



PCU017580



Telephone (02) 4325 8222

Please Quote: R Eyre
IR/Doc: 8922525

NSW Planning
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
9 DEC 2010
Scanning Room

Your Reference: 10/22887

Attention: Ms Flanagan

Gosford City Council

49 Mann Street
Gosford NSW 2250
PO Box 21
Gosford NSW 2250
DX 7211 Gosford

Telephone: 02 4325 8222
Facsimile: 02 4323 2477
goscily@gosford.nsw.gov.au
www.gosford.nsw.gov.au
ABN 78 303 458 861

**Re: Lot 519 DP729020 No 19 Brisbane Water Drive Koolewong
Gosford LGA – Proposed 50 Berth Mooring and Associated Car Parking
Part 3A Major Project Application MP10_0209
Request for Key Issues and Requirements**

Dear Sir/Madam

I refer to your letter of 23 November 2010 and the following matters must be addressed in the Environmental Assessment.

1. A 7 Part Test particularly for sea grasses and other aquatic impacts. The Sea Grass Habitat Mapping/Report prepared by Cardno Ecology shows a different proposed marina then that in the plans prepared by ADW Johnson. Additional aquatic survey may be required and an amended report.
Note: Council records indicate the endangered population of *Posidonia australis* is within close proximity to the proposal.
2. A Traffic Report prepared by a traffic engineer to address:-
 - (a) The traffic movements generated and the impact on traffic movements along Brisbane Water Drive. Traffic projections for the next ten (10) years (or as stipulated by the RTA) should be used.
 - (b) Whether the existing driveway is adequate and what works are needed to upgrade the driveway.
 - (c) Any works required on Brisbane Water Drive
 - (d) Car Parking demand

The statement in the preliminary Environmental Affects that the site has a credit of 15 car parking spaces is disputed. However it is noted that the traffic and parking report is yet to be prepared.

Council's assessment of previous applications is that there is an excess of only 5 spaces. (See copy of Council Report attached relating to DA30475/2006).

Any calculation of parking required must address:-

- The restaurant
- The offices
- The proposed marina
- The days and times of all operations and overlaps of parking demand
- The availability of on street parking
- Compliance with AS2890
- Access and turning areas
- Access to waste storage areas
- Council's DCP 111 requirements
- Surveys of the car parking area when the restaurant and offices are in use both during peak time and out of peak time including when the site is used for receptions. Car parking demand may be greater than, or less than, that required based on floor areas. Therefore the existing uses must be surveyed.

Council's preliminary assessment indicates that there will be a shortage of parking on site.

Any overflow of parking onto Brisbane Water Drive will impact traffic flows and create a high traffic and pedestrian hazard and therefore cannot be relied upon.

It is highly unlikely that Council or the RTA will permit on-street parking at the site.

3. Any proposal to expand the fill into Brisbane Water or expand paved area must be contained within the site boundary and supported by an appropriate geotechnical report.
4. The visual impact of the proposal when viewed from:-
 - Other vantage points around Brisbane Water
 - Brisbane Water Drive
 - The residential areas on the other side of Brisbane Water Drive particularly on the higher ground levels
5. The Roads and Traffic Authority and NSW Police Service must also be consulted in the proposal.
6. The impact of sea level rise of 0.9m adopted by the State Government and Gosford City Council.
7. A copy of minutes of the Pre-DA Meetings previously held is attached for your information.
8. The ability of the berths to dispose of effluent into a shore based sewerage system should be considered given the number of berths, the likely demand for such a service, and the consequences of not having a service.

In conclusion the main issues are:-

- The impact on sea grass/aquatic environment.
- The impact on Brisbane Water Drive and access driveway.
- The provision of adequate car parking wholly within the site.

Should you require any further information please contact Robert Eyre on (02) 4325 8222 Monday to Friday.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'R Eyre', written in a cursive style.

Robert Eyre
Senior Planner

Att: Council Report & Minutes of Pre DA

TITLE DEVELOPMENT APPLICATION NO. 30475/2006
APPLICANT: BOATHOUSE WATERFRONT RESTAURANT
PROPOSED: RESTAURANT - PROPOSED ENCLOSURE OF VERANDAH ON
LOT: 519 DP: 729020, 0 BRISBANE WATER DRIVE KOOLEWONG
Directorate: Environment and Planning
Business Unit: Development

EXECUTIVE SUMMARY

Assessing Officer

L D Marquet

Application Received

29/05/2006

Proposal

Restaurant - Proposed enclosure of verandah.

Zone

Unzoned

Area

2533m²

Public Submissions

Nil (0)

Relevant Statutory Provisions

- 1 Environmental Planning & Assessment Act, 1979 – Section 79C
- 2 Local Government Act 1993 – Section 89
- 3 Gosford Planning Scheme Ordinance (GPSO)

Key Issues

- 1 Proposal
- 2 Character
- 3 SEPP 71
- 4 Car Parking

Recommendation

Approval

REPORT

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for Council's information.

Proposal

Council consent is sought to install permanent windows enclosing an existing veranda within an approved restaurant on Lot 519 DP 729020, Brisbane Water Drive, Koolewong.

The development being contained within an existing approved restaurant constitutes ancillary development to an approved land use. The land on which the development is sited is unzoned.

Development History

The building was approved under the terms of Development Application No 58255/90. Use of the building was approved under the terms DA21637/1996. Use of the deck area for dining purposes was approved 20 May 2002 under the provisions of a Section 96 Amendment Application.

Character

Clause 10(4) of the Gosford Planning Scheme Ordinance stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

The character of specific localities within Gosford City Councils municipality are assessed against the existing and desired character statements as prescribed under the provisions of Development Control Plan (DCP) - 159 *Character*. It is considered that the proposed development being the installation of windows, will not impact upon the Character of the immediate locality. The premises are well maintained aiding the amenity of the immediate locality.

SEPP 71

The provisions of State Environmental Planning Policy (SEPP) No 71- Coastal Protection requires Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP.

Car Parking

Development Control Plan (DCP) 111 - Car parking outlines the number of spaces required for a restaurant based on 1 space per 16m² site area used for this purpose. As indicated in the table below, the car-parking requirement generated by the restaurant is the provision of twenty-four (24) on site car parking spaces.

Component	Estimated Floor Area	Parking required
Restaurant	119.6 m ²	7.475
Verandah	66.4 m ²	4.15
Kitchen	46.1 m ²	2.88
Existing paved area	91.36 m ²	5.71
Smokers Deck	15.0 m ²	0.93
Extension to paved area	22.7 m ²	1.41
Storage area	14.5m ²	1
<i>Total</i>	<i>361.16</i>	<i>24</i>

Twenty-nine (29) on-site car parking spaces are provided on site in association with the development.

Car parking calculations as reproduced above are those areas as calculated under the terms of Development Consent No 30025/2006, which proposed a new storage area associated with the use of the restaurant.

The proposed development will not impact upon car parking requirements for the development, as there is no additional area for seating provided in the proposed enclosure of the verandah. This area has already been assessed for car parking under the provisions of Development Application No 21637/1996 as amended 20 May 2002.

Note: Commercial premises on the second floor remain unoccupied and as such car parking for future use of this area will need to be addressed on separate application for its occupation.

Conclusion

The proposal has been assessed in accordance with the statutory requirements of the Gosford Planning Scheme Ordinance (GPSO), the matters for consideration specified under Section 79C of the Environmental Planning and Assessment Act as amended, Councils setback requirement of 30m and Development Control Plan (DCP) – 111 Car Parking.

No significant planning or environmental issues are raised with respect to the installation of windows and enclosure of the verandah, as the proposal does not create any additional floor space.

It is considered that the proposal attempts to efficiently utilise the premises as approved for use as a restaurant, and for reasons outlined above, no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

Attachments: Nil

Tabled Items: Nil

RECOMMENDATION

A Council as consent authority grant consent to Development Application No. 30475 for Restaurant - Proposed enclosure of verandah on LOT: 519 DP: 729020, 0 Brisbane Water Drive KOOLEWONG 2256, subject to the following conditions:

1 Development being generally in accordance with plan(s) numbered:

DA01 - Site Plan	Ref 06064 Dated 16/05/06
DA02 - Floor Plan	Ref 06064 Dated 16/05/06
DA03 - North Elevation	Ref 06064 Dated 16/05/06
DA04 - East Elevation	Ref 06064 Dated 16/05/06
DA05 - West Elevation	Ref 06064 Dated 16/05/06
DA06 - Details	Ref 06064 Dated 16/05/06

- 6 of 6 sheets, submitted/drawn by Andrews.Neil, or where modified by any conditions of this consent.

- 2 Gosford City Council as the Principal Certifying Authority requires the following inspections and fees in respect to this approval:
 - a ****Commencement** of building works (compliance with conditions of consent, including the installation of siltation controls, waste management and tree protection measures).
 - b ****Final**.
 - c ****Occupation certificate**

Note:

Inspection Bookings should be made on 4325 8333. Work that is found to be defective **or** not ready at time of inspection will attract a **re-inspection fee of \$98.00**. Please cancel bookings, which will not be ready for inspection. Updated: 1 April 2004

Please quote the Development Application Number when booking Inspections. Inspection bookings will **not** be accepted without the appropriate number.

A minimum of 48 hours notice is required to be given for all inspections.

Inspections marked ** are MANDATORY. Where Council has determined that these inspections are required for the proposed building works an Occupation Certificate will not be issued unless these have been undertaken.

- 3 The erection of structures in accordance with a Development Consent must not be commenced or carried out until detailed plan and specification of the building have been endorsed with a construction certificate.
- 4 The erection of a building must not be commenced or carried out until a principal certifying authority has been appointed.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia. In the event Council is nominated as the Principal Certifying Authority, additional information may be required to specifically address matters pertaining to the issue of a Construction Certificate.
- 6 Prior to occupation of the new works an application for a place of public entertainment is to be submitted and approved by Council.
- 7 No construction shall commence on crown land until a formal agreement is in place with the **Department of Natural Resources**.
- 8 The proposed development is not exempt from the provisions of the Management of Waters and Waterside Lands Regulations - NSW, and shall at all times comply with the requirements of all Acts and Regulations administered by the NSW Maritime.

- 9 No harm shall result from construction works to any marine vegetation.
 - 10 Any lighting for the waterway structure shall be contained within the property shall be minimal and shall be used only for the safe use of the waterway structure.
 - 11 Use of the premises as a restaurant and number of patrons permitted to be seated shall comply with the conditions of consent in respect to Development Application No 21637/96 or any amending / new applications.
- B In accordance with Section 95(1A) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.

<<Insert Attachment Link/s Here >>

RECORD OF PROFESSIONAL CONSULTATION MEETING

DETAILS OF APPLICANT						
Name Gemsted Pty Ltd						
Phone No 0418 488 088		Fax No		E-mail mail@bobtuckwell.com.au		
COUNCIL ATTENDEES						
Development Planner			Robert Eyre			
Development Engineer			Fazkul Karim			
MEETING DETAILS						
Date 23 October 2008				Time 10:00am - 11:00am		
Place 5 th floor meeting room						
PROPOSAL		A floating jetty, attached to the existing timer jetty				
PROPERTY DETAILS						
Owner Gemsted Pty Ltd						
Lot No 519		DP 729020		Zonings Unzoned		
Address 19 Brisbane Water Drive Koolewong						
Previous Approval	DAs	4270.1999, 11565.2001, 22899.2003, 30025.2006, 30475.2006	BA's	58255.1990 5128.1997	Various	
ISSUES						
Land Dept/Crown Land (owner's consent required)				Council's Jetty Policy - Max 50m		
Car Parking - DCP 111				SEPP 71 - Sensitive Coastal Land		
Environment Impact - seagrasses				Water and Sewer		
Consent Authority - DOP				High Acid Sulphate Soil Risk		
EIS required						

MINUTES:

1. EIS required if 15 or more vessels and length 20m or greater or ratio of car parking to vessels is less than 0.5:1. Request specification from DOP
2. Minister for Planning is Consent Authority unless the Minister determines the matter is of local significance and that Council may determine the application.
3. Car parking. Assess against all uses consider day and time of peak demand. No impact on Brisbane Water Drive. Assess current and proposed parking demand against current use and future projections. (Currently not 16 excess parking spaces).
4. Car parking and Traffic Study required.
5. Integrated Development if approval from Fisheries (DPI) required.
6. Other matters to be considered.
 - effluent pumpout
 - economic and tourism benefits
 - structural design
 - visual impact.
7. Department of Planning. Summary of EIS requirements and matters to be considered in Initial Site Assessment provided at meeting.

NOTE

This is a pre application meeting only. The details are intended to guide the applicant in the preparation and lodgement of a formal development application. The proposal has undergone preliminary assessment only. Further issues may become apparent, and additional information may be required from the applicant during the formal assessment phase. This meeting in no way infers nor implies that development consent will be granted to this proposal. Applications as indicated above may not reflect the full development history of the property. Should a full development history be required a search application and fee will apply.

Signed: R Eyre

Date: 23 October 2008

RECORD OF PROFESSIONAL CONSULTATION MEETING

DETAILS OF APPLICANT							
Name	Adam Crampton						
Phone No	43054300	Fax No	43054399	E-mail	adamc@adwjohson.com.au		
MEETING DETAILS							
Date	12 August 2010			Time	3.30pm-4.00pm		
Place	5 TH Floor Meeting Room						
PROPERTY DETAILS							
Proposal	Up to maximum 29 berth marina						
Owner	Gemsted Pty Ltd						
Lot No	519	DP	729020	Zonings			
Address	19 Brisbane Water Drive Koolewong						
Previous Approvals	DAs		BAs		CAs		
ATTENDEES							
Development Planner		Robert Eyre					
Building Surveyor							
Development Engineer							
Environment Officer		Mark Stables					
Architect							
Other		Lincoln Lawler					
ISSUES							
EIS/SIS - Check Requirements				SEPP 71 - Integrated Development			
DCP's - 119, 111, 106 - Waste truck turning				Legal Documents			
DLEP - Safer by Design				Water & Sewer			
High Acid Sulphate Soil Risk				Traffic / parking report			

MINUTES

- 1 Refer to Pre DA Minutes of 23 October 2008 - copy given to Adam Crampton.
- 2 If required under Schedule 3 of EPA Regulations, EIS required.
- 3 Seven Part Test for sea grasses (If significant impact SIS required).
- 4 Consent of DLPM as owner to lodge development application.
- 5 See Clause 49 of GPSO.
- 6 SEPP 71 and DCP's 106, 111 & 119 apply.
- 7 Traffic and parking report required. Address against Council's DCP 111 as well as surveys of parking generated by existing development / restaurant.
- 8 Parking to comply with AS2890.
- 9 Development Application will be referred to RTA, Fisheries, and Waterways/Maritime.
- 10 Minister is the consent authority unless referred back to Council.
- 11 Water & Sewer Certificate required.
- 12 Draft LEP a matter for consideration.
- 13 Check turning area for garbage trucks.
- 14 Car parking - ratio of spaces to berths to be addressed (may require EIS).
- 15 Current legal documents require maintenance of jetty. Will need to be amended if approved or new legal agreement.
- 16 See guide to submitting Development Applications. CD disk to be submitted with DA and hard copies.
- 17 See guide for Marinas by NSW Government.
- 18 Brisbane Water POM.
- 19 Address visual impact.

NOTE

This is a pre application meeting only. The details are intended to guide the applicant in the preparation and lodgement of a formal development application. The proposal has undergone preliminary assessment only. Further issues may become apparent, and additional information may be required from the applicant during the formal assessment phase. This meeting in no way infers nor implies that development consent will be granted to this proposal. Applications as indicated above may not reflect the full development history of the property. Should a full development history be required a search application and fee will apply.

Signed: *Robert Eyre*

Date: 19 August 2010

Stephanie Van Disse

From: Stephanie Van Disse
Sent: Friday, 1 July 2011 1:20 PM
To: 'goscity@gosford.nsw.gov.au'
Subject: Gosford Wharf - Pump-Out Facilities

To Whom It May Concern:

Our company is preparing an application for a 50 berth marina at Koolewong and is required to get information from Gosford Council as to whether the free pump-out facilities at Gosford Wharf will be able to accommodate the servicing of approximately 5 more boats (being the anticipated 10% of boats requiring such a service).

Could you please provide confirmation of the above as soon as you get the chance.

Should you require further information, please do not hesitate to contact me.

Regards

Stephanie Van Dissel
Planner.



Central Coast Office

2 Bounty Close, Tuggerah
PO Box 3717 Tuggerah N.S.W. 2259
Ph: (02) 4305 4300
Fax: (02) 4305 4399
Email : stephaniev@adwjohnson.com.au
Website: www.adwjohnson.com.au



please don't print this e-mail unless you really need to.

THIS MESSAGE AND ANY FILES TRANSMITTED WITH IT ARE INTENDED FOR THE ADDRESSEE ONLY AND ARE TO BE USED ONLY FOR THE PURPOSES OF OUR CLIENTS INSTRUCTIONS. ANY FILES HEREWITH ARE COPYRIGHT OF ADW Johnson Pty Ltd. AND ARE NOT TO BE COPIED FOR ANY OTHER PURPOSE OR STORED ON A RETRIEVAL SYSTEM WITHOUT THE EXPRESS WRITTEN PERMISSION OF ADW Johnson Pty Ltd.

Stephanie Van Disse

From: Graham Masters [Graham.Masters@gosford.nsw.gov.au]
Sent: Thursday, 14 July 2011 10:53 AM
To: Stephanie Van Disse
Subject: Gosford Wharf Pump-out Facilities

Stephanie,

Regarding your question about the above sewer pump-out, yes, I believe the facility would be able to accommodate the servicing of an additional 5 boats.

Graham Masters 14/07/2011

The information contained in this email may be confidential.

You should only disclose, re-transmit, copy, distribute, act in reliance on or commercialise the information if you are authorised to do so. Gosford City Council does not represent, warrant or guarantee that the communication is free of errors, virus or interference.

Gosford City Council complies with the Privacy and Personal Information Protection Act (1998). See Council's [Privacy Statement](#)
