

Lynda Newnam, August 2021

Submission to State Significant Infrastructure Development

Application Ferry Wharves La Perouse & Kurnell

<https://www.planningportal.nsw.gov.au/major-projects/project/34291>



(Photo: La Perouse Headland)

This submission is provided to the Minister for Planning and Public Spaces, Hon R. Stokes and the Minister for Energy and Environment, Hon M. Kean. Ministers Stokes and Kean did not take on their current positions until April 2019. The head of the National Parks and Wildlife Service, Mr A. Fleming was not employed by the State Government when this agreement was struck in April 2018. The State Government has recently borrowed \$10 billion for stock market investment presumably in an attempt to raise funds for essential services. The State can ill-afford at any time, but particularly now, to continue with any State Significant projects which are not underpinned by robust business cases. I urge both Ministers to

consider basic principles of Cost-Benefit, Opportunity Cost and Comparative Advantage.

From the Productivity Commission Inquiry into Public Infrastructure 2014:



Role of transparent cost–benefit analysis

Properly conducted cost–benefit studies of large projects, and their disclosure to the public, is an important starting point for guiding project selection and improving the transparency of decision making. The assessment should be augmented with a real options analysis where useful. Also important is awareness of matters that might be outside the scope of a project level cost–benefit analysis, such as equitable access to infrastructure (which can be addressed effectively through other policies, such as community service obligations). The institutional and governance arrangements within which project proposals are analysed, compared and selected are also vital. Reforming these is important to avoid project selection biases and delivery problems. Although this will not guarantee the selection of good projects, it substantially reduces the probability and harm from poor project selection. Project selection problems are manifested in two directions — either selecting projects with negative net benefits or failing to select projects with high net benefits (page 9).

Images below are from the EIS: La Perouse showing footprint; Ferry Sweep La Perouse-Kurnell across the Container and Bulk Liquids channel and dive and fishing areas.



Figure 14-2: Social infrastructure at La Perouse



Figure 3-1 Proposal area and swept ferry path

I note that Transport for NSW is acting on behalf of the NSW National Parks Service. I make this submission as a 'community participant'. I understand

the NSW Government strengthened this objective in the Environmental Planning and Assessment Act 1979 when the 2017 Amendment to said Act was passed. I refer to what Minister Stokes said during the Second Reading in Parliament 15/11/2017. I note that in addressing Object 1.3(j) in the Environmental Planning and Assessment Act 1979:

To provide increased opportunity for community participation in environmental planning and assessment.

The proponent stated:

Community consultation and engagement has been ongoing throughout the project development. The plan for ongoing consultation is detailed in Chapter 6 (Consultation).

However, consultation framed and managed by consultants hired by the proponent is only a small part of what constitutes community participation. I have coordinated an environmental group for many years in La Perouse and it is listed in the section of stakeholders consulted. I made it clear when I was first contacted by a Transport consultant that I would not be drawn into a 'box-ticking' process. I used that term because representatives of both the NSW and Australian Governments had signed an agreement for provision and funding in May 2018 (see below). The Environmental Impact Statement (EIS) for this project was placed on exhibition on the 14th July, 2021, after lockdown on the 9th July took effect. It has not been possible to participate as would be expected when considering a project of this complexity. The EIS is over 4,500 pages.



Photograph 29th April 2018 marking agreement: Hon S. Morrison MP Cook, Mr C. Ingrey, CEO La Perouse ALC, Hon M. Turnbull Prime Minister; Ms N. Timbery, Chairperson La Perouse ALC, Hon G. Upton, NSW Minister for Environment. Note changes to positions S. Morrison now Prime Minister and Hon M. Kean became NSW Minister for Environment in April 2019.

https://www.federalfinancialrelations.gov.au/content/npa/environment/project-agreement/Kamay_250th_Annivesary_Project.pdf

Below are the agreed Project Outputs which include “construction of wharves”. On page 5: “New South Wales bears all risk should the costs of a project exceed the agreed estimated costs”.

PART 2 – PROJECT OUTPUTS

Outputs

8. The outputs of this Agreement will be:
- (a) completion and installation of a new commemorative monument at Botany Bay by 29 April 2020; and
 - (b) commencement of Stage 1 of the Kamay Botany Bay National Park, Kurnell Master Plan by 29 April 2020, including:
 - i. construction of a new visitor building;
 - ii. upgrade of foreshore loop;
 - iii. reconstruction of wharves;
 - iv. repurposing of Alpha House; and
 - v. upgrade of Commemoration Flat.

ORIGINS OF PROPOSAL FOR FERRY WHARVES TO CONNECT NATIONAL PARKS LAND AT LA PEROUSE AND KURNELL



Connecting the headlands has been talked about for decades by Sutherland Shire based organisations and individuals. There is no evidence, however, that these protagonists have sought to understand the distinct environments, the constraints, visitor needs and costs that would be borne by the taxpayer.

The National Parks and Wildlife Service (NPWS), the real proponent of this project, included it in their 2000 Botany Bay National Park Plan of Management. I understand that this was written, for the most part, by the then Area Manager for Kurnell. The Plan contained un-costed ‘wish list’

items and accountabilities/targets and subsequently when unmet these were deemed 'aspirational'. During the 20 years that I have observed NPWS management of natural assets and the built environment at La Perouse I have noted some key shortcomings. At various times I have put these on record:

<https://laperousemuseum.files.wordpress.com/2020/08/enviro-speaking-21.pdf>; <https://laperousemuseum.files.wordpress.com/2021/08/220-lynda-newnam-esbs-submission.pdf>;

<https://www.parliament.nsw.gov.au/lcdocs/submissions/49175/0035%20Lynda%20Newnam.pdf> I won't go into detail here, suffice to say the

general theme has been not understanding or seeking to understand the assets, priorities, the current and potential park users, communication and also in growing capacity through environmental supporters. La Perouse and Kurnell are two distinctly different areas/markets. In Randwick LGA, Council has had to step in and provide for some of the shortfalls, eg. funding the Western Walking Track in Malabar National Park, providing basic facilities at La Perouse such as toilets and parking bays and management of impacts, and most expensive of all assuming the burden of renovating and operating the La Perouse Museum and Visitor Centre since 2017. This has been a significant impost on Randwick ratepayers most of whom are not considered in this EIS. Below is a photograph of the main entry to the National Park at La Perouse (controlled by NPWS) as it appears today. It has been like this since early March 2021. Aside from work not completed there is no courtesy sign to direct visitors to the roadway entry. There have been far more visitors and interest since COVID. I walk in the park most days and often answer questions about directions, plants, and key features. This is not intended as a criticism of Parks staff but of the

constraints and culture that has evolved mainly because of lack of funding for basics. Note I address this further on in relation to this project.



In 2016 the Hon. M. Speakman MP for Cronulla (which includes Kurnell) was Environment Minister. He supported the 'ferry wish' and a Feasibility Study was conducted by Arup. I provided a submission in my capacity as President of Randwick City Tourism (a voluntary organisation). I didn't think much about the environmental impacts at the time as I didn't believe it would be pursued. If there was going to be a regular tourist route it made far more sense to avoid the container shipping and hug the scenic south of the Bay around Towra Ramsar Reserve and over to Sans Souci or Kyeemagh where there is higher population density. There had been growth around the lower Cooks with active transport infrastructure planned. I spoke to Arup staff at an 'information' session at Cann Park, La Perouse. Many people who attended pointed out that La Perouse already

had enough attractions and visitors and didn't need the current amenity reduced by people who wanted to be somewhere else.

I had earlier spoken to the consultant by phone and I recall asking at the time why he hadn't consulted with NSW Ports in the first instance. After all, a decision was made in late 2005 to focus industry including freight on Botany Bay and tourism on Sydney Harbour eg. Patrick operations were moved from Millers Point for the development of Barangaroo and a commensurate expansion of the Patrick Terminal in Port Botany was approved. Then the 3 Ports SEPP was passed to protect the Port and major corridors including the shipping channel. In November 2012 the State Government removed the cap of 3,200,000 TEU from Port Botany to allow for higher growth in container shipping. I thought any professional in transport planning would recognise the importance of NSW Ports to the economy of NSW. But no, apparently in the brief he didn't have to consider this. Fast forward to the EIS and I get the strong sense that the same consultants, Arup, are downplaying the importance of container and bulk liquids trade. There are on average 9 container and bulk liquids movements a day at this point in time. That might seem small but anyone who has observed these movements and the wake (don't forget the wake) knows that it is not like moving a little tinny. There are tugs and pilot along with the monsters. On Anzac Day 2004 the then biggest container ship entering Botany Bay carried 5000 containers. Now they are over double that capacity and increasing, with the tallest around 73metres and carrying 30,000 TEU. Yet when alternatives to the ferry were considered in the EIS the consultants wrote about cost and visual impact when considering a bridge, but not the obvious container ships. They have been paid to develop a case when the premise is flawed. It is the people who pushed this

proposal that have the problem and I think this is symptomatic of a lack of understanding of the environment in which we live on North Botany Bay. It is industrial. The industry is critical for our State and it needs to be protected. By the same token the impacts should be mitigated for both residents and visitors and that means recognising buffer zones and the importance of protecting what we have left of the natural environment. Low impact recreation is appropriate and as a bonus it is affordable and healthy. There is a place for walkers, for paddle boarding, sailing, kitesurfing, windsurfing, kayaking, low impact fishing, scuba diving, snorkelling, and low- key winter events. There is no place for large ferries and other commercial vessels and wharves that destroy part of all that remains of the northern coastline. It is disappointing and also ironic that an organisation that one assumes is there to protect the environment could have championed this proposal – but I hasten to point out that this is a legacy of past decisions not made by the current Minister and Head of National Parks, nor many more staff down the line.

The first Object of the NPWS Act is protection of the natural environment. The 250th anniversary of the Endeavour in Botany Bay could have been marked (rather than celebrated) with environmental projects, such as addressing the decline of RAMSAR wetland Towra Point, weed and feral control and track maintenance and interpretation. Instead, money was provided to replace a functioning visitor centre, this ferry project and a few \$million for artworks. The photograph, below, captures what it has been about: Prime Minister Hon S. Morrison Member for Cook and the Chairperson of the La Perouse Aboriginal Land Council beside a ‘statue’ of a whale. Meanwhile on the National Parks and Wildlife Facebook page environmental supporters have been asking what became of the useful

Wild about Whales App. Apparently it disappeared along with the Manager for Marine Mammals and Shorebirds.



National Parks have far better opportunities on Sydney Harbour for tourism where there is existing infrastructure at Goat and other Islands and existing operators such as the Tribal Warrior.



When tourism returns to Sydney, the Harbour will not only offer accommodation and established amenity to a critical mass of visitors but there is also potential to include further cruise capacity as supported in the 2011 Hawke Review and the subsequent NSW 'Collins' Review.



RANDWICK COUNCIL'S FRENCHMAN'S BAY PLAN OF MANAGEMENT

In 2002 the National Parks Botany Bay Plan of Management was adopted. In the same year Randwick City Council adopted its Frenchman's Bay Plan of Management.

Randwick City Council webpage -

<https://www.randwick.nsw.gov.au/facilities-and-recreation/beaches-and-coast/beaches/frenchmans-bay> "The Frenchmans Bay [Plan of Management](#) details the existing environment, the history, heritage and recreational uses of the area, and outlines the management strategies and priorities for the bay."

The principles in that Plan reflect the needs of residents and visitors as well as an understanding of the comparative advantage of the area within the context of its relationship with neighbouring industry. High impact construction and large polluting operations like this one are obviously not included.

4.3 Vision and Objectives for Management

A vision and objectives for management have been identified to guide and direct the management of the reserve. These can be also be considered as 'desired outcomes' or overriding 'guiding principles' which define the expectations and directions for decision making in relation to the management and use of Frenchmans Bay.

4.3.1 Vision for Management

The vision for Frenchmans Bay 'sits above' the management objectives, providing the overall direction for the Plan of Management. It defines where Council and the community would like Frenchmans Bay to be in the future, and the direction that management activities (through the implementation of the Plan of Management) should take.

Management Vision

Frenchmans Bay is a significant natural resource where opportunities for recreation are carefully integrated with the protection of the natural environment, cultural heritage values and the needs of the local community.

Link -

https://www.randwick.nsw.gov.au/_data/assets/pdf_file/0009/24003/Frenchmans-Bay-POM.pdf

Table 3.1 Management Objectives		
Category	Management Objective	Relevant Principle of Crown Land Management
Recreation and Use	<p>Provide opportunities for a range of low key, predominantly unorganised recreation activities, with a focus on water-based recreation.</p> <p><i>This will include locations for use of different types and intensities, with a focus on providing for a richer recreation experience, ensuring protection of the natural environment and minimising impacts on residential amenity.</i></p>	c, d, e
Natural Environment and Vegetation	<p>Ensure that the natural environment is protected and enhanced, and that use of the reserve minimises impacts to the environment.</p> <p><i>A key focus should be the establishment of a sustainable vegetation community that ensures protection of the natural dune system and responds to the environmental qualities of different areas and the needs of the community.</i></p>	a, b, c
Heritage	<p>Recognise and protect the significance of Frenchmans Bay as part of a wider cultural landscape with significant heritage values.</p> <p><i>This should include protection of the particular qualities that contribute to its overall cultural heritage significance.</i></p>	b
Visual and Landscape	<p>Enhance and protect the scenic quality of the reserve, recognising the importance of the natural environment to the overall scenic quality of the area.</p>	b
Facilities, Services and Infrastructure	<p>Provide and maintain services and facilities to support the range of activities that take place, enabling a high quality recreation experience and appropriate community use consistent with the principles of Crown land management.</p> <p><i>A key focus should be improving the quality of facilities; providing appropriate connections and access through and along the reserve; and enhancing safety and security.</i></p>	c, f

BUSINESS CASE – JUSTIFICATION - COST-BENEFIT

Now I turn to the Business Case provided as justification – see screenshot from EIS below in this section. A sound business case clearly outlines the costs and benefits (refer Productivity Commission quoted previously). In this case there has been no attempt to ‘cost’ the environmental losses as was provided for example in the Draft Offsets for the 2005 Port Botany Expansion. Of the 4 Commonwealth protected species under the EPBC Act only one (*Posidonia australis*) is acknowledged by the proponent as being significantly impacted with a Biodiversity Offset to be ‘arranged’. There is

nothing sustainable about destroying seagrasses and if there is funding for 'offsets' then add those experimental areas to the existing. Botany Bay has already lost more than 50% of its seagrasses. There is nothing offered for the other marine species let alone the shorebirds displaced. I shared details of the surveys with birdwatchers who regularly walk the foreshores and they were shocked that species such as Pied Oystercatchers were not recorded by consultants in the EIS. The seals from the colony at Molineux, and indeed that whole colony have gone unacknowledged. I won't go into detail as there is plenty of material available on crowd-sourced/citizen science sites in addition to first-hand accounts from regular scuba divers. The Department of Energy and Environment have experts to audit claims and identify gaps. However, I will note here that a group that I was involved with did surveying around this area and there is a report of one such survey conducted 18th June, 2008

<https://laperousecoastcare.files.wordpress.com/2020/09/la-perouse-seagrass-watch-undertook.pdf>

Now to the details provided by Arup in the table below and associated material. A figure of 149,600 passengers by 2036 is stated. In other sections of the EIS the number of ferry trips per day is stated at an average of 36 a day over 7 days starting at 7am and finishing at 7pm. It is also stated that the trip time is 20 minutes and that idling time is 15 minutes for download and upload. While 36 was the number stated when one does the very basic calculation it yields a maximum of 21 trips a day without factoring in delays for major shipping which I gather would/should be protected and prioritised under the 3 Ports SEPP (for both efficiency and safety I assume).



(MAP: 3 Ports SEPP in orange, ferry service in blue)

I have heard people say that this is going to be a regular, almost a turn up and go service (like the Light Rail), however at the very best it will be 1 hour and 10 minutes between ferries at La Perouse. The wharf at La Perouse is to be 180 metres long and at Kurnell 200 metres long. By the time people do the walking, waiting, ferry ride and upload/download. La Perouse locals could be at Kurnell, stopping at Towra Point on the way and then, in Whale Watching season, taking in Cape Solander using existing transport options. Towra and Solander are not mentioned when discussing travel time particularly with regard to connection for the Elders in the Aboriginal Community. One of the reasons that the ferry service was in

decline before the May 1974 storm was because it was more convenient, comfortable and reliable to access Kurnell by road. Kurnell is not Dangar Island on the Hawkesbury where a service is essential for those without boats. It is accessible now and it draws visitors from its catchment.

IPART are currently conducting a review of Ferry Pricing for Transport NSW. Transport for NSW provide not only subsidies for ferries but also maintain wharves and in some cases are responsible for other costs such as channel dredging. I made this submission.

<https://laperousemuseum.files.wordpress.com/2021/08/ipart-ferry-pricing.pdf> This DA proposes to introduce a new service which would draw subsidies for operation and maintenance. It is important to understand the broader context in which ferries in Greater Sydney operate. Reference has been made in the EIS to the Bundeena Ferry but that serves a very different purpose to the one proposed here and as you can read in my submission, linked, there are issues of reliability for those who depend on it.



For the purposes of shaping the narrative that the ferry, wharf (and ancillary maritime) is sustainable and not destructive the consultants have given the Bundeena ferry as an example in discussions and this is reinforced in the EIS. After all who could not like the ‘little’ ferry on Port Hacking and the Brooklyn ferry on the Hawkesbury.

But this isn’t Bundeena or Brooklyn this is Botany Bay home to the biggest airport in Australia, the second biggest container port, 4 Major Hazard Facilities and more. This is us:



I took this photograph on Anzac Day 2004 the final day of youth sailing for the season at Yarra Bay Sailing Club. It was the largest ship at the time to enter Botany Bay. I referred to it in this March 2005 newsletter on freight and sustainability

<https://laperousemuseum.files.wordpress.com/2020/08/environmentally-speaking3.pdf> and gave a copy to the then Treasurer, Hon A. Refshauge at his office in Marrickville. He had given me an appointment to discuss sustainability and generously provided tea and Tim Tams. In my capacity as Chairperson of the Botany Bay and Catchment Alliance I was making a case for the Government to reject the 3rd terminal expansion at Port Botany. As it turned out Commissioner Cleland who headed the Port Expansion Commission of Inquiry did recommend against it. But his recommendation was overruled by the relatively new Planning Minister Hon. Mr F. Sartor. There was a new guard at the top of government with Premier Carr replaced by the Hon. M. Iemma, Treasurer Refshauge replaced by the Hon. M. Costa and Minister Sartor replacing Hon. C. Knowles. The former leaders resigned from State Parliament within a 10-day period from late July to early August 2005. The Port Expansion was

approved 13th October 2005, and along with the Cleland COI Report there was the Minister's approval and conditions and the Railing Port Botany Containers Report from the Hon L. Brereton, the former MP for Kingsford Smith. The Brereton report was intended to reassure those who recognised that the biggest challenge for the Port was congestion not capacity. A number of intermodals were recommended/required, eg. Moorebank, road/freeway upgrades, eg. M4 East, 'amplification' of the M5 what has become Westconnex and Gateway, and the target for rail was 40% of TEU by 2011. In 2005 rail share was around 18%, by 2011 it was below 10% and it has yet to reach 20%.

I quote this case for 3 reasons:

Firstly, the reports on existing and projected road and rail flows were flawed but remained unchallenged (aside from volunteers). Successive administrations have had to deal with the inevitable congestion with the negative impacts on productivity and wellbeing externalised to the community.

Secondly, the stated justification in the EIS for the expansion was flawed. It wasn't based on an actual need for greater capacity(footprint) but solely for a third competitor. Hutchison Whampoa had made it known that it was seeking to enter the Australian market with terminals at the 3 East Coast Ports. The ACCC at the time was publicly encouraging this. As it turned out Hutchison was successful in gaining the lease for Brisbane and Sydney but not Melbourne. The projections at Port Botany proved wrong and in 2015 more than half the workforce was dismissed. Ironically, the ACCC is now pursuing the 'Newcastle Penalty' that the State Government, when the Hon M.Baird was Treasurer, 'inserted' into the 99 year agreement for the lease

of Port Botany. Port Botany needed 'sweeteners' to achieve a 'sale' price commensurate with investment because of the congestion constraints. With the inclusion of Port Kembla in addition to the penalty the Government, ironically, created what some consider a private monopoly.

Thirdly, the construction of the third terminal resulted in the loss of major recreational assets for a growing Southern Sydney. Recreational needs were ignored. For example, no-one in Government would discuss this concept proposal endorsed by the Botany Bay and Catchment Alliance <https://portbotany.wordpress.com/foreshore-beach/an-alternative-vision-to-the-3rd-port-terminal/> The small area of Foreshore Beach that remained after construction has been highly eroded, necessitating the construction of three groynes. It is also highly polluted with the worst Beachwatch ratings for Greater Sydney - see extensive recent media on Sydney Water's performance. A range of low impact water sports such as windsurfing can no longer take place because of the reduction in foreshore and the further alienation through exclusion zones both for the Port and the Airport. The people displaced (existing and potential) from this are restricted on the North of the Bay to La Perouse and Yarra Bay. The Penrhyn Bird Sanctuary compensatory package has been a failure as targets have not been met. Shorebird counts all around Botany Bay are down but particularly around Penrhyn. This last stretch of North Botany Bay around La Perouse provides shorebird habitat. A significant bed of *Posidonia* mysteriously disappeared off Foreshore Beach between the URS assessment and beginning of construction.

I have also provided this to illustrate process, consequences and context. The Port Expansion made the natural foreshore around La Perouse even

more important ecologically and for human amenity. The importance of this has not been recognised in the Ferry EIS.

The Port Expansion process illustrates how flawed claims and modelling lead to longer term negative consequences. Many professionals at the time recognised the problem. I remember a logistics professional saying to me that Sydney was choking its Port and the Head of the ARTC suggested that 'they' wouldn't stop until traffic literally ground to a halt. This was the image that was brought to mind at the time.



The Ferry has in some places been characterised akin to a 'wafer thin' incursion. 'Oh, that's nothing look across that's the major incursion. Our ferry is 'harmless'. This is another example of a blatantly flawed attempt at justification which is part of public relations toolbox.

Of course, the Port along with the 3rd runway and the many cables and pipes are the major incursions however can we really afford to make it

worse by displacing visitors from affordable low impact beach and bay activities, and negatively impact shorebirds and the marine environment?

Should we do this based on a whim, a notion that the north and south of the National Park MUST be connected by ferry for a grand entrance to the Kurnell Visitor Centre? Grand entrance – Kurnell. Grand entrance – Sydney Harbour is more like it!

How much flawed so-called ‘planning’ can Botany Bay take and how much can successive Governments afford?

To reach a critical mass of potential passengers and visitors for Kurnell the ferry would need a complementary project. That project has been referenced in the EIS. It’s the Cruise Terminal. But why would any competent Government approve a Terminal around 4 Major Hazard Facilities at a Port that’s biggest challenge is congestion. Only people who don’t understand the importance of Port Botany to the NSW economy, don’t understand Risk, and so on could possibly entertain that idea. It was no surprise, therefore, that Minister Stokes recently went on record on this subject and echoed what Tourism and Infrastructure leaders have been saying since well before the 2011 Hawke Review: Cruise belongs on Sydney Harbour. <https://www.smh.com.au/national/nsw/absolutely-not-minister-doesn-t-want-cruise-ships-at-white-bay-20210322-p57cxc.html>

There is no mention of fares in the EIS. People may consider a joyride to Kurnell as a novelty but whether they are willing to regularly pay around \$60 return per family and an additional \$8 parking at Kurnell is another matter. Questions about the running of the ferry have been brushed aside by the proponent saying that will be up to the operator. There will

apparently be provision to install Opal machines but no commitment to do so. That answer was carefully worded in the record of Consultation and for good reason. The private ferries under review by IPART don't offer an Opal facility and certainly not the highly subsidised Gold Opal.

Pricing is critical when making assumptions about spending patterns.

I turn now to the assumptions made regarding the 149,600 annual passengers projected to 2036. At a maximum of 21 trips per day (11 from Kurnell/10 La Perouse or vice versa) that makes an average of 20 passengers per trip in a ferry that is notionally to carry 100 or 250 passengers. It would need to have higher capacity of course for peak so perhaps on some trips that might look like 50 and on others 1 or 2. The environmental impacts of the ferry and the other boats have not been stated making it impossible for any expert in the marine environment to assess damage nor for the air and water quality experts to assess diesel impacts. The images such as 'artists impressions' don't include boats at the wharf, so the visual impact is impossible to assess. The project has been promoted as connecting the two headlands with a ferry service. Provision is made for additional boats. It is stated that the ferry will be 100-250 capacity, however, higher capacity figures are mentioned and there will be a toilet on board. There will be other large vessels provided for with the design of the wharf accommodating boats either side.

Arup have stated in the table that a total of 40% (20% La Perouse/20% Kurnell) of the 149,600 passengers will be commuters but they provide no evidence. They have made assumptions that people will move from private cars to ferry and bus in the case of La Perouse to Kurnell and Ferry and bus and for CBD destination Light Rail as well for Kurnell to La Perouse. It is not

noted that the direct buses listed will soon terminate at Kingsford for the Light Rail even though that was stated in Transport for NSW's 2013 CBD-SE Light Rail Major Project. There have been requests recently to Transport Minister Constance about the loss of buses and barriers to travel created by the split mode (eg. no longer the direct Sydney Harbour to Botany Bay bus trip). This is a resourcing issue for Transport which I would expect at this time has a major budget shortfall with COVID restrictions over the past 18 months and likely to continue. Pandemic restrictions have not been factored into assumptions either although there has been a Pandemic Sub-Plan under the State's Emergency Plan since well before the 2018 announcement of this project. COVID has had a major impact on the uptake of Work from Home/Telework and the preference to use private vehicles over public transport because of public health orders/personal protection, however, this has not been factored into the 40% commuting figures.

A figure of 11% constitute 'non-diverted' or rather people who go to Kurnell or La Perouse as a destination and then decide to do a return joy trip from either side. There is no evidence that current visitors would consider that affordable and in addition the timed parking constraints have not been factored in at La Perouse. Perhaps there might be some who do it as a novelty as many did during the Festival of the Sails. For two days on the last weekend in April or first in May the organisers at Kurnell would include a ferry in the festival so visitors could go between Kurnell and La Perouse. It was shoulder season both sides and after Easter so not displacing a higher number of regular beachgoers. Caltex was a major sponsor generously subsidising the commercial ferry and they provided wharf facilities and at La Perouse the ferry would use Frenchman's Beach. It worked well because it was temporary, not during peak season and

industry and the broader community backed it. A ferry trip once a year may have been sufficient novelty for visitors both sides. No one has asked.

42% of the 149,600 passenger trips are labelled 'diverted'. These are the people who having set out for a day at La Perouse go to Kurnell instead and pay for parking and ferry to get to La Perouse (that applies in reverse).

How many can afford to do that and how much time do they save? Once again, the timed parking at La Perouse has not been factored in. The necessary robust visitor surveys haven't been conducted by National Parks or Arup. Gross assumptions have been made. They don't know how many come here with paddleboard, kayaks, picnic gear (including shelters), kite surfers, windsurfers, dive equipment, fishing gear and so on. They don't know what people do on the way, eg. shopping, stopping in to see friends. The assumptions are not underpinned by evidence.

Throughout the EIS and particularly in the Transport sections the key message is that people are 'heavily dependent on private vehicles' as if that is a bad. Of course, more and improved active transport corridors and facilities are needed but what has that to do with building a high environmental impact ferry wharf and polluting service. There is no reason that bike racks should be listed as a special win for cyclists. I can see the attraction of a ferry for cyclists doing the Centennial to Royal Parks Ride but there is an answer to that: there should be a safe route connecting the two former LGAs of Bayside because therein lies a major problem for getting around the Bay to key destinations – for commuting and recreational cyclists (and walkers).

For those who elect to take a joy ride 'to the other side', i.e. the 'non-diverted' they could instead engage in more affordable, healthier and

sustainable activities than sitting on a ferry. Just because a ferry is 'public transport' doesn't make 'opportunistic' tripping sustainable. Embedded in the unsustainability of every trip is the initial construction and ongoing impacts to the shorebirds and marine creatures and their habitat – let alone the taxpayer subsidies and diversion of funds from areas of greater need in the National Parks and elsewhere.

Suppressed/unmet visitor and local demand at La Perouse has been a major issue for many years and most likely growing each year faster than the 1.1% allowed by Arup. During last summer residents like me had to show proof of address to get home. A friend in another La Perouse street was to be collected by a friend to go for her weekly shopping but her friend, a fellow Randwick ratepayer, was refused entry to the suburb. Café owners were losing bookings because people were not allowed through. Cars were queued back beyond the Botany – Bunnerong lights along Botany Road sometimes as far back as Foreshore. Businesses, visitors and residents in La Perouse south of the Grose-Elaroo intersection can only enter and exit from this point. Unlike other peninsulas such as Palm Beach/Bayview the headland is a short distance away from 4 Major Hazard Facilities with another 5 nearby. When Randwick Council 'renovated' the Loop road 10 years ago there appeared to be scant cooperation from NPWS. Council had to design parking spots to fit around the headland park which was then managed by NPWS. Anyone taking a close look can see where there would have been opportunities to increase parking and improve design had there been co-operation from NPWS. But it didn't happen. In this EIS 13 additional bays and 2 accessible and 2 K&R are indicated with at least one comment and then implied that additional parking is Randwick City

Council's problem, ie. ratepayers, residents and visitors. That is blatant cost-shifting.

Arup also make assumptions about Randwick residents who live within a 20- minute walk or cycle of La Perouse and suggest they can move from their cars to walking or cycling. Maybe some can, and maybe Arup needs to find out why many can't. Maybe they are combining the La Perouse visit with another activity. No surveying of real people occurred.

In one section of the study there is a breakdown by postcode of the LGAs of origin across Sydney with reportedly 276 LGAs identified (unlisted) yet there are only 128 in NSW and 32 in Greater Sydney. Data was collected in August 2020 ie. winter, low season with some social distancing restrictions still in place in Sydney. There are seasonal variations to numbers and to composition yet there was no discussion of this. One would expect more families for the beaches in summer with some of the slack being taken up by locals patronising cafes in the winter. Living local has been a sustainability message from Randwick Council for many years so seeing a higher number of locals supporting cafes in the down season is expected. Arup do identify the M5 corridor as a major source of visitors. In August family groups on the beach would be much lower (personal observation), and likely to be a higher percentage of total visitors in summer. It is not feasible for these people to use public transport for many reasons including time, cost and basic convenience of carrying beach and picnic gear. Arup don't attempt to characterise the demographic. They assume that cars carry 1 passenger yet at various times throughout the year it is evident that La Perouse is important for big family meetups. Perhaps the aim is to displace these people as they are unlikely to be able to afford the Kurnell 'joy' trip. They could be referred to as the 'Invisibles' - people who get

displaced, don't complain just disappear somewhere else. It appears that their wellbeing is of no consequence. There is no evidence that their views were proactively sought or that they were systematically observed.

According to the EIS a survey was conducted from July-November 2020 before the height of summer with only 58 responses, 36 of which were reportedly within 15 km Kurnell, La Perouse, Little Bay and Port Botany- the last of these is wholly within the non-residential 3 Ports SEPP. That is not a representative survey.

When Energy Australia/Ausgrid conducted an EIS in 2007 they found La Perouse on a peak day had around 7400 vehicle movements.

Traffic volumes

Overall, the highest traffic volumes in the Project area are experienced along Anzac Parade on weekends, where daily traffic volumes can approach 7,400 per average weekend day or 834 vehicles per hour. Traffic volumes along the affected roads within Bunnerong are also significant along Military Road, west of Bunnerong Road which carries about 440 vehicles in the weekday afternoon peak hour. Traffic volumes along the affected roads within the Kurnell side of the Bay are greatest along Captain Cook Drive, west of Silver Beach Road which carries about 300 vehicles in the weekday afternoon peak hour.

[https://www.ausgrid.com.au/-/media/Documents/In-your-community/Construction-projects/Botany-Bay-cable-project/Environmental-assessment/BBCP EA - Chapter 7.pdf](https://www.ausgrid.com.au/-/media/Documents/In-your-community/Construction-projects/Botany-Bay-cable-project/Environmental-assessment/BBCP_EA_-_Chapter_7.pdf)

I eventually found the Botany Bay Project listed as Kurnell Cable in the Reference Section of the EIS. It was the most relevant Major Development impacting the marine environment around and between Kurnell and La

Perouse. At one point there were three Major Development dredging projects in Botany Bay (Port, Desalination, Cable). Seagrasses and species dependent on them have yet to recover. Sydney Ports, Energy Australia, Sydney Water one expects to be imposing gross environmental impacting projects, but not National Parks.

Even around 2007 there was unmet demand at peak and more recently peak times and the season has been longer and will get longer as climate change bites deeper. Sydney has grown considerably and the GSC District Plan outlines further growth and demand for recreation.

Not all activities should come with a high price tag.

This is the COMPARATIVE ADVANTAGE of La Perouse. It meets the criteria of affordable, unlike Bondi. It offers safe waters unlike the surf beaches. I offer a generalised observation: people of many immigrant backgrounds appear to prefer beaches like Frenchmans over the surf beaches. Where are these people supposed to go? At present they are bearing the brunt of the COVID shutdown, case load, and loss of livelihoods. It is also likely they have already been moving to other beaches as witnessed by the increasing numbers heading to the coastline south of Wollongong, pre COVID. How sustainable is that displacement? That was outside the scope of the Arups report just as the operation of the ferry has been 'outside scope' when making the required biodiversity and human health impact assessments required in the EIS.

Reassurances have been made that beach will remain and of course it won't all be impacted but there will be displacement of numbers and there will be additional diesel oil, there will be exclusion zones, the higher turbidity and

lower water quality. The kite-surfers and hang-gliders driven away from Foreshore Beach with the construction of the Third Terminal will again be driven off or restricted and some of the favoured fishing spots will be out of bounds. The ferry will also interfere with divers. And we lose more shorebirds. All of this goes un-costed in what is an already highly flawed 'business case'.

6.1.1 Final Business Case

The ferry demand assessment undertaken to inform the Final Business Case (FBC) was used to quantify the demands used to inform the transport strategy and impact assessment associated to the proposed ferry wharves. The analysis forecasted 149,600 ferry passengers for the design year of 2036. The demand analysis was split into the following user types for La Perouse and Kurnell:

- Non-visitors (i.e. commuters)
- Diverted National Park visitors. This represents existing visitors who are predicted to shift modes to use the ferry e.g. someone previously driving from Kurnell to La Perouse who may now drive to Kurnell instead, park and catch the ferry to La Perouse
- Non-diverted National Park visitors. This represents existing visitors who are now opportunistically using the ferry for a round trip
- Induced new National Park visitors. This represents new visitors who are visiting due to the increase in amenity and accessibility from the Project.

The proportional split of the 149,600 annual ferry passengers by the above user types in summarised in Table 12.

Table 12: Proportional split of forecast annual ferry passengers (2036)

Average annual ferry trips		
Location	La Perouse	Kurnell
Non-visitor trips	30,650 (20%)	30,650 (20%)
Diverted	37,600 (25%)	25,800 (17%)
Non-diverted	13,900 (9%)	2,300 (2%)
Induced	7,500 (5%)	1,200 (1%)
Total	89,650 (60%)	59,950 (40%)
	149,600 (100%)	



NATIONAL PARKS AND WILDLIFE ACT 1974 - SECT 2A

Objects of Act

2A Objects of Act

- (1) The objects of this Act are as follows--
- (a) the conservation of nature, including, but not limited to, the conservation of--
 - (i) [habitat](#), ecosystems and ecosystem processes, and
 - (ii) biological diversity at the community, [species](#) and genetic levels, and
 - (iii) landforms of significance, including geological features and processes, and
 - (iv) landscapes and natural features of significance including [wilderness](#) and [wild rivers](#),

Transport are not only the 'front' for the destruction but will also pick up the expense for future maintenance and subsidies. This NSW National Parks project does not align with what National Parks were established to do. First and foremost, the NSW NPWS is an organisation required under their Act to CONSERVE NATURE not destroy it. It does have responsibilities to put in basic facilities to make it easier to appreciate natural landscapes but that is done with the utmost care. Visitors are encouraged to downsize expectations on comfort.

Having been a member of a NPWS Advisory Committee I am aware that Parks staff are committed to avoiding negative environmental impacts. Consultants brought in for 'revitalisation' projects are a different group.



This is an example of NPWS conserving habitat, protection of a seal from the local colony in the very area that will become a major construction site. I imagine most NPWS officers and other conservationists would be appalled to be associated with this project. From my experience of National Parks it goes like the following: they are forced to scratch around for funds to do the basics because the 'wellbeing' benefits that their assets deliver are not 'costed'

and opening a restored patch of bushland doesn't carry the same media impact as a brand new visitor centre. Funding is often 'tied' - like this project - to items that look good at the 'opening ceremony' where the original concept is framed around 'revitalisation'. A major portion of the funding goes to consultants who themselves are striving for personal impact – architects, landscape architects, heritage advisors, and marketing/communications. Ecologists barely get a look in. While I have focussed on La Perouse because of my familiarity with the area I do recognise that Kurnell's environmental treasures such as the seagrass beds are not receiving due recognition for their ecological benefits and also their 'wellbeing benefits' through diving, snorkelling and fishing. Kurnell is also treasured for the whales and the wonderful work that volunteers have achieved recording their movements. These are volunteers working with

NPWS staff educating the public on the importance marine mammals. Who needs a statue of a whale on a rock platform – a platform formed over 200 millions years ago - when the real deal is at Cape Solander.

So now we come to the group characterised in the EIS as the major supporters and in some sections identified as beneficiaries, the Aboriginal Community as represented – principally - by the La Perouse Aboriginal Land Council and most prominently by its Chairperson and CEO, both of whom figure in the photographs taken with Prime Minister Morrison on the 29th April 2018 at Kurnell when the deal was struck. Below is an example provided in the EIS:

The Aboriginal community represented by the LPLALC and other Aboriginal people are very positive toward the development of the wharves and look forward to it. The project and the reinstatement of the wharves enables recall with the positive memories of the past.

██████████ Chairperson of the LPLALC, wrote a statement in support of the project indicating the historical importance of Kamay as their home. ██████ wrote that:

- Aboriginal people regularly and frequently moved across the waters, up and down the coast and across the bay harvesting, caring for country and connecting with kin
- Our spiritual connection to this place is as strong as ever and we continue our traditional fishing practices and connecting with each other on our beaches
- Reinstating the ferry wharves will help us restore and strengthen our connection across Kamay in a contemporary practice of continuing culture.
- The La Perouse Local Aboriginal Land Council's vision is building a safe and healthy community where future generations can live, work and thrive
- The Project will provide critical infrastructure that will support our future cultural education and tourism operations, environmental protection programs and support retail and hospitality services within our community.

It is not my place, nor would I wish to question anyone's connection to the natural environment. It should be recognised that there are people who have lived in or visited La Perouse for decades who express connections to the natural environment and are horrified that this incursion into the last stretch of the North of Botany Bay has been proposed. Many of those have not 'participated' in the proponent's process nor are they making

submissions because they say this a done deal and/or do not want to contradict/challenge/contest statements made by or on behalf of Aboriginal people. I have lived in Redfern for 21 years and then La Perouse for 21 years. In La Perouse I, and the rest of my family, have participated in positive environmental action.



I offer the following:

How representative are statements made on behalf of the people who have a culturally recognised connection?

When reference is made to Elders have those Elders been offered alternative means of accessing the southern side of Botany Bay? In a number of places in the EIS I have read that the ferry will shorten the journey to Kurnell based on a ferry trip being 20 minutes and a trip by road taking up to 90 minutes. Has variation of that ferry trip been factored in given the ferry has to give right of way to Container and Bulk Liquids shipping and must observe safety of other Bay users, eg. divers.

Conditions need to be factored in such as wake from container ships (and ancillary), swells (the ride on the previous ferry reportedly was often rough or the ferry out of action), wind and rain while waiting at the wharf. Nowhere has it been noted that a person say living in Adina or Elaroo has to get to the wharf, walk the length of the wharf around 180 metres wait at the wharf (with minimum 1hr 10 minutes between ferries based on figures quoted in EIS), then alight and walk the length of the Kurnell wharf, 200 metres. Then walk up Commemoration Flat to the Visitor Centre or wherever else. Locals who make the Kurnell trip regularly by car report that it takes on average 40 minutes. What I have described using the ferry would possibly take more than 40 minutes and the person would then be confined to walking unless other transport was arranged. Has an alternative mode been offered? For example, could a dedicated minibus be made available once a month to take Elders? They could be collected and dropped off 'door' to 'door'. Aboriginal people living in Botany (and there is a large population, the % of Aboriginal people in the former Botany Bay LGA was higher than Randwick) could be collected on the way. Towra Point, which is culturally significant could be visited on the way. At Kurnell

the Elders would not be reliant on other transport but could, in the comfort of the same minibus, travel to Cape Solander for whale watching. Even in non-whale season the area is spectacular. A minibus presents opportunities to attend to other needs, like shopping on the way back.

Have alternative enterprises been considered at Yarra Bay with LPALC assets and at the La Perouse school? Would residents in LPALC properties prefer money spent on renovations rather than a new architectural show piece at Kurnell which is to replace a functioning existing centre? Have alternatives been robustly explored or has this been imposed?

There has been considerable focus in this EIS on doing the 'right thing' by Aboriginal people. People who are passionate about the environment have been as good as asked to put environmental concerns aside and to ignore the lack of business case. However, to fail to evaluate claims made in support of this DA and to consider alternatives risks poor decisions bearing negative legacies.

FINALLY

I have read a number of documents in the EIS but not the full 4500+ pages. I did look at work on Noise and found my street was now listed in Kurnell. I have picked up other sloppy work of no real consequence. It was disappointing to see flaws in biodiversity reporting which I have come to expect from consultants paid for by the proponents. There are checks and balances in the Planning system and I expect the relevant agency experts will deal with this comprehensively.

As a community volunteer one relies on Government agencies to provide the 'truth, the whole truth and nothing but the truth' in this process. If the

appropriate qualified people have not been asked, or are constrained by time or for other reasons, then the planning process and outcomes are compromised.

Cost-Benefit: My main argument is that the underlying business case doesn't stack up and nothing can make it. The inflated figure for passengers might stack up if cruise passengers were a component but that would entail ignoring negative externalities - Botany Bay is our premier shipping and bulk liquids container port, our premier airport - Sydney's industrial hub.

Competitive Advantage: Sydney Harbour is our centre for tourism and unlike Botany Bay is surrounded by tourist accommodation, existing amenity and enterprises. It was Lord Sydney that drew up the orders for Arthur Phillip to invade Australia. Phillip took one look at Botany Bay and moved to what has become an instantly recognisable international tourist icon. It is somewhat ironic that Sydney Harbour National Park still bears the name of the very person who could arguably be held responsible for setting in train the destruction of hundreds of Aboriginal cultures throughout Australia. The Endeavour, by contrast, was in Botany Bay for 8 days where the main activity of note was in recording the natural heritage – the 245lb stingrays, the magnificent flora (including species from the local critically endangered Eastern Suburbs Banksia Scrub community). The Endeavour later spent many weeks in North Queensland where significant exchanges took place with the Guugu Yimithirr. However, as Laperouse wrote about the practice of explorers to plant flags and make claims: (Maui, May 1786): *“Although the French are the first to have stepped onto the island of Mowee in recent times, I did not take possession of it in the King's name. This European practice is too utterly ridiculous, and*

philosophers must reflect with some sadness that, because one has muskets and canons, one looks upon 60000 inhabitants as worth nothing, ignoring their rights over a land where for centuries their ancestors have been buried, which they have watered with their sweat, and whose fruits they pick to bring them as offerings to the so-called new landlords.”

Cook in Botany Bay, as opposed to the Endeavour records of the natural environment, is of minor historical interest. Had the British not ‘lost’ the American colonies Phillip or another agent of the empire may well have ended up in Africa instead. The Sydney Harbour ‘stepping ashore’ is the game changer. ‘Birthplace of Australia’ was a term popular in ‘colonial mindset times’ and more recently grabbed at in desperation by people trying to protect the natural assets around Botany Bay against various industrial destruction. It has been revived recently by National Parks (consultants) in a bid for funding a new visitor centre and in this EIS it is used in the Justification:

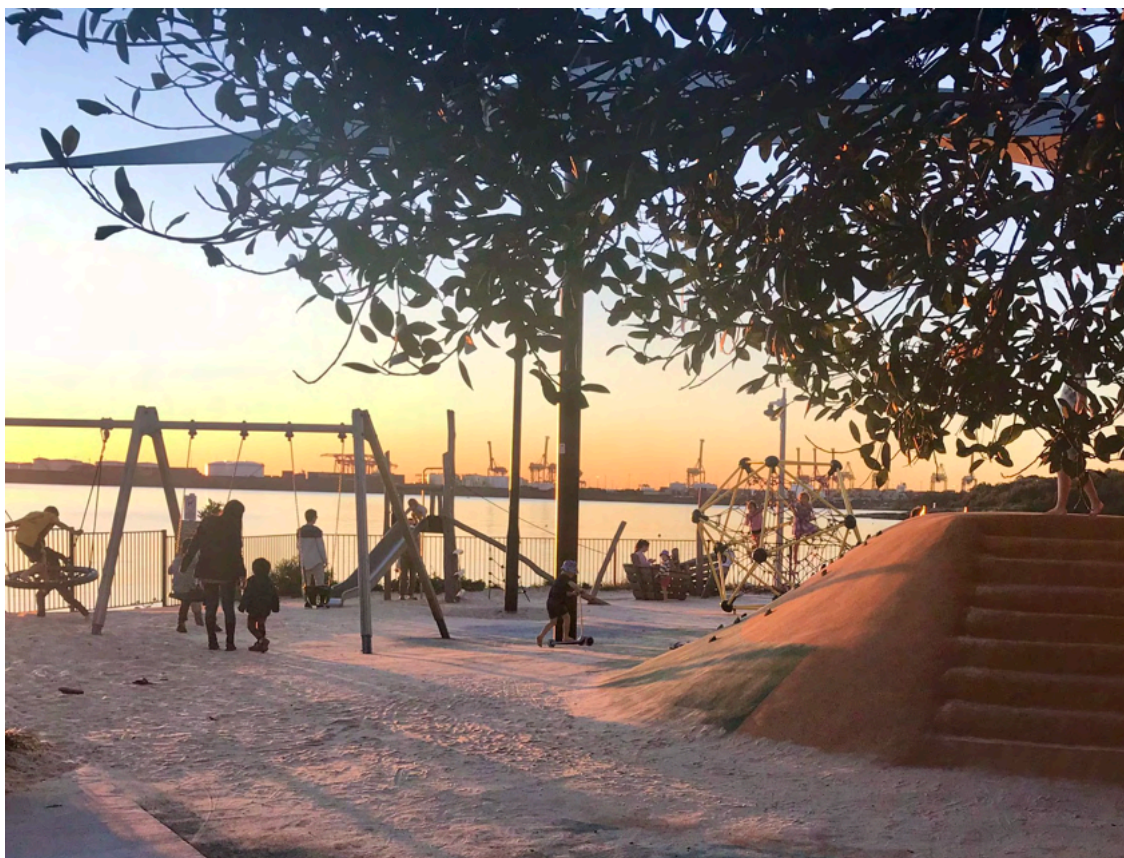
The vision of the 2019 Master Plan is to make the National Park “a place of significance to all Australians that contributes to their sense of identity as Australians”. Seriously, ‘sense of identity’, who got paid to write this and why not test it with Australians. It has as much relevance as continuing to hold Australia Day on the 26th January.

Randwick City Council recognised the natural low impact recreational values of La Perouse when it adopted its 2002 Frenchman’s Bay Plan of Management. The area has been developed consistent with the Plan. There has been no reason to change. Indeed, the importance of the freight task is greater now than then and the environmental and amenity losses that

occurred following the construction of the Third Terminal in 2008 have added weight to the importance of this last natural stretch on North Botany Bay.

Opportunity Cost: The numbers don't add up in the Transport case, as outlined in Appendix K. False, unsubstantiated assumptions are then used in an attempt to mystify and then this is based on inflating the significance of Kurnell and how long it might take to get there by the usual means. Money wasted here could be spent on the environment, locally in La Perouse and on making a nationally recognised place of reconciliation and a visitor destination at Goat Island which would be complemented by adding cruise capacity at Garden Island.

The following are some photographs of the area, which attempt to capture the natural and affordable values better than I can put into words.









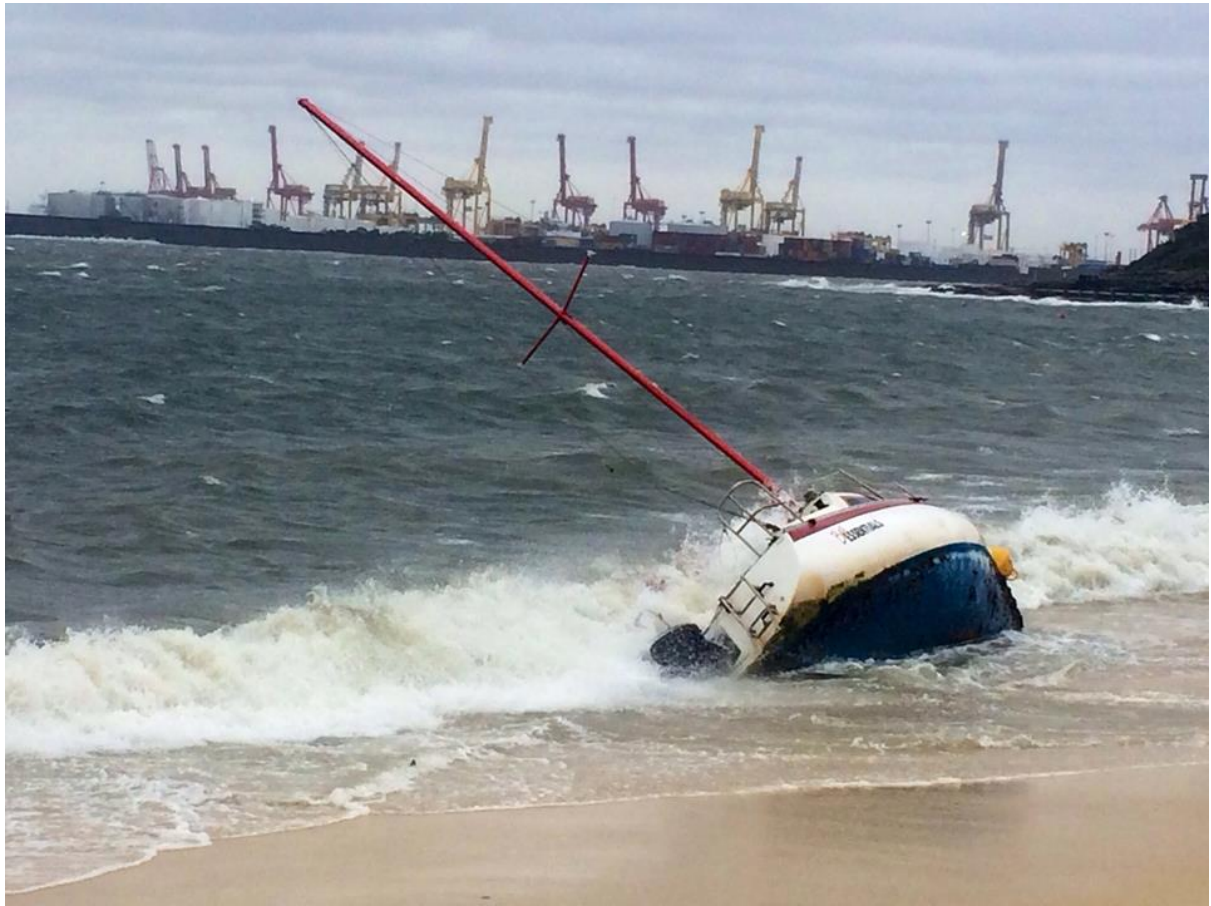












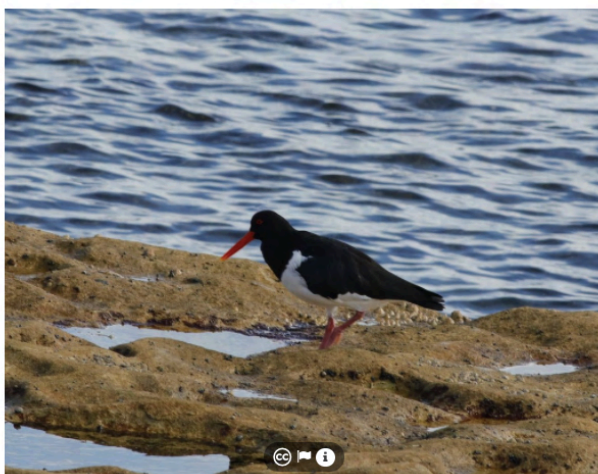


inaturalist.org/observations/75783214

Pied Oystercatcher (*Haematopus longirostris*)

★ Research Grade

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3,574 observations

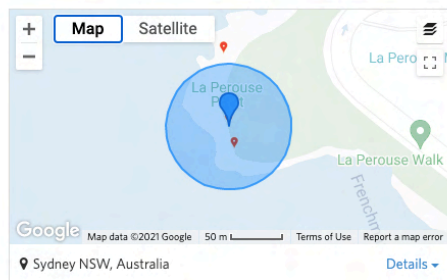


Observed:

Apr 30, 2021 · 2:29 PM AEST

Submitted:

Apr 30, 2021 · 8:48 PM AEST





Heritage Listed Port Botany (Banks) Revetment Wall:

<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=4630022>

Statement of Significance: "The revetment wall is an integral feature of the Botany Bay Port. It is one of the most striking landmarks in the area and demonstrates the massive investment of materials and energy required to re-engineer a landscape.