



## Planning

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Mr Robert Tuckwell  
Gemsted Pty Ltd  
PO Box 479  
GOSFORD NSW 2250

Our ref.: MP10\_0209

Dear Mr Tuckwell

**Subject: 19 Brisbane Water Drive, Koolewong – 50 berth marina and associated parking (MP10\_0209)**

The Department has received your application for the above project.

I have attached a copy of the Director-General's Requirements (DGRs) for the preparation of an Environmental Assessment (EA) for the project. The requirements have been prepared in consultation with relevant government authorities. I have also attached a copy of the authorities' comments for your information. Several agencies' responses are outstanding, and they will be forwarded to you under separate cover.

The DGRs have been prepared based on the information you have provided to date. Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General may alter the requirements at any time. If you do not submit an EA for the project within 2 years, the DGRs will expire.

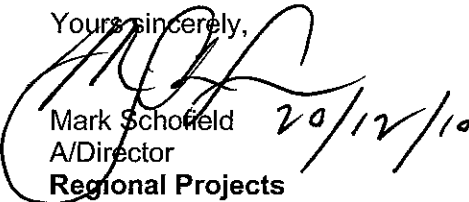
Prior to exhibiting your EA, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with relevant government authorities in making this decision. Please provide one hard copy and two electronic copies<sup>1</sup> of the EA for that purpose.

If the Director-General considers the EA does not adequately address the DGRs, he may require you to revise the EA. Once the Director-General is satisfied the DGRs have been adequately addressed, the EA will be made publicly available for at least 30 days.

If your project is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (*EPBC Act*). That approval would be in addition to any approvals required under NSW legislation; and it is your responsibility to contact the Department of Sustainability, Environment, Water, Population and Communities to determine if an approval under the *EPBC Act* is required for your project (<http://www.environment.gov.au> or 6274 1111).

If you have any queries regarding these requirements, please contact Jane Flanagan on the contact details above.

Yours sincerely,

  
Mark Schofield  
A/Director  
Regional Projects

<sup>1</sup> File parts must be no greater than 5Mb each. File parts should be logically divided; and named without spaces or blank characters.

ATTACHMENT 1  
Director-General's Requirements  
Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>
MP10_0209.
<b>Project</b>
Koolewong marina - 50 berth marina and associated parking.
<b>Location</b>
Lot 519 DP729020, 19 Brisbane Water Drive, Koolewong and adjoining unsurveyed Crown land comprising part of the bed of Brisbane Water, Gosford Local Government Area.
<b>Proponent</b>
Gemsted Pty Ltd.
<b>Date issued</b>
20 December 2010.
<b>Expiry date</b>
2 years from date of issue.
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary.</li> <li>2. A detailed description of the proposal, including: <ul style="list-style-type: none"> <li>• any development options;</li> <li>• justification, consideration of any environmental impacts, site suitability and whether the project is in the public interest; and</li> <li>• various components and stages of the project.</li> </ul> </li> <li>3. A thorough site analysis, including constraints mapping and description of the existing environment.</li> <li>4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with those provisions, particularly in environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans.</li> <li>5. Consideration of consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>6. Consideration of impacts, if any, on matters of National Environmental Significance under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).</li> <li>7. Assessment of the project's potential impacts and provision of a draft Statement of Commitments outlining environmental management, mitigation and monitoring measures to be implemented to minimise the project's potential impacts.</li> <li>8. The plans and documents at <b>Attachment 2</b>.</li> <li>9. A signed statement from the author of the EA certifying that the information contained therein is neither false nor misleading.</li> <li>10. A Quantity Surveyor's Certificate of Cost verifying the capital investment value of the project.</li> <li>11. Assessment of the key issues specified below and a table referencing their discussion in the EA.</li> </ol>

Key Issues	
The EA must address the following key issues:	
<b>1. Strategic Planning</b>	
1.1	Justify the proposal against relevant local, regional and State planning strategies and justify any inconsistencies.
<b>2. Design, Layout and Desired Future Character</b>	
2.1	Demonstrate the consistency of the proposal with the character of existing development in the locality. Provide details of the type and length of proposed berths.
2.2	Address the compatibility of the proposed uses with surrounding land uses and potential amenity impacts. Provide details of proposed hours of operation, and measures to mitigate impacts on surrounding uses, particularly adjacent residential areas.
2.3	Demonstrate the consistency of the marina design and layout with the <i>Coastal Design Guidelines for NSW, NSW Coastal Policy 1997</i> , and <i>SEPP 71 – Coastal Protection</i> .
2.4	Address existing and future opportunities for pedestrian, and public and emergency access to and along the foreshore.
<b>3. Water Cycle Management</b>	
3.1	Provide the following details for construction and operation: proposed erosion and sediment controls; disturbance of contaminated sediments; proposed stormwater management system, including best practice measures for Integrated Water Cycle Management based on Water Sensitive Urban Design principles; and management/environmental measures to contain pollutants (e.g. fuel and sewage).
3.2	Identify site water demands in terms of volume and timing for the life of the project, including details of any water reticulation infrastructure/vehicles which supply water to the site.
3.3	Demonstrate that existing and proposed water licensing requirements are in accordance with the <i>Water Act 1912</i> and the <i>Water Management Act 2000</i> .
3.4	Demonstrate that construction of works within 40m of watercourses will be in accordance with <i>Water Management Act 2000 Guidelines for Controlled Activities: riparian corridors</i> .
3.5	Describe and assess any potential requirement to intercept groundwater, including predicted dewatering volumes, zone of drawdown and associated impact, water quality and disposal methods. Provide details of adequate mitigating and monitoring requirements to address surface and groundwater impacts.
<b>4. Flora and Fauna</b>	
4.1	Provide a flora and fauna assessment in accordance with the <i>Threatened Biodiversity Survey and Assessment Guidelines Working Draft</i> (DEC, 2004), <i>Threatened Species Assessment Guidelines: The Assessment of Significance</i> (DECC, 2007), and <i>Draft Guidelines for Threatened Species Assessment</i> (DEC and DPI, 2005). Outline potential impacts from construction and operation, (including construction and maintenance dredging/reclamation, and propeller damage and boat wash) on aquatic and terrestrial flora and fauna, (including <i>Posidonia australis</i> ), and their habitats, the potential introduction of marine pests, (including <i>Caulerpa taxifolia</i> ), and relevant measures to mitigate, rehabilitate or compensate.
4.2	Outline measures for the conservation of any existing wildlife corridor values and/or connective importance of any vegetation on the site. Address measures to protect and manage any riparian corridors and adjacent aquatic habitats.
<b>5. Visual Impact</b>	
5.1	Provide a visual impact assessment and view analysis of the proposal in the context of the local and regional area. The assessment must address potential impacts from adjoining properties and uses, residential properties on Brisbane Water Drive, foreshore and waterway, Brisbane Water Drive, and vantage points around Brisbane Water. Identify and demonstrate the potential level of visual impact (supported by visual aids such as scale model and photomontages), including cumulative impacts.

Address the amelioration of visual impacts and provide details of mitigation measures.	
<b>6. Hazard Management and Mitigation</b>	
<i>Coastal Processes</i>	
6.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, climate change, sea level rise and more frequent and intense storms. Address flushing, coastal processes and impacts on the hydrodynamics of the waterbody from construction and operation of the proposal particularly from maintenance dredging and reclamation. Provide hydrographic survey and modelling details and an assessment of the hydrodynamic processes within the waterbody in order to quantify the impacts of the proposal.
6.2	Address foreshore erosion and any necessary rehabilitation/remediation works during construction and operation.
<i>Contamination</i>	
6.3	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> . Provide details of the method of disposal of any contaminated fill from the site.
<i>Acid Sulfate Soils</i>	
6.4	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation, management and disposal measures.
<i>Geotechnical</i>	
6.5	Provide an assessment of any geotechnical limitations that may occur on the site, any proposed filling, and if necessary, appropriate design considerations to address any limitations.
<i>Flooding</i>	
6.6	Provide an assessment of any flood risk on the site (for the full range of floods, including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment-based flooding or a combination of the two) with consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> . Determine the flood hazard in the area; and address the impact of flooding on the proposed development, the impact of the development on flood behaviour of the site and adjacent lands, and adequate egress and safety in a flood event.
6.7	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)</i> and the relevant documents at 'Coastal planning' at Attachment 3.
<i>Bushfire</i>	
6.8	Address the requirements of <i>Planning for Bush Fire Protection 2006 (RFS)</i> .
<b>7. Traffic and Access</b>	
7.1	<p>Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses matters, including:</p> <ul style="list-style-type: none"> <li>• The capacity of the road network to safely and efficiently cater for the additional traffic generated, including the impacts on traffic flow and safety on Brisbane Water Drive;</li> <li>• Suitable mitigation measures, if required, to ensure the efficient functioning of the road network;</li> <li>• Access to and within the site;</li> <li>• Servicing and parking arrangements and requirements for all existing and proposed uses on the site, including parking surveys for all existing uses;</li> <li>• Intersection site distances;</li> <li>• Provision of access for pedestrians and cyclists and identify measures to manage potential</li> </ul>

	<p>conflicts; and</p> <ul style="list-style-type: none"> <li>Public transport usage and infrastructure usage relative to the proposal.</li> </ul>
7.2	<p>An intersection analysis (such as SIDRA) for the site's access location and Brisbane Water Drive to determine the need for intersection and mid-block capacity upgrades. The analysis must include:</p> <ul style="list-style-type: none"> <li>Current traffic counts and 10 year traffic growth projections;</li> <li>With and without development scenarios considered;</li> <li>95<sup>th</sup> percentile back of queue lengths;</li> <li>Delays and level of service on all legs for the relevant intersections; and</li> <li>Electronic modelling files for RTA review.</li> </ul>
<b>8. Noise, Air and Odour Quality</b>	
8.1	<p>Address potential construction, operation and traffic noise in terms of noise, air quality and odour impacts; and appropriate mitigation measures.</p>
<b>9. Waste Management</b>	
9.1	<p>Identify all potential sources of liquid wastes as defined in the <i>Waste Classification Guideline</i> (DECC, 2008). Identify any waste proposed to be stored, separated or processed on the site, and proposed procedures to manage such wastes.</p>
<b>10. Aquaculture</b>	
10.1	<p>Assess impacts from construction and operation of the proposal on local aquaculture and recreational fishing (particularly from any construction and maintenance dredging) against <i>State Environmental Planning Policy No 62 - Sustainable Aquaculture</i>, and the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.</p>
<b>11. Heritage and Archaeology</b>	
11.1	<p>Identify whether the site has significance to Aboriginal cultural heritage and appropriate measures to preserve any significance in accordance with the <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC 2005).</p> <p>Note: the personal/contact details of any individual should not be publicly disclosed without first making it known to those concerned that their details may be publicly disclosed in the EA. Such personal details include any Aboriginal Heritage Information Management System data that identifies specific sites (e.g. maps and coordinates) and associated artefacts.</p>
11.2	<p>Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. If there is a known heritage impact, provide a Heritage Assessment of the non-indigenous heritage values of the site, including any built, archaeological, landscape and moveable items of potential significance. A draft Statement of Heritage Impact is to be submitted detailing and evaluating any impacts that the development concept would have on the non-indigenous heritage significance of the site.</p>
<b>12. Ecologically Sustainable Development (ESD)</b>	
12.1	<p>Identify how the project will incorporate ESD principles in the design, construction and ongoing operation.</p>
<b>13. Navigation and safety</b>	
13.1	<p>Provide a detailed navigation assessment, including:</p> <ul style="list-style-type: none"> <li>details and plans of existing and proposed navigation channels, including passive recreation zones;</li> <li>details of any servicing of vessels;</li> <li>appropriate environmental measures to ensure the protection of the waterway and marine environment; and</li> <li>details of lighting and provision of 'life' rings.</li> </ul>
<b>14. Infrastructure Provision</b>	
14.1	<p>Address existing capacity and requirements of the development for sewerage, including sewer pump-out, water, electricity, waste disposal, telecommunications and gas in consultation with</p>

	relevant agencies. Identify and describe staging, if any, of infrastructure works.
14.2	Address the ability of berths to dispose of effluent into a shore-based sewerage system, the demand for such a service, and any consequences of not having such a service.
14.3	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/Government agencies.
<b>15. Social and economic impacts</b>	
15.1	Address the potential impacts on commercial fishing grounds and popular recreational fishing sites and provide details of public fishing access incorporated into the proposal.
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the EA:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> <li>• Gosford City Council;</li> <li>• Department of Environment, Climate Change and Water;</li> <li>• Industry and Investment;</li> <li>• Office of Water;</li> <li>• Roads and Traffic Authority;</li> <li>• NSW Maritime;</li> <li>• Hunter-Central Rivers Catchment Authority;</li> <li>• Rural Fire Service;</li> <li>• NSW Police;</li> <li>• Local Aboriginal Land Council/s and other Aboriginal community groups; and</li> <li>• Relevant service providers.</li> </ul>	
(b) <i>Public:</i>	
Document all community consultation undertaken or the proposed strategy for such consultation, including any contingencies for addressing issues arising from consultation and an effective communications strategy. The consultation process and issues raised should be described in the EA.	
<b>Deemed Refusal Period</b>	
<b>60 days</b>	

## ATTACHMENT 2

### Plans and Documents to Accompany the Application

<p><b>Plans and Documents of the development</b></p>	<p>The following plans, architectural drawings, diagrams and documents, as relevant, are required to be submitted for your application:</p> <ol style="list-style-type: none"> <li>1. <b>Existing site survey plan</b> to 1:500 scale (or other appropriate scale): <ul style="list-style-type: none"> <li>• location of the site, the measurements of the boundaries of the land, the size of the land and north point;</li> <li>• Title showing the description of the land and lot and DP numbers;</li> <li>• existing levels to AHD of the site in relation to buildings and roads;</li> <li>• location and height of existing structures on the site; and</li> <li>• location and height of adjacent buildings and private open space.</li> </ul> </li> <li>2. <b>Aerial photograph</b> of the site with boundaries superimposed.</li> <li>3. <b>Site Analysis Plan</b> - identifying existing natural elements of the site (including all hazards and constraints), vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, oyster leases, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors, and all structures on neighbouring properties where relevant to the application (including windows, driveways).</li> <li>4. <b>Locality/context plan</b> to 1:500 scale (or other appropriate scale) indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space, water courses and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas; and</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li>5. <b>Zoning plan</b>: existing and proposed site zonings overlaid with the development layout.</li> <li>6. <b>Landscape plan</b>: planting design and species to be used, mature height and spread, number of plants, footpaths, driveways and public domain treatments, including details of signage, lighting and surface treatments.</li> <li>7. <b>Architectural drawings</b> drawn to scale illustrating the following: <ul style="list-style-type: none"> <li>• location of any existing building envelopes or structures on the land;</li> <li>• floor plans;</li> <li>• section and elevations;</li> <li>• communal facilities and servicing points;</li> <li>• the height of the proposed development in relation to the land;</li> <li>• significant level changes;</li> <li>• parking and vehicular access arrangements; and</li> <li>• pedestrian access to, through and within the site.</li> </ul> </li> <li>8. <b>Construction Management Plan</b> –outlining traffic and pedestrian management during construction; management of impacts on amenity of adjoining properties; and appropriate mitigation measures, including noise, dust and sediment and erosion controls.</li> </ol>

## ATTACHMENT 3

### Technical and Policy Guidelines

The following guidelines may assist in the preparation of the Environmental Assessment. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

Aspect	Policy /Methodology
<b>Biodiversity</b>	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Threatened Species Assessment Guidelines: The Assessment of significance - DECC 2007
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	NSW Coastal Policy 1997 - A sustainable future for the New South Wales coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	Coastline Management Manual (NSW Government 1990)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
	NSW Government Sea Level Rise Policy Statement, (DECCW, October 2009)
	Draft Coastal Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments (DECCW, 2009)
	NSW Coastal Planning Guideline: Adapting To Sea Level Rise (DoP, Aug 2010)
<b>Community Consultation</b>	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Contamination and Soils</b>	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)



Aspect		Policy /Methodology
		NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC,1998).
		National Environment Protection (Assessment of Site Contamination) Measure (NEPC 1999)
Environmental Management Systems		
		NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
		Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage		
Aboriginal		Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
		Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous		Assessing Heritage Significance Update for Heritage Manual, NSW Heritage Office, 2000
		Statements of Heritage Impact, NSW Heritage Office 2002
		NSW Heritage Manual, NSW Heritage Office 1996
Noise		
		Environmental Criteria for Road Traffic Noise (EPA, 1999)
		Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
		Interim Construction Noise Guideline (DECC, 2009)
Safety and Hazards		
		Electrical Safety Guidelines (Integral Energy)
		Crime prevention and assessment of development applications 2001
		Storing and Handling Liquids: Environmental Protection Manual (DECC)
Traffic & Transport		
		Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
		Guide to Traffic Generating Developments (RTA, 2002)
Vibration		
		Assessing Vibration: A Technical Guideline (DEC, 2006)
Visual		
		Control of Obtrusive Effects of Outdoor Lighting (Standards Australia AS4282).
Waste Management		
		Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (NSW EPA)
		Waste Classification Guidelines (DECC)
Water		
Water Quality		Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
		Water Management Act 2000 Guidelines for Controlled Activities: riparian corridors (Department of Water and Energy, February 2008).
		Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)

Aspect	Policy /Methodology
	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000);</i>
<b>Effluent Reuse</b>	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
<b>Floodplain</b>	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
<b>Estuaries</b>	NSW Estuary Management Policy
	NSW State Rivers and Estuaries Policy
<b>Groundwater</b>	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction – Volume 1 (NSW Landcom, March 2004) - "The Blue Book"
	Managing Urban Stormwater: Soils & Construction – Volume 2 (DECC, January 2008)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, May 2006)
	Constructed Wetlands Manual (NSW DLWC 1998)
	Eurobodalla Urban Stormwater Management Plan
<b>Waterways</b>	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
<b>Catchment Management</b>	Southern Rivers Catchment Management Authority Action Plan
<b>Wetlands</b>	NSW Wetlands Management Policy (DLWC 2000)
<b>EPBC Act</b>	
<b>For a Controlled Action</b>	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007
<b>Industry Guidelines</b>	
<b>Marinas</b>	EIS Guideline: Marinas and Related Facilities (DUAP, Sept 1996)
	Best Management Practice for Marinas and Boat Repair Facilities (NSW EPA)
	Environmental Action for Marinas, Boatsheds and Slipway (DECC, June 2007)
	Australian Standard 3962: Guidelines for Design of Marinas (AS 3962-2001)

ATTACHMENT 4  
Government Authority Responses to Request for Key Issues  
For Information Only