

Karen Charge
10 Brisbane Water Dr,
Koolewong, NSW 2256
3rd November 2011

NSW Government Planning and Infrastructure
23-33 Bridge Street
Sydney NSW 2000

sent via website: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4382

CC: Gosford City Council
49 Mann Street
Gosford NSW 2250

sent via email: goscity@gosford.nsw.gov.au

Re: Koolewong Marina, Application number 10_0209.

To Whom It May Concern,

I would like to make a submission in relation to the proposal to construct a 50 Berth marina and car park alterations at the Boathouse restaurant Koolewong. (Ref MP10/0209).

I personally have reviewed the application and associated reports. I have concern in the following areas:-

- There are already 125 moorings licenses in the area of Koolewong. Two to three of these moorings will need to be relocated if this proposal is approved. I have not been able to find a report that clearly identifies the impact this will have on the seabed. I can only assume that this indeed will cause some impact on the relocation zone and can not see sense in moving perfectly usable moorings.
- The two 100 meter arms will indeed consume a major section of Murphy's Bay. I have concern that the size of this marina will be too large for the area and indeed reduce the space for public recreational use (fishing, boating etc).
- I reference to Gosford City Council Development Control Plan No 119 - Wharfs and Jetties, page 4 part 7.2. Gosford City Council considers elements as contributing to the amenity of Brisbane Water:- The attractiveness of both man-made and natural landscapes, both from onshore and offshore viewpoints. In order to maintain this controls of unsightly, cluttered and inappropriate foreshore and waterfront developments are in place. This includes excessively long and cluttered jetty and wharf developments. I therefore make note that a marina will indeed be of consideration under this section of the Gosford City Council Development Control Plan No 119 - Wharfs and Jetties. It will indeed be unsightly and clutter a large portion of Murphy's bay. The construction can restrict navigation of the waterway and generate other associated impacts with construction works and ongoing use. Intensive boating activity is said to have detrimental impacts on natural vegetation with boat wash, propeller damage and navigational hazards.¹

¹ Gosford City Council, *Development Control Plan No 119 - Wharfs and Jetties*, page 4 part 7.2

- I hope that consideration is given to the residence on the opposing side of the railway line whom will indeed have the water view impacted upon. The construction of such a large and unsightly marina will indeed impact on the visual aspect of the waterways not only for the public but local residents more so. The near by residential properties are in photo 1.



Photo 1

This photo shows the residential homes that will have their Brisbane Water view impacted on. There are of course more houses to the right of this photo that should be considered. Photo taken 30th October 2011.

- Murphy's Bay named after the first pioneers of the area (the Murphy family) and clearly has historic connections. Whilst the waterways is not heritage zoned that I am aware of I feel that such a large construction would significantly change the area and impact greatly on any historical landscape that remains.
- First was the restaurant then a jetty now a marina. What will be next and how much more of the Brisbane Water will be lost to Gemsted developments?
- The presence of the noxious algae *Caulerpa taxifolia* is already under the existing footprint of the Jetty. I fear that the associated boat traffic will have greater potential to spread this noxious weed further into the Brisbane Water and surrounds. Whilst it has been mentioned that signage be erected notifying boat owners of the presence of *Caulerpa taxifolia* I feel that like most signs and laws they are generally ignored. This indeed puts a lot of trust and responsibility onto the owners of vessels in the marina. I do not see this as sufficient means to avoid the spread of this noxious algae. I would suggest that if the marina is still approved that a containment barrier be put in place to prevent any possibility of spreading this algae. I note that Seagrass Habitat Mapping done by Cardno Ecology Lab on 2 August 2010 (job number EL1011005) page 1 section 1.2 Previous Surveys quotes "the invasive nature of *C. taxifolia* has raised concerns as it has the potential to grow rapidly, alter marine habitats and affect biodiversity. It is also extremely difficult to eliminate once it has become established in the wild and therefore important to prevent this

species from expanding its range.”² A secondary aquatic study done in May 2011 again notes the potential this algae has to outcompete native seagrasses.³ This same study notes that the noxious algae has indeed spread over a period of 10 months (this is the time between surveys) under current conditions.⁴ I fear that this will indeed worsen with the addition of 50 vessels in the nearby vicinity. It is confirmed (page 12 of the report EL1011059) that the pest algae is present within the footprint to the proposed marina. This puts it at high risk of spreading and contamination to the surrounding area.

- I can confirm that there are marine turtles present in the Brisbane Water as I have personally seen them. Whilst the numbers may well be minimal an additional 50 boating vessels increase the risk of boat strike. I feel that this should be taken into consideration that if the few remaining turtles are killed then we will be left with none.
- The increase in boat traffic has the potential to cause erosion on the foreshore/bed of Brisbane Water due to reflection of wave energy from the existing seawall.⁵ Below are photos 2 -7 that show the present erosion to nearby Koolewong reserve, Couche Park foreshore and the land of the proposed development - Boathouse Restaurant. This indeed is already effecting the growth of trees making them a safety risk to the general public. If further erosion occurs it is likely that these trees will have little soil/sand holding them in place. I feel that common sense would say that further erosion is highly likely if the proposal is indeed approved and vessel movements in the area increase. I also note that existing attempts shown at Koolewong reserve (using tar) has obviously failed to provide a solution to the existing problems.



Photo 2

²Cardno Ecology Lab, *Koolewong Marina Gosford - Seagrass Habitat Mapping*, August 2010, p. 1. (part 1.2)

³ Cardno Ecology Lab, *Proposed Koolewong Marina Development - Aquatic Ecology Assessment*, May 2011, p. 68. (part g)

⁴ Cardno Ecology Lab, *Proposed Koolewong Marina Development - Aquatic Ecology Assessment*, May 2011, p. 12. (Part 3.2.3)

⁵ Letter from Lance Watt (Environmental Review Co-ordinator) to F Dobbs (Gosford City Council) 30 May 2001.

This photo shows the existing erosion of the foreshore at Koolewong Reserve. Obviously this will be worsened by an addition 50 boats using the waterways through waves. Photo taken October 2011.



Photo 3

This photo shows the use of tar to prevent further erosion of the foreshore at Koolewong Reserve. This has not resolved the existing erosion problem so how can the public be sure that a marina will not impact further? Photo taken October 2011.



Photo 4

This photo shows the erosion of the foreshore at Couche Park left hand side of the wharf. Even timber retaining walls have failed to prevent erosion. Photo taken October 2011.



Photo 5

This photo shows the erosion of the foreshore at Couche Park right hand side of the wharf. How will a marina effect this? Photo taken October 2011.



Photo 6

This photo shows the tidal mark making its way towards the trees causing further erosion of the foreshore at Couche Park. What will be done to minimize the impact on this. Photo taken October 2011.



Photo 7

This photo shows erosion and/or lack of retaining wall at the sea edge on Woy Woy side of the existing Boathouse restaurant structure. Will sea level rise and increased usage of the waterways impact on this? I would have to say "yes". Photo taken 30 October 2011.

- In addition to this I include photos of rubbish at Koolewong reserve. The increase boat traffic increases the potential for pollution in the nearshore area.⁶ I fear that this will only worsen with the construction of a marina of any size in the local vicinity. As per Gosford City Council Development Control Plan No 119 - Wharfs and Jetties, page 2 part (j) quotes “ensure that structures or their usage do not obstruct water circulation or cause rubbish accumulation in a manner which is likely to adversely affect water quality, cause weed accumulation or exacerbate sediment accretion, or erosion, particularly to adjoining waterfront land.”⁷ Again I have proven that existing measures have not prevented rubbish accumulation nor has it prevented erosion. A 50 berth marina will in fact make this situation worse and should therefore be denied under this plan. If one would like to consider doing a survey of the rubbish content near local marinas compared to that of other foreshore areas then a clear indictment on the impact of marinas could be formed.



Photo 8

This photo shows the rubbish coming ashore and being caught amongst the mangroves of the foreshore at Koolewong Reserve. Obviously there is potential for this to increase if there are an additional 50 boats using a nearby marina. Photo taken October 2011.

⁶ Letter from Lance Watt (Environmental Review Co-ordinator) to F Dobbs (Gosford City Council) 30 May 2001.

⁷ Gosford City Council, *Development Control Plan No 119 - Wharfs and Jetties*, page 2 part (j)

- What kind of consideration do the boathouse residents have for our environment if items are dumped and left to pollute our local waterways? Even rubbish in a scrub beside a rubbish bin has been left to blow into the waterways or washed in on high tide.



Photo 9

This photo shows dumped items directly below the carpark of the boathouse restaurant. Photo taken 30 October 2011.



Photo 10

This photo shows the nearby scrub located next to a rubbish bin that I found to have several dumped items. Photo taken 30 October 2011.

- I note that ‘no wash’ zones have been referred to during the construction process but are omitted from ongoing use of the marina. I suggest that this be considered as a permanent ‘no wash’ zone following construction, if approved, in order to reduce disturbance to the environment and surrounding water users.
- I have to ask whom will manage the site during non trading hours if management is located off site. Whom in deed will be present to deal with any issues that may arise during this time?
- If there is a fuel spillage what facilities are in place to deal with such event?
- I feel that a construction of this size should incorporate a public amenities including public toilet and shower facilities in addition to pump out facilities.
- Pump out facilities should be included if the marina is approved in order to maintain our waterways and prevent unwanted pollution.
- I feel that there has been no mention of facilities or controls for the washing of vessels within the marina. It is known that chemicals can be harmful to the environment and I feel this should be taken into serious consideration.
- I refer to the application of the existing wharf/Jetty approved under DA 11565/2001. Recommendation was made that Council refuse consent for the proposed Jetty on the following basis:-
 - A The proposed development is not permissible under the provisions of DCP 119 (Wharves & Jetties).
 - B The proposed development is not permissible under the provisions of the Brisbane Water Plan of Management, which has statutory significance by reason of the provision of Clause 49 1(A) of the Gosford Planning Scheme Ordinance.
 - C The proposed development, if approved, would establish an undesirable precedent for the area.
 - D The proposed development is contrary to the public interest.

I can not understand how the existing wharf was ever approved if this was the recommendation. This being the case I am led to assume that a 50 berth marina should also be denied.

- Further to this I refer to a letter from the NSW fisheries that their approval will be based on the use of a mesh material for the jetty platform. I have at time of submission been unable to clarify what area this was but I feel that the entire wharf/Jetty should be made of this material in order to protect and maintain the quality of the seagrass *Zostera capricorni* and other seagrasses in the vicinity. I further note that this wharf is currently loose under foot and should be stabilized for public use whether or not the marina be approved. Photo 11 below shows the existing wharf/Jetty.



Photo 11

This photo shows the existing wharf/Jetty. Only a small section of it has been constructed with the mesh material mentioned by the NSW fisheries. Photo taken 30 October 2011.

- I have to question the actual original submission for the construction of this wharf/jetty. It has been my assumption that it was only to be erected if made available to the public. I have to ask why there is a sign (photo 12 below) that states it is a private jetty on private property. Secondly I question why crown land is being marked 'private property'. It is my understanding that crown land is land that is accessible by the public. What other rules will be put in place if a marina is built?



Photo 12

This photo shows the sign reading 'private property and jetty'. Photo taken 30 October 2011.

MAITLAND OFFICE
Newcastle Road (PO Box 6), East Maitland NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

**DRAFT ASSESSMENT OF CROWN LAND UNDER
PART 3 OF THE CROWN LANDS ACT 1989 AND
THE CROWN LANDS REGULATION 2000**

A DRAFT land assessment has been prepared for Crown Land situated at Koolerwong, being the land described hereunder.

Inspection of this draft assessment can be made at the Maitland District Office of Crown Lands NSW, Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland, 2323 and Gosford City Council, 49 Mann Street, Gosford, 2250, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days commencing from the 1 October 2004 and should be forwarded to The Manager, Community Services, Crown Lands NSW at the above address. Please quote reference number MD02 H 101.

Reason for Assessment: Consideration of granting a term lease.

TONY KELLY, M.L.C.:
Minister Assisting the Minister for
Natural Resources (Lands)

Description

*Parish – Patonga; County – Northumberland;
Land District – Gosford;
Local Government Area – Gosford.*

Crown Land being Lot 519, DP 729020 and surrounding lands at Brisbane Water Drive, Koolerwong.

Contact: Gary Wood, Telephone: (02) 4937 9323.

figure 1

Documentation from government gazette, www.gazette.nsw.gov.au/pdfs/2004/1st_October.pdf, states the land is 'crown land'.

- I further query the car park alterations. I can not understand how a development of this size can be accepted if staff are expected to park away from their place of employment. I note that it is expected under the development application that staff will park at Woy Woy which is 1.3km away from the place of employment. I consider this to be ridiculous if the business can not arrange enough parking for its own staff how can it arrange enough staff to maintain the site. I question the laws in relation to this matter and ask if this is even considered as reasonable practice by the department of fair trading or alike. If it can not provide employee parking than how can one be sure that 44 car spaces will then indeed be enough to provide for 50 marine vessels as well as restaurant patrons. If parking conflicts occur what provisions are in place to deal with such issues. I have not read any material that deals with this situation should it arise. I than query the ability for Brisbane Water Dr to cope with an increase in traffic. I understand that studies done meet the standards set but I can not help but feel that these figures are not accurate. I am of the opinion that the traffic survey was done on one day. Assumptions have then been made in reference to surveys done in 2000/2001 which is ten years ago. I feel that more recent information should be used and road surveys should be done over several weeks as traffic conditions change day to day, week to week. Perhaps an average taken over 2-4 weeks is more accurate than that of a single day. I note that in a period of 30 minutes (10.30am - 11am) on Sunday 30th October I counted 23 cyclist riding from Woy Woy to Gosford direction, 3 cyclist riding from Gosford to Woy Woy direction, 4 pedestrians with dogs and prams, 2 young children on scooters. I also have concern for the safety of these people if indeed traffic does increase due to the construction of a marina in the area.
- The next item for consideration is the local Oyster farmers/leases that are in the Brisbane Water and not far from the proposed marina. If there is a pollution spill or water contamination from the marina this indeed will impact on the local economy and farmers. What preventative measures

have been put in place to eliminate this risk? Who will be responsible should the local oyster farmer be effected by issues involving the marina?

- I also raise my concern on noise pollution. It is known that the existing boathouse restaurant produces noise that echos across the bay and is heard from my residential location and the nearby Couche Park. This is quite a distance and I can expect that this will increase to include boat motors and public use of the marina if it be constructed.
- What sort of construction can one anticipate the marina to be if the existing structure is undermined by fallout? Looking at photo 13 it can be seen that the timber support of the rear verandah wharf side of the building is no longer supporting the structure.



Photo 13

This photo shows the undermined support of the verandah structure. Photo taken 30 October 2011.

- Whom is going to maintain the marina once it is built to keep it tidy? It is obvious that there is a current problem in finding time or employing a trades man to fix the existing retaining wall to the garden bed out front of the car park (see photo 14).



Photo 14

This photo shows the garden retaining wall has fallen away in several sections. Photo taken 30 October 2011.

- Last but not least I question the sea level rise that has been predicted by Gosford City Council for the Brisbane Water Districts. Not one item of report has incorporated the impact this will indeed have on the environment and/or landscape if the marina is constructed. Nor has the construction itself considered the possibility of rise in sea levels. If the sea level rises and we have an increase of 50 boats traveling regularly in and out of a nearby marina I have to ask what impact will this have on the foreshore, reserves, parks, near by residential land and alike.

In conclusion I note that it must be practically accepted that the present environment will be altered by the proposed development of a 50 berth marina at 19 Brisbane Water Drive, Koolewong at the rear of the Boathouse Restaurant. I protest against the application for reasons mentioned above. I feel that the 125 existing mooring licenses in the area is sufficient for marine vessels and should the sea level rise its impact would be minimized.

Yours Sincerely,

Karen Charge

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