

9 May 2012

## **Brisbane Water Drive, Koolewong – 50 Berth Marina (MP 10\_0209)**

### **PROPOSAL**

This application seeks project approval for a new 50 berth marina at Brisbane Water Drive Koolewong.

The main activities associated with the project include:

- Construction of a new 50 berth marina, extending approximately 100m into Brisbane Water;
- Upgrading the existing timber jetty;
- Extending and reconfiguring the existing car park providing an additional 14 car parking spaces (total of 44); and
- Changing the use of an existing office to a marina use.

The Proponent for this application is Gemsted Pty Ltd.

### **DELEGATION TO THE COMMISSION**

The project was referred to the Commission on 11 April 2012 for determination under the terms of the Ministerial delegation dated 14 September 2011.

Mr Garry Payne AM and Mr Joe Woodward were nominated as the Commission members for the project. Mr Garry Payne AM chaired the Commission.

### **DEPARTMENT'S ASSESSMENT REPORT**

On 11 April 2012, the Commission received the Director-General's Environmental Assessment Report. The report provided a detailed assessment of key issues including:

- Car parking;
- Provision of a sewage pump-out facility;
- Aquatic ecology;
- Flooding;
- Visual impacts; and
- Aboriginal Heritage.

The Department considers the project is in the public interest and recommends the project be approved subject to conditions.

### **CONSULTATION AND SUBMISSIONS**

The Department received a total of 24 submissions on the project comprising:

- 6 from public authorities; and
- 18 from the general public and special interest groups.

Of the 18 submissions received from the general public and special interest groups, 9 submissions supported the proposal and 9 objected. In summary the key areas of concern included:

- Lack of car parking;
- Traffic;
- Excessive scale;
- Water quality/pollution;
- Impacts on sea grasses;
- Increased likelihood of boat strikes on marine animals;
- Increased spread of *Caulerpa taxifolia*;
- Shoreline erosion;
- Sea level rise; and
- Impact on the aesthetics of Brisbane Water

## **COMMISSION MEETINGS**

The Commission met with Gosford City Council and the Proponent as a part of the Commission's consideration of the proposal.

### Proponent

On 24 April 2012, the Commission met with the Proponent on-site to discuss the proposal and undertake an inspection of the site. The discussion focussed on the requirement to install a sewage pump-out facility, the need for buoys to mark the extent of seagrasses, car parking and associated signage, and the proposed working hours for the Marina Manager.

### Gosford City Council

On 24 April 2012, the Commission met with Council officers to discuss the application. The discussion also focused on the requirement for a sewage pump-out facility, car parking and associated signage, the requirement for buoys to mark the outer extent of seagrasses and the proposed working hours for the Marina Manager.

## **COMMISSION'S COMMENTS**

### **Sewerage pump-out facility**

The Proponent raised concern with the Department's recommendation to provide a sewage pump-out facility for the proposed marina. The Department, Council and the Department of Primary Industries (DPI) all recommend that a sewage pump-out facility be provided due to the size of the marina, the distance to other facilities and the risk of pollution to the adjacent oyster lease area.

The Proponent contends that the risk of environmental harm through providing a pump-out facility is higher than the risk of not providing one. In summary, the Proponent argues that:

- there is an increased risk of spillage during operation of the pump-out facility (due to the pump hose not being connected properly and mechanical failures);
- there is insufficient demand for a pump-out facility at the proposed marina due to the size of boats and their likelihood of containing a holding tank;
- there is sufficient capacity for sewage pump-out services at other marinas on Brisbane Water;
- boat users are more likely to pump-out sewage at marinas which offer both refuelling and pump-out facilities (note: no refuelling services are proposed at the marina); and
- the use of CCTV and casual surveillance by the Marina Manager will detect any illegal spills.

The Commission contacted the Roads and Maritime Service (RMS) seeking advice on the operation of pump-out facilities, given the Proponent's concerns. RMS advised that there is little risk of spillage from the operation of a sewage pump-out facility and that the provision of a convenient pump-out would decrease the potential for illegal dumping of waste. RMS also advised that new boats are increasingly being provided with holding tanks, which over time will lead to increased demand for sewage pump-out facilities. RMS also subsidises the cost of installation of sewage pump out facilities at marinas.

The Commission accepts the Department's assessment as well as advice received from RMS, Council and the DPI that a sewage pump-out facility should be installed. The installation of a pump-out facility will help protect the water quality of Brisbane Water which is particularly important given the proposal will increase the number of boats berthed in close proximity to the shellfish industry.

The Commission also notes that the provision of adequate sewage disposal facilities is consistent with the Brisbane Water Management Plan Estuarine Management Guideline (g) (Page 11) which states:

*Council will require that all major boat accommodation facilities (such as commercial or club marinas and commercial or club boat sheds) provide adequate boat sewage, maintenance and rubbish disposal facilities capable of satisfying Council's standards, in order to minimise the*

*extent of any adverse impact caused by the direct discharge or disposal of effluent and rubbish into Brisbane Water.*

### **Car Parking**

Council raised concern that the proposed amount of car parking is inadequate for the development. Council argue that a higher car parking rate should apply for the marina and restaurant uses, particularly given there is no overspill car parking available at the isolated site.

As Council's car parking control (DCP 111) does not set a car parking rate for marinas, the Department used the Australian Standard (AS3962-2001) to determine an acceptable car parking rate for the proposal. The standard prescribes 0.3 – 0.6 spaces per wet berth designed for boats. The standard also notes that:

*For commercial facilities the lower number of parking spaces should be considered. For racing clubs the larger number should be considered.*

Council requested that the higher car parking rate of 0.6 spaces per berth be applied for the marina rather than 0.3 spaces per berth recommended by the Department.

The Commission accepts the Department's assessment that the parking rate of 0.3 spaces per wet berth is an appropriate rate for the proposal. The Commission is satisfied that the proposal is clearly a commercial facility, will not be used for racing clubs, does not include a slipway or boat launching facility and will not be used for boat repairs or maintenance. Therefore, consistent with the Australian Standard, the Commission considers 0.3 spaces per wet berth is an appropriate car parking rate for the proposal.

The Commission considers that requiring additional car parking for the previously approved restaurant would be unreasonable as it does not form part of the application currently being considered. The Commission also notes that the existing Restaurant complies with the car parking requirements of DCP 111.

Whilst the Commission accepts that the site is constrained for overflow car parking, given the application provides a reasonable number of spaces for the proposal, car parking is considered acceptable. Further, the Commission notes that RMS did not raise any concerns regarding the quantum of proposed car parking, or the potential for overflow car parking.

### **Car Parking Signage**

The Proponent and Council raised concern with the requirement to install sign posting to delineate car parking spaces for the marina and the restaurant, as it would be difficult to enforce the allocation of car parking between the two uses during different times of the day.

Whilst the Commission appreciates that the signage would clearly delineate the car parking allocation between the two uses for their respective operating hours, the Commission agrees with the Proponent and Council that it would be difficult to enforce. Further, the Commission considers that any unused car parking allocation between the two uses should be shared at all times of the day. The Commission therefore recommends that *Condition E6 Car Park Sign Posting* be deleted from the approval.

### **Hours of Operation**

The Proponent originally committed to employing a Marina Manager to oversee the marina from 8am to 6pm, 7 days per week. One of the objectives of the commitment is to ensure mitigation measures to reduce the potential risk of water contamination from boats is implemented. The Proponent subsequently requested that the Statement of Commitment be amended by reducing the working hours to 9am to 5pm, 7 days per week.

The Commission considers the amendment is minor and the proposed working hours are standard for any commercial operation. Further, given the requirement for a sewage pump-out facility to be installed at the marina, sufficient measures will be implemented to ensure water

quality is maintained despite the reduced working hours of the Marina Manager. The Commission also notes Council raised no concerns regarding the reduced working hours.

### **Conditions of Approval**

The Commission notes the Department's assessment report was inconsistent with the recommended approval with regards to:

- the installation of buoys to mark the extent of seagrass; and
- controlling the spread of *Caulerpa taxifolia*.

The Commission accepts the Department's assessment on both of these issues and has amended the instrument of approval by deleting the requirement to install buoys to mark the outer extent of seagrasses and including conditions to control the spread of *Caulerpa taxifolia*.

The Commission has also included a new condition A13 – Compliance. The objective of the condition is to ensure the Proponent assesses and manages project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in the approval.

### **COMMISSION'S DETERMINATION**

The Commission has carefully considered the Department's Assessment Report and Council, agency and public submissions.

The Commission is satisfied that the recommended conditions will adequately protect and manage impacts associated with the proposal.

On balance, the Commission agrees with the Department's recommendation that the proposal should be approved subject to Conditions.



Garry Payne AM  
**Commission Member**



Joe Woodward  
**Commission Member**