

## Director City Planning Report No. CP54/21

### Subject: Kamay Ferry Wharf Project submission

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#### Executive Summary

- Transport for NSW (TfNSW) has submitted an Environmental Impact Statement (EIS) in relation to the construction and operation of the Kamay Ferry Wharves at La Perouse and Kurnell. This Kamay Ferry Wharf Project proposal is defined as “State Significant Infrastructure” (SSI) under the Environmental Planning and Assessment Act, 1979.
- The proposal will be assessed by the Department of Planning, Industry and Environment (DPIE) and the approval authority for the SSI application is the NSW Minister for Planning and Public Spaces.
- While it is recognised that the project has merit in terms of the waterway connection between La Perouse and Kurnell, allowing improved physical and cultural links of particular importance to the Aboriginal community, additional details are required to inform key aspects of the project and manage potential impacts.
- The attached submission requests that TfNSW provide additional information addressing the demand for parking and traffic generated by the proposal and clarifying the proposed traffic and parking amelioration measures.
- In relation to heritage matters, the submission requests that the heritage interpretation strategy include ongoing consultation with the Aboriginal community on the proposed wharf design and associated landscaping and that the proposed measures for protecting and managing impacts on Aboriginal and non-Aboriginal archaeology contained in the Construction Environmental Management Plan be included as conditions of consent.
- Other matters raised in the submission include: adopting green energy initiatives in the design and operation of the proposal; further details as to whether the proposed air-gap in the wharf structure is able to withstand storm/swell events like the one that destroyed the previous wharf structure in 1974; engaging with the La Perouse Local Aboriginal Land Council to provide cultural heritage induction to all future workers on-site and a signage/way-finding plan be included as a condition of consent.
- A draft letter in response to the EIS exhibition has been prepared incorporating consideration of the issues discussed above. It is recommended that the Council’s submission letter be endorsed including the proposed recommended requirements to mitigate the impacts of the project on the local environment and community.

#### Recommendation

That Council endorse the attached submission on the Kamay Ferry Wharf Proposal and forward it to the Department of Planning, Industry and Environment.

#### Attachment/s:

1. Draft RCC Submission - Kamay Ferry Wharf

## Purpose

This report summarises Council's assessment of the main issues arising from the Kamay Ferry Wharf project which forms the basis of Council's submission to the public exhibition of the project.

## Background

In 2015, the Transport NSW Regional Boating Plan for Botany Bay Georges River and Port Hacking identified the need for improved wharf infrastructure in the region to provide access points for passengers on larger vessels along with emergency access point in Botany Bay. In this plan, alternative arrangements for boats mooring at Frenchman's Bay were identified as being required. This was identified as being needed to stop boats anchoring close to shore in the seagrass meadows and causing conflict with passive craft swimmers' snorkelers and divers swimming at the beach. The boating strategy was to identify whether a wharf structure in the vicinity of the 1974 wharf structure would help to protect the seagrasses minimise conflict between passive craft, swimmers and motorised boats whilst also providing a safe location for boats to pull up in the vicinity of the Botany Bay heads where there had previously been a number of boating incidents and fatalities.

In 2016, Arup was commissioned by TfNSW to complete a Feasibility Study which investigated the viability of reinstating the wharves. The study concluded that reinstating the wharves would provide benefits for La Perouse, Kurnell and the wider Sydney area.

In 2018 the Office of Environment and Heritage (now part of the Department of Planning, Industry and Environment) completed the Kamay Botany Bay National Park Kurnell Precinct Master Plan.

In April 2018, the Prime Minister and Federal Treasurer announced \$50 million in funding towards Stage 1 (Foreshore loop and ferry) of the Master Plan for the Kamay with contributions coming from both the Commonwealth (\$25 million) and NSW (\$25 million) Governments.

The Kamay Botany Bay National Park Kurnell Master Plan contained strategies for making the National Park *"a place of significance to all Australians that contributes to their sense of identity as Australians"*. This is to be primarily carried out by improving visitor access and facilities as well as improving the visitor experience through a three staged process:

- Stage 1 – Foreshore loop and ferry.
- Stage 2 – Arrival at Kurnell and new beach park.
- Stage 3 – Broader park upgrade at Kurnell.

The reinstatement of the previous wharves and ferry service is identified as part of Stage 1 of this Master Plan. The ferry service would improve connection between La Perouse and Kurnell and provide a new type of visitor experience for those entering/travelling around the National Park.

## The proposal

This Transport NSW project proposes to reinstate the two ferry wharves in Botany Bay that supported a ferry service between Kurnell and La Perouse that operated from the 1890s until 1974 when severe storms damaged the wharves. The primary purpose for these wharves would be to allow a ferry service to start operating again for the first time in over 40 years. Commercial vessels and recreational boats would also be allowed to use the wharves.

It is expected that a regular ferry service would operate and take about 20 minutes to travel between La Perouse and Kurnell. The actual operational ferry service and schedule would be finalised and confirmed by a future operator. However, the proponent advises that it is expected to be similar to that of the Cronulla to Bundeena Service which provides 150,000 trips/year.

The proposal includes the construction of two wharves on piles, one at La Perouse and one at Kurnell that comprise:

- A berth for passenger ferries (to cater for ferries between 15 metres to 40 metres in length).
- A multi-user berth for commercial and recreational vessels (to cater for vessels between 2 metres and 20 metres long).

- Sheltered waiting areas and associated furniture; and
- Associated signage and lighting

The proposed ferry Wharf at La Perouse is to incorporate Aboriginal artwork on the deck and within the sheltered seating area.

Transport NSW have estimated that it would take about 13 months to build the wharves including all landside components, with most of the work taking place during weekdays. Approval for the project if granted is expected to be received in early 2022.

### **Social and economic considerations**

In selecting the site of the preferred option of building the La Perouse wharf at the original location of the 1974 wharf the EIS states that this location provides “*the best overall balance in terms of access, design suitability and the avoidance of key social, environmental, cultural, and historical features*”. Chapter 3 (Strategic justification and project needs) of the EIS identifies “*a range of benefits ... expected to be realised through the reinstatement of the wharves at La Perouse and Kurnell*” and are summarised by the following categories:

- Increasing visitation to the area

A waterborne ferry service would allow higher visitation and enhanced visitation experience to both sides of Kamay Botany Bay providing:

- Reduced travel time when travelling to and from the strategic centres including Sydney CBD and other suburbs
- Improved travel reliability with a ferry service that has regular scheduled crossings
- Provision of a low-cost and disability compliant public transport option
- Berths for tourism-related commercial and recreational vessels
- Improved access to the National Park for recreational cyclists using the ferry to complete the Botany Bay loop

- Recognition and engagement with Aboriginal culture

The EIS states that the proposal provides an opportunity for the community to recognise and engage with Aboriginal culture through:

- Improving the connection to Country by:
  - Reinstating a physical connection between La Perouse and Kurnell therefore helping people to participate in cultural awareness activities
  - Restoring and strengthening the cultural connection across Kamay Botany Bay •
  - Using the project and its design to create a tangible improvement in connectivity and enhancement in Aboriginal cultural values.
- Realising and celebrating the area’s historical importance by:
  - Allowing people to experience Kamay in a way that has not been seen for over 40 years
  - Creating the proposed wharves, along with footpaths, landscaping, and signage, to create a sense of arrival and connectivity
  - Providing seating and other furniture to allow people to enjoy their experience as part of the journey.

- Economic opportunities

The EIS states that the proposal will have positive economic impacts on the local economy in terms of increasing visitors and increasing patronage for local businesses which in turn will enhance local employment in food and drink premises.

Furthermore, employment opportunities during construction will be enhanced through the proposed Skills and Employment Strategy setting out how the project will promote opportunities for upskilling and training of the local workforce during construction and operation. The EIS advises that this Strategy will promote and include employment particularly for people with a disability, Aboriginal people, the unemployed and other vulnerable groups. The strategy will include a target for local employment and skills attainment that could be used to monitor success of implementation. The strategy will align with the NSW Government Procurement Board Direction Skills, training and diversity in construction and the NSW Government Policy on Aboriginal Participation in Construction.

The EIS (Appendix A Project synthesis) concludes that, *“on balance, the project achieves the project objectives of reinstating the ferry wharves at La Perouse and Kurnell, whilst avoiding, minimising and offsetting adverse impacts ... there are residual impacts, however these are considered acceptable and are outweighed by the benefits of the project.”*

### **Impact on Heritage Values**

The project has been determined to be a controlled action under the Commonwealth's Environmental Protection and Biodiversity Conservation Act due to its potential impact on heritage places and protected marine species. Assessment is to be carried out under a bilateral agreement between the Commonwealth and State Government.

The EIS advises that the project has been designed to avoid known heritage items including rock carvings and engravings at both the La Perouse and Kurnell locations. Transport NSW has conducted test excavations to identify any unknown heritage material at key locations proposed to be affected by the project. Dive surveys have also been conducted to identify old wharf structures. A Construction Environmental Management Plan will establish exclusion zones around known heritage areas and provide specific procedures for works to avoid impacts on heritage via an unexpected finds procedure.

The proponent has prepared a Statement of Heritage Impact (SHI) which provides a detailed series of mitigation and management measures in relation to CMPs and Master Plans, Heritage Management Plan, design, heritage induction, photographic archival recording, moveable heritage register, heritage protection zones and barriers, vibration impacts, significant vegetation, archaeological management, archaeological research design, aboriginal archaeological management, heritage interpretation strategy, consultation with relevant stakeholders, oral history and design changes. Council's heritage planner has assessed these provisions and recommends that these be included as conditions in any development consent for the project.

The SHI also includes a requirement for the preparation of a Heritage Interpretation Strategy (HIS) to guide any interpretive installations proposed in the wharf construction and associated landscape works as identified in existing Conservation Management Plans (CMPs) and heritage studies. Council submission requests that the preparation of the SHI be included as a condition of consent and that the SHI should also consider the results of all archaeological investigations carried out as part of the project.

In terms of existing built heritage, it is noted that existing heritage items surrounding the project site are separated from the proposed development by distances of at least 100m such that the proposal will not result in physical impact to any heritage properties. The proposed ferry wharf is in a similar location to the structure which existed on the site between 1905 and 1974. The ferry wharf will be a minimal structure extending into the bay with a roofed area located at the angle of the two arms of the structure. The proposal is located on the western side of the headland and will not interrupt the open sweep of the beach and bay which currently provides a valued landscape setting to the heritage items in the vicinity.

### **Aboriginal cultural heritage**

The Aboriginal community of La Perouse have an unbroken cultural and spiritual connection to the land and to the waters of Kamay Botany Bay for over 7,500 years.

The EIS advises that Aboriginal community input into the landscape design of the wharf meeting area at La Perouse has involved consultation with the Timbery family and the La Perouse Aboriginal Land Council. It is recommended that the La Perouse Aboriginal community; the La

Perouse Aboriginal Land Council; registered Aboriginal parties and the National Parks and Wildlife Service should continue to be engaged in ongoing consultation in relation to the proposal. To keep consultation current, it is recommended that the registered Aboriginal parties should be sent an update on the project at least every six months. These recommendations are contained in the draft submission letter.

The Aboriginal Cultural Heritage Assessment Report provides general recommendations and specific recommendations for the La Perouse and Kurnell construction boundaries. These recommendations which cover site induction, further reporting, consultation, updates, unexpected finds, protective and mitigative measures, are supported by Council and recommended in Council's submission to be included as conditions of consent.

It is also suggested that the La Perouse Local Aboriginal Land Council should be asked to provide a cultural heritage induction to all workers on-site prior to the commencement of any construction works. In this regard, the ability to appreciate Aboriginal cultural heritage in the construction process could be further promoted and enhanced if there was a possibility of suitable members of the local Aboriginal community being recruited for jobs in the construction and operation of the proposed wharf.

Additionally, a heritage management plan that includes provisions for protecting Aboriginal heritage and culture should be incorporated into the project Construction Environmental Management Plan. Alternatively, a standalone Construction Heritage Management Plan should be prepared to address all heritage matters including Aboriginal cultural heritage. In this regard, exposed Aboriginal midden sites along the southern coastal fringe of Frenchman's Bay, adjacent to the Ferry access works should be identified in the heritage management plan as these are very fragile and need to be protected as part of the proposed works.

### **Heritage Interpretation**

It is noted that the design of the wharf and landside areas have been prepared in consultation with local Aboriginal stakeholders, and opportunities have been identified for Aboriginal designers and artists to incorporate cultural motifs into the architectural details of the wharf (including waiting area) and landside area. The ongoing consultation and involvement of Aboriginal stakeholders should be maintained to ensure these public art and interpretation opportunities are integrated into and lead the detailed design outcomes where appropriate.

Additionally, any interpretation installed for the project should also link to recent heritage and history of the La Perouse area including the La Perouse Museum, the social history of La Perouse area, and themes and features around the Ferry's history. Ferry users should be informed of this connection as part of their experience and greater appreciation of the Headland as whole

A Heritage Interpretation Strategy (HIS) should be prepared for the project in consultation with Council and NPWS to guide the incorporation of Aboriginal and non-Indigenous heritage interpretation, such as displays and panels, into the project design.

### **Urban Design**

The wharf structure, in particular the roofed waiting area, has been designed to appear lightweight with open sides. The detailed design and materials of the wharf structure will be important in achieving an outcome that reduces the visual impacts on the landscape as much as possible. Materials that are non-reflective and give a lightweight appearance should be incorporated for elements including the waiting area and balustrades.

The design of the waiting area is supported from a visual impact perspective, however it is uncertain whether this will provide adequate weather protection for its purpose. If increased weather protection is required in the future, this might result in ad hoc additions that are not properly integrated. These concerns are raised in Council's submission. Additionally, as the wharf may be shared by commercial charter boat operators, including whale watching operators, a condition will be requested, to not allow temporary or permanent ticket booths on or near the ferry terminal for these types of commercial activities in order to maintain and protect the visual and landscape character of the area.

**Wharf infrastructure**

The EIS package includes a Coastal Processes Memorandum (CPM) prepared by Cardno that indicates that the proposed wharves would be constructed as deck-on-pile structures, such that the open structure would not affect tidal movement into and out of Botany Bay and would have no effect on coastal processes in the area.

The wharves at La Perouse and Kurnell have also been designed to avoid coastal inundation and wave overtopping for typical coastal conditions based on the assessment in the Coastal Modelling Report (Appendix T of the CPM). This would ensure safe public access for wharf users.

The wharves are also designed to accommodate a ferry service in all-weather except extreme storm events. However, for safety, the EIS advises that the ferry service would be cancelled during extreme storm events; namely those that would only statistically occur once a year or less and that this is standard practice for Ferry services and would ensure that only safe public access is provided. Council would suggest that during these weather events, when services are cancelled, alternative public transport provisions be provided.

It is noted that ferry facilities at both sites were damaged by the May 1974 storm that were associated with an east coast low and an estimated wave height of 2.7m (AHD). Council also notes that a similar event associated with an east coast low occurred in June 2016 with an estimated wave height of 2.2m. Cardno has recommended that an air-gap of 0.3m be adopted in fixed structure design. Council request that confirmation be made to ensure that the air-gap of 0.3m is design to withstand these "1974"/"2016" east coast low storm/swell events which are known to occur in the bay surrounding the proposed wharf.

**Energy Efficiency**

The Sustainability chapter in the EIS states that the design (of the proposed wharves) has allowed for "*future provisions for renewable energy integration*". While no specific details are provided, there is a commitment that both the construction and operation of the proposed wharves will comply with the NSW Government Resource Efficiency Policy (GREP). This will be achieved through specific design initiatives including minimizing lumen levels to reduce glare and energy consumption (while maintaining the necessary technical requirements); use of LED lighting specifications throughout the project; use of products with a lower embodied energy onsite where possible; and future provision of transition to an electric ferries fleet. Additionally, the project aims to reduce construction related greenhouse gas emission from the project baseline greenhouse gas footprint as detailed in Chapter 21 (Greenhouse Gas) of the EIS. Further consideration should be given to utilising green energy in the operational phase of the project.

**Land Ownership**

Chapter 2 (Assessment Process) of the EIS indicates that, on the landward side, the proposed La Perouse wharf will be constructed on Lot 5113 DP 752015 which comprises Timbery Reserve at 1613R Anzac Parade and is zoned RE1. The subject land is owned by Department of Lands. On the seaward side, the seabed of Botany Bay, is publicly-owned land vested in Roads and Maritime who manages it for the benefit of the people of NSW. Accordingly, no Council owned land is involved in the construction of the proposed La Perouse wharf. Given that Council has a lease over the La Perouse headland up to the Anzac Pde loop road from National Parks and Wildlife Service, it is requested that further engagement with Council be undertaken in relation to the construction compound area and making this area good following completion of construction works.

**Recreational access**

The La Perouse Wharf proposal includes provisions to facilitate recreation activity including swimming, fishing, scuba diving from the wharf structure with ladders will be installed to provide safe access/egress from the water. The proposal will consider a possible exclusion zone on the eastern side of the wharf structure to support safe access for recreation and minimise any conflict between the ferry service and recreational users on the western side.

**Traffic and Parking**

The introduction of a new ferry service between Kurnell and La Perouse may meet the needs of some commuters and will be an additional recreational facility for many. The concerns about such a service do not relate, so much, to weekday commuter demands. The major concerns relate

more so to the induced parking demand which may arise from the recreational use of the ferry service. This demand is difficult to quantify and to properly understand.

It is acknowledged that the current parking demand at La Perouse, at the height of summer, is significantly greater than the parking supply. Parking demand is super-saturated, resulting in many motorists circulating looking for parking. At other, less peak, times, there are often parking spaces available.

The proposed provision of an additional 13 parking spaces is acknowledged, however, it is not understood how this number was arrived at and how it will meet the demand for parking associated with people who drive to La Perouse, solely to take the ferry. Table 15 of Appendix K, and the associated statements, indicate that there will be no additional inbound or outbound trips occurring in either the weekday or weekend peak periods. This statement seems incongruous as compared to the business case estimation of 149,600 annual ferry passengers for the design year of 2036. Even if this maximum number was to be halved (indicating half of the passengers will be boarding from La Perouse and half from Kurnell) and then was evenly split over each day of the year (weekends & weekdays – with no peak days suggested) there would still be some 340 passengers boarding from La Perouse each day. It is not understood how zero figure is arrived at. Further explanation of this assumption is required.

The details of the suggested line marking delineation proposed along the Anzac Parade parking loop road (to help mitigate the existing congestion arising from the one-way loop arrangement) have not been provided (Appendix K, Page 2). It is unclear as to what arrangements could be made to improve the current situation. Council requires detailed plans and supporting documentation to better understand what is proposed by these suggested changes. An understanding of agency ownership, maintenance and legal / insurance responsibilities is required with regard to the proposed new paths and / or parking arrangements.

It is recommended that Council be provided with a further transport and parking report providing greater clarity regarding the likely impacts which this proposal will have upon the local community and local area.

#### **Impact on seagrasses and marine biodiversity**

The project has been designed to minimise impacts on seagrasses at both La Perouse and Kurnell. Surveys were carried out to confirm the presence of species within the marine environment. Seagrass on the La Perouse side is patchy and found in the soft sediment, particularly in deeper areas. Sea grasses are found more extensively on the Kurnell shoreline. The proposal states that a draft Biodiversity Offset Strategy is being prepared to address/mitigate environmental impacts on marine life. The Strategy will include details of the transplanting of seagrass from areas affected by the proposed wharf to other areas within Botany Bay and the installation of artificial habitat structures to provide refuge for marine species like the weedy sea dragon during construction and operation. A section of the Wharf jetty at the berthing end of the structure is proposed to be made of fiberglass and reinforced plastic mesh to enable light penetration and seagrass growth under this section of the decking. These initiatives are environmentally beneficial and are supported. It is recommended that conditions be included requiring the Biodiversity Offset Strategy to be prepared by a qualified marine biologist and that Council be provided the opportunity to review and comment on the draft Biodiversity Offset Strategy prior to it being finalised.

#### **Local and State planning policies**

The proposal aligns with a number of priorities within the Randwick Local Strategic Planning Statement and Eastern Sydney District Plan (ECDP) including:

- *LSPS Planning Priority 12: Manage and enhance the tourism and visitor economy.*

La Perouse is identified as an untapped opportunity for cultural tourism in relation to Aboriginal heritage. The proposal has the potential to improve accessibility to and from this important site and increase opportunities for visitors. The proposal also provides opportunities for integration of Aboriginal public art and interpretation works as part of the structure. This aligns with the ECDP Planning Priority 13 to support the growth of targeted industry sectors.

- *LSPS Planning Priority 14: Provide high quality open space and recreational facilities.*

The proposal would deliver a recreational facility that would provide for increased active recreation opportunities including boating and fishing. This aligns with the ECDP Planning Priority 18 to deliver high quality open space.

### Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	9. Integrated and accessible transport.
Direction	9c. Advocate and/or plan for integrated local and regional transport improvements, including high capacity transport such as light/standard rail.

### Resourcing Strategy implications

The Proponent advises in its EIS that the wharf facility is to be owned, managed, and maintained by Transport NSW as per other wharf structures in the Sydney region. Subsequently there would not be any maintenance or management responsibilities for Council as a result of this proposal.

### Policy and legislative requirements

This Kamay Ferry Wharf Project proposal is declared as “State Significant Infrastructure” (SSI) under the Environmental Planning and Assessment Act 1979. As such the proposal will be assessed by the Department of Planning, Industry and Environment (DPIE) and determination of this SSI proposal is the responsibility of the NSW Minister for Planning and Public Spaces. Further approval is required from the Australian Minister for the Environment given potential impacts on nationally significant environmental matters under the *Environment Protection and Biodiversity Act 1999*.

### Conclusion

It is recognised that the project has merit in terms of the water connection between La Perouse and Kurnell, allowing significantly improved physical and cultural links of particular importance to the Aboriginal community. However, further details are required to inform key aspects of the project including the traffic and parking impacts of the proposal; the green energy initiatives to be adopted in the design and operation of the proposal; the role of the La Perouse Local Aboriginal Land Council in providing cultural heritage induction to all future workers on-site; the heritage interpretation strategy to guide installation works proposed in the wharf construction and associated landscaping; the heritage management strategies to protect Aboriginal heritage and culture in the project’s Construction Environmental Management Plan; and the air-gap design of the wharf structure to withstand storm/swell events like the one that destroyed the previous wharf structure in 1974.

A draft letter in response to the EIS exhibition has been prepared incorporating consideration of the issues discussed above. It is recommended that Council’s submission letter attached to this report be forwarded to the Department of Planning Industry and Environment.

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**Responsible officer:** Bronwyn Englaro, Senior Sustainability Officer

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