

NSW National Parks & Wildlife Service
Attn: Asher Seeto
21 Cape Solander Drive,
Kurnell NSW 2231

Re: Kamay Botany Bay National Park Revetment Wall – Kurnell Headland, Kurnell NSW 2231

Dear Asher,

Thank you for your referral dated 5 April 2024 seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above. This notification complies with s.199(1)(a) of the *Fisheries Management Act 1994* (FM Act) concerning the proposed dredging activities.

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 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 in NSW.

DPI Fisheries has reviewed the proposal in light of those provisions and has no objections to the proposed works, provided that:

1. Saltmarsh is present on the site (*Sporobolus virginicus*). Harm to saltmarsh that is on land reserved under Part 4 of the *National Parks and Wildlife Act 1974* is exempt from the operation of section 205 (2) of the FM Act and a permit is not required.
2. DPI Fisheries recommends that the revetment wall be designed in accordance with NSW Government's "Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-Lined Foreshores in Estuaries" (<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Coasts/environmentally-friendly-seawalls-090328.pdf>).

3. Erosion and sediment mitigation devices are to be erected in a manner consistent with current Best Management Practice (i.e. Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004) to prevent entry of sediment into the waterway prior to any earthworks being undertaken. These are to be maintained in good working order for the duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal;
4. DPI Fisheries (1800 043 536) and the Environment Protection Authority (131 555) is to be notified immediately if any fish kills occur in the vicinity of the works. In such cases, all works other than emergency response procedures are to cease until the issue is rectified and approval is given by DPI Fisheries and/or the Environment Protection authority for the works to proceed.

If you require any further information, please contact me on jess.hyland@dpi.nsw.gov.au.

Yours sincerely,



Jess Hyland

Fisheries Manager, Coastal Systems

DPI Fisheries