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preferred project report

Proposed 50 Berth Marina and Car Park

Property:

Crown Land above and below mean high water mark
off Brisbane Water Drive being Lot 519 DP 72902

Applicant:

Gemsted Pty Ltd

Date:

December 2011

document control

Issue No.		Author	
	Date	Name	Signature
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1.0 introduction

Application No. 10_0209, for the development of a 50 berth marina in Murphys Bay within Brisbane Water, Koolewong, was placed on public exhibition between 5 October 2011 and 4 November 2011. During that time, the project received a number of submissions from the general public as well as comments from relevant Government agencies.

In accordance with Section 75H of the Environmental Planning and Assessment Act 1979, the applicant is required to provide a response to each of the issues raised, through either further information and/or through an amended proposal. The following Preferred Project Report ("the report") is provided as a response to these submissions and to the Department of Planning and Infrastructure's (DoPI) recent correspondence of 14 November 2011.

During a meeting held on-site between the proponent and DoPI representatives on 25 November 2011, the issue of whether a "Submissions Report" or a "Preferred Project Report" was required, was discussed at length, and based around the use of existing approved office space for marina related offices. The original proposal mentioned that there would be an on-site manager, however, the fact that they would occupy one of the approved offices was not discussed, neither was the fact that a boat broker would also occupy an office. In addition, the presence of temporary berths, whilst proposed under the original Environmental Assessment (EA), was also discussed and concluded that further information in this regard was also necessary. With this in mind, the report will provide an amended proposal description and a point by point response to issues raised by the general public and Government Agencies in the form of a Preferred Project Report.

The report will generally be in tabular form and will refer to supporting attachments where necessary. The report should also be read in conjunction with the EA previously lodged.

2.0 proposed development

The applicant proposes to construct a new 50 berth marina to be known as the "Koolewong Marina" in Murphys Bay, details of which are provided within Section 3 of the EA.

As part of the marina the following factors are also proposed:

- Existing waterside office space (63.5m²) will be utilised for marina related activities, being the on-site marina manager and a boat broker; and
- The north-eastern side of the outer marina arm will be used for temporary berthing. This has always been the case, however the following details are provided for clarity:
 - 7 temporary mooring spaces based on an average boat size of 12m requiring a four metre clearance; and
 - Inclusion of additional management measures to control temporary berthing.

The configuration of the marina and parking, and all other related issues remain as per the EA.

Additional plans have been provided within attachment 1, highlighting the existing and proposed uses of the existing building, and location of the temporary berthing.

3.0 response to public authorities

The following public authorities provided their comments with regards to the proposed marina:

- Department of Planning and Infrastructure
- Gosford City Council
- Office of Environment and Heritage
- Roads & Traffic Authority
- NSW Maritime
- New South Wales Office of Water

The following public authorities did not provide comments within the notification period and as such it is assumed they have no objections:

- Industry & Investment NSW (Fisheries)
- Hunter-Central Rivers Catchment Management Authority

The following table highlights how each concern raised has been dealt with/responded to:

RESPONSE TO PUBLIC AUTHORITIES	
Department of Planning and Infrastructure	
Land Use	
<p><i>The use of the proposed marina is intricately linked with the existing building known as The Boatshed [Boathouse] and the current consent for its uses. The office space nominated as "marina amenity area" will require clarification as to its purpose. Its proposed use for marina uses was not included in the Preliminary Environmental Assessment. The marina does not appear to have any site office for the marina manager- is this office space also intended for that use? The proponent should therefore address the statutory case for inclusion of this office space within the project application as well as addressing the statutory controls (including specifically the RE1 zone of Gosford Draft LEP 2009) that apply to the land relative to the proposed uses of the office space and the proposed car parking for the marina use.</i></p> <p>Response: The office space to be used as a marina amenity area will simply be a room for the use of marina berth holders to, for example, read a book or congregate before or after their boating activities. The room will likely be provided with tea/coffee facilities but will not require additional staff or wet areas. This room is located within the proposed RE1 Zone under the Gosford Draft LEP 2009 where a "Recreation facility (indoor)" is a permissible form of development.</p> <p><i>A recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i></p> <p>The proposed room is used as part of the marina which is used for boating recreation and therefore fits into the above definition and thus a permissible form of development within the future zone.</p> <p>Two separate offices will be occupied by the marina site manager and a boat broker, with</p>	

the office space having previously been consented to and would therefore hold existing use rights as described under Section 106 of the EP&A Act 1979, should the proposed zoning come into effect. Despite this however, these spaces are ancillary to the marina and therefore included as part of the marina application. An amended floor plan has been provided illustrating the separate uses of the Boathouse building, to provide clarity on the existing and proposed uses (refer Attachment 1).

As part of the proposal, the reconfiguration of the car park and additional parking spaces also require approval. Given that the majority of parking area has also previously been approved under the proposed zoning, it would also possess existing use rights and the ability to expand those rights under Clause 41(a) of the EP&A Regulations.

Taking the above into consideration and in addition to detail provided under Section 6.2.6 of the EA, all proposed uses are currently permissible under the GPSO as well as being permissible under the DLEP either under the definition of an indoor recreation facility or through existing use rights.

In addition to the above, and as requested by DoPI on 25 November 2012, a Draft Lease Area Plan has been provided as attachment 2.

Traffic/Parking

Clarification of the proposed parking arrangements is required. This includes how the demand and provision calculations are arrived at given these and other matters raised in the public submissions and the Council's submission (especially concerning its understanding of the terms of the consent that was granted for the restaurant use). In particular;

- *Consider the parking demand and the proposed parking in the circumstances where functions are being undertaken. Provide details of private functions that have been undertaken over the last 12 months (since November 2010), including date/time, number of guests (where functions exceeded 50 guests), mode of arrival/departure if not by car, whether or not the private functions utilised all or part of the restaurant (or any other part of the building) so that the restaurant traded to the general public at the same time as the function.*

Response: When functions are held at the Boathouse, the restaurant is closed to the general public.

The following provides details of functions for the past 12 months:

- 6 November 2010 – Wedding – 72 guests
- 13 November 2010 – Wedding – 96 guests
- 20 November 2010 – Wedding – 78 guests
- 27 November 2010 – Wedding – 106 guests
- 3 December 2010 – Function – 116 guests
- 4 December 2010 – Wedding – 90 guests
- 8 December 2010 – Function – 70 guests
- 10 December 2010 – Wedding 102 guests
- 25 December 2010 – Christmas Lunch – 104 guests
- 31 December 2010 – New Years Eve Event – 110 guests
- 15 January 2011 – Wedding – 60 guests
- 23 January 2011 – Wedding – 74 guests
- 5 March 2011 – Wedding – 98 guests
- 12 March 2011 – Wedding – 92 guests
- 26 March 2011 – Wedding – 85 guests

- 2 April 2011 – Wedding – 83 guests
- 16 April 2011 – Wedding – 101 guests
- 8 May 2011 – Mothers Day Event – 106 guests
- 21 May 2011 – Wedding – 101 guests
- June through to September 2011 – No functions
- 19 October 2011 – Function – 106 guests
- 20 October 2011 – Function – 60 guests
- 5 November 2011 – Wedding – 82 guests
- 6 November 2011 – Wedding – 102 guests
- 11 November 2011 – Wedding – 92 guests
- 26 November 2011 – Wedding – 72 guests.

The majority of private functions are weddings where generally 10 – 20 guests are involved in the wedding party and are dropped off and picked up by limousines, therefore generating no parking demand. Furthermore, the nature of weddings and function events, mean that numerous guests use taxis or are driven privately, again requiring no parking.

The above figures have been provided by the Boathouse restaurateur who advises that there has never been any problem with lack of on-site parking with any of the events. Again, it is important to note, that generally these functions are held at night, when marina usage would be at a minimum.

Evidence of the above is provided within Attachment 3.

- *Outline the specific arrangements for staff parking. A reference is made in the EA to transport of staff to off-site car parking- where is this parking located and how is this to be managed? Note that the two stacked parking spaces nominated as "staff parking" can be "parked in" by marina users or by patrons of the restaurant.*

Response: An amended Parking Plan provided within Attachment 4, allows only restaurant patrons to park in the spaces behind the staff parking area. Given that staff will be working at all times when restaurant patrons are present, there will be no need for them to access their car before guests leave. Staff are able to park within the 6 on-street space located approximately 400m to the north; the 21 commuter parking spaces next to the Train Station located approximately 500m to the north; the 6 on-street spaces located 350m to the south; or over 20 spaces located 400m to the south. It is reiterated, however, that staff are not required to park in these locations as there is always on-site parking available. It is also reiterated that as part of this application, neither the restaurant, nor marina, will rely on off-site parking; it is however mentioned for the information of the Department.

- *Has the use of any or all of the deck areas for restaurant purposes been taken into account in calculating the restaurant uses parking generation? If not, identify the potential impact of any additional space within the building on parking demand.*

Response: The verandah area ("deck areas") on the ground floor were included within the parking calculation as evidenced through the stamped and approved plans within Appendix 1b of the EA, and discussed at length within Section 6.2.7.3 – note the tabular break-down of approved parking required and proposed parking required. The deck area on the first floor and the first floor in general is not available or accessible to restaurant patrons and therefore not included within restaurant parking rates.

- *Outline whether any formal offsets are possible for restaurant parking generation because of patrons arriving by boat (private and tourist). The effect of visits by the Lady Kendall, a large tourist vessel that visits the restaurant, needs to be accounted for both as a potential parking generator (as a passenger pick up point) and as a potential parking demand mitigator (as a*

source of in bound restaurant patrons). What effect would this and any other potential offset have on parking demand, noting that the Council advocates a parking rate of 0.6 spaces/wet berth given the lack of nearby on street overflow parking. Can strategies such as the management of functions etc. be combined with tourist vessel operations/visitations to reduce potential demand? A broader and detailed consideration of management opportunities and potential commitments relating to parking for the marina is required.

Response: The parking rates used for the restaurant portion of the building are standard across the Gosford LGA, despite the fact that the facility will be physically linked to the marina. This means the rate does not take into account those patrons who arrive by boat or those patrons who own a marina berth i.e. "double dipping" in a sense. Essentially the rate is based on the fact that all restaurant patrons would drive and none of the marina users would visit the restaurant, both highly unlikely facts. Taking this into consideration, the rate used to calculate restaurant parking is considered to be an exaggeration of actual parking demand.

In calculating the parking rate for the marina, the application took heed of advice from a Marina Consultant who provided that generally marinas with no slip way or fuel service, would not require the maximum parking rate. The proposed marina also does not include boat launching facilities thus considerably reducing parking demand (i.e. no general public parking or trailer parking required).

Furthermore, the Australia Standard on which the rate is based provides the following:

1. *"NOTE: For commercial facilities the lower number of parking spaces should be considered. For racing clubs, the larger number should be considered."*
2. *"Car parking provided for marina activities and for activities ancillary to the marina should consider periods of common usage."*

With regards to the first point, the proposed marina will be for commercial purposes, not racing, with berth holders potentially not using the parking area for considerable lengths of time and generally not all at once.

With regards to the second point, and as mentioned above, the marina will have common usage with the restaurant. With this in mind, it is not unreasonable to apply a lower than maximum rate of parking for the marina, i.e. say 0.3 per berth as oppose to 0.6, as requested by Council.

Finally, the Lady Kendall will not use the proposed marina as the floating pontoon would not be structurally able to accommodate a boat of this size. At present, accommodating the Lady Kendall is operationally problematic, and for this reason, the restaurant is only honouring existing bookings, with no further bookings to be made.

Other smaller tourist vessels, such as the Saratoga for example (holding between 30-40 people), however, may be able to visit the site and would so do solely for the purpose of visiting the Restaurant. Despite this, the site will not be used for passenger pick-up and would therefore not generate any demand on parking. On the contrary, numerous boating visitors, generating no parking demand, would visit the restaurant and therefore act as a parking mitigator.

- *Note the Council's calculation of parking generation/requirements as provided for in the DA report for DA30025/2006 consent (see page 3 of the report), this calculation should be considered alongside the Council's latest submission (refer to web site). In particular, the adequacy/provision of parking for office space and private function uses should be outlined.*

Response: The following rates were quoted within a DA Report for additional storage space under DA/30025/2006; not the original restaurant application. Furthermore, these rates have not been conditioned nor are they required under a stamped plan; they are simply included within a Planner's Report:

Component	Estimated Floor Area	Rate required under DCP	Parking required
Restaurant	119.6m ²	1 space per 16m ²	7.475
Verandah	66.4m ²	1 space per 16m ²	4.15
Kitchen	46.1m ²	1 space per 16m ²	2.88
Existing paved area	91.36m ²	1 space per 16m ²	5.71
Smokers Deck	15.0m ²	1 space per 16m ²	0.93
Extension to paved area	22.7m ²	1 space per 16m ²	1.41
Storage area	14.5m ²	1 space per 16m ²	1
Total	361.16 [375.66] ¹	1 space per 16m ²	24

Page 3 of Council's report provides that the restaurant generates a need for 24 spaces, however, areas such as outside paved areas, storage areas and a smoking deck have been included, despite the fact that these areas do not realistically generate restaurant demand. For example, a person will not visit the Boathouse Restaurant to use the paved areas, rather it is provided as an added facility for those seated at the restaurant. It is noted that Chapter 111 – Carparking allows parking to be generated on outside areas, however the rationale behind this is to allow for outdoor seating. In this regard, generally Council parking requirements are either generated on number of seats or GFA inside the building, not both. In summary, the number of parking spaces as depicted within Council's report is considered to be over inflated and not representative of actual parking demand. Furthermore, the smoking deck was part of the verandah, now enclosed, and has therefore been accommodated within the additional 4.15 spaces originally required under the original DA/21637/1196.

The nature of the building and surrounding site is such that the following areas are not used as restaurant area:

- Existing paved area (5.71 spaces);
- Extension to paved area (1.41 spaces); and
- Smoking deck (0.93 spaces).

Furthermore, the rate provided is provided as a quote to a separate DA Report and does not constitute a consent; a consent condition; or as part of a stamped and approved plan. A condition of the latest approval, DA/30475/2006, provides the following consent condition:

- "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".

¹ Note: Calculations quoted are erroneous. Correct total has been provided for clarity

This consent is provided as Attachment 5 to the report and provides the following relevant condition:

- "18. Development being generally in accordance with plan[s] numbered 11252, dated 24 & 29 November 1989 (4 sheets) submitted/drawn by Plan 2000 Pty Ltd, or where modified by any conditions of consent".

These plans were provided as Appendix 1b of the EA and are stamped highlighting Council's consent. On plan 11257 – Sheet 2/7 and sheet 3/7 the following approved Net Leasable Areas are provided:

- Restaurant – 114.2m²;
- Verandah – 66.4m²;
- Kitchen – 41.5m²; and
- Nett Leasable Office Space – 181.1m².

As described within the EA on page 33, the above approved restaurant and office area, generate the need for 18.2 spaces. The proponent however provided 30 spaces at the time, as is often the case with businesses wanting to supply additional or extra parking not statutorily required. Based on this fact, the proposed reconfigured car park (44 spaces) provides an additional 26 spaces and does not impinge on the approved restaurant parking.

Council's statement, "*the higher parking rate of 0.6 space/wet berth should be used in parking calculations as there is no potential for overflow parking in the street system..*" is fundamentally flawed in that the Australia Standard of 0.3 – 0.6 space/wet is not determinant on whether there is or isn't off-site parking in the vicinity. Council have also not given any reason as to why a 0.6 rate standard is required, however the EA and above information has given numerous reasons as to why a lower rate should be imposed, with this sentiment also presented by DoPI's representative on 25 November 2011.

Furthermore, despite the proposal not relying on off-site parking, as an aside, there are an additional 6 on-street spaces located approximately 400m to the north; 21 commuter parking spaces next to the Train Station located approximately 500m to the north which are generally completely un-used during weekends; 6 on-street spaces located 350m to the south and over 20 spaces located 400m to the south.

With regards to private functions, these have also been calculated within the provided table in Section 6.2.7.3. The restaurant has a limited capacity, whether there is a private function or not, is irrelevant, in that there is a finite amount of restaurant room. Furthermore, three of the existing offices will be occupied by marina related uses (one for the marina manager and two - including the smaller space, for a boat broker) – removing 106.8m² of office parking rated space.

Despite the above, as requested by DoPI on 25 November 2011, the following parking matrixes provide a sensitivity analysis based on different approaches to the existing restaurant rates:

PARKING BASED ON TABLE PROVIDED IN COUNCIL REPORT USING 106.8M² OF APPROVED OFFICE SPACE FOR THE MARINA

Land-Use	Parking Requirement	Parking spaces required	Parking spaces provided	Compliance
D Commercial - Retail				
<u>Restaurant</u> Total restaurant floor area = 375m ²	1 space per 16m ²	23.5 spaces	44 spaces	Yes
<u>Offices</u> 74.3m ² GLA	1 space per 40m ²	1.85 spaces		
<u>Marina</u> 50 berth	0.3 – 0.4 spaces per wet berth.	15-20 spaces		
TOTAL	0.3 per berth = 40 spaces, 0.4 per berth = 45 spaces			

As can be seen, for a low rate marina, the proposal will provide enough parking even when using Council's quoted table. Again, it is stressed that this table **does not** represent the actual approved restaurant parking regime as described above and provided within the restaurant consent, it is merely provided at the request of DoPI. Furthermore, the rates quoted are based on Council's DCP for parking, which as detailed above is considered to inflate parking requirements.

PARKING BASED ON COUNCIL APPROVED RATES UNDER DA/21637/1996 USING 106.8M2 OF APPROVED OFFICE SPACE FOR THE MARINA (recreation, marina manager and boat broker)

Land-Use	Parking Requirement	Parking spaces required	Parking spaces provided	Compliance
D Commercial - Retail				
<u>Restaurant</u> Total restaurant floor area as stamped approved on plan 11252 sheet 2 and 3 = 222m ²	1 space per 16m ²	13.8 spaces	44 spaces	Yes
<u>Offices</u> 74.3m ² GLA	1 space per 40m ²	1.85 spaces		
<u>Marina</u> 50 berth	0.3 – 0.4 spaces per wet berth.	15-20 spaces		
TOTAL	0.3 per berth = 31 spaces, 0.4 per berth = 36 spaces			

The above table provides the actual approved restaurant parking requirement as consented to by Council under DA/21637/2009 and reiterated under condition of approval for DA/30475/2006, using 106.8m² of office space for marina purposes. As is evident, the marina will have between eight and 13 excess spaces.

PARKING BASED ON COUNCIL APPROVED RATES UNDER DA/21637/1996 USING 43.3M2 OF APPROVED OFFICE SPACE FOR THE MARINA (recreation room only)

Land-Use	Parking Requirement	Parking spaces required	Parking spaces provided	Compliance
D Commercial - Retail				
<u>Restaurant</u> Total restaurant floor area as stamped approved on plan 11252 sheet 2 and 3 = 222m ²	1 space per 16m ²	13.8 spaces	44 spaces	Yes
<u>Offices</u> 137.8m ² GLA	1 space per 40m ²	3.5 spaces		
<u>Marina</u> 50 berth	0.3 – 0.4 spaces per wet berth.	15-20 spaces		
TOTAL	0.3 per berth = 33 spaces, 0.4 per berth = 38 spaces			

The above table provides the actual approved restaurant parking requirement as consented to by Council under DA/21637/2009 and reiterated under condition of approval for DA/30475/2006, using 43.3m² of office space for marina purposes as originally proposed, and 63.5m² of approved office space as offices i.e. not proposing a change of use to the original consent.

In summary, the 44 parking spaces proposed are considered to more than adequately cater for all uses of the site for the following reasons:

- The Australian Standard recommends using the lower parking rate for commercial marinas;
- The proposed marina does not provide a slip way, boat ramp or fuel service;
- 10 – 15% of restaurant patrons are anticipated to arrive by boat generating no parking demand;
- Numerous guests at function events use limousines, taxis or private pick up and drop off;
- Marina berth holders are also likely to use the restaurant, with their parking rates calculated as part of the marina;
- The site is located within walking distance of two train stations and bus services;
- The restaurant parking rate has taking into account the foyer area which does not generate restaurant demand; and
- The office space is currently untenanted, however if in the future all space is leased, office hours are generally outside of restaurant hours and office users may also use the restaurant.

Taking the above into consideration, the proposed marina provides ample parking under all scenarios but most relevantly under the approved restaurant parking rate, allowing both uses to coincide without any parking conflict.

- *Have any temporary berths potentially located on the eastern pontoon been considered in terms of potential parking generation?*

Response: Given that the site does not provide a boat ramp, any visiting boat using the temporary berths would either be; a) launched off-site, most likely using one of the many public boat ramps and associated parking facilities, therefore generating no parking demand on site; or b) and accounting for up to 90% of visiting boats, will be visiting boats from permanently moored areas such as Sydney or Pittwater, again also not generating any parking demand on site.

In general, most marinas provide temporary berthing facilities, with the proposed marina being able to accommodate a maximum of seven additional berths. Despite not generating any parking demand, the following figures are based on the approved restaurant requirement and the proposed marina use of waterside offices:

- Restaurant = 13.9 spaces;
- Existing Offices = 1.9 spaces;
- 50 berth marina = 15 spaces (@ 0.3/berth) or 20 (@ 0.4/berth); and
- 7 temporary berths = 2.1 (@ 0.3/berth) or 2.8 (@ 0.4/berth).
- Total = 32.9 spaces (@ 0.3/berth) or 38.6 spaces (@ 0.4/berth)

As evidenced above, despite temporary berthing not generating parking, the proposed marina will be able to accommodate even a generate 0.4 per berth parking rate.

- *The availability of the 4-6 parking spaces located about 300 metres north of the marina should be considered in light of the proximity of swing moorings in Murphy's Bay (refer to pages 33-34 of EA report). The potential generation of parking demand of the Murphy Bay swing moorings on the availability of these as a source of overflow parking should be considered.*

Response: Whilst the EA does mention the existence of off-site parking spaces, as described above, these are not relied upon to provide parking for the proposed or existing uses. As an aside however, the abovementioned swing moorings are generally owned by locals who do not require parking. Furthermore, and as mentioned above, there are an additional 21 commuter parking spaces next to the train station, which are rarely used on weekends; 6 on-street spaces located 350m to the south and over 20 spaces located 400m to the south.

Marina Management

Provide details of any other marina operation (not being a residential private berthing facility associated with an adjacent residential development) of similar scale where there is no on-site manager. A comparison should be drawn with the proposal.

Response: As stated within Section 3.2 of the EA, the Marina will have a full-time manager on-site 7 days a week to help boat owners with general boating enquiries, to assist in boating navigation and to monitor all operational and environmental aspects. With this in mind, undertaking the above comparison would provide no beneficial information to the assessment of the proposal.

Boating Impacts

The potential (or capacity) for temporary berthing of vessels on the east facing side of the outer pontoon has not been specified in the application. How will visiting boats using temporary berthing be managed? The Lady Kendall is a large vessel. Can it be accommodated at the new marina in the manner of a visiting tourist vessel? Is it intended that it continues delivering patrons to the restaurant (either as part of a general tour or as part of a restaurant function) from other remote locations- are the times of visitation likely to reduce the potential for parking demand/congestion at peak demand times? This should also be considered in terms of the potential economic impacts to the restaurant and tour vessel businesses as well as the traffic impact/mitigation.

Response: As stated above, The Lady Kendall will not be using the proposed marina. Any other boat visiting the marina and using the temporary berthing facilities, will either be launched off-site (as the proposed marina does not provide launching facilities), or they will be visiting from permanent moorings, in Sydney or Pittwater for example. Whilst this will have a financial benefit to the restaurant it is likely to reduce the anticipated traffic impact and parking demand.

Boat owners who are moored temporarily for longer than 30 minutes will be required to see the on-site manager to arrange fee payment where necessary and to agree to the terms outlined within the Marina Environmental and Operational Management Plan (MEOMP) - discussed below and provided within Attachment 6.

Fire Fighting Capabilities

A more detailed fire strategy for dealing with the typical boating and/or marina fires involving marine fuels is required.

Response: The Light and Services Plan provides 10 Fire Hose Reels to deal with the event of a fire. Further detailed information with regards to marina fires is provided within Section 7 of (MEOMP) provided within Attachment 6.

Pump-Out-Facility for Boating Effluent/Sewage

A comprehensive assessment of any existing (or planned) alternative sources of pump out facilities and on water boat fuelling service locations within the estuary systems accessible from the proposed marina facility is required (e.g. Kilcare Marina, Gosford Sailing Club, Gosford Council Wharf and any other relevant locations). This assessment should include the area of boating access to the Hawkesbury River and whether or not such existing locations currently experience congestion at any time of day or year by users of these services. Some verification would be required from these (or any potential) venue operators, that spare service capacity is indeed available (the advice from the Council about Gosford Council Wharf is noted).

Response: A Map of Nearby Fuel and Pump-Out Facilities has been provided as part of the MEOMP, along with information on available services and proximity to the proposed marina. Whilst there are numerous fueling services available, it is well known that most boat owners re-fuel closer to Sydney given the considerable lower prices.

The proposed marina provides permanent moorings and aside from initial launching and one-off maintenance, is not expected to require surrounding launching facilities. To the contrary, the presence of the marina will considerably reduce such launching congestion in that existing boat owners will no longer need to re-launch their boat every time they want to go out on the water. With this in mind, an assessment of existing congestion for launching facilities is not considered to add any relevant information to the proposed assessment.

Section 9.7 within the EA has provided a comprehensive assessment on the demand for pump-out facilities, headed by the fact that only approximately five boats will require such

a service. As mentioned above, Council has advised that their existing facilities will handle the additional five boats. With Gosford Wharf being the closest northern pump-out facility available, providing a free service, with evidence that it can accommodate the proposed marina, further assessment of Gosford Sailing Club - a fee-based service is not deemed necessary. Anecdotally however, Gosford Sailing Club has advised that their existing pump-out facilities are used on average only once per month.

As provided by DoPI on 25 November 2011, further investigation into the pump-out facilities at Kilcare Marina is deemed necessary, given that larger boats requiring such a service are likely to travel south of the marina as oppose to north. Kilcare Marina is located approximately 10 kilometers to the south east and provides a fuel service as well as a pump-out facility. As part of the demand investigations, the proponent has approached the Kilcare Marina to determine the use of their pump-out facilities. They have advised that there is capacity to accommodate the proposed marina (refer Attachment 7).

From this, it is evident that Brisbane Water has ample capacity, arguably under utilised, pump-out facilities, within close and convenient proximity to the proposed marina. It is again stressed that only larger boats require pump-out facilities, with the marina likely to house only two and as a maximum five, such boats.

Floating Booms

Additional details are required as to how these would be deployed (from a procedural point of view) in a pollution event, especially in the event of fuel spillage. Please identify where the nearest booms are located and the response time involved if reliance is made on booms stored off site (especially at times when the marina is not manned) – refer also to signage plan under "Environmental Management" below.

Response: The marina will have an on-site marina spill kit which can be deployed in the event of any spill at either the marina, or even to nearby swing moorings, which at present have no such facilities. In addition, should the marina be approved, it will contract Collette's Maritimes for larger emergency spills. Collette's Maritime contract to Australia Maritime and NSW Maritime and are located within Brisbane Water, thereby providing a quick service in times of emergency. Finally, all on-site staff will be required to undergo a course in operating the spill kit. Further details in regard to the deployment procedures are provided within Section 7 are of the MEOMP (refer Attachment 6).

Security

CCTV should be considered for the marina deck, foreshore and pontoons' waterway areas as there is limited casual surveillance opportunity. All security management details should be provided.

Response: As part of the application, CCTV will be installed to provide surveillance to the above locations. Given that some people may not visit their boat for a long period of time, footage will be stored on a hard drive for up to 30 days and the quality of the image will be clear enough to identify boat numbers in the event of any illegally activity.

Water Conservation

The Water Cycle Management Plan at Appendix 1a should be specifically revised to include the potential for stormwater and/or roof water harvesting for marina purposes (not only for "external" and landscaping.

Response: An amended Water Cycle Management Plan addressing this detail has been provided within Attachment 8.

Environmental Management

Environmental Management of the marina relies heavily on signage and dissemination of information to marina users (both regular and casual). A signage plan should be drafted to nominate signage for all warnings, control and management with sign locations and general wording provided (an example of where and what signs are to be used....preference should be given for "road style" signs for prohibited matters rather than a comprehensive list of "regulations" that cannot be easily read from the waterway).

Response: NSW Maritime or Fisheries will provide all standard legislative signage such as speed limits. In addition, a new no-wash zone has recently been agreed upon, and associated signage will be erected by NSW Fisheries.

An 'exclusion zone' and 'marina rules' sign has been provided within the Signage Plan in Attachment 9. These signs are designed to be short and clear, and aimed mainly towards getting the major marina rules across to boats moored less than 30 minutes. Boats moored at the marina for this length time, will generally not undertake activities such as boat washing, and as such, only need to abide by the main rules.

More detailed information relating to the ecological considerations of Brisbane Water, and the operational requirements of the marina, have been provided within the MEOMP, which would be signed as part of the berthing agreements by both permanent and temporary berth holders.

Such circumstance will also require that a non compliance management response be provides as part of the operational management obligations of the marina operator. The proposal to manage the marina through an "off site" office should be considered alongside the proposed environmental management strategies.

Response: As mentioned above, there will be an on-site Marina Manager who will occupy one of water facing office spaces within the Boathouse. The manager will be able to view the marina and enforce compliance with the various regulations provided under the MEOMP, which will be agreed to as part of the marina berth contract. During times when the on-site manager is not present, i.e. at night, CCTV will provide surveillance and will be able to provide boat no. s for the Marina Manager to enforce prohibitions. Section 13 of the MEOMP provides details on the consequences of non-compliance with the rules listed within the MEOMP.

The management of the disposal and or recycling of used bilge water (oil absorption) pads should be detailed.

Response: It will be up to the individual boat owners to dispose of oil and absorption pads. Further detail in this regard is provided within Section 2 and 5 of the MEOMP (refer Attachment 6).

The nearby TWO existing stormwater drains should be investigated as sources of contamination including the identification of the responsibility for their maintenance. The consideration of whether or not BOTH drains should be fitted with pollution control devices (such as a proprietary gross pollutant trap) and the effect that such devices may have on improving local water quality should be addressed. This issue should be addressed in terms of their cumulative impact associated with the proposal and the alternative measures to mitigating or controlling cumulative impacts, whether or not such measures are within the scope of this project.

Response: All runoff from the site is discharged via the southern existing stormwater drain. The proposed system will effectively reduce the nutrients and gross pollutants leaving the

site prior to the runoff entering the receiving waters via this pipe.

The proposed stormwater drainage system is detailed within the Water Cycle Management Plan and provides a list of methods which will be employed to minimise impacts on Brisbane Water. This system, including the existing southern pipe, will be maintained by the Lessee of the site as is currently the case.

The northern existing stormwater pit is not connected to the site at all. The pipe runs underneath site, however collects stormwater from the roads and properties upstream. The proposed marina and extended car park will provide no sources of contamination to this pipe. The maintenance of this pipe is presumably undertaken by either the RTA or Gosford Council and whether or not they should contain pollution control measures is not the responsibility of the site Lessee. Further to this, the proponent's engineering has advised that there is no end of line treatment possible for such a drain as it would block up and flood upstream areas. Source controls would be necessary and this is far beyond the site or scope of the proposal.

It is understood that this pipe could be the source of contaminants to Brisbane Water, and this may be mistakenly attributed to the marina in the future. Despite this, there is no statutory obligation for the proponent to negotiate with the owner of this pipe to undertake pollutant control measures. Any negotiations regarding this pipe would be beyond the parameters of the application and if necessary would be required between the land owners and the relevant authority.

The cumulative impacts of both pipes and their effect on Brisbane Water are considered to be reduced through the proposed marina and subsequent detailed pollution control measures on the southern pit.

Consolidation of Management Recommendations into a Marina Environmental Management Plan

There is a strong case for consolidating proposed (and often integrated) management measures that are detailed within various management responses (including any responses to submissions) to issues that have come to light in the Environmental Assessment process. The proponent should consider consolidating such management measures into one (draft) document that can provide the detailed environmental management responses and responsibilities for the marina.

Response: On-going operation management measures outlined within the Draft Statement of Commitments within the EA, and additional as seen fit through the environmental assessment, have been consolidated within a Marina Environmental and Operation Management Plan (MEOMP) provided as Attachment 6. This MEOMP outlines exactly how these commitments will be achieved "on-the-ground", and who is responsible for their compliance.

Constructional commitments have been listed within the Construction Management Plan (CMP), with specific details as to how these will be achieved to be discussed between the proponent and the chosen contractor prior to construction. The CMP has also been amended to include additional measures as seen fit through the environmental assessment (refer Attachment 10).

Finally, the proponent has agreed to remove all *Caulerpa taxifolia* prior to any construction - therefore any commitments relating to the avoidance of this pest has been replaced by this commitment.

Compliance with both the CMP and MEOMP, have been included within the Statement of Commitments.

Statement of Commitments (refer to item numbers in the EA)

11. How is it intended to educate boat owners? An education strategy should be outlined. Note the various proposed strategies involving dissemination of information proposed in the Statement of Commitments. These should be amalgamated into one document or management strategy.

Response: The abovementioned MEOMP includes all environmental management details for berth holders to abide by. This document will be provided to all new berth owners who will be advised of their responsibility to abide by the various regulations at the time of purchase, thus educating boat owners. Further important information about sea-grasses and *C.taxifolia* has been succinctly provided within the MEOMP and will be read and understood by all berth holders, whether temporary or permanent.

12. Where are the floating booms located? When can (or, more importantly, can't) they be accessed?

Response: This has been discussed above, with details provided within the MEOMP.

13. How is this "encouragement" to be achieved? Note also the potential for use of harvested rainwater from The Boatshed roof for marina uses.

Response: This is included within the MEOMP which will be provided to berth holders. As part of the berth contract, berth holders will be required to abide by the MEOMP. In addition, rainwater will be made available to marina users.

14. How will prevention of sewage discharge be achieved? The lack of onsite disposal of sewage raises the significance of management of this issue.

Response: This has been discussed at length above and under the heading "risk management" within Section 9.7 of the EA. Furthermore, the applicant is willing to install CCTV which will provide added surveillance and deterrent to illegally dump pump-out waste. It is again re-iterated that there are two free services with capacity for the additional marina boats, at Gosford Wharf and Kilcare Marina. It is considered highly unlikely that a marina user would risk illegally pumping out waste with the presence of the on-site manager, restaurant patrons, other users and CCTV. The risk of providing on-site pump-out facilities is considered substantial in the event of a leak or spill, to the nearby oyster farms. Finally, the MEOMP prohibits illegal dumping, provides clear details of nearby pump-out facilities and highlights the consequences of non-compliance with these prohibitions.

15. How will boat owners be advised? Details of all existing facilities are to be provided, together with the status of any planned (or proposed) facilities.

Response: Details of Gosford Wharf, Kilcare Marina and Gosford Sailing Club pump-out facilities are provided within the MEOMP along with a location map at the end of the document which will also be provided as a sign on the marina.

21. How is it proposed to enforce prohibitions? (Refer also to 15 above). Management options should be discussed and the preferred option identified.

Response: As with all boat users, marina berth holders will need to comply with standard legislation enforced by the relevant authorities. It is understood that such authorities do not

provide continual surveillance and therefore the on-site manager either via observation or through CCTV can report offenders. The marina would also have the ability to end leases in the event that any non-legislative prohibitions under the MEOMP are broken (as discussed above, abiding by the MEOMP would be part of the berth holders contract).

29.39. Words or phrases such as "could" or "should" are too discretionary for use within a Statement of Commitments. These should be revised accordingly.

Response: These have been amended within the MEOMP and amended Statement of Commitments.

Gosford City Council

Car parking

(a) The existing number of marked car parking spaces on the site is 30, not 33 as stated in the EA.

Response: Noted. The Council amended the original Boathouse plan to reconfigure the car park from 33 to 30 - this bears no weight on the current proposed 44 spaces.

(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.

Response: Given the limited size of the existing restaurant, whether there is or isn't a function being held, is of no consequence to parking generation rates. Despite this, when there is a function being held, the restaurant is closed to the general public. Functions which do not fill the restaurant therefore generate less parking than would a general restaurant night operating at capacity.

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.

Response: As detailed above, it is considered that the proposed development provides ample parking, meeting Council's DCP requirements and the Australia Standard for marinas. Council's DCP does not provide that additional parking is required for a restaurant which caters for functions. Generally restaurants accommodate functions and this does not increase parking demand as the GFA of the premises does not increase. It is also noted that the RTA have provided their comments and have no objections to the proposal subject to standard conditions of approval.

(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.

Response: Noted. This can be imposed as a condition of approval.

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

Response: Any minor fill required to expand paved areas will be within the site boundary

and will be in accordance with relevant Australia Standards. It is not considered that a Geotechnical Report is required for such minor works.

(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.

Response: As detailed above, the Australia Standard parking rate for a marina is not based on whether there is or isn't off-site parking available. Council provides no reason why the higher rate should be applied, however it has been extensively detailed above that the propose marina will generate a significantly lower rate than 0.6 per berth, with 0.3 being more appropriate. Despite the fact that the marina does not rely on off-site parking, for the accuracy of the assessment and contrary to Council's point, it is also noted that there is a 21 space parking area located within walking distance of the marina next to the Koolewong train station; 6 on-street spaces located 350m to the south and over 20 spaces located 400m to the south.

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.

Response: Only those trees whose trunks are physically located within the proposed parking spaces have been nominated for removal, with others able to be retained and paved around.

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.

Response: Whilst the Cocus palms are introduced, they provide site identity and are therefore proposed to remain. There is however, ample space between these palms, to accommodate the planting of additional Tuckeroos, and this can be imposed as a condition of approval, should this be deemed necessary by the Department.

Brisbane Water Estuary Management Plan

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.*

Response: Figure 11 within the EA provides an example of the decking material proposed for the marina which is classified as being an ecostyle "sea grass friendly" polypropylene - thus meeting the above excerpt of the Brisbane Water Estuary Management Plan.

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.

Response: Council's Brisbane Water Plan of Management provides that commercial marinas should provide pump-out facilities. Given the Part 3A assessment route of this application, there is no statutory requirement for a marina of this size to provide pump-out facilities and the EA and above information has provided substantial evidence as to why one should not be provided, summarized as follows:

- Proximity to oyster farms;
- Proximity to nearby sea grasses;
- Proximity to restaurant;
- Lack of demand for existing facilities/ample availability of existing services;
- Probability that only between two and five boats will require the service;
- Clear information has been provided on near-by services; and
- Clear information on the consequences of illegally dumping.

In addition to the above, Council provides no evidence as to why one must be provided, and provides no reason or expert evidence from a qualified Ecologist refuting the Aquatic Ecology Report which states:

"Deterioration in water quality can affect the survival of fish, shellfish and other organisms and in some instances can contaminate them so that they become unsuitable for human consumption. Given the mitigation measures recommended it is unlikely that the proposed marina at Koolewong would result in any prolonged or widespread changes to water and sediment quality in Brisbane Water. The NSW oyster industry sustainable aquaculture strategy (NSW Oyster Industry 2006) presents guidelines for land and water use planning to which will contribute to the protection or improvement of water quality for oyster aquaculture. These guidelines identify marinas and vessel pump-out facilities as potential non-point sources of contamination."

This issue has been discussed at length above and considering Council's lack of expert advice (or evidence thereof) on the matter, it would be considered irresponsible to condition a pump-out facility especially when Gosford Council and Kilcare Marina have advised that their existing facilities, located well away from the oyster farms, have the capacity to accommodate the five extra boats which may require the service.

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.

Response: A condition of approval can be imposed which requires an Assessment by a trained and qualified Clean Marina Consultant to be conducted every three years in accordance with the Clean Marina Program.

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.

Response: This can be added as a condition of approval to be required prior to the issuance of a Construction Certificate.

(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.

Response: Noted

Nutrient Control Facilities

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

Response: This has been included within the Water Cycle Management Plan as detailed within Section 5 of the EA.

Conditions

The conditions required by Council are noted.

Office of Environment and Heritage

Approval

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.

Comment: We thank the OEH for their support and have provided further information with regards to their comments below.

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.

Comment: A standard condition of approval can be imposed reiterating that the marina and users must act in accordance with the POEO Act at all times, however, as this is a legislative requirement applying to everyone in the State, its mentioning is not generally required.

Aboriginal Cultural Heritage and Conditions

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 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 131 555 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 avoidable, 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.*

Comment: The above conditions are noted.

Threatened Species and Impacts on lake Ecology

OEH refer to Appendix 5 the Aquatic Ecology Assessment prepared by ADW Johnson Pty Ltd 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.

Comment: The above is noted and any conditions the ARA impose with regards to the Indian Myna will be adopted on site.

Roads & Traffic Authority

Conditions

The conditions by the RTA are noted.

NSW Maritime

Conditions

NSW Maritime's primary interest in the proposal relates to our functions as a boating safety regulator. We have considered the navigational impacts of the project and advise that the proposed marina will not constitute a hazard to safety navigation.

Notwithstanding this, the proposed development involves the removal of existing swing moorings. It is advised that the removal of these moorings shall be undertaken by the Proponent and at no cost to NSW Maritime.

Comment: We thank NSW Maritime for their support and note their condition of approval.

Industry & Investment NSW (Fisheries)

It is understood that NSW Fisheries have not provided a response within the elected

timeframe, and from this it can only be assumed that they have no objections. Their previous comments provided on 10 September 2010 were addressed within Section 5.2 of the EA.

Hunter-Central Rivers Catchment Management Authority

It is understood that Hunter-Central Rivers Catchment Management Authority have not provided a response within the elected timeframe, and from this it can only be assumed that they have no objections.

New South Wales Office of Water

Approval

The Office of Water is satisfied with the Environmental Assessment and does not have any comments or recommended conditions for this application.

Comment: We thank the Office of Water for their support.

4.0 response to public submissions

The proposal received 17 submissions during the notification period, nine in support, three providing neutral comments and five with concerns. Four of the nine in support were not provided on DoPI's website, however the proponent would like to thank them for their support.

The following provides a point by point response to each resident:

Steve Balsdon, of Wyoming NSW, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

“ This development should be approved. There is an obvious need for improved facilities on the Central Coast. HOWEVER, if approved there needs to be a major upgrading of the road between the Central Coast Highway and WOY WOY. The increased traffic would created problems during peak use times. Perhaps the State Government could look at a connection to the F3 from WOY WOY.

Comment: We thank the resident for their support.

Traffic Concerns

It is understood that the general public feel that an upgrade of Woy Woy Road is necessary given the current congestion felt during peak hour traffic. As mentioned within our Environmental Assessment (EA), the main operating times of the marina would be during the weekend when Woy Woy Road has ample capacity to deal with additional traffic. The development has been supported by a Traffic Assessment Report as well as by the Roads and Traffic Authority. The upgrade of Woy Woy Road may need to be considered by State Government, however not as part of the assessment of the proposed marina.

antonio stellino, of koolewong NSW, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

“ Myself and my partner Claudia rebellato are all for the marina being built,as we look down on this area we both agree this will buitify the area and can only add value to the whole area as well as attractking more visitors to our buitifull part of the coast.

antonio stellino, of **Koolewong NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

“

Myself and my partner Claudia Rebellato both are all for the marina as we feel it will beautify the area and bring more visitors to our beautiful coast. As we look down on this area from our home we feel it will be a visual plus.

Comment: We thank the residents for their support and agree with their opinion with regards to the fact that the marina will add to the visual amenity of the coast and increased tourism.

Charles Williams, of **Koolewong NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

Comment: We thank the resident for their support.

Michael Fernandez, of **Epicor**, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

“

I think this is a great idea especially for the area.

Have a suggestion that it should also include cafes.

I live in Rosebay at the moment but am moving up to koolewong in the next month. Having a mariner and cafe would go hand in hand. Probably going a bit to far but I also think the Boathouse needs to be upgraded.
Looking a bit tired.

Comment: We thank the resident for their support and advise that the existing restaurant provides some cafe associated services. We note their comment about the Boathouse; however this is beyond the realms of this application.

Ian Gallard, of **Volunteer Marine Rescue**, made the following submission on the project:
10_0209 Koolewong Marina

Supports this project

“ Our Unit would like to support the proposed Marina application on the grounds that it is an ideal location which our Rescue Vessels could access in an emergency. It has the potential to be an evacuation point in the event of bushfires in Woy Woy Bay, this would be a preferable to using Woy Woy Wharf as it provides much more space for accessing.
We do not believe it will impact on any of the existing navigable channels.

Comment: We thank the Volunteer Marine rescue for their support and agree with their sentiments regarding the public benefit of being able to accommodate a deep water rescue vessel in the event of an emergency. We also note that the proposed marina will not impact on existing navigable channels.

(Name withheld), of **Point Clare NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Comments on this project

“ I am a Point Clare resident / home owner and use Brisbane Water Dr to and from work in peak hour. Not to mention Woy Woy residents, will Point Clare resident commuters be negatively affected by road congestion and what is the plan to offset extra traffic? If this can be addressed I fully support the plans providing there is public access around the marina and access for recreational boating within the marina.

Comment: We refer to the above information regarding traffic concerns and therefore thank the resident for their support.

Helen ORCHARD, of **Progress Assoc**, made the following submission on the project:
10_0209 Koolewong Marina

Comments on this project

“ At a meeting held with the Developer at the site on the 12th October, 2011 attended by 26 residents of the area it seemed that the areas that were raised by the Progress Society in our first submission of 12th March 2011 were not being considered.
these items were: A public amenity area including showers and toilets
A pump out facility
Fuel outlets
A smaller boutique marina of 30 berths
as of this time refueling of rescue boats at Point Clare Maritime is being delivered by road on public throughfares.

- Attachment: [Koolewong Marina Submission.pdf](#)

Comment: The attachment provided to the above comments was a replica of those previously provided and attached in Appendix 12. These concerns have been discussed within Section 5.1 of the EA, however further advice is provided below:

Provision of Public Amenities

This issue was previously raised within the initial consultation process and was addressed within Section 5.1 of the EA. In summary, toilet facilities are provided for marina users within the existing building. It needs to be appreciated however, that the subject site is leased and developed privately and has no obligation to provide amenities for the general public.

Provision of a Pump-out Facility

This issue has been discussed in detail above, was previously raised within the initial consultation process, and was addressed within Section 5.1 and 9.7 of the EA. In summary, there are sufficient pump-out facilities within close proximity to the proposed marina providing a free 24 hour service. The potential risk of spillage should a pump-out facility be provided is considered to be higher than the associated risk of berth owners illegally dumping.

One objector has mentioned that there would be no on-site manager and therefore berth holders would be willing to risk illegally dumping. This is not the case; there will be an on-site manager 7 days a week, generally during day light hours. The applicant is willing to install CCTV which will provide further surveillance and deterrent to potential dumpers.

Provision of Fuel Outlet

This has been addressed above. Ample re-fuelling locations are available within Brisbane Water, with the closest of these being depicted within a "Map of Nearby Fuel and Pump-Out Facilities", provided within the MEOMP. The proponent does not want to provide re-fuelling facilities given the proximity of the proposal to the oyster farms.

Request for a Smaller Marina

The proponent has undertaken investigations with regards to permanent marina berths in Brisbane Water and believes that the provision of a 50 berth marina will not only provide more opportunities for local residents, it will also reduce the demand on swing moorings. The site can accommodate ample parking for the proposed 50 berth marina, with all other potential social, economic and environmental factors being considered in detail within the EA and supporting reports.

Traffic on public thoroughfares and delivery of fuel for rescue boats at Point Clare Maritime

Traffic issues have been discussed above and refuelling of rescue boat is not considered relevant to the subject proposal.

(Name withheld), of **pearl beach NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Comments on this project

“

This proposal compounds visual and environmental impacts on a sensitive site. The current restaurant was granted retrospective approval after construction of an "oyster purification plant". This was on an area of fill that extended into Brisbane Water. My concerns are:
potential for contamination from existing fill material,
loss of sea grass communities and aquatic habitat both as a result of construction and ongoing usage of the marina,
inadequacy of car parking arrangements, intensification of a site that was unlawful in the first place and visual impacts on the waterway from both the waterway itself and the road.

Comment: Issues relating to the past proposed use of the site as an oyster depuration plant are irrelevant to the subject proposal. In addition, the restaurant holds a valid consent and is also not included as part of this proposal. Remaining concerns, aside from those already discussed above (i.e. traffic), are addressed below.

Contamination from Existing Fill

The entire site is located on reclaimed land with there being no evidence to suggest that the fill used was contaminated in any way.

Loss of Sea Grass communities and Aquatic Habitat

The EA provides extensive research through an Aquatic Ecology Report located within Appendix 5. All mitigation methods recommended by the report have been adopted, with these being further approved by the Office of Environment and Heritage (discussed above).

Visual Impact

Whilst some residents feel that the proposed marina will create a visual intrusion on the natural beauty of Brisbane Water, a number of residents feel the opposite, and believe it will further beautify the area. The marina is a low profile structure, located behind an existing large two storey building. The main addition to the visual horizon will be by moored boats, particularly sail boats, and these are considered to add to the water theme of Koolewong. The proponent has agreed to plant additional Tuckeroos if deemed necessary by DoPI, with Council considering this to further minimise the visual impact of the marina. It is the proponent's opinion however, that such trees will have the negative effect of reducing views. No further investigation is deemed necessary with regards to this point.

(Name withheld), of **Koolewong NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Objects to this project

“

I have concerns about the proposed development of the Koolewong private marina.

These include:

- * Aesthetics of the marina and expanded car park
- * Parking
- * Necessity of the development
- * Future proposed actions / development of the site

Each of these (and other) concerns are addressed in the attached document

I believe that the current proposal is too large for the site and needs to be reduced in size or rejected. In addition, other important concerns need to be addressed and resolved.

- Attachment: [Koolewong Marina Submission 311011.pdf](#)

The above submission is elaborated upon through an attachment. Each heading provided is responded to below.

Aesthetics

The proposed marina is out of character of the local area which is composed of small private jetties, a nearby commercial oyster jetty and a small public jetty at Couch Park. This proposed marina is too large and obtrusive to the rest of the environmental surrounds as it will extend a further 100m into Brisbane Waters with two arms extending to a maximum of 125m. Contrary to the Visual Impact Statement, I believe this proposed development is out of character to the local aesthetic of a small waterside community village.

Comment: The proponent and a number of residents feel that the marina is in keeping with the character of Brisbane Water. The site is not located within any of Council's Character precincts as provided for under DCP 159, however Section 6.2.7.5 of the EA has addressed the nearest precinct, being the 'Transit Corridor'. Developments similar to the proposed will always attract submissions with opposing views on character, however, it is felt that given the existing reclaimed nature of the land and the existing restaurant building, the proposed marina is not out of scale with its surrounds and fits within the local character.

In addition the capacity of the car park is to be significantly expanded. This will involve the removal of many large and mature trees in the car park and landscaping. The plans show car parking into the western corner of the car park which is currently landscaped and well maintained with grass, flower beds, shrubs and trees. The removal of this landscaping for the expanded car park will significantly degrade the aesthetics of the development. This will turn this area into a bland car park with a few trees on its edge. This is not acceptable and does not fit into the visual assessment of the site on Brisbane Water. The photo montages in the Visual Impact Assessment are misleading as they do not show the proposed changes to the car park – significant loss of trees and landscaping. Therefore the perceptions of the Visual Impact Statement are misleading and need to be corrected before any further assessment can occur.

Comment: The Visual Impact Statement provides photomontages to give residents an idea of what the marina will look and its scale in comparison to its surround. The minor reconfiguration of the car park, being located opposite Woy Woy Road is not considered

to detrimentally affect the amenity of the area. Whilst some trees and shrubs are proposed for removal, these are being replaced with more suitable native trees.

In addition there will be additional commercial signage and visual pollution associated with this commercial business. The locked gate to the marina will be an eyesore, as the gate will need to have full high security (lights, signage, barbed wire etc). Will there be lighting on the proposed marina?

Comment: No commercial signage is proposed at this time; however future signage requiring consent will be advertised at the discretion of Council, with any necessary assessment to be made at that time.

Will there be a security / safety light on the gate for access to the proposed marina? Is this lighting appropriate and has this been taken into account in the Visual Impact Statement?

The aesthetic of Koolewong, Brisbane Water and its surrounds is of natural un-developed beauty.

Comment: Lighting for the proposed marina for security purposes can be conditioned to prevent light spill to residents. It must be noted however, that the security gate and any associated lighting will generally be screened by the existing restaurant.

This development right on the waterfront is intrusive and the site will be spoilt with the removal of trees and landscape and the addition of more signs, fences, lights and restrictions to public land. Therefore this proposal should not be approved.

Comment: Addressed above. The reasons given within the submission are not considered to warrant refusal of the proposal.

Car park

The current application is only requesting a further 11 spaces to the existing car park (33 spaces) for a total of 44 parking places. Is there really 33 spaces marked in the current car park now? The current car park (in reality and not on the map) appears to have less than 33 car spaces specifically marked with two white lines.

Comment: Discussed in detail above.

This plan allows for the majority of car spaces to be 2.6m wide, with 2 spaces for staff in front of public access parking. Is this a standard and is it practical? What happens if the staff needs to arrive / leave and a car has parked them in? This might be the case where people may leave their car overnight when using their boat?

Comment: Car parking has been designed to Australian Standards, with 2.6m being the general requirement. Spaces located behind staff parking have been amended and marked for "restaurant patrons only. As discussed above, the provided parking spaces are seen to over compensate for likely actual demand, so these spaces will generally be unoccupied in any event.

It appears there is no loading zone for restaurant or the proposed marina. How are deliveries made to the restaurant? Or how are supplies moved onto the proposed marina?

An entry at the front of the restaurant also seems to double as a disabled access (eg side wheelchair access), so cannot be used for temporary loading zone. Loading zones must also be safe to the workers and the public.

Comment: The marina will not generate regular loading requirements aside from those of boat owners, with their "loading space" being where they park their car. Deliveries to the restaurant are made only by a standard vehicle and are temporary in nature.

According to the Gosford City Council (DA 30475/2006), the car parking requirement for The Boathouse restaurant (of 361 square meters area) is 24 spaces. Contrary to the Environmental Assessment, this has not been satisfactorily addressed in the application. The Traffic Assessment Report does not acknowledge the necessity for the paved / smoking areas to accommodate guests as described by local government. This is not satisfactory and should be addressed in this application.

The proposed marina of 50 berths requires a total of 25 car spaces.

TOTAL spaces (excluding offices upstairs) = (24 + 25) 49 spaces required. This is more than the 44 planned car parking spaces.

Further car parking issues relate to the capacity during peak times. The Boathouse restaurant on the same site claims on its website to cater for up to 130 guests. Where do these guests park? There is no parking on Brisbane Water Drive, as it is too dangerous and there is no other nearby parking. Car pooling and parking off site may be possible, but would not happen in reality. Already in peak times without the proposed marina, there is a car parking issue at the restaurant. Cars are often apparently illegally parked and double parked in and around the current car park. These peak times of restaurant use (weekends and public holidays) will also coincide with peak usage at the proposed marina.

Further issues which have not been appropriately addressed in the application are the car parking requirements for the lease offices at the site. According to Gosford City Council plans, there are seven offices above the restaurant which accounts for the 181 square meter of nett leasable offices above the restaurant. The standards for these offices seem poor. Full parking is essential for these offices. The Traffic Assessment Report states there is only a requirement for 4.5 spaces for the seven offices. But the offices should have minimum of one car space per office and an additional 3 spaces in total for clients and visitors, then a further 10 car spaces are required. I would have thought this would have been very conservative, as many offices will have more than one worker and have numerous visitors.

Comment: This issue has been discussed above at length with the proposed marina meeting Australian Standards for parking.

In addition the proposed location of the garbage bin near the rock wall is problematic. Is there only one garbage bin? What about recycling or other waste? The current plan is for one bin to be shared with the restaurant, marina and offices? Is this correct? What assurances no leakage (oils etc) or garbage from the bin will pollute the water and environment? The potential provision of a fenced area for the bin (s) in the planned area so close to Brisbane Water and a rock wall with no landscaping is not aesthetic and may be an environmental risk. In addition, will the garbage truck have easy access the expanded car park?

Comment: The car park has been designed to accommodate garbage trucks, and standard conditions of approval can be applied to prevent the pollution of Brisbane Water from the waste area. The Waste Management Plan within Appendix 22 of the EA provides further details with regard to anticipated waste volumes.

This proposed development is far too large to be accommodated with the current and planned car park expansion. The current proposal of squeezing 44 spots into the existing car park will result in the removal current landscaping and gardens and there will still not be enough car parking to meet current standards. There is a need for at least 49 spaces plus more parking for the first floor offices which have not been accounted for. Are there enough handicapped spaces for at least 50 parking spots?

Comment: This has been discussed above at length.

There appears to be numerous inconsistencies and grey areas for this proposal, and therefore should be clarified and agreement made by all parties, including council and RTA etc. before the application proceeds.

Comment: As mentioned above, the RTA has no objections to the proposal. Detailed discussion with regards to Council's comments is also provided above.

Public good

The concept of public good is just that public good. How does this proposal benefit the general public? This seems to be poorly addressed in this application. The current public good reasons are not satisfactory and appear not to have been fully thought through.

Comment: This comment is refuted; public access and public benefit are addressed within Section 3.2, 4.1, 4.2, 6.2 and 9.13 of the EA. In addition to those mentioned within these sections, the proposed marina will also provide a marina spill kit, in the event of an accident, fuel spillage or fire. This kit will not only be used by the marina but will also be made available to nearby swing moorings which at present have no such provisions. Should a fire or any other event which leads to the escape of fuels from a boat moored at one of the swing moorings, detrimental damage could occur to the nearby oyster farms. Making the spill kit available to these moorings is considered to be of utmost importance to the social, environmental and economic public good.

The first point of public good in the Environmental Assessment of the proposed marina is that when the F3 and Pacific highway is closed, then the proposed marina will be used for ferrying hospital patients to and from Gosford Hospital. Is this correct? Does Gosford Hospital know about this proposal and did it approve this proposal? If the hospital will accept boat transfers of sick and injured and potentially infectious patients, why not use the closer Gosford wharf? Or use the existing approved helicopter access? Will there be facilities at the proposed marina to accommodate ambulances, stretchers, trolleys in a safe way? What are the practicalities of this suggestion? Has the full public health implications of this transfer been assessed. This suggestion for the primary public benefit of the proposed marina requires clarification with Gosford Hospital.

The other suggestion that this proposed marina is in the public good as it will provide an escape for residents in case of fires is poorly thought through. How does this fit with existing disaster management strategies? Who has been consulted with this 'idea'? If this is a public meeting place in case of an emergency, how and who designated this? How will this work? In an emergency, how will residents cross the rail fencing and train line? What assurance is there that the locked gate on the marina will be open? Who takes liability for this situation? I trust these questions have been resolved with all the appropriate authorities. Is this the case?

Comment: In the event of an emergency, the marina provides access to deep hulled boats which can be used to escape the area. The marina will also be available to NSW Maritime Rescue boats for emergency purposes. The marina will not be used to transport day to day emergency patients. In the future if the proposed marina can be used for further emergency services reasons, detailed assessment and consultation with the necessary authorities will take place to insure issues such as access and liability are thoroughly resolved.

There are alternate escape substitutes without the further intrusion of public space with this proposed marina. There are road escape routes in Woy Woy Road, Brisbane Water Drive and across the Rip Bridge. In addition, there are numerous private and public jetties already existing at Koolewong for possible resident escape.

Comment: The proposal does not profess to provide the only escape route in the area; it is merely added as an additional benefit of the marina.

The list of general benefits list in 9.13 in the Environmental Impact statement are general unsubstantiated statements which need to be quantified:

- *'increased jetty access' – this is for those who can afford a private marina. This is not a general public interest.*

Comment: This is incorrect; the proposal will provide better jetty access to any member of the boating public or restaurant patron.

- *'likelihood of increased fish populations around the pylons' - What is the likelihood of this and what are its effects? What is the evidence for this on a private marina, where boats are using anti-fouling and other activities? Need to quantify how much more fish populations will increase, how does this compare to the nearby oyster leases and its importance to the local ecosystem?*

Comment: This is discussed at length within the Aquatic Ecology Report which states:

"Floating pontoons, piles and jetty may also serve as habitats for fish and pelagic invertebrates and may even attract fish away from surrounding natural habitats. Small-bodied species of fish, for example, may be attracted to piles and pontoons, because they provide shelter, protection from predators and/or food. Marina structures in Sydney Harbour and Pittwater have marked effects on the distribution and abundance of fish, with twice as many species occurring around piles than pontoons and nearby open water (Clynick 2008)."

- *'emergency services using deep water berthing' – see above comments*

Comment: Discussed above.

- *'increased support for existing business' - does this development benefit the general community or the developer? There is a need to provide more details and appropriate analysis.*

Comment: The proposed marina will attract more people, either tourists or residents, to the general area, with this having a flow on effect to benefit other goods and services providers. This is standard benefit of increased tourist activity and requires no further analysis.

- *'employment during and after construction' - what guarantees will be given to use local (Central Coast) contractors during and after construction. Need to quantify this claim. How much employment will be created after construction? How many local jobs in the short and long term will be created?*

Comment: Up to five additional employees will be required throughout construction during the various different stages. Given the proximity to the Coast, these employees will be sourced locally where possible. Employing local residents however, is not a statutory requirement. Two to three additional jobs will be provided once the construction of the marina is complete – this is detailed within the EA.

These suggested public good benefits for this proposal are unsubstantiated, tenuous and are not satisfactory. This is a large development proposal on crown land of state significance with no stated apparent public good.

Public good is for good of all public. These are meant to be non-exclusive and non rival in consumption. This proposal is excluding people from public lands. A full social economic analysis needs to be conducted before this proposal advances.

Comment: Discussed above.

Business Case

"Does Brisbane Water really need another marina? There are numerous marinas which offer more services, public moorings, and hundreds of private jetties on Brisbane Water. In addition there are numerous boat ramps on Brisbane Water and local beaches to service the local boating community.

What more does this proposal add? There will be no pump-out facilities, re-fuelling. Why does the Central Coast need another over developed marina on an already busy road?"

Comment: The Business Case located within Appendix 10 of the EA clearly highlights the need for additional permanent moorings.

"This business case is simply a financial / profitability assessment for the business and does not provide an analysis of the social economics of the proposal.

A full cost benefit analysis that considers the economic benefit for society, rather than the financial benefit of the applicant is required to fully assess this proposal. This information is not available and therefore this application cannot be properly assessed."

Comment: One of the objectives of a Business Case is to determine whether a business would be financially viable. In addition to this, the Business Case also highlights the public benefit of such a proposal, with this also being detailed throughout the EA. The above comment is erroneous and no further analysis is necessary.

Public Notification

"Contrary to the assertions of the Environmental Assessment, the public consultation for this project has been poor. The letter box drop in March 2011 and the two public notices hidden in the back of the local newspaper are not satisfactory for a major development of state importance in our local community. The website for the development was at best basic and did not add any more information. My neighbours did not know this was happening. An article independent of the developer in the local newspaper about the proposal seemed to confuse some local people who thought that this development was already stopped and not going ahead as the proposal was too big. A lack of consultation with the community is a serious deficiency in this application and will disenfranchise the local community.

Apparently the Developer invited representatives of the local progress association to an information day at the site, but the local progress association has not reported on the outcomes of this meeting on their website (at the time of submission) and will not report these results at their meeting until after submissions close. Inviting such selected groups to meetings cannot be classified as community consultation. All the community (rather than handpicked groups) needs an opportunity to hear, discuss and question the proposal. This has not been done and is a serious flaw in this application."

Comment: The proposed development was notified in accordance with relevant legislation, with this being detailed within Section 5.1 of the EA. In addition to this, the Department notified the application for a month, which has evidently allowed the above objector to provide comment. Aside from the statutory notification, the proponent also undertook an additional information session on site, and was personally available to

answer questions about the proposal. This session was not exclusive to the Progress Association, however they were specifically invited as it is generally considered that they provide a voice to the local residents.

Future of the Proposal

"If successful, who is responsible for monitoring and oversight of the proposal?"

Comment: The onsite manager as well as standard authorities with regards to various waterway and environmental legislation.

"How will the spread of the marine pest C. taxifolia be prevented? The mitigation proposals appear weak and rely on providing information, suggestions and recommendations. This is a serious marine threat. How will this pest be actually managed? Who is responsible for its monitoring and control both during construction and during its day to day use? What risk management procedures have been put in place to control this pest, and how and who will monitor this? The proposed management of this pest seems poor and unlikely to guarantee its spread."

Comment: Significant resources have been invested into ensuring that the marina has minimal impact on the marine ecology of Brisbane Water; to say the argument is "weak" presents as argumentative and unfounded.

Information regarding *Caulerpa taxifolia* has been provided within the MEOMP, a document which will form part of the agreement for future berth holders. The on-site manager can provide surveillance to ensure the measures to reduce the spread of *Caulerpa taxifolia* are followed. The proponent commissioned extensive investigations into *Caulerpa taxifolia* through the Aquatic Ecological Report, and has been willing to heed all of the expert's advice - an action considered to be environmentally responsive to this issue. In addition to this, the proponent is also willing to undertake any eradication measures to remove the pest prior to construction.

The proponent is a long term boating enthusiast of Brisbane Water, and keeping the waterways free of pollution and pests is of utmost importance.

"Similarly the general recommendations for the general construction and use of the marina are very general. For example educating boat owners about the use of copper based anti-fouling agents and navigating over shallow seagrasses. How do you ensure that boat owners do the right thing? Our aquatic environment is precious and cannot be destroyed by absent minded boat owners who inadvertently do the wrong thing. Once seagrasses are disturbed they are difficult to return. Who is responsible for ensuring there is no environmental impact of this proposed marina?"

Comment: All mitigation methods recommended by experts in the field of Aquatic Ecology have been adopted within the MEOMP, a document which will form part of the contract and agreement with future berth owners. The MEOMP will be enforced by the on-site marina manager. In addition, a Construction Management Plan, adopting recommendations during the construction of the marina, has also been created and will be detailed further should the proposal be approved, through the proponent and chosen contractor.

"What guarantees are that the proposal will not develop even further to allow re-fuelling and pump out? Dredging of the channels and marina? Extension of the existing rock wall to reclaim more land for the car park / extensions? etc. If Gosford City Council are not involved in this application, who is responsible for the current and future planning of this site and when will this be done? This site has been subject to wedge development and what guarantees that this proposal won't continue to develop? The applicant or users of the proposed marina must confirm that they will not seek to dredge any waterway as a result of the application."

Comment: Whilst further development is not envisaged for the site, any future proposals will be the subject of further applications and a similar notification process. Pump-out facilities and a re-fueling service are not proposed given extensive services in the area and taking into consideration the proximity to the oyster farms. Furthermore, Gosford Council has been heavily involved in the subject application, having been met twice by the proponent to discuss the proposal and having the opportunity, three times, to provide written comment.

"How does this proposal fit into the planning of public space in Brisbane Water? The development of public land needs strategic planning rather than ad hoc proposals in response to profit motives. There are always competing needs for public land and this need to be managed in an open, transparent and strategic manner. This proposal needs to be fully assessed in an open full manner. The lack of public consultation seriously questions this process."

Comment: Discussed above.

"How will the existing jetty be available for public use? The procedure for the public use of the jetty is not clear. How will public boat owners that have come from the jetty get back through the locked gate? How often will the on-site manager be present? I was unaware there was to be an on-site manager. How will a temporary access card be issued? Who and how will this be done? The practicalities of this situation needs to be clarified and made public."

Comment: The access gate will be at the end of the jetty/beginning of the marina – this is discussed on page 77 of the EA. The jetty will be available for the general boating public who can gain access the same as they can now. Visitors to the restaurant may also access the jetty. Despite the jetty being on crown land, it is under a privately paid for lease, and as such does not have to provide general public access – this has been confirmed by the Land Management Property Authority and is discussed within the EA. This is also discussed in further detail below.

The provision of temporary access cards is also discussed on page 77 of the EA.

In addition, the use of toilets in the restaurant for the users of the proposed marina will rely on the restaurant being open. Is this correct? Is this satisfactory, when the proposed marina will be open 24 hours, and when the proposed marina does not have sewage pumping facilities? What happens if the restaurant is closed or if the restaurant lease closes/ terminates? Will the toilets still be made available and who is responsible for their maintenance?

Comment: The restaurant does not need to be open to gain access to the toilet facilities. Separate toilets are available to marina users and they are accessed through the rear door.

I understand that the land is still owned by the Crown and leased to the developer. How long is the lease, how and when is this reviewed and what are the circumstances at the end of the lease to renew or would the marina revert back to public ownership? Who will own the marina at the end of the lease? Who will be responsible for its upkeep, removal etc at the end of the lease? This lease is on public land.

Comment: The lease arrangements can only be confirmed once development approval has been granted, however they will likely be for a 25 year period – this is discussed on page 14 of the EA. The product life of a marina generally does not extend beyond 50 years. Should a further 25 year lease not be granted then the owners of the land will be responsible for the marina.

(Name withheld), of **Koolewong NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Objects to this project

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I dont think koolewong needs a 50 boat marina on its foreshore.I live opposite the boathouse restaurant,which in fact is an illegal building.Gosford council finally gave permission because they did not want to keep fighting Gemsted in court.Koolewong is a quit suburb where I chose to live. notice all the shots of the proposed marina were taken from high angles not from across the road where I live.I objected to the restaurant because of the lights that are on all night,the noise that comes from the weddings as the guest are leaving. I do not wish to look over at a marina,I like the filtered water views that I have now and have had for the past 16 years.Gemsted have made numerous attempts over the years to change the layout of the Boatshed so that they can make some more money.There are plenty of swing moorings in the area,so I dont see the need for 50 fixed ones.They say the jetty will be sea grass friendly but boats sitting on the water in fixed position will cast shadows on the seagrass.If Gemsted want to make more money why cant they put their marina somewhere else.Gosford has a marina and big plans for the future development of that area.Why do we need one here.Why does the man with all the money always have to win just by waiting the system out.I say a big no to the proposal.

Comment: Issues related to the existing restaurant operations need to be dealt with separately through Council, to ensure the facility is operating in accordance with its consent. Noise and lighting from the restaurant is not relevant to the subject proposal. The remaining comments have been dealt with above or are considered personal and emotive and not considerations to be taken into account under Section 79C of the EP&A Act.

(Name withheld), of **Koolewong NSW**, made the following submission on the project:
10_0209 Koolewong Marina

Objects to this project

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To Whom it May Concern,

I have been a Koolewong resident for the last 30 years, first having lived in [address withheld] and now in [address withheld].

I attended a recent public meeting on 12th October 2011 in the restaurant at the proposed marina site.

I asked Mr Tuckwell "Why are you doing this?" His public answer to those attending was that the Gemstead development, to date, has NOT been a financial success and his primary motive for the marina development was in attempting to improve his company's financial position in relation to the current investment and ongoing liabilities.

His second comment was that he was interested in boating.

I did not hear any words confirming a strong element of public benefit to locals enjoying the wonderful and spectacular natural relatively untouched marine environment. Nor did I hear of the benefits to the hundreds/thousands of watercraft users who pass by and through Murphy's Bay every year.

I DID hear there would be benefits to the small group of maximum 50 clients of the marina, most of whom are not local and will be using Murphy's Bay for "boat parking". I understand Gemstead's own documents state an annual usage/activity of/with such moored vessels to be an average of 50 hours per year - ONE HOUR per week. That is why I claim this is a "boat park".

Mr Tuckwell said there would be no on site staff at the marina, with a key and security system being the main facility for access by clients. The marina therefore has limited employment opportunities for 2-3 contract part-time staff. This is NOT acceptable at the price of visual pollution and human behaviour to occur in and near the marina confines.

I am EXTREMELY concerned that marina users will surely be tempted to violate water/sewer and general waste disposal regulations during their infrequent short visits. Gemstead offers no detailed statements about how this errant behaviour will be controlled. I am expecting illegal washing and cleaning activities as clients see they can "get away with it". I see waste materials entering the marine environment flushed in by an uncontrolled fresh water volume.

Given this highly predictable human behaviour, I believe Gemstead must submit a very detailed analysis and independent report of:

- reticulation plumbing and proposed maximum volumes of mains fresh water to be made available for consumption and cleaning at the site.
- the measures which will be ENFORCED to ensure fresh water contaminated with illegal waste materials DOES NOT ENTER the marine environment.

All these issues are insignificant compared to the LOSS OF NATURAL BEAUTY which characterizes the Murphy's Bay area. This aspect, and irreversible change to our incredibly valuable natural assets will damage and destroy such value forever forward.

There are alternative already developed boat care and parking areas nearby where a small distance from the currently proposed site would not be a huge inconvenience to the 50 marina clients e.g. Sailing Club and Bensville.

The motives for the development are not adequate to support its approval.

The damage to natural beauty values for hundreds/thousands of locals and visitors is too high a price to pay for the convenience of a few boat owners.

I strongly oppose the development.

[Name and address withheld]

Comment: A number of the above comments have been dealt with above, or are considered personal and emotive and not considerations to be taken into account under Section 79C of the EP&A Act. The remaining issues are discussed below.

On-site manager

There will be an on-site manager and this has been detailed within the EA.

Dumping of Waste and Washing of Boats

This has been discussed at length above, however will be enforced by the on-site manager during daylight hours. The proponent is willing to install CCTV to monitor the marina at other times. The MEOMP outlines how marina users will be encouraged to undertake best practice boat washing.

Water Availability

This is discussed within Section 9.12 of the EA and will be provided through mains water and harvested water from the recently approved 10,000 litre rainwater tank.

Visual Impact

Discussed above.

Karen Charge, of Koolewong NSW, made the following submission on the project:
10_0209 Koolewong Marina

Objects to this project

“ Please find attached mu submission objection to the marina proposal. If you have problems opening it please contact me on [phone number withheld] or preferably my mobile [phone number withheld].

Kind Regards,

Karen Charge

- Attachment: [Boathouse_Koolewong.pdf](#)

Comment: The above submission includes a lengthy attachment; the general headings, and response to, have been provided below where they have not already been addressed above, and where they are not personal and emotive, and not considerations to be taken into account under Section 79C of the EP&A Act.

Relocation of Swing moorings

"There are already 125 moorings licenses in the area of Koolewong. Two to three of these moorings will need to be relocated if this proposal is approved. I have not been able to find a report that clearly identifies the impact this will have on the seabed. I can only assume that this indeed will cause some impact on the relocation zone and can not see sense in moving perfectly usable moorings."

Comment: Two swing moorings will be surrendered as part of this proposal, not relocated. The other swing mooring has already been cancelled, with its relocation up to the discretion of NSW Maritime and not relevant to the proposed marina.

Reduced Public Fishing Space

"The two 100 meter arms will indeed consume a major section of Murphy's Bay. I have concern that the size of this marina will be too large for the area and indeed reduce the space for public recreational use (fishing, boating etc)."

Comment: The marina is likely to provide shelter for fish, thus enhancing fish populations within the area, and enabling better fishing around the marina and jetty.

GCC DCP 119

"It will indeed be unsightly and clutter a large portion of Murphy's bay. The construction can restrict navigation of the waterway and generate other associated impacts with construction works and ongoing use. Intensive boating activity is said to have detrimental impacts on natural vegetation with boat wash, propeller damage and navigational hazards."

Comment: The visual aspects of the marina have been discussed in detail above; furthermore, the application has been assessed against DCP 119 and is believed to comply.

NSW Maritime has advised that the proposal will not affect navigation within Brisbane Water.

Impact on natural vegetation from boat wash has been discussed above.

Views

"I hope that consideration is given to the residence on the opposing side of the railway line whom will indeed have the water view impacted upon. The construction of such a large and unsightly marina will indeed impact on the visual aspect of the waterways not only for the public but local residents more so."

Comment: The views from all nearby residents and the general public were taken into account within the EA and supporting Visual Impact Assessment. The various photomontages provided, illustrate the minimal impact the marina will have on existing views. The construction of the marina and associated boats will not provide a solid barrier and will continue to allow views of Brisbane Water from all vantage points. In addition to the above, a submission from a resident who lives directly opposite the site, states that it will provide visual interest to the area, and highly commends the proposal.

Heritage

"Murphy's Bay named after the first pioneers of the area (the Murphy family) and clearly has historic connections. Whilst the waterways is not heritage zoned that I am aware of I feel that such a large construction would significantly change the area and impact greatly on any historical landscape that remains."

Comment: The proposed site is not listed as a heritage item; is not listed as being within the vicinity of a heritage item; and is not located within a Heritage Conservation Zone. The effect of the proposal on the general amenity of the area has been discussed above at length.

Caulerpa taxifolia

"The presence of the noxious algae Caulerpa taxifolia is already under the existing footprint of the Jetty. I fear that the associated boat traffic will have greater potential to spread this noxious weed further into the Brisbane Water and surrounds. Whilst it has been mentioned that signage be erected notifying boat owners of the presence of Caulerpa taxifolia I feel that like most signs and laws they are generally ignored. This indeed puts a lot of trust and responsibility onto the owners of vessels in the marina. I do not see this as sufficient means to avoid the spread of this noxious algae. I would suggest that if the marina is still approved that a containment barrier be put in place to prevent any possibility of spreading this algae. I note that Seagrass Habitat Mapping done by Cardno Ecology Lab on 2 August 2010 (job number EL1011005) page 1 section 1.2 Previous Surveys quotes "the invasive nature of C. taxifolia has raised concerns as it has the potential to grow rapidly, alter marine habitats and affect biodiversity. It is also extremely difficult to eliminate once it has become established in the wild and therefore important to prevent this species from expanding its range."2 A secondary aquatic study done in May 2011 again notes the potential this algae has to outcompete native seagrasses.3 This same study notes that the noxious algae has indeed spread over a period of 10 months (this is the time between surveys) under current conditions.4 I fear that this will indeed worsen with the addition of 50 vessels in the nearby vicinity. It is confirmed (page 12 of the report EL1011059) that the pest algae is present within the footprint to the proposed marina. This puts it at high risk of spreading and contamination to the surrounding area."

Comment: Information regarding Caulerpa taxifolia has been provided within the MEOMP, a document which will form part of the agreement for future berth holders. The on-site manager can provide surveillance to ensure the measures to reduce the spread of Caulerpa taxifolia are followed. The proponent commissioned extensive investigations into Caulerpa taxifolia through the Aquatic Ecological Report, and has been willing to heed all of the expert's advice; an action considered to be environmentally responsive to this issue.

Turtles

"I can confirm that there are marine turtles present in the Brisbane Water as I have personally seen them. Whilst the numbers may well be minimal an additional 50 boating vessels increase the risk of boat strike. I feel that this should be taken into consideration that if the few remaining turtles are killed then we will be left with none."

Comment: The presence and potential effect on turtles has been assessed under the Aquatic Ecological report within Appendix 5 of the EA, and states:

"Green and loggerhead turtles may occur within Brisbane Water on occasion. Potential impacts to marine turtles as a result of the proposed marina include increased risk of boat strike, impacts to seagrass habitat (an important food source and foraging habitat) and reduction in water quality. Boat strike is not, however, considered to be a current issue within Brisbane Water and would be mitigated through existing zoning of appropriate boat speeds within the estuary and around the proposed marina. Given the existing level of boating activity within Brisbane Water, the addition of the marina at Koolewong would be very unlikely to exacerbate the overall risk level. A construction management plan would be developed to control the impacts on surrounding seagrass habitat and

manage turbidity levels. No significant impacts on marine turtles would therefore be expected."

Erosion

"The increase in boat traffic has the potential to cause erosion on the foreshore/bed of Brisbane Water due to reflection of wave energy from the existing seawall..." [various photos provided].

Comment: The proponent commissioned extensive investigations into erosion through wave action, through the Coastal Processes Report located within Appendix 6 of EA, which states:

"The surrounding shoreline at the site is protected by a rock revetment. There are also mangroves to the north and south... The mangroves are indicative of the mild local sea wave climate at the marina site. This shoreline is in no danger of erosion and the proposed works will have no effect on it."

"The proposal is not expected to result in any impacts on longshore sediment transport or patterns of erosion and accretion. It is noted that the shoreline in this part of Brisbane Water is protected by rock walls."

In addition to the above expert evidence, it must be exclaimed that the proposed marina cannot be held responsible for the various impacts of long term weathering and water activities on the various structures/sites provided as photographic evidence to the above comment.

Rubbish

"The increase boat traffic increases the potential for pollution in the nearshore area. I fear that this will only worsen with the construction of a marina of any size in the local vicinity. As per Gosford City Council Development Control Plan No 119 - Wharfs and Jetties, page 2 part (j) quotes "ensure that structures or their usage do not obstruct water circulation or cause rubbish accumulation in a manner which is likely to adversely affect water quality, cause weed accumulation or exacerbate sediment accretion, or erosion, particularly to adjoining waterfront land. Again I have proven that existing measures have not prevented rubbish accumulation nor has it prevented erosion. A 50 berth marina will in fact make this situation worse and should therefore be denied under this plan."

Comment: Given that the marina has not yet been constructed, the proponent is unsure what "existing measures" the objector is referring to. No evidence is provided to suggest that the proposed marina will create additional rubbish. Gross Pollutant Traps will be installed within the stormwater drains to catch any waste from car park areas and general waste and recycling bins will be provided on site for general boating waste. Aside from these measures, berth holders will have to abide by littering legislation as the general public do.

No Wash Zones

"I note that 'no wash' zones have been referred to during the construction process but are omitted from ongoing use of the marina. I suggest that this be considered as a permanent 'no wash' zone following construction, if approved, in order to reduce disturbance to the environment and surrounding water users."

Comment: No wash zones are included for the on-going operation within number 7 of the Statement of Commitments and controls surrounding no-wash zones have been included within the MEOMP.

Site Management

I have to ask whom will manage the site during non trading hours if management is located off site. Whom in deed will be present to deal with any issues that may arise during this time?

Comment: There is an on-site manager who will be present during daylight hours generally during the times of highest marina usage. After this time, a contact number will be available in the event of an emergency.

Fuel Spillage

"If there is a fuel spillage what facilities are in place to deal with such event?"

Comment: Discussed above.

Public Amenities/Pump-out

"I feel that a construction of this size should incorporate a public amenities including public toilet and shower facilities in addition to pump out facilities."

"Pump out facilities should be included if the marina is approved in order to maintain our waterways and prevent unwanted pollution."

Comment: Discussed above.

Boat Washing

"I feel that there has been no mention of facilities or controls for the washing of vessels within the marina. It is known that chemicals can be harmful to the environment and I feel this should be taken into serious consideration."

Comment: The MEOMP will prohibit the use of toxic chemicals for the washing of boats.

Consent for Previous Jetty

Comment An old Development Report, the recommendations of which were not adopted, has been quoted with regards to the existing jetty; this however, is irrelevant to the proposed marina.

Construction Material for Jetty

*"Further to this I refer to a letter from the NSW fisheries that their approval will be based on the use of a mesh material for the jetty platform. I have at time of submission been unable to clarify what area this was but I feel that the entire wharf/Jetty should be made of this material in order to protect and maintain the quality of the seagrass *Zostera capricorni* and other seagrasses in the vicinity. I further note that this wharf is currently loose under foot and should be stabilized for public use whether or not the marina be approved."*

Comment: Firstly, correspondence from NSW Fisheries, located within Appendix 14 of the EA, does not advocate a mesh material for the jetty platform.

Secondly, Section 3.1 of the EA clearly states:

"The Project comprises the following components:

- The upgrade of the existing timber jetty from 1 metre to 1.5 metres in width, with timber decking to be removed and replaced with an ecostyle "sea grass friendly" polypropylene decking and increase the existing RL from 1.25m AHD to 1.75m AHD;"*

Public Access

"I have to question the actual original submission for the construction of this wharf/jetty. It has been my assumption that it was only to be erected if made available to the public. I have to ask why there is a sign (photo 12 below) that states it is a private jetty on private property. Secondly I question why crown land is being marked 'private property'. It is my understanding that crown land is land that is accessible by the public. What other rules will be put in place if a marina is built?"

Comment: Whilst this has been discussed above, it must also be noted that even though the land is Crown Land, as is generally the case with land below the mean high water mark, does not mean it must be used for public purposes. The land is leased privately with the private operator paying for this lease. All jetties related to private dwellings are over Crown leased land, and are for the use of the private residents, not the public. The jetty has never had unrestricted public access and this will not change through the proposal. The proposal will however, allow the boating public access to the jetty, and monitored public access to restaurant goers.

Parking/Traffic

"I further query the car park alterations. I can not understand how a development of this size can be accepted if staff are expected to park away from their place of employment. I note that it is expected under the development application that staff will park at Woy Woy which is 1.3km away from the place of employment. I consider this to be ridiculous if the business can not arrange enough parking for its own staff how can it arrange enough staff to maintain the site. I question the laws in relation to this matter and ask if this is even considered as reasonable practice by the department of fair trading or alike. If it can not provide employee parking than how can one be sure that 44 car spaces will then indeed be enough to provide for 50 marine vessels as well as restaurant patrons. If parking conflicts occur what provisions are in place to deal with such issues. I have not read any material that deals with this situation should it arise. I than query the ability for Brisbane Water Dr to cope with an increase in traffic. I understand that studies done meet the standards set but I can not help but feel that these figures are not accurate. I am of the opinion that the traffic survey was done on one day. Assumptions have then been made in reference to surveys done in 2000/2001 which is ten years ago. I feel that more recent information should be used and road surveys should be done over several weeks as traffic conditions change day to day, week to week. Perhaps an average taken over 2-4 weeks is more accurate than that of a single day. I note that in a period of 30 minutes (10.30am - 11am) on Sunday 30th October I counted 23 cyclist riding from Woy Woy to Gosford direction, 3 cyclist riding from Gosford to Woy Woy direction, 4 pedestrians with dogs and prams, 2 young children on scooters. I also have concern for the safety of these people if indeed traffic does increase due to the construction of a marina in the area."

Comment: Firstly, staff are not expected to park away from their place of employment. Secondly, the Traffic Study was undertaken by a qualified professional and the RTA has raised no objections to the proposal. All other parking rate matters have been discussed in detail above.

Oyster farms

"The next item for consideration is the local Oyster farmers/leases that are in the Brisbane Water and not far from the proposed marina. If there is a pollution spill or water contamination from the marina this indeed will impact on the local economy and farmers. What preventative measures have been put in place to eliminate this risk? Who will be responsible should the local oyster farmer be effected by issues involving the marina?"

Comment: This has been discussed at length, both within the EA and within the Aquatic Ecology Report, specifically Section 4.5. The proposed marina is considered to have a beneficial effect on the general area, including the oyster farms, in that it will provide a marina spill kit for not only berthed vessels but those moored at the nearby swing moorings. At present there is no containment method for the swing moorings and in the event of a fire or other emergency resulting in leaking fuels, the oyster farms are likely to be contaminated. Through the proposed marina however, there will be a trained on-site manager able to deploy the spill kit in the event of an emergency, thereby protecting the oyster farms.

Noise

"I also raise my concern on noise pollution. It is known that the existing boathouse restaurant produces noise that echos across the bay and is heard from my residential location and the nearby Couche Park. This is quite a distance and I can expect that this will increase to include boat motors and public use of the marina if it be constructed."

Comment: No evidence has been presented detailing how the proposed marina would have any impact on the noise amenity of the area. Appendix 8 of the EA however, provides that the on-going operation of the marina will have negligible impact on nearby residents. Despite this, the MEOMP outlines a number of additional measures to further reduce any noise impacts felt by nearby residents.

Construction

What sort of construction can one anticipate the marina to be if the existing structure is undermined by fallout? Looking at photo 13 it can be seen that the timber support of the rear verandah wharf side of the building is no longer supporting the structure.

Comment: The proposed marina will have to abide by standard building laws.

Maintenance

"Whom is going to maintain the marina once it is built to keep it tidy? It is obvious that there is a current problem in finding time or employing a trades man to fix the existing retaining wall to the garden bed out front of the car park"

Comment: The above statement is unfounded and irrelevant to the proposed marina. On-going maintenance will be the responsibility of the lease holder and can be conditioned through the approval, should the Department deem it necessary.

Sea Level Rise

"Last but not least I question the sea level rise that has been predicted by Gosford City Council for the Brisbane Water Districts. Not one item of report has incorporated the impact this will indeed have on the environment and/or landscape if the marina is constructed. Nor has the construction itself considered the possibility of rise in sea levels. If the sea level rises and we have an increase of

50 boats traveling regularly in and out of a nearby marina I have to ask what impact will this have on the foreshore, reserves, parks, near by residential land and alike."

Comment: Sea Level Rise projections have been accounted for throughout the Coastal Processes Report and the marina has incorporated the various recommendations of such a report. In addition, Section 9.4.3 and 10.7 specifically deal with sea level rise. Finally, the proposed marina is inconsequential in terms of the entirety of Brisbane Water and the overall anticipated Sea level Rise and all the associated boating activities.

Allan Charge, of Koolewong NSW, made the following submission on the project:
10_0209 Koolewong Marina

Objects to this project

“

I would like to submit my objection to the proposal of the 50 boat marina at the Boathouse Koolewong (Ref MP10/0209)

- (1) The expanse of water taken up when added to the length of the existing jetty would be approximately 15,562 square meters (125 x 124.5) of Murphy's Bay. This added to the occupation of the other existing moorings will make the vicinity too cluttered.
- (2) If sail boats use this marina as a permanent mooring place the only scene will be the masts pointing to the sky and the beauty of the bay lost.
- (3) The extra use in this area also will disturb the moored boats in the bay and create a greater erosion of the waterfront area.
- (4) When the Boathouse was built, there was no shared cycleway or footpath, but since it has been installed the use by bicycles and pedestrians has increased enormously much more than in the survey and the vehicle use could cause a safety issue.
- (5) The existing parking area has not always been sufficient for patrons of the restaurant as offers to have a meal and boat cruise combined requires their cars to be parked while other patrons arrive to have their meal, then the car park becomes over crowded even though the meal times are staggered.
- (6) The Lady Kendall when it arrives approaches from the north-west to stop at the end of the existing 25 meter Jetty to pick up passengers. It then reverses towards the west before heading directly East into the deeper water and channel. What future arrangement has been made for the Lady Kendall to berth there?
- (7) The boat owners within the marina may require a shower or toilet amenities. Will they use the existing amenities in the Boathouse or will it require a new building outside? (more reclamation of land and/or waterfront)
- (8) Will the marina have a locked gate to prevent the public access to it? If so I would class it as a private marina.
- (9) If there are 50 berths permanent then the owners would require parking space while using their boats. The proposed alteration to the existing car park would not accommodate another 50 cars. It would therefore require an extension of the car park and further reclamation of the waterfront.
- (10) The vehicles entering and departing Brisbane Water Drive, most times, will have to wait up to 10 to 15 minutes before a clear 'entry' or 'exit' can be made. I do know as I have lived on this waterfront road for 50 years and have witnessed many changes in increased development and population.
- (11) This marina will more than likely exacerbate the noise like what we hear when the Boathouse restaurant has entertainment. The noise does carry much louder over water. (ie) Bands playing in Gosford can be heard in Koolewong.
- (12) There are turtles in the Brisbane Water area of which my children have seen.
- (13) I also note that the floating aqua buoys on the existing Jetty are not there as per the development approval. Are they going to be replaced?

No contribution to any Government Charity has been made.

Yours Sincerely

Allan Charge

Comment: The following response is provided only to those issues which have not yet been discussed.

Item 1 & 2 – Discussed above.

Item 3 – The existing site is bordered by a rock wall and unlikely to be effected by boat wash. Furthermore, exclusion areas are imposed within sensitive areas to protect important sea grasses. Standard NSW regulations and boat speeds highlighted throughout Brisbane Water, will further minimise the problem of erosion. Finally, this issue has also been discussed within Section 9.1 of the EA.

Item 4 – No evidence has been produced to support this theory. The Traffic Assessment has not identified this as a likely potential risk.

Item 5 – There are no boat cruise or tourist boat pickups to occur from the subject site.

Item 6 – The Lady Kendall will no longer access the site.

Item 7 – Discussed above.

Item 8 – The marina will be locked and is a private marina. Public access to the jetty is still available.

Item 9 – Discussed above.

Item 10 – The Traffic Assessment has identified that the proposed marina will not unreasonably affect traffic on Brisbane Water Drive. It is also noted that generally marina users will be accessing the site on the weekends, not during peak periods.

Item 11 – The noise from freight trains along the nearby railway is substantially more than any other use in the area. The EA is also supported by a Noise Impact Assessment within Appendix 8, which concludes:

"Specifically, the assessment considered noise emissions from vessels entering, leaving and manoeuvring around the marina. It also considered noise from people accessing the marina and using the car park.

Sleep disturbance impacts were calculated based on maximum noise events from car doors and impacts on the marina.

The results of the assessment have shown that there will be no adverse impacts as a result of the operation of the marina under the assessed conditions."

Despite the above, additional noise mitigation methods have been included within the MEOMP.

Item 12 – Noted. The presence and potential effect on turtles has been assessed under the Aquatic Ecological report within Appendix 5 and is discussed above.

Item 13 – The aqua buoys provide shallow water navigation for boats, these however will no longer be required for the proposed marina.

5.0 statement of commitments

As part of the EA, a draft Statement of Commitments (SoCs) was provided outlining the various mitigation methods to be adopted through the construction and on-going operation of the marina. Should the application be approved, these commitments will form either part of the Conditions of Approval, be adopted within the Construction Management Plan (CMP) or be enforced through the MEOMP.

The following SoCs include those originally proposed or amended where necessary as well as additional as seen fit within the environmental assessment of the application:

5.1 PLANS, DOCUMENTS AND APPROVALS

1. The Project will be completed in accordance with the submitted plans and descriptions of proposed development provided in this EA Report.

5.2 MOBILISATION OF SEDIMENTS

Construction

Sediment mobilisation during construction will be minimised by the following measures:

2. Enforcing a 'no wash' speed limit on vessels as they approach and move around the work site. This will form part of the final detailed construction management plan documentation.
3. Sediment mobilisation during pile installation will be reduced by the use of hollow steel piles, which displace less sediment than traditional wooden piles;
4. The use of silt curtains may be necessary to minimise the dispersal of sediment. However, care must be taken to ensure that the installation and operation of silt curtains does not inadvertently damage seagrass (e.g. silt curtain based chain contacting nearby seagrass);
5. Monitoring of water turbidity will be considered during the installation of piles, to ensure that no sustained or widespread increases in turbidity occur.
6. Silt fences and erosion control measures will be placed around the site for the car park.

Ongoing Presence and Operation

Mobilisation of sediments due to boats accessing the marina will be minimised by:

7. Enforcing a 'no wash' speed limit for vessels as they approach and move around the marina. This will be included on signage around the marina; and
8. Vessels with deeper drafts will be housed on the outer arm to maintain greater vessel clearance from the seabed.

5.3 IMPACTS TO WATER AND SEDIMENT QUALITY

Construction

Potential impacts on water quality during construction will be minimised by the following measures:

9. Accidental spillages of fuels and oils will be contained within floating booms and cleaned up as soon as possible to prevent weathering and subsequent deposition of heavy fractions; and
10. Construction teams will be prohibited from discharging sewage directly into Brisbane Water and bilge water before removing any oils using bilge pads.

Ongoing Presence and Operation

The following mitigation measures will be implemented to reduce potential risk of water contamination from boats:

11. Boat owners will be educated about the environmental problems associated with use of copper-based anti-fouling paints; discouraged from *in-situ* cleaning of boat hulls that have been treated with copper paints and encouraged to switch to non-toxic anti-fouling paints;
12. Accidental spillages of fuels and oils will be contained within floating booms and cleaned up as soon as possible to prevent weathering and subsequent deposition of heavy fractions;
13. The potential for introduction of contaminants during on board washing of boats could be reduced by encouraging the use of environmentally friendly cleaning agents (i.e. those that do not contain chlorine or phosphate-based ingredients);
14. Boat owners will be prohibited from discharging sewage directly into Brisbane Water and bilge water before removing any oils using bilge pads;
15. Marina users will be advised of the location of existing pump-out facilities in Brisbane Water to help mitigate any impacts arising from the disposal of sewage; and
16. A Marina Manager or representative is to be present on-site 7 days a week generally from 8am to 6pm to ensure the above mitigation measures are upheld. Outside of these hours contact details of the Office of Environment and Heritage (131 555) and off-site contact details of the Marina Manager are to be provided on signage.

5.4 DAMAGE TO HABITATS

Construction

To minimise the potential for damage to seagrass habitats during marina installation the following measures will be followed:

17. Construction teams will be made aware of the presence and distribution of this environmentally sensitive area as part of the detailed construction management plan documentation. This documentation will include the importance of seagrass habitat, and details on how and why to avoid damaging seagrass;
18. Construction teams will be prohibited from deploying anchors within seagrass due to the likelihood of causing damage; and
19. Construction teams will be made aware of the importance of avoiding navigating over seagrass, particularly in shallow areas. If movements over seagrass are necessary during construction then these should be done at high tide, while travelling slowly and ensuring that adequate clearance is maintained between seagrass and propellers.

Ongoing Presence and Operation

To minimise the potential for damage to seagrass habitats due to the movement of boats accessing the marina the following measures will be implemented:

20. Information (such as signage) will be provided to marina users on the presence and distribution of seagrass at the marina site (including maps). The importance of this environmentally sensitive area will be outlined and details on how and why to avoid damaging seagrass provided;
21. Boat owners to be prohibited to deploy anchors within seagrass;
22. Boat owners to avoid navigation over seagrass beds, particularly shallow areas; and
23. On-shore signage will be provided at the marina highlighting the presence and distribution of seagrass and creating a 'vessel exclusion zone'.

5.5 INTRODUCTION OR SPREAD OF MARINE PESTS

Prior to Construction

24. Amended: The area of *C. taxifolia* identified within the Aquatic Ecology Report will be removed in conjunction with NSW Fisheries, prior to any construction.

Construction

The risk of spreading *Caulerpa taxifolia* around the construction site will be reduced through the following measures:

25. Information on why the spread of *C. taxifolia* is an environmental issue and how to avoid aiding its spread will also be provided;
26. Deleted: Through the implementation of amended SoC No. 24;
27. Amended: Any equipment is to be inspected before and after use to avoid the spread of *Caulerpa taxifolia* and any *Caulerpa taxifolia* collected on gear will be removed, bagged and disposed of with general refuse.

Ongoing Presence and Operation

To minimise the risk of *C. taxifolia* being spread around the marina site, or to other areas by the boats accessing the marina facility, the following measures will be implemented:

- 28. Any equipment is to be inspected before and after use to avoid the spread of *Caulerpa taxifolia* and any *Caulerpa taxifolia* collected on gear will be removed, bagged and disposed of with general refuse; and
- 29. Details on why the spread of *C. taxifolia* is an environmental issue and how to avoid aiding its spread to be provided to Marina berth holders.

5.6 SHADING OF THE WATER COLUMN AND SUBSTRATUM

Ongoing Presence and Operation

Shading effects of the jetty, pontoons and walkways will be mitigated by:

- 30. Minimising the widening of the existing jetty;
- 31. Replacing the existing jetty boarding with ecostyle "sea grass friendly" polypropylene decking;
- 32. Keeping the length and width of floating structures to a minimum; and
- 33. Using mesh or similar material for floating structures to allow light penetration.

5.7 WAVE/TIDE/ESTUARINE FLOODING/SEA LEVEL RISE HAZARD MITIGATION

Ongoing Presence and Operation

Impacts of wave/tide/estuarine flooding/sea level rise will be mitigated by:

- 34. The existing jetty will be raised by no less than 0.5m from its existing level (to a minimum level of 1.55m AHD for the underside and approximately 1.75m AHD for the deck level); and
- 35. The proposed jetty will be designed for horizontal and vertical wave loads and be closed when waves over-top the deck.
- 36. Marina will be designed to withstand a current jointly occurring with waves with a speed of 0.1m/s.
- 37. A Flood Emergency Response Plan will be prepared for the site to address both present and 2050 flood risks for patrons of the marina.
- 38. The pontoons will as a minimum be designed so as to accommodate the 100-years ARI estuarine flood level for the 2050 planning horizon, by which time the structure will have reached the end of its design life.
- 39. The pontoons will be designed so as to attenuate wave activity in accordance with Australian Standard *Guidelines for design of marinas* (AS3962).

40. Any electrical services to be designed with estuarine flood levels in mind to ensure safety.

5.8 NOISE

Construction

Impacts of construction noise will be mitigated by:

41. The closest neighbouring residents will be notified of the proposed works. Particular emphasis should be placed on the time frame of the works. A contact name and phone number of a responsible person will be given out so that complaints can be dealt with effectively and efficiently. All complaints or communication should be answered.
42. During the liaison process notes will be made of any particularly noise sensitive times of day and care taken to avoid scheduling noisy works, particularly piling of the closest holes) at these times.
43. All personnel working on the job including contractors and their employees will be made aware of their obligations and responsibilities with regard to minimising noise emissions.
44. Contractors will familiarise themselves with methods of controlling noisy machines and alternative construction procedures. These are explained in AS2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
45. Activities that are known or have the potential to create excessive noise will, where possible, be scheduled to occur at times to cause least annoyance to the community. Carrying out such work during early morning will be avoided. This includes start up and idling etc. of heavy machinery prior to commencement of work.
46. Mechanical plant will be silenced using best available control technology. Noise suppression devices will be maintained to manufacturer's specifications. Engines should be fitted with appropriate, well maintained, high efficiency mufflers. Particular emphasis should be placed on the use of exhaust silencers, covers on engines and transmissions and squeaking or rattling components. Excessively noisy machines should be repaired or removed from site.
47. Machines which are used intermittently will either be shut down in the intervening periods between work or throttled down to a minimum.
48. Construction for the entire project will be restricted to the following hours:
 - Monday to Friday 7:00am to 6:00pm
 - Saturday 8:00am to 1:00pm
 - No work on Sundays or Public Holidays
49. Conducting piling only after 9.00 am, and include respite periods.

5.9 TOPOGRAPHY, GEOLOGY & SOILS

Construction

Impacts of construction to topography, geology and soils will be mitigated by:

50. The Construction Management Plan (CMP) prepared for the works will include an erosion and sediment control plan.
51. Erosion and sediment control measures will be consistent with those specified in the Blue Book - Managing Urban Stormwater: Soils and Construction (4th ed, Landcom, March 2004).
52. All erosion and sediment control measures will be established before excavation, demolition or vegetation clearance begins and are to remain in place until all surfaces have been fully restored and stabilised.
53. Sandbags will be placed at the entry points to any culverts and stormwater channels to prevent sediment entering the stormwater system.
54. Sediment control devices (eg silt fences, straw bales wrapped in geotextile etc) will be installed parallel with the contours of the site and immediately downslope of any areas where the natural ground surface has been disturbed.
55. Any spoil storage areas or stockpiles will have appropriate erosion control devices installed to control runoff and prevent sedimentation.
56. Sediment and erosion control devices will be inspected regularly, maintained to ensure effectiveness over the entire duration of the project, and cleaned out before 30% capacity is reached.

5.10 AIR QUALITY

Construction

Impacts of construction on air quality will be mitigated by:

57. Machinery and vehicles will not be left running or idling when not in use.
58. Odour or air pollutant emission complaints will be dealt with promptly and the source will be eliminated wherever practicable.
59. All work sites, general work areas and stockpiles will be closely monitored for dust generation and watered down (with clean water) or covered (via seeding or tarpaulins) in the event of dry and/or windy conditions.

5.11 WASTE MANAGEMENT

Ongoing Presence and Operation

60. Waste management on site will be in accordance with Gosford City Council's Development Control Plan 106 (Waste Management Controls) and Waste Classification Guidelines (EPA 2008), Environmental Guidelines: Best Management Practice for Marinas and Boat Repair Facilities (EPA 1999) and in accordance with

the requirements of the Marine Industries Association of Australia: Clean Marinas Handbook.

5.12 EMERGENCY SERVICES

Ongoing Presence and Operation

61. Upon completion of the marina, access keys will be provided to the NSW Water Police and NSW Maritime to ensure the marina is available for 24 hour emergency access.

5.13 APPROVALS

Ongoing Presence and Operation

62. To identify the requirements for water and sewer services for the development, the developer will submit an application under Section 305 of the Water Management Act 2000 to Gosford City Council's Water and Sewer Department for their formal requirements for the issue of a Certificate of Compliance for water and sewer services under Section 307.

5.14 GENERAL

63. Additional: A Construction Management Plan will be adopted for the works and will outline the above relevant commitments and how these will be achieved.
64. Additional: A Marina Environmental and Operational Management Plan will be adopted for the proposal, and will outline the above relevant commitments and how these will be achieved.

CMP

The following Commitments have been included within an amended CMP (refer Attachment 9):

- 2, 4, 5, 6, 9, 10, 17-19, 25, 27 and 41-59

MEOMP

The following Commitments have been included within the MEOMP:

- 7, 8, 11-16, 20-23, 28, 29, 60 and 61

Conditions of Approval

The following Commitments can be included as Conditions of Approval:

- 1, 3, 24, 34-40, 62 - 64
- Note: 30-33 have been incorporated into the proposed plan and are therefore enforced through Condition 1.

The above commitments and mitigation methods can be added to; with any further requirements of the Department of Planning and Infrastructure, to be included as either Conditions of Approval, and/or to be added to the final CMP or MEOMP.

6.0 conclusion

In accordance with Section 75H of the EP&A Act, the report has responded to the issues raised in both public and agency submissions; outlined proposed changes/additions to minimise any environmental impact, and where necessary has amended the statement of commitments.

The environmental assessment has identified the need for the following minor amendments/additions:

- Provision of amended floor plans of the existing building highlighting existing and proposed uses (refer Attachment 1).
- Provision of an additional marina plan highlighting location of temporary berthing (refer Attachment 1).
- Restricting parking behind staff parking for restaurant patrons only (Amended plan provided within Attachment 4).
- Provision of a Draft Marina Environmental and Operational Management Plan, detailing the following (refer Attachment 6):
 - Operational commitments provided for within the Statement of Commitments – deleting discretionary words and providing “workable” mitigation methods;
 - Additional controls and/or information, provided to minimise concerns raised by authorities; and
 - Additional controls and/or information, provided to minimise concerns raised within submissions.
- Amended Water Cycle Management Plan providing availability of harvested water for marina purposes (refer Attachment 8).
- Provision of a Signage Plan detailing Exclusion Zone areas, providing illustrative examples using “road style” signs and identifying location of particular signage (refer Attachment 9).
- Amended the CMP to include relevant SoC’s and detail as to how they will be achieved.
- Further detail provided with regards to traffic management and function activity.
- Highlighted where all draft SoC’s have been incorporated into the MEOMP, CMP or to be included as Conditions of Approval.

Based on the above additions/amendments, it is considered that all concerns raised have been adequately addressed. Taking this into consideration, Gemsted P/L request that the Department of Infrastructure and Planning approve the proposal subject to Part 3A of the *Environmental Planning and Assessment Act 1979*.

attachment 1

Amended Plans

attachment 2

Draft Lease Boundaries Plan

attachment 3

Boathouse Functions

attachment 4

Amended Parking Plan

attachment 5

Restaurant Consent

attachment 6

Draft Marina Environmental and Operational Management Plan

attachment 7

Email from Kilcare Marina

attachment 8

Amended Water Cycle Management Plan

attachment 9

Signage Plan

attachment 10

Amended Construction Management Plan