



EPBC ref: 2022/8825

Mr Andrew Dooley  
Senior Project Manager  
Transport for NSW  
33 James Craig Road  
ROZELLE NSW 2039

**Decision to approve Kamay Ferry Wharves Project, NSW**

Dear Mr Dooley

I am writing to you about your proposal to reinstate two public ferry wharves and associated infrastructure at La Perouse and Kurnell, about 14 km south of the Sydney central business district.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Transport for NSW. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

Any plans required to be implemented under the conditions of approval will be regarded as public documents unless the approval holder provides sufficient justification to warrant a commercial-in-confidence status.

Approval under the EPBC Act does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

Section 142 of the EPBC Act requires an approval holder to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

The department actively monitors, and audits proposals referred or approved under the EPBC Act. The audit program aims to ensure approval holders comply with conditions of approval and implement any commitments made in management plans. Your project may be selected for audit by the department at any time and all related records and documents may be examined. Information about the department's compliance monitoring and auditing program is attached.

I have also written to the following parties to advise them of this decision:

State minister	Delegate for the Hon. Anthony Roberts MP, NSW Minister for Planning and Homes
Other relevant authority or authorities	The Hon. Linda Burney MP, Minister for Indigenous Australians The Hon. Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government Delegate for the Hon. Richard Marles, Minister for Defence and Deputy Prime Minister

Please be aware that in response to my invitation to comment on the proposed decision, the National Indigenous Australians Agency (NIAA) recommended:

- Ensuring you have engaged with the Traditional Owners and other First Nations stakeholders with an interest in the project and have provided them with sufficient time to make informed assessments of the possible impact of the project on their interests.
- Engaging with any other Traditional Owners and First Nations stakeholders who may have an interest in the project, including:
  - [REDACTED]
  - [REDACTED]
- Seeking advice on whether any future act processes are required under the *Native Title Act 1993*.
- Including measures in the Construction Heritage Management Plan that are agreed on with Traditional Owners, RAPs and the La Perouse LALC for First Nations cultural heritage protection and management.
- Consider developing an agreed heritage management plan that extends to consider the operational phase of the ferry wharves and associated infrastructure, as well as enduring mechanisms to ensure that relevant personnel are familiar with commitments made in the plan.
- Develop a First Nations employment, training, and procurement plan in consultation with Traditional Owners and other First Nations stakeholders which may include opportunities such as mammal protection works, cultural heritage management, and threatened species management.

Please advise the department when you commence the action and ensure you keep the details of the person responsible for administration of the approval decision up-to-date throughout the life of the approval via email to [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

You will soon receive a letter regarding the requirements of the approval conditions. For general enquiries regarding post approval matters, e.g. approval of management plans, please contact [PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au).

If you have any questions about this decision, please contact the project manager, Lucinda Biltoft, by email to [REDACTED] or telephone [REDACTED] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Kate Gowland  
Acting Branch Head  
Environment Assessments (NSW, ACT) Branch

16 March 2023