

The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



11 August 2021

Kamay Ferry Wharf Project

Application No SSI-10049

Location: La Perouse and Kurnell in Botany Bay

Proponent: Transport for New South Wales

Council Area: Sutherland Shire and Randwick City

Approval Authority: Minister for Planning and Public Spaces

On behalf of the Recreational Fishing Alliance of New South Wales (RFA), thank you for your invitation to provide a submission.

The RFA is the peak representative body for recreational anglers in New South Wales. The RFA represents the interests of anglers in the management of the State's recreational fisheries, promote sustainable fishing practices, encourage the participation of children, help secure rights to fishing access, encourage recreational anglers to become involved in the well-being of the fishery, promote consultation and communication between government and anglers and promote fishing safety.

The Ferry Wharves are of interest to recreational anglers. Our members living in the Sydney Region have observed a decline in access to the waterways of Botany Bay and a reduction in the abundance of our fish species since the increases of commercial boating and shipping on Botany Bay. Many members are concerned that water management policies and practice appears to favour commercial operators at the expense of other users and the health of Botany Bay.

Accordingly, we hope this approval process considers the issue of we have raised against the bigger picture the NSW Government's overall water management policies and practices. With this in mind, the RFA considers it important to:

- Preserve important habitat that the ferry service will impact
- Preserve safe and productive family friendly fishing spots that will be impacted by the ferry route.

I attach the RFA's submission for consideration. The RFA will welcome the opportunity to elaborate further on its submission or other matters of interest to the process.

Yours faithfully

Stan Konstantaras

President

Recreational Fishing Alliance of NSW

Submission of the Recreational Fishing Alliance of New South Wales to the Kamay Ferry Wharves

1. Ferry route/s and conflict with our recognised fishing and spearfishing grounds in the Botany Bay Recreational Fishing Haven.

In June 2020 the RFA told the consultants to avoid our fishing areas with regards to any ferry route and at the time there seemed to be consensus. Imagine the RFA's surprise when the EIS was released and the "Ferry Swept Path" went straight over our recognised fishing grounds and the areas we told them to avoid. Whilst we understand that this is the proposed ferry swept path, we are asking that this be reviewed and that the EIS reflect a new ferry swept path and the impacts, if any a new ferry swept path will have.

The EIS has missed the fact that the ferry sweep area will impact safe boat fishing spots in a southerly wind / swell. We have already provided advice on the areas that a ferry would have to use as a designated route and this was ignored. Any ferry route would have to stay well away from recognised fishing / spearfishing grounds at Kurnell and Laperous. Routes would need to circumvent these areas to reduce conflict. Whilst these might be construed as management issues, they should also help shape the EIS and areas where we should be focussing on and looking at the likely impacts of having a medium ferry constantly driving over sensitive areas daily, something that is not happening now. Recreational anglers have already advised of their preferred route to reduce conflict and that was entry and exit to both wharves from a westerly direction.

As anglers we are also mindful that the NSW Government will encourage Charter Boats, Whale Watching Boats and possibly the cruising restaurant ships to all use these wharves, so we are talking multiple users, not just ferries. This has already been relayed to the RFA of NSW by the consultants; it will not just ferry's using the wharves.



Figure 5-1: Project areas



Figure 5-1: Project areas

Kamay Ferry Wharves
Environmental Impact Statement



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Kamay Ferry Wharves
Environmental Impact Statement

Recent advice we have received on the 9th August 2021 from consultants indicates that *“The swept ferry path shown in Figure 5-13 of the EIS is the total area within which ferries could potentially move between the two wharves for the purposes of the environmental impact assessment studies. However, before the wharves are operational and a ferry operator is selected an operational management plan will be developed in consultation with recreational user groups (including the fishing community) to include a designated ferry transit route and exclusion areas to minimise impact on existing and future activities in the bay. We certainly took note in our meetings on the information you provided on recognised and safe fishing areas, and this will be considered in the development of the ferry transit route and operational management plan in general”*.

This advice received was never meant to be used as a “gotcha” moment and was not arrived to in this manner.

The consultants response raises issues that need to be addressed now and not with an “operational management plan” as indicated at a later date. Recreational fisher’s advice is to change the ferry swept path now under this EIS. The preferred route that recreational anglers want considered needs to be assessed under the same processes as the current ferry swept path since it is outside what the current EIS has looked at. Environmental management measures need to be reconsidered in the new ferry swept path and should focus on habitat degradation and turbidity on sensitive environments related to vessel wash and disturbance.

Unless this happens now it is fair to assume that recreational fishers will undoubtedly lose access to the recreational fishing havens’ safe and productive fishing spots because of the constraints placed on the area of operation in the EIS relating to the swept ferry path presented in the EIS.

Ferry route expansion plans to Brighton, Cooks / George River, Foreshore Rd and the proposed Cruise Ship Terminal are also a real threat to fishing in the recreational fishing haven. This is a real threat to the Bay with future plans possibly seeing wharves / commuter hubs at Brighton, Cooks River, Foreshore Rd and the proposed Cruise Ship Terminal.

<https://www.theleader.com.au/story/6788620/call-for-return-of-brighton-le-sands-ferry-service/>

Ferry routes / shipping lanes are generally off limits to anchoring and fishing for recreational boaters. We are also mindful that anything around Foreshore Rd would have to use or incorporate the boat ramp area and carpark and the briefing that Phillip Holliday (Ports) gave at a Save Yarra Meeting last year clearly indicated that a Cruise Ship Terminal would be value added with a small convention centre, restaurants etc., so ferries all over the Bay is a real threat so assurances have to be given now that access strategies need to be well thought out and have limited impacts to anglers both on and off the water.

Recommendation:

- **The RFA of NSW cannot support any loss of access to recognised fishing spots on the Botany Bay Recreational Fishing Haven.**

2. Impacts to fish and habitat.

The EIS seems to constantly be talking about sea grass and threatened species and mentions “octopus” as inhabiting the area. It fails to acknowledge that these areas are also nursery areas and the shellfish in the area that will be impacted by the construction works and constant travel that these ferry’s and other vessels will be having over these areas.

Most of the previous EIS' in the Bay have focussed on sea grass, not fish assemblages and spawning aggregations of species like cephalopods and this EIS is deficient in this once again.

Any assurances that the seagrass offsets could be used are also false based on previous assurances given by the NSW Government with regards to the Port Expansion at Port Botany and the associated failed attempts to transplant seagrass meadows that the Port Expansion destroyed. This EIS, like previous studies pays little regards to the role of seagrass and the impacts of any loss due to developments like this one proposed. **We are advised that there will be ongoing impacts from the ferries to the habitat in the area and that offsets can be used. It is misleading to suggest that this is a viable solution and the EIS is misleading in this regard.**

The Port Botany Long-term Seagrass Monitoring 2018 report is testament to what recreational anglers have had to deal with over the loss of seagrass due to the Port Expansion

https://www.portauthoritynsw.com.au/media/3350/59918182_portbotanyseagrass2018_revb-final.pdf

The absolute nonsense dished out by the Port Authority of NSW is laughable considering anglers have been fishing and visiting the area for many decades prior to the Port Expansion and panned the transplanting of seagrass as a failure well before it had even began. The following statement by the Port Authority is the worst case of blame shifting the RFA has even witnessed; "Following completion of the final post-construction survey for the PEHEP in 2017, it was concluded that overall seagrass distribution and species composition within Foreshore Beach had been highly variable, but that these changes were due to factors other than construction for the Port Botany Expansion"

Table 1 Summary of seagrass studies of Foreshore Beach and Penrhyn Estuary, Port Botany

Year	Project Phase	Approximate Area of Seagrass (m ²)	Reference
1995	Pre-Construction	74,752	Watford and Williams (1998)
2003	Pre-Construction	94,715	The Ecology Lab (2003)
2006	Pre-Construction	47,100	Roberts <i>et al.</i> (2006)
2007 (February)	Pre-Construction	1,375	Roberts <i>et al.</i> (2007)
2007 (November)	Pre-Construction	660	Roberts <i>et al.</i> (2008)
2008	Pre-Construction	651	Roberts <i>et al.</i> (2008)
2009	During Construction	Not comparable	SPC (2009)
2010	During Construction	Not comparable	SPC (2010)
2011	During Construction	Not comparable	SPC (2011)
2012	Post-Construction	26,000	Cardno (2012)
2013	Post-Construction	12,789	Cardno (2013)
2014	Post-Construction	16,406	Cardno (2014)
2015	Post-Construction	11,238	Cardno (2015a)
2016	Post-Construction	1,274 (Foreshore Beach only)	Cardno (2016a)
2016	Post-Construction	1,271 (Foreshore Beach only)	Cardno (2016b)
2016	Post-Construction	1,507 (Foreshore Beach only)	Cardno (2016c)
2017	Post-Construction	1,017 (Foreshore Beach only)	Cardno (2017)

Prepared for Port Authority of New South Wales

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2018
Port Botany Long-term Seagrass Monitoring

Year	Project Phase	Approximate Area of Seagrass (m ²)	Reference
2018	Post-Construction	1,843 (Foreshore Beach only)	Cardno (2018)

The RFA had already made the point that any marine survey would have to be seasonally diverse, not just winter / spring when species assortment is at its lowest and we expected the EIS to look at the squid spawning grounds in the area.

Squid fishing in the both areas is popular, safe, productive and family friendly and is intrinsically linked to the seagrass in the area.

The RFA has serious concerns with regard to the squid in the area on the following grounds;

- Both spatial and seasonal spawning patterns appear to result from specific use of inshore sites at certain times of the year and these will be impacted by the construction and long term ferry movements.
- The impacts to the population attributable to the construction works could be devastating due to the squid's short lived life and the security of the overlapping of generations is absent.
- We know spatially and temporally separated populations display varying spawning behaviour and life history characteristics so any interruptions to this behaviour could be detrimental.
- Visual cues for egg deposition are important for many cephalopods (Hanlon and Messenger, 1996), females often adding eggs to an existing egg mass. The presence of eggs is an important cue for female oviposition (Arnold, 1962), and an increase in agonistic behaviour of males (King et al., 1999). Therefore, it is possible that the population structure and biomass of squid on the spawning beds are influenced by the quantity of eggs present and these could be reduced by sediments, prop wash and many other impacts to the clear, pristine waters that will be impacted by construction and ongoing ferry use.
- New squid will enter the spawning aggregation area throughout the spawning period. Given that squid in an aggregation are hatched at different times during the year, it is well known that a series of micro-cohorts with different biological characteristics could be entering the spawning aggregations throughout the duration of the spawning season. The strategy of micro cohorts with a diversity of life history characteristics coming together in a single spawning aggregation maybe a way in which short-lived species can ensure successful recruitment. Given the biological and life history characteristics of the spawning aggregation are changing during the season due to the arrival of new micro-cohorts, then consideration needs to be given to protecting these micro-cohorts to ensure maintenance of genetic diversity.

This project could destroy the recreational squid fishery, disrupt these cohorts and impact the genetic diversity of the squid fishery in the Botany Bay Recreational Fishing Haven.

Recommendation:

- **The RFA of NSW cannot support any process that could impact the squid fishery in Botany Bay Recreational Fishing Haven without further studies and surveys.**
- **The RFA of NSW cannot support any process that could impact the sea grass in Botany Bay Recreational Fishing Haven.**

3. Issues with wharf design for recreational anglers

Access to fish recreationally off wharves or provision to upgrade them with dedicated fishing platforms was discussed previously and the design will result in wharf users and fishers being in close proximity of each other. As we would be losing access to a safe, sheltered family friendly fishing areas at Laperous due to the new wharf footprint it was hoped to see larger areas to fish from towards the end of the wharf. Previous discussions also focussed on having the wharves accessible to fishers, making them fishing friendly with multiple freshwater taps, they be disabled angler friendly with lower handrail sections, interactive bag and size limit info, dedicated bins along the wharf and even dedicated fishing areas with extra offshoot platforms and this seems to have been ignored.

Recommendation:

- **The RFA of NSW cannot support the current wharf design that is not fisher friendly.**

4. Ongoing issues with the Ferry's when not in use.

The RFA is concerned about where will the ferries be maintained / stored. The threat to once again using the Boat Ramp facility as a base is something that concerns us. Who will own the wharves once complete is another question that has not been fully answered. There is a real risk to losing access to them for recreational fishing access. We were advised the Government would retain them and a co-management agreement between local fishing clubs will be an innovative way to promote the wharves and help manage issues. Funding could be made available to help a stewardship program and this need to be considered as well.

The RFA is concerned about who will run the ferry service as this will determine how conflicts are dealt with and what expansion plans are on the table to make the service viable to an operator's bottom line. The RFA would expect to review any Business Case for us to consider any impacts and a mechanism to report conflict could be addressed in a management plan.

5. Other issues

Parking was a lengthy topic that was discussed with regards to local community impacts, especially with places like Laperous at capacity every weekend. Access for fishers will be limited unless parking issues are addressed.

The location of the wharves is of concern to the RFA with anecdotal evidence presented by the RFA indicating that the locations would be exposed to the increasing frequency of East Coast Lows and significant weather events. Whilst not fishing issue (even though the managers might close them during increased swell / high tides) the topic was more focussed on challenging the modelling that has historically been used has always fallen well short of what has been reported.