



OUT10/19683

Mark Schofield  
A/Director, Regional Projects  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Schofield,

**Part 3A Major Project Application MP10\_0209 - Lot 519 DP729020, 19 Brisbane Water Drive, Koolewong, 50-berth marina and associated car parking – Request for agency key issues and requirements**

I refer to your letter dated 23 November 2010, and enclosed Preliminary Environmental Assessment report by ADW Johnson Pty Ltd dated August 2010, requesting Industry & Investment (I&I) NSW key issues and environmental assessment requirements for the above major project application.

This response covers all aspects of potential impact the proposal may have on issues considered under the *Fisheries Management Act 1994*. It includes input on aquatic habitat protection, aquaculture and fishing matters. I&I NSW advises that there are no issues related to Agriculture, Mineral Resources or State Forests.

Aquatic Habitat Protection

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, I&I NSW ensures that developments comply with the requirements of the Department's *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*.

I&I NSW notes that the proposal is located in Murphys Bay, part of Brisbane Water.

The key issues of concern to I&I NSW in relation to this proposal are:

- direct and indirect impacts to marine vegetation (i.e. mangroves, seagrass and macroalgae) from activities including:
  - shading created by the marina structure and berthed vessels;
  - direct removal, dredging or trampling;
  - erosion and sedimentation impacts during construction, dredging and any proposed habitat rehabilitation measures;
  - damage from propellers and barge operation during construction;
  - the use of the marina and increased boating activities in the vicinity of the marina (e.g. propeller damage, increased turbidity from propeller action, and increased boat wash);
  - stormwater discharge;

- changes to coastal processes from the marina structure and associated dredging.
- impacts to threatened species listed under the *Fisheries Management Act 1994*. (Note: *Posidonia australis* seagrass in Brisbane Water was Gazetted under the FM Act as an 'Endangered Population' in September 2010).
- impacts to water quality during all construction activities, from the ongoing use of the marina and stormwater impacts.

It is important that the EA assesses the full extent of potential impacts to the aquatic environment, both in the immediate adjacent area and the rest of Brisbane Water. This needs to include a clear description of scale of the proposed works. Proposed measures to mitigate, rehabilitate or compensate such impacts are to be detailed. This must include measures to mitigate potential boating and wake related impacts to nearby seagrass, as the Department is particularly concerned about these potential impacts. In designing such measures, consideration should be given to the size of vessels, water depth and the ability of boaters to detect and avoid seagrass habitat.

I&I NSW would prefer that the sensitive aquatic habitats in this area are not impacted by these works or at the very least that impacts are minimised into insignificance as far as possible. There should be 'no net loss' of aquatic habitats from these works.

Considering the environmental sensitivity of this area and depth of adjacent waters, the Department recommends that there is no dredging associated with this proposal.

To further assist in the preparation of an EA of this proposal, specific assessment requirements required by this Department to assess impacts on aquatic habitat are attached. The assessment of impacts to threatened species is to include a 7-part test. In conducting this assessment, please refer to the Department's Threatened Species Assessment Guidelines

([http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/226536/Threatened-Species-Guidelines.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0006/226536/Threatened-Species-Guidelines.pdf)).

#### Aquaculture

The proponent should consider State Environmental Planning Policy 62 – Sustainable Aquaculture (SEPP 62) and the *NSW Oyster Industry Sustainable Aquaculture Strategy* (OISAS). The strategy covers all oyster growing estuaries in NSW and identifies Priority Oyster Aquaculture Areas for oyster farming in estuaries. These are areas where commercial oyster aquaculture is a priority intended outcome. There are numerous Priority Oyster Aquaculture Areas in Brisbane Water, many of which are less than 400 metres from the proposed marina.

Oyster aquaculture is threatened by declining estuarine water quality, increased use of waterways, and development adjacent to estuaries. These affect both oyster productivity and the sustainability of oysters for human consumption. Decisions regarding the future development of the Koolewong foreshore should therefore ensure that estuarine water quality is protected and improved and that there is no adverse impact to the local oyster industry. The agreed water quality needs of the oyster industry are set out in OISAS (<http://www.dpi.nsw.gov.au/fisheries/aquaculture/publications/general/nsw-oyster-industry-sustainable-aquaculture-strategy>).

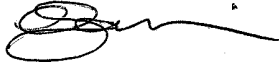
#### Fishing – Commercial and Recreational

The issue of the proposed marina impinging on commercial fishing grounds and popular recreational fishing sites is to be addressed in the environmental assessment. An indication of the area where such fishing opportunities may be limited by the marina should be provided.

The Department requests that any opportunities for public access for recreational fishing from the proposed facility, that do not directly interfere with marina operations, be considered, encouraged and permitted, where feasible.

For any further information please contact Carla Ganassin on (02) 9527 8552 or [carla.ganassin@industry.nsw.gov.au](mailto:carla.ganassin@industry.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Carla', with a stylized flourish extending to the right.

Carla Ganassin  
Conservation Manager  
Aquatic Habitat Protection Unit

9 December 2010

**ATTACHMENT: Environmental assessment requirements for the Koolewong marina Proposal proposal (MP10\_0209)**

- site address and contact details
- property description (e.g. Lot and DP numbers)
- a clear description of the proposal including details of construction methods and materials,
- **map(s)** of the development area and adjacent areas - this should include nearby waterways, adjacent infrastructure (such as jetties) and land use,
- clear **photographs** of the site (at low and high tide in estuaries), including photographs of any riparian and aquatic vegetation present (including pest species such as *Caulerpa taxifolia*),
- a clear description of the physical and hydrological features of the development area (which may extend upstream and downstream of the development site in the case of flowing rivers or tidal waterways),
- description of local wave and current regimes (in tidal areas),
- description of the water quality (e.g. discolouration, sedimentation, turbidity, pH, dissolved oxygen, nutrients),
- types of surrounding land use (e.g. agricultural, urban, aquaculture),
- substrate type (e.g. rock, sand, gravel, silt, coral reef),
- In describing the locality in the vicinity of the proposal, discussion is to be provided in regard to the previous land and water uses and the effect of these on the proposed site.
- approximate depth contours within 20 metres of the proposal,
- a clear description of aquatic environments including:
  - ❑ threatened and protected species, populations, ecological communities, pest species or presence of 'critical habitat' under the *Fisheries Management Act 1994* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*,
  - ❑ an aquatic and riparian vegetation survey map of the area which shows the location and/or coverage of saltmarsh, mangrove, seagrass, macroalgae, macrophytes, riparian vegetation and snags,
- details of the nature, timing, magnitude and duration of the proposed disturbance to the aquatic environment,
- assessments of predicted impacts upon any threatened species (fish and marine vegetation) (i.e. completion of a 7 part test) and other aquatic flora and fauna,
- details of any mitigation measures to limit environmental impacts,
- details of the general regional context, any protected areas, other developments in the area, and/or cumulative impacts,

*Dredging and reclamation activities*

- Purpose of works
- Type(s) and distribution of marine vegetation in the vicinity of the proposed works
- Method of dredging to be used
- Timing and duration of works
- Dimension of area of works including levels and volume of material to be extracted or placed as fill
- Nature of sediment to be dredged, including Acid Sulphate Soil, contaminated soils etc
- Method of marking area subject to works
- Environmental safeguards to be used during and after works
- Measures for minimising harm to fish habitat under the proposal
- Spoil type and source location for reclamation activities
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned

#### *Activities that damage marine vegetation*

- Type of marine vegetation to be harmed
- Condition of marine vegetation (i.e. information on type, species, shoot density and/or percentage cover, Is the vegetation continuous or sparse in coverage? What is the aerial extent? Is the vegetation healthy or degraded? Is wrack (dead seagrass or macroalgae) present?),
- Map and density distribution of marine vegetation
- Reasons for harming marine vegetation
- Methods of harming marine vegetation
- Construction details
- Duration of works/activities
- Measures for minimising harm to marine vegetation under the proposal and details of compensatory habitat development to replace lost vegetation.
- Method and location of transplanting activities or disposal of marine vegetation

#### *Fishing*

- Outline and document recreational and indigenous fishing activities that may be affected by the activity, including popular recreational fishing sites and recognised indigenous harvesting sites.

### **B. Assessment of likely impacts**

- In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on aquatic species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes, soil erosion or pollution.
- Indicate the location, nature and extent of aquatic habitat removal or modification (both direct and indirect) which may result from the proposed action.
- Assess the impacts of this proposal on threatened aquatic species, populations and communities listed under the *Fisheries Management Act*.
- Discuss the potential impact of the modification or removal of aquatic habitat (note - potential direct and indirect sources of impact are stated in the letter with this attachment).

### **C. Ameliorative measures**

The environmental assessment should consider and provide detail on how the proposal has been or may be modified and managed to minimise impacts and conserve aquatic habitat and public foreshore access on the subject site and in the study area.



## Trade & Investment, Regional Infrastructure & Services

Mr Robert Tuckwell  
Gemsted Pty Ltd  
GPO Box 479  
Gosford NSW 2250

Dear Mr Tuckwell

### **Part 3A Consultation – Proposed Marina, 19 Brisbane Water Drive, Koolewong**

I refer to the abovementioned Planning Application under Part 3A of the Environmental Planning and Assessment Act 1979 and the Director-General's Requirements for consultation with the Department of Trade & Investment, Regional Infrastructure & Services (formerly Industry & Investment NSW).

The Department has reviewed the relevant extracts of the Project Application documentation and wishes to raise no specific concern with the proposed development, subject to any impacts upon commercial fishing and aquaculture in the local area being satisfactorily addressed through the assessment process.

Thank you for providing the opportunity to comment on this Planning Application.

Yours sincerely

Tony Sansom OAM  
Regional Director, Hunter and Central Coast  
NSW Office of Trade, Business & Industry

19/5/11