

RESPONSE TO OUTSTANDING SUBMISSIONS

TO ACCOMPANY PREFERRED PROJECT REPORT FOR A 50 BERTH MARINA AND CARPARK RECONFIGURATION AT KOOLEWONG CROWN LAND ABOVE AND BELOW MEAN HIGH WATER MARK OFF BRISBANE WATER DRIVE, Lot 519 DP 729020

INTRODUCTION

The following report provides a response to submissions received from the Department of Planning and Infrastructure after 14 November 2011 and acts as Attachment 11 of the previously submitted Preferred Project Report (PPR).

It is stressed however that as the application was lodged (successfully addressed all DGR's) on 24 August 2011, the following Section of the Environmental Planning & Assessment Act 1979 (EP&A Act) is relevant (historical version 8 July 2011 to 15 September 2011):

75H Environmental assessment and public consultation

- (1) The proponent is to submit to the Director-General the environmental assessment required under this Division for approval to carry out the project.*
- (2) If the Director-General considers that the environmental assessment does not adequately address the environmental assessment requirements, the Director-General may require the proponent to submit a revised environmental assessment to address the matters notified to the proponent.*
- (3) After the environmental assessment has been accepted by the Director-General, the Director-General must, in accordance with any guidelines published by the Minister in the Gazette, make the environmental assessment publicly available for at least 30 days.*
- (4) During that period, any person (including a public authority) may make a written submission to the Director-General concerning the matter.*

The application was publically notified between 5 October 2011 and 4 November 2011, during which time written submissions may be accepted. The following public authorities failed to provide a response during that time:

- New South Wales Office of Water (NOW);
- Department of Primary Industries (DPI); and
- Catchment Management Authority.

Despite this, in order to assist the Department of Planning and Infrastructure, the proponent has been willing to address submissions received after this timeframe and as such responds to the comments received by DPI below (noting NOW was addressed in the original PPR submission).

Taking the above into consideration, and in accordance with Section 75H(4), the proponent now requests that the assessment of the application is expedited. Furthermore, the proponent wishes to advise that considering the window to receive submissions has closed by six weeks, any agency responses received from here on in are not required to be addressed as per Section 75H(5) of the EP&A Act 1979 (historical version 8 July 2011 to 15 September 2011).

RESPONSE TO PUBLIC AUTHORITIES

The following public authority provided their comments after 4 November 2011:

- Department of Primary Industries

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

RESPONSE TO PUBLIC AUTHORITIES
Department of Primary Industries
Conditions
<p><i>NSW DPI is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, NSW DPI ensures that developments comply with the requirements of the Fisheries Management Act 1994 (namely the aquatic habitat protection and threatened species provisions in Parts 7 and 7A of the Act, respectively), and the associated Policy and Guidelines for Aquatic habitat Management and Fish Conservation (1999). In addition, NSW DPI is responsible for ensuring the sustainable management of commercial and recreational fishing in NSW.</i></p> <p><i>NSW DPI has reviewed this proposal in light of these provisions and has no objections to the approval being issued provided the following conditions are met to protect the environmentally sensitive seagrass beds on the site:</i></p> <p><u>During construction:</u></p> <ul style="list-style-type: none"> • Construction teams should be made aware of the presence and distribution of this environmentally sensitive area as part of the construction management plan documentation (CEMP); • The importance of seagrass habitat, and details on how and why to avoid damaging seagrass should be included; • Construction teams should 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.

Response: A Construction Management Plan is provided within Attachment 10 and includes all of the above conditions. These have also been addressed within Statement of Commitment No.s 18 & 19, located within Section 5 of the PPR.

During construction and operation of the marina:

- To ensure all vessels avoid seagrass habitat it is advisable to deploy marker buoys outside of seagrass beds to give better visual indication of their outer extent;
- All vessels should be prohibited from deploying anchors within seagrass due to the likelihood of causing damage.

Response: A Marina Environmental and Operational Management Plan (MEOMP) is provided within Attachment 6 and includes all of the above conditions. These have also been addressed within Statement of Commitment No.s 20-23 located within Section 5 of the PPR.

The Department states that it is “advisable” to deploy marker buoys; however this is considered to create more damage to sea grasses and as such will not be provided. The requirements of the MEOMP are considered to adequately prevent damage to sea grasses.

RESPONSE TO PUBLIC SUBMISSIONS

An additional two public submissions objecting to the marina have been forwarded by the Department.

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

Dear Sir/Madame,

I object strongly to a 50 berth marina in Koolewong.

Reasons for objections:

The project is too large for the area.

The project would involve dredging and filling of Murphies Bay. That would mean an environmental catastrophe for the Bay.

There won't be enough facilities, like toilets, showers and not enough parking lots. The project will create a traffic hazard on Brisbane Water Drive.

A 100 Meter jetty reaching out into the navigational channel.

Comment: The proposal does not require dredging or filling of Murphy's Bay. Comments relating to amenity facilities, parking and traffic have been addressed within Section 4 of the PPR. NSW Maritime has advised that the project will not affect the navigation of the channel.

History of the site:

Some 20 years ago your department approved an Oyster purification plant on this side against the wishes of the majority of residents in the area.

The area of Murphies Bay was filled up with sand without proper retaining walls to create an area for the building by the same Company Gemsted P/L. Gemsted did not build an Oyster purification plant. Illegal Gemsted build an restaurant and office block.

The finished building was banned from occupation for 10 years.

The building now occupies a restaurant. How could all that happen?

Kind Regards

L.E. (Fred) Beringer

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.

I AM NOT IN FAVOUR OF A 50 BERTH MARINA AT THE ADDRESS STATED NOR ANYWHERE ON THIS AREA OF THE BRISBANE WATER FOR THE FOLLOWING REASONS.

Marina's in this area are highly likely to be taken in the majority by power boats with a high likelihood of their fuel and oils polluting the ecosystem.

The area proposed has protected marine grasses that provide a haven for fish to breed and feed. The water in the proposed area is shallow.

Will the marina be allowed to dredge out the area thus destroying the protected sea grass??

Currently if anyone owning land on the waterfront damages the sea grass they are heavily fined.

Does the government propose to change that just so a corporate venture can trample down the area for considerable financial gain?

The area is adjacent to the oyster leases on both sides of the bridge and would be vulnerable to the pollution that would come from a huge increase of power boats drawn to the area.

The marina will of course want to provide fuel for boaters and the inevitable spills that are common at marinas will take their toll on the delicate ecosystem of the area, the seagrass, the oysters and other marine life.

The amount of traffic that will inevitably come to the area will create congestion problems and bring even more pollution to the neighbourhood than we already experience from the traffic and trains.

It is unlikely there will be enough car spaces for those who will use the marina. The neighbourhood will be subject to cars parking up and down the street making it difficult for family and friends to find parking when visiting people who reside in the area.

I make submission that the proposed marina will have a significantly adverse effect on the local area both on and in the water and on the local residents.

Yours sincerely L.J.Loutides.

Comment: Most of the above issues have been addressed within the PPR (impact to seagrasses, traffic impacts and parking), only those not specifically covered are addressed below.

Impact on Oyster Farm

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

"Given that there would only be a localised increase in turbidity associated with construction and that the additional boats housed at the proposed marina would not significantly increase the large number of vessels already moored and using Brisbane Water it is unlikely that the proposal would cause adverse impacts to recreation and commercial fishing or aquaculture either during construction or ongoing operation due to changes in water quality."

Pollution from fuel spills

The proposed marina will not be provided a re-fuelling service for the very reasons stated within the submission.

CONCLUSION

The proponent has fulfilled their obligations under Section 75H(6) of the EP&A Act 1979 and therefore requests that the application be favourably assessed.