

Former Empire Bay Marina and Boatshed

FAQs – September 2023

Due to significant public health and safety risks, Central Coast Council has issued a demolition order for the removal of the boatshed and jetties at the former Empire Bay Marina.

Why is the boatshed being removed?

The safety of the community is our main priority. The NSW Environment Protection Authority (NSW EPA) declared the site significantly contaminated, requiring the remediation of the entire site.

SafeWork NSW also issued an Improvement Notice requiring the removal of the underground fuel tanks and associated equipment.

To comply with the mandatory remediation works and to make the site safe, the boatshed and associated infrastructure must be removed.

A structural report prepared by engineering consultants to inform safety considerations of the remediation works, found the boatshed and jetties to be dilapidated, structurally unsound, past their service life and at risk of collapse. The consultants also noted that due to the boatshed's dilapidated condition, temporarily relocating it until remediation is complete is not a viable option as the floor structure is inadequate and failing. It has also been determined that it is unsafe to expose workers to safety risks working within or below the structure.

How serious is the contamination at the site?

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).

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.

What is a demolition order?

Under the *Environmental Planning and Assessment Act*, a local council can issue an order requiring the removal or demolition of a building in the following circumstances:

- A structure was built without development approval
- A structure is a danger to the public

- A building is in such a dilapidated state it is “prejudicial” to the occupants of the neighbourhood.

What does the demolition order cover?

The Central Coast Council’s demolition order for the former Empire Bay Marina is limited to the aboveground structures for the boatshed and associated jetties.

Before demolition occurs, conditions of the order state that Crown Lands engages a heritage consultant to prepare an archival record of the marina boatshed and associated structures.

Other conditions include: erect fencing and clear signage relating to the work and engage a heritage consultant to oversee the demolition, salvage significant items and prepare an interpretation plan for the site.

When will demolition works commence?

Crown Lands has 60 days to comply with the demolition order from 7 September 2023.

Works will commence as soon as possible following compliance with the orders pre-conditions and all other statutory approvals and notifications are completed.

We will keep the community updated as the project progresses.

How will the site be remediated?

The remediation of the site is complex and requires additional contamination assessments before the contamination can be addressed. Remediation of the site will now occur over two stages.

Stage 1a:

Crown Lands will comply with council’s demolition order by removing the boatshed and jetties. The demolition order does not cover the removal of the underground fuel tanks and associated infrastructure.

Stage 1b:

A development application, supported by a Remedial Action Plan (RAP), will be lodged with Central Coast Council for the removal of the slipway, underground fuel tanks and associated equipment. This stage will be completed by the end of 2023

Stage 2:

Additional contamination testing will be undertaken, including the preparation of a Human Health and Ecological Risk Assessment, to determine the contamination extent, type and risk.

A 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. Crown Lands will then lodge a second development application with council to undertake the remaining site remediation.

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.

Crown Lands will salvage significant items during the demolition works and consult with the community on options to memorialise the boatshed.

Has the history of the boatshed been taken into consideration?

As the boat shed is listed as an item of local heritage significance in the Central Coast Local Environmental Plan 2022, Crown Lands commissioned Eureka Heritage to prepare a [Statement of Heritage Impact \(PDF, 12.3 KB\)](#).

The report found:

- Historic local shipbuilding did not occur at the site.
- There is a likely association between the boatshed and ferries making deliveries for the Davis and Settree Store from the 1920s, however no historical references substantiated this.
- The boatshed is a foreshore landmark but its modified structure and additions, including its jetties, obscured its historical context and significance.
- There is an opportunity to salvage boatshed items of heritage value including double sliding doors and double timber doors from about 1925 and signage from about 1970.

Background:

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

Building condition and structural engineer's reports from 2020 and 2022 found the boatshed had major structural defects and was unsafe. A detailed site investigation found elevated concentrations of contaminants onsite 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 requiring its remediation. SafeWork NSW also issued a notice last year that the underground fuel tanks and associated equipment including all fuel lines and vents must be removed.

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.

For more information including reports on the site [visit the Crown Lands website](#).

<https://www.crownland.nsw.gov.au/>

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