

Empire Bay Marina and Boatshed

Project FAQs – November 2022



Boatshed removal

Due to significant safety and contamination issues, the boatshed and associated infrastructure at Empire Bay Marina will be removed.

The site comprises a boatshed, jetties, slipway, underground fuel tanks, and a concrete hardstand area.

The decision comes after expert advice from technical engineers and remediation specialists.

The removal of the boatshed is required for the safe remediation of the site.



Contact

maitland.crownlands@crowland.nsw.gov.au

Why is the boatshed being removed?

The NSW Environment Protection Authority (NSW EPA) has declared the site significantly contaminated and SafeWork NSW has issued a notice that underground fuel tanks and associated equipment must be removed.

A structural report prepared by engineering consultants to inform safety considerations relevant to undertaking remediation works, found the boatshed and jetties to be dilapidated, structurally unsound, past their service life and at risk of collapse.

To safely remove the underground fuel tanks and remediate site contamination, the boatshed and associated infrastructure must be removed.

How will the site be remediated?

The remediation of the site is complex and requires several further contamination assessments before a full clean up can occur.

Remediation of the site will occur in two stages. Both stages are likely to require separate Development Applications to be submitted to Central Coast Council.

Stage One:

First, a development application with supporting documentation will need to be lodged with Council to remove the jetties, boatshed, slipway, underground fuel tanks and associated equipment. Once this is complete, further contamination testing will be undertaken, including a Human Health and Ecological Risk Assessment, to determine the remediation requirements for the site.

Stage Two:

A Remediation Action Plan (RAP) will be developed that outlines the way in which the site will be remediated.

The RAP will include remedial work activities, environmental management strategies and work, health and safety information and will support lodgement of a development application with Council.

What is the site contaminated with?

A [detailed site investigation](#) found elevated concentrations of various contaminants at the site, including anti-fouling agents (tributyltin), heavy metals (lead, zinc and copper) and hydrocarbons (fuel and oil).

In May 2022, The NSW EPA [declared the site significantly contaminated](#) under the *Contaminated Land Management Act 1997*. The site will be regulated under the Act and details will be placed on the EPA website.

In July 2022, SafeWork NSW issued an Improvement Notice. The notice states that the underground fuel tanks and associated equipment must be removed by 1 August 2023. This includes all fuel lines and vents.

Does the contamination pose a risk to human health? What about leaching into the water?

NSW Health has advised that there is a possibility that contamination has impacted on groundwater in the area. While impacts on groundwater users are expected to be low, until a human health risk assessment is completed, adjacent residents should not use groundwater for drinking or watering vegetables as a precautionary measure.

As part of the site remediation, Crown Lands will undertake additional contamination testing and analysis recommended in the detailed site investigation.

In order to undertake these tests, we first need to remove the underground fuel tanks and associated equipment.

Why don't you clean up the site all at once? Why are the underground fuel tanks being removed first?

Removal of the underground fuel tanks must occur to allow for further testing to determine remediation requirements for the site. Once there is a complete picture of the extent and nature of contamination at the site, a Remediation Action Plan will be developed.

What will happen to the site once it is cleaned up?

The land will be remediated to a public open space standard consistent with the adjoining foreshore.

The feasibility and costs of rebuilding a replica structure will be also investigated.

Background:

In late 2020, Crown Lands revoked the Empire Bay Marina operator's licence due to significant and ongoing breaches of the licence conditions, and the licence holder's failure to rectify the issues despite repeated requests.

Building condition and structural engineer's reports from [2020](#) and [2022](#) found the boatshed has major structural defects, is structurally unsound and unsafe, and does not comply with the Building Code of Australia. The jetties are in poor condition and unsafe, the underground fuel tanks have not been appropriately decommissioned, and lead-based paint is peeling off external walls.

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As well as contamination and structural issues, other constraints on the former marina include its location in a now established residential area with no legal vehicle access, parking or sewerage.

Alternative marina facilities are available in Brisbane Water at nearby locations including Koolewong, Booker Bay and Killcare.