



Office of
Environment
& Heritage



Our reference: DOC11/45687
File No. 10/14856
Contact: Peter Mathews
(02) 4908 6804

Director – Heather Warton
Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Warton

**ENVIRONMENTAL ASSESSMENT – GEMSTEAD PTY LIMITED T/A KOOLEWONG MARINA
19 BRISBANE WATER DRIVE, KOOLEWONG (MP10_0209)**

Reference is made to your letter dated 4 October 2011 seeking comment from the Office of Environment and Heritage (OEH) regarding the publicly exhibited document "Koolewong Marina" prepared by ADW Johnson ("the EA"). OEH advises that it has not conducted an adequacy assessment on this EA prior to its exhibition.

OEH understand that the proposed project includes:

- The upgrade of the existing timber jetty from 1 metre to 1.5 metres in width and raising by 500mm;
- Construction of a fifty (50) berth marina extending approximately 100 metres into Brisbane Water (Murphy's Bay) from the end of the existing timber jetty;
- The main walkway of the proposed marina will be 2.5 metres wide, with two arms, in a "reverse F" formation; and
- Upgrade and reconfiguration of the existing car park to provide eleven (11) additional car parking spaces to the thirty three (33) existing spaces.

OEH has conducted a review of the EA. Details of the OEH review are contained in **Attachment A**. Based on this review, OEH has determined that it is able to recommend Conditions of Approval.

The proponent should be aware that the activity as described is not a scheduled activity under the Protection of the Environment Act 1997 (POEO Act). The Gosford City Council is the Appropriate Regulatory Authority (ARA) for this development.

If you require any further information on this matter please contact Mr Peter Mathews on (02) 4908 6804.

Yours sincerely

Mark HARTWELL
Head Regional Operations Unit – Hunter Region
Office of Environment and Heritage

3 NOV 2011



Encl: **Attachment A** – OEH Comments: Koolewong Marina - Environmental Assessment. MP10_0209

ATTACHMENT A

OEH COMMENTS –KOOLEWONG MARINA MP10 0209.

1. WATER QUALITY ASSESSMENTS

OEH have reviewed the material contained in 9.1 of the EA in relation to pollution to waters not previously discussed in 9.7. Stormwater management has been ruled out as allegedly having no impact to the current stormwater drainage systems. It could be noted that any historical stormwater issues arising from rain events could be assessed for mitigation works if the ARA requires. The proponent should note that the POEO Act section 120 prohibits the pollution of waters and any activity conducted at the premises must comply with this requirement at all times.

2. ABORIGINAL CULTURAL HERITAGE

OEH have reviewed the material supplied in the EA including Appendix 7 – Aboriginal Cultural Heritage & Historical Archaeological Assessment. The OEH has no additional concerns with the Aboriginal cultural heritage assessment for the project application and recommends that the following proposed conditions of approval for Aboriginal cultural heritage are reflected in any approval conditions for the project.

In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and OEH to develop and implement management strategies for all objects/sites.

If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the proponent.

All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and OEH. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and submitted to OEH's AHIMS unit within 3 months of completion of these works.

3. THREATENED SPECIES AND IMPACTS ON LAKE ECOLOGY

OEH refer to Appendix 5 the Aquatic Ecology Assessment prepared by ADW Johnston Pty Limited and dated May 2011. One matter that may be considered conjointly with the ARA is the introduction/attraction of dominant nuisance specie such as the Indian Myna. (*Acridotheres tristis*)

Provided the proponent adopt all of the mitigation methodology recommended in the EA and mentioned in the Draft Statement of Commitments there are no further ecological conditions to be considered at this time.