



PCU027669



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Please Quote:

Development Assessment

Internal Ref: 10534812

1 September 2006

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**Environmental Assessment: Proposed 50 Berth Marina Lot 519 DP729020 No 19
Brisbane Water Drive Koolewong (10_0209)**

Dear Sir/Madam

I refer to your to your letter of 4 October 2011 and the following comments are made on this proposal;

1) Car parking

- (a) The existing number of marked car parking spaces on the site is 30, not 33 as stated in the EA.
- (b) Page 9 of the Traffic Assessment Report states that the restaurant uses a "staggered" booking assessment which spreads and reduces the demand for parking. However the restaurant does cater for functions such as weddings which result in a large demand for parking at the same time.

Council and the RTA requested surveys of parking demand/usage over various periods when the restaurant is in use including receptions. This does not appear to have been done. Alternatively the parking assessment may be accurate if receptions were not to be permitted.

- (c) The provision of additional parking spaces to comply with that needed for the Marina relies on extension of the paved car parking area onto the rock wall. This will require certification of the structural adequacy of the sea wall and the construction of safety barriers to prevent vehicles accidentally falling into the water.

Council's letter of 9/12/2010 stated that any proposal to expand fill into Brisbane Water or expand the paved area must be contained within the site area and supported by a geotechnical report. This does not appear to have been done. Such expansions of the paved area may result in the structural e

failure at the edge or require some form of retaining wall to achieve what is proposed.

- (d) The higher parking rate of 0.6 spaces/wet berth should be used in parking calculations as there is no potential for overflow parking in the street system or to nearby parking areas. Accordingly there would be a deficiency of parking even if 44 spaces could be provided on site.

2) Landscaping/Visual Impact

The landscape plan has nominated removal of several trees within or near the proposed car park layout.

However there appears to be some inconsistencies. One tree is to remain where another to be removed with no apparent reason.

It is difficult to determine which trees are to be retained or planted as symbols are the same with some shown within proposed pavement. As the landscape plan has failed to address this matter it is recommended that an Arboricultural Impact Assessment be provided to explain tree removal, retention and protection.

As some of the more prominent trees are nominated for removal it is recommended that replanting could be increased by replacing the row of Cocos palms along the front of the site with a medium sized native such as Tuckeroo. This would reduce the visual impact.

- 3) The following actions under the Brisbane Water Estuary Management Plan should be considered;

- Floating pontoons/jetties provided with transparent or mesh deck materials to permit light penetration in areas containing sea grass habitat or potential sea grass habitat.

4) Sewage Pump out facility

It is considered that a marina of this size must be provided with a pump out facility. This must be required as a condition of any approval.

This is essential to reduce water pollution or potential pollution. Brisbane Water has limited existing sewage pump out facilities and for this marina to rely on pump out facilities at other marinas is unreasonable and not supported.

If the proposal is approved the operation must be required to comply with the Clean Marina Program Accredited to ensure environmental compliance and the use of best practice for the marina is achieved at all times. To supply Water and Sewer to the proposed marina the following comments are made;

- (a) The applicant shall be responsible for undertaking a water supply and sewer systems capacity analysis on the water and sewer reticulation mains servicing the proposed development. The analysis shall extend to a point within the reticulated water supply and sewerage systems where proposed demands / loadings from the rezoned area represent 5% or less than the total capacity of each system. The analysis shall assess the impact the proposed development has on Council's existing water and sewerage

reticulation systems. The capacity analysis shall be in accordance with WSAA Method for determining system capacity and shall be based upon full development of the area serviced by the water and sewer systems utilising the current land zonings without the proposed development and a second analysis with the inclusion of additional demands / loads created by the proposed development.

- (b) The developer shall be responsible for the design and full cost of any specific augmentation works identified by the systems analysis as being necessary due to the proposed development. All works identified shall be constructed by and at the full cost of the developer prior to transferring to Council for care and control.

5) Nutrient Control Facilities

A nutrient control facility must be provided to prevent nutrients/oils from the car parking area directly flowing into Brisbane Water.

- 6) In addition to the above, if consent is granted, the following conditions should be imposed as conditions of consent.

- 1 Prior to the issue of a Construction Certificate, a **security deposit** of \$10,000 shall be paid into Council's trust fund to cover the cost of repairing damage caused as a result of the development. Such deposit will be refunded upon the completion of the project if no damage is caused.
- 2 The developer shall be responsible for the full cost of design and construction of water and sewer reticulation mains and infrastructure required to service the development. Designs must be in accordance with Council standards for sewer and water designs and shall be submitted to Council's Water and Sewer section for assessment. Upon approval of the plans by Council, the developer may commence construction of the sewer and water mains subject to compliance with the conditions of the approval.

Payment of water and sewer Headworks / augmentation contributions specified by the Water Authority under Section 306 of the Water Management Act, 2000 in accordance with Council's policy. The actual amount payable shall be determined at the time of lodgement of a Section 305 Application for the development.

The developer shall be responsible for the full cost of any new connections / reconnection's of the development to the existing water and sewer systems.

3. Satisfactory arrangements shall be made for the provision of water and sewer services to the land. A copy of the **Certificate of Compliance** under Section 307 of the Water Management Act 2000, shall be obtained prior to the issue of a Construction Certificate. Contributions may be applicable to the Section 307 Certificate.

Developers should make early application for a Section 307 certificate from Council. For a copy of the application form 'Application For Certificate

Under Section 305' contact Customer Service on (02) 4325 8200 or visit Councils web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

- 4 **Driveways/Ramps and car parking areas** shall be designed according to the requirements of the current Australian Standard AS2890. Plans shall show the following information:
- a A layout of the car park with dimensions to parking spaces overhang into garden beds and aisle widths.
 - b The accesses in front of the bulk garbage areas shall be graded between 1% & 3% and grade towards the road reserve;
 - c drainage pits and pipes;
 - d **suitable barriers around the perimeter of the car park to prevent vehicles accidentally entering the water.**
 - e a pavement design prepared by a suitably qualified Engineer.

At the completion of construction a work as executed plan and written verification of the driveway shall be submitted to Council prior to the issue of an Occupation Certificate. The written verification shall state that all driveway pavements as built will perform to the criteria set down by the designing engineer and that the work has been constructed in accordance with the Construction Certificate.

- 5 **Erosion and siltation control** measures shall be implemented in respect to all civil works. The controls shall be constructed in accordance with Council's Code of Practice for Erosion and Sedimentation Control and the Protection of the Environment Operations Act, 1997. An erosion and sedimentation control plan (ESC) shall be approved by Council prior to the issue of a Construction Certificate. All disturbed areas to be fully established with vegetation prior to the issue of the Occupation Certificate.

The applicant shall be held responsible for any breaches of the Protection of the Environment Operations Act, 1997. Failure to implement or maintain appropriate erosion/sediment control measures is a breach of Section 120 of the Protection of the Environment Operations Act, 1997. Such a breach is liable to a \$750 on-the-spot fine for an individual, or \$1,500 for a Company. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measures may occur and fines for breaches imposed.

- 6 Proposed **retaining walls or sea walls**, greater than one (1) metre in height, are to be designed by a practising by a Civil/Structural engineer.

At the completion of construction and prior to the issue of an Occupation Certificate, a work-as-executed plan and certification shall be submitted. The Engineer shall certify that the retaining walls as built have been constructed in accordance with Construction Certificate, accepted practice, and that the structure is stable.

- 7 Provision of a **nutrient control** facility. A nutrient control report prepared by a suitably experienced and qualified engineer, or professional shall be submitted and approved by the Principal Certifying Authority. The nutrient control measures shall be determined in accordance with Council's Policy E0.09 Best Practice Guidelines Nutrient Policy. The report shall include an operation and maintenance plan.

At the completion of Construction a work-as-executed plan shall be submitted prior to the issue of a Occupation Certificate. The Engineer or professional is to certify that the nutrient control measures as built have been constructed in accordance with the Construction Certificate, accepted practice, and the recommendations outlined in the nutrient control report.

A positive covenant shall be created on all lots containing a nutrient control facility to ensure:

- a The facility will remain in place and fully operational.
- b The facility is maintained so that it operates in a safe and efficient manner.
- c Council is permitted to inspect and repair the facility.
- d Council is indemnified against all claims of compensation caused by the facility.

A restriction as to user shall be created on all lots containing a nutrient control facility to prevent:

- a Any building, structure or obstruction being constructed over the facility.
- b Any alteration to the approved facility.

The authority empowered to release, vary and modify the restriction or positive covenant shall be Gosford City Council.

Please refer to Council for the covenant/restriction wording.

Should you have any enquiries with regard to this matter, please do not hesitate to contact Mr Robert Eyre on (02) 4325 8222, between office hours 8.38am and 10.30am, Monday to Friday.

Yours faithfully



Robert Eyre
Senior Assessment Planner