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By email: fadi.shakir@planning.nsw.gov.au

Dear Mr Shakir

Notice of Exhibition of application for Kamay Ferry Wharf Project (SSI-10049)

Thank you for your referral dated 12 July 2021 inviting comments from the Heritage Council of NSW on the above State Significant Infrastructure (SSI) proposal.

The proposed development involves the reinstatement of two public ferry wharves and associated infrastructure to allow a ferry service to operate between La Perouse and Kurnell in Kamay Botany Bay. The project includes the following:

- Demolition of the existing viewing platform at Kurnell
- Construction of temporary ancillary works including access roads, compound areas, stockpiles, fencing and temporary building platforms (including a temporary causeway at Kurnell and temporary crane platform at La Perouse)
- Relocation of swing moorings at La Perouse
- Construction of two wharves on piles, one at La Perouse and one at Kurnell that would include:
 - A berth for passenger ferries (to cater for ferries between 15 metres to 40 metres in length)
 - A multi-user berth for commercial and recreational vessels (to cater for vessels between two metres and 20 metres long)
 - Sheltered waiting areas and associated furniture located on the wharves
 - Signage and lighting
- Landside paving and landscaping at the entrance to the wharves
- New footpaths connecting the entrance of the wharves to the existing footpaths
- Reconfiguration of existing car parking areas at La Perouse to increase the number of spaces, and associated footpath changes to accommodate these additional car parking spaces
- Bicycle racks near the La Perouse wharf
- Installation of utilities to service the wharves including power and water

The proposed SSI site includes/is in the vicinity of State Heritage Register item Kamay Botany Bay National Park (North and South) and Towra Point Natural Reserve (SHR No. 01918). The SHR statement of significance recognises the strong connection between Aboriginal and non-Aboriginal heritage at this site. The SSI site is also located near other SHR items including La Perouse Aboriginal Mission Church at 46 Adina Avenue, La Perouse (SHR No. 01893), and the Bare Island Fort, La Perouse (SHR No. 00978).

There are numerous locally significant historical and maritime heritage items and archaeological sites within the project impact area and its immediate vicinity.

It is noted that Transport for NSW referred the project to the Australian Government Department of Agriculture, Water, and the Environment (DAWE) and in January 2021, the Department's Secretary decided that the project should be controlled under the EPBC Act as the project is expected to result in a significant impact to the National heritage values of *Kamay Botany Bay: Botanical Collection Site* (NHL ID 106162) and *Kurnell Peninsula Headland* (NHL ID 105812).

The Environmental Impact Statement prepared by Arup Australia Pty Ltd, dated June 2021 and relevant appendices relating to historic heritage, archaeology and maritime heritage have been reviewed.

As delegate of the Heritage Council of NSW, I provide the following comments:

Recommendations in section 10.2 of the Artefact P/L Statement of Heritage Impact are generally supported, with the following additional comments below:

Built Heritage

- Approval conditions are recommended, as noted below:
 - a) Detailed design of new infrastructure associated with the proposed development should be as minimal in height, bulk and visual impact as possible – e.g. fencing/bollards/signage/kerbing/ground-treatment.
 - b) The detailed design of the new wharf structures should take into consideration recessive neutral external colour schemes and finishes and avoid reflective finishes to minimise visual impacts.
 - c) A belt of low shrubs or grasses (under 1m height) should be planted on the 'park' side of the proposed car parking areas at La Perouse as a soft visual barrier to mitigate impact on the setting of the place.
- A condition of approval is recommended requiring the minimisation of vibration impacts by use of smaller equipment or hand tools in the following locations and regular vibration monitoring during construction works. Both need specification in the Construction Environmental Management Plan (CEMP).
 - a) The La Perouse Monument inside the Anzac Parade Loop is near the construction boundary and may be impacted if large vibration generating equipment is used;
 - b) The Kurnell wharf piling is within 5-10m of the coursed stone sea wall. There are parts of this wall no longer mortared together and in disrepair. Remedial work to mortar, repair and support these sections is required, before and during piling;
 - c) The Captain Cook monument is within the construction boundary and adjacent to Monument Track, where a utilities trench will be installed. The monument is on sandstone bedrock and any hammering into this could cause vibration impacts. The use of specialized tools is recommended to minimise impacts;
 - d) Landscape works close to the Ferry shelter shed, where there is potential for indirect vibration impacts to the structure.

Heritage Interpretation Strategy and incorporation

- Approval conditions are recommended to:
 - a) Require preparation of a Heritage Interpretation Strategy for the project to guide the incorporation of heritage interpretation, such as displays and panels, into the project design, including options to incorporate interpretation into the design of the wharf structures themselves. Heritage interpretation implemented as part of the project

should be consistent with the interpretation policies and guidelines outlined in the Meeting Place Precinct CMP and La Perouse Headland CMP.

- b) Require that the interpretation strategy take into consideration existing interpretation to provide consistent interpretation in the area and acknowledge the varied history of the headlands and their significance to multiple groups.
- c) Avoid any impacts to existing interpretation, including interpretive text along Monument Track, and make good any damage done by construction to such interpretation following the completion of works.
- d) Consider the results of archaeological investigations undertaken as part of the project. Where appropriate, opportunities should be considered for leaving archaeological remains exposed and incorporating them into the visual landscape.
- e) Conduct an oral history project undertaken in consultation with local archives, libraries, historical societies, and community groups to record memories and experiences of community members and Aboriginal groups and their interactions with Kamay Botany Bay National Park during the 20th century. This project should be incorporated into the heritage interpretation works.
- f) Progress an option for interpretation at La Perouse consisting of developing a site map displaying visible archaeological and heritage elements near the proposed wharf, such as former slip ways, cable tank footing, and remains of the Paragon Restaurant, to facilitate greater engagement by patrons of the ferry service.

Consultation with the NPWS, Aboriginal and community groups

- Approval conditions are recommended to:
 - a) Require consultation with NPWS where proposed works impact significant fabric within the National Park to allow NPWS to give feedback and ensure assets are appropriately managed through design, construction, and implementation stages.
 - b) Require collaboration with Aboriginal and community groups during the preparation of the heritage interpretation to tell a broad range of stories, which would contribute to the project. It is recommended that an Aboriginal cultural expert be engaged to appropriately interpret cultural narratives shared by the Aboriginal community.

Landscape Heritage

- Approval conditions are recommended to:
 - a) Retain the African Olive Tree in the Kurnell Meeting Place Precinct and to avoid impacts to it, in accordance with CMP policy 5.5.7. If retention is not feasible, it is recommended the tree is not replaced or replanted in accordance with the same policy.
 - b) Protect significant trees close to construction by establishing tree protection zones and using root sensitive construction techniques, developed in consultation with a qualified Arborist. If such measures are unable to prevent permanent damage to or the death of significant trees, options to replace them should be considered with the guidance of the flowcharts under Meeting Place CMP policy 5.6.54.
 - c) Require avoidance of impact to the area of remnant Coast Banksia communities at La Perouse and Kurnell. Where this cannot be avoided, offset planting of replacement native vegetation at La Perouse and Kurnell should be provided. This should be drawn on all relevant final planting plans and its appropriate after-care be included as part of the Construction Heritage Management Plan (CHMP).
 - d) In accordance with Meeting Place Precinct CMP policy 5.6.42, where communities such as remnant Coast Banksia communities would be replaced, the provenance of the replacement species must be local (in order of priority: from within the

immediate native plant community, then within Botany Bay National Park (south), then from Kurnell Peninsula).

- e) Prepare an Urban Design and Landscape Plan (UDLP), or equivalent landscape scheme, to be incorporated into the project CEMP. The UDLP should outline a vegetation replacement strategy detailing which species would be replaced and what species would be used. Details on tree and vegetation mitigation measures, as outlined above, would be incorporated into the CEMP.
- f) Expand the Arborist's Assessment recommendations in sections 7.9.1, 7.11) regarding the number and timing of supervising arborist inspections, to include 2 years of post-works-completion monitoring of new plantings, at 4-monthly intervals, including recommended remedial works (watering, mulching, staking, pruning) to ensure all plantings (and retained existing ones) survive construction and have a 2 year period of 'settling in', survive and thrive.
- g) Reinstate Monument Track in the same location following completion of construction works to ensure the historical circulation pattern is maintained in accordance with Meeting Place CMP policy 5.5. If feasible, existing concrete slabs should be temporarily removed, stored, and reinstated rather than replaced. Particular care is required to remove sections with interpretive text and ensure they are returned to their original location. Any required replacement sections shall match the colour and consistency of the existing track.

Historic Heritage

The 2021 Kamay Ferry Wharves Project Archaeological Test Excavation program and Statement of Heritage Impact has demonstrated that overall, the proposed archaeological works are likely to have a **minor** heritage impact to Kurnell Peninsula Headland (NHL ID 105812), **minor** potential direct impacts to Kamay Botany Bay National Park (North and South) and Towra Point Reserve (SHR 01918), minor potential direct impacts to Kurnell Historic Site (in Kamay Botany Bay National Park) [SLEP 2504] and negligible potential direct impacts to Botany Bay National Park (Botany Bay National Park, La Perouse Headland, Yarra Bay and Frenchmans Bay) [RLEP C5].

Construction of the wharf tie-in areas however, will impact the former wharf approach road at La Perouse and the former sandstone sea wall at Kurnell. Archaeological remains associated with these features have been assessed as reaching the threshold of local significance.

An archaeological testing program was undertaken at the former wharf approach road at La Perouse and the former sandstone sea wall at Kurnell. However, the test excavations were not completed due to contamination. Accordingly, it is recommended that:

- Further archaeological investigation and management will be required for the significant non-Aboriginal features relating to the coarse stone wall, trust wharf / landing place wharf (A2516), former stone wall, and the former wharf approach road at La Perouse.
- Further archaeological management and investigation should be undertaken for the significant non-Aboriginal archaeological remains of the stone sea wall at Kurnell.
- The detailed design for the project should take the findings of the test excavation program into consideration and redesign to avoid impacts to significant built heritage and archaeological remains where feasible.

It also further recommended that:

- An archaeological salvage excavation should be undertaken to investigate and record the significant archaeological remains where they would be impacted by the construction activities.
- The archaeological salvage investigations must be guided by an Archaeological Research Design (ARD) that would be prepared for the project (discussed below) and would be managed by an Excavation Director who meets the NSW Heritage Council's Excavation Director criteria.
- Undertake a comprehensive photographic archival recording of heritage items within and in the vicinity of the construction boundaries to document the fabric, setting and views of the surrounding landscapes prior to the commencement of the construction phase and at the completion of the project.

Maritime Heritage

- Approval conditions are recommended, as noted below:
 - a) A site-specific Maritime Heritage Management Plan must be developed once the final alignment of the new wharves is confirmed. The management plan must include objectives and methodologies to conserve maritime heritage and mitigate impacts. This document must be prepared by a suitably qualified and experienced maritime archaeologist. The Maritime Heritage Management Plan must specify:
 - Unexpected finds protocols relevant to each type of activity such as trenching for services, piling and installation / removal of temporary causeway / construction pad, placing guide frames and temporary piles.
 - Development of artefact management policy. This document must look at policies relating to potential retention, conservation, storage, and exhibition of artefacts.
 - If submerged reburial of artefacts is to be undertaken a specific policy must be developed outlining how and where artefacts are to be reburied.
 - Relevant work method requirements and maritime heritage inductions tailored for each type of work activity such as anchoring or trenching.
 - Restricted zones, archival, baseline and periodic monitoring protocols for identified heritage items before and during construction, including a final site inspection within three months of completion of works. This measure would ensure the impact on known and potential maritime heritage remains, such as maritime infrastructure, shipwrecks and discarded objects, would be Negligible to Minor.
 - b) The Kamay Ferry Wharves Environmental Impact Statement (AIS) June 2021, Table 9-6: *Environmental management measures for underwater heritage impacts* states that the Unexpected Heritage Items Procedure (NSW Roads and Maritime Services, 2015) must be updated. This procedure does not deal with unexpected maritime heritage finds. A site-specific unexpected maritime heritage finds policy must be prepared prior to work taking place.

As the site contains a local heritage item, and other local items are in the vicinity, advice should be sought from the relevant local council.

If you have any questions regarding the above advice, please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8545 or shikha.jhaldiyal@environment.nsw.gov.au or Stuart Read, Senior Heritage Operations Officer, South Metro Team, on 9873 8554 or stuart.read@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stuart Read', with a stylized, cursive script.

Barrina South
Acting Regional Manager Southern
Heritage NSW, Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
11/08/2021