, Safe Wharves Program.

It is noted that as part of the Kamay Ferry SSI documentation provided, document #5 Operation of the wharves section 5.2.9 Fishing would be permitted on the wharves (except for the ferry vessel berth). Swimmers would still be able to explore the rocky shoreline under the approach jetty of the wharves (whilst avoiding the recreational and ferry vessel berth areas).

This is likely to be contentions with the recreational fishing sector and will result in fishers potentially disregarding the rule, given the ferry vessel berthing area will be a favourable fishing location. To achieve consistent management arrangements across Sydney Harbour and Botany Bay in relation to ferry wharves, it is recommended that the above proposal be changed to:

Fishing would be permitted from the ferry vessel berth except when in use by a ferry. Signage has been developed by TNSW in collaboration with DPI Fisheries and Sydney Ferries for the Sydney ferry wharves on this subject and should be applied to Kamay ferry wharves.

Additionally, by permitting fishing on this section will aid in reducing congestion at peak times on the multi usage platform and would provide additional positive social offset for loss of recreational fishing boating area with the construction of Kamay ferry wharf project.

DPI Fisheries is also willing to continue working with Transport for NSW on collaborative management of recreational fishing on ferry wharves, similar to what has been occurring for the past decade in relation to Sydney Harbour ferry wharves.

Further correspondence

If you require any further information, please contact Josi Hollywood on (02) 4222 8311 or josi.hollywood@dpi.nsw.gov.au

Yours sincerely,

S. Carter

Scott Carter

Senior Fisheries Manager, Coastal Systems Unit