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Dear Mr Beattie,

Re: NSW Ports Submission to SSI-10049 Kamay Ferry Wharf Project

Thank you for your letter dated 14 July 2021 and for providing NSW Ports with the opportunity to comment on SSI-10049 Kamay Ferry Wharf Project (the Proposal). NSW Ports is responsible for managing the port and freight assets of Port Botany, Port Kembla, the Cooks River Intermodal Terminal and the Enfield Intermodal Logistics Centre (ILC). These assets, along with the efficient movement of freight to and from these assets, are critical to the future economic growth, liveability, productivity and sustainability of New South Wales.

The subject Proposal is for two wharves and the associated movement of ferries between La Perouse and Kurnell across Botany Bay and its existing shipping channel.

The shipping channel that connects Port Botany to east coast shipping lanes is vital infrastructure to Port operations and NSW Ports considers the shipping channel as a critical asset along with our road and rail connections.

In financial year 2020-21 Port Botany was visited by 1283 commercial vessels including 972 container vessels with the remaining 311 vessels being bulk liquid and gas carriers. This equates to 2566 commercial ship movements or approximately 7 vessel movements per day. Each commercial vessel requires pilotage and is required to be brought into the Port with the assistance of tugs (between two and four tugs dependent on ship size, risks, weather etc). The shipping channel is a busy and vital connection between Sydney and the rest of the World. It is forecast that total vessel numbers associated with Port Botany will grow by 45 per cent over the next 30 years.

In addition to vessel movements to NSW Ports' facilities at Port Botany, there are additional commercial movements associated with the bulk liquids facility at Kurnell and other commercial movements. In total, there are approximately 9 commercial vessel movements each day.

State Environmental Planning Policy (Three Ports) 2013

One of the aims of *State Environmental Planning Policy (Three Ports) 2013* (the Three Ports SEPP) is to specify matters to be considered in determining whether to grant consent to development adjacent to development for port purposes. To this end, Clause 19 of the Three Ports SEPP states:

19 Port Operator to be notified of certain development applications at Port Botany

(1) This clause applies to land identified on the Referral Area Map.

(2) Before determining a development application for development on land to which this clause applies, the consent authority must notify the chief executive of the Port Operator in writing of the proposed development.

(3) Notice must be given not later than 7 days after the development application is made.

(4) In determining a development application to which this clause applies, the consent authority must consider the following matters—

(a) any submissions made to the consent authority by the chief executive of the Port Operator within 21 days of notification of the development application under this clause,

(b) the effect of the development on the practicability, cost, structural integrity and safety of future port expansion or dredging works within navigation channels,

(c) the effect of the development on ship movements to, from or within Port Botany.

Figure 1, below, provides a portion of the Referral Area Map (to which Clause 19 applies) with the Referral Area identified in yellow. This has been overlaid with the information provided in Figure 5-1 of the Environmental Impact Statement for the Proposal with the ferry swept path identified in blue.



Figure 1 - Three Ports SEPP Referral Area and Proposal Location

Given the ferry route traverses the Referral Area, NSW Ports is of the opinion that Clause 19 of the Three Ports SEPP applies and as such this is a submission made in accordance with Clause 19(4)(a) of the Three Ports SEPP.

The effect of the development on the practicability, cost, structural integrity and safety of future port expansion or dredging works within navigation channels

NSW Ports currently has no approved port expansion projects that are yet to commence construction. Regardless, consideration must be given to the future growth and operation of the Port and the potential for future port developments.

NSW Ports is responsible for maintaining shipping channel depths in Port Botany and as such, there may be a time when the build-up of material in the shipping channel requires Maintenance Dredging activities to be undertaken to maintain current depths or dredging for the purposes of deepening, widening or extending the existing channel. To this end NSW Ports recommends the following condition of consent:

"Ferry movements must not impede any future activities by the Port Operator within the navigation channel including, but not limited to, any dredging activities."

This is consistent with Section 12.3.4 of the Environmental Impact Statement which states:

"If activities associated with the Port (such as maintenance dredging of the shipping channel) are required within the shipping channel, the ferry service would have to adjust its course to avoid this activity."

The effect of the development on ship movements to, from or within Port Botany

The introduction of a ferry service will increase the possibility of vessel conflict with shipping operations. The Port Authority of NSW is responsible for the safe navigation of vessels within Botany Bay and these movements are crucial to the economy, productivity and liveability of the whole of Sydney and NSW.

To this end NSW Ports recommends the following condition of consent:

"Commercial shipping operations will have precedence over any ferry movements associated with the development, except in the case of an emergency."

This is consistent with Section 12.3.4 of the Environmental Impact Statement which states:

"Freight and fuel vessels travelling to Port Botany and the Kurnell Terminal Wharf would have priority over the ferry service..."

NSW Ports supports the views of the Port Authority of NSW (PANSW) as detailed in the Navigational Safety Assessment and the PANSW will have authority to enforce the above-mentioned condition (or similar) through the Vessel Traffic System. To this end, NSW Ports supports a condition of consent requiring the preparation of a Vessel Traffic Management Plan (VTMP) that clearly identifies ferries as the second priority to sea going ships and protocols for interactions between different vessel types. The PANSW would be best placed to recommend appropriate wording for such a condition.

If you would like to discuss this submission further, please do not hesitate to contact me on (02) 9316 1131 or at greg.walls@nswports.com.au.

Yours sincerely,



Greg Walls
Planning Manager