

28 May 2012

By Email: david.rohloff@planning.nsw.gov.au

Department of Planning
Major Projects Branch
Bridge Street
SYDNEY NSW 2000

Attention: Mr David Rohloff

Dear Sir

**RE: BAILEY'S MARINE FUEL – SECTION 75W APPLICATION FOR VARIATION
TO THE APPROVED CONDITIONS OF CONSENT
MAJOR PROJECTS NO MP 06-0151**

We are writing to you in connection with the proposed alterations and additions to the approval for the refuelling facility at White Bay Berth No6, run by Bailey's Marine Fuel.

This submission is put in on behalf of Sydney City Marine Pty Limited.

We have many concerns about the transparency and lack of detail as to the scope of work they propose and the environmental impacts that the activities will have on the adjoining neighbours, cruise terminal users, and Sydney Harbour.

Firstly, on close examination of the submission it is obvious that many critical issues have been either scantily dealt with or not dealt with at all. We request that the Department treats this application with consistency and the thoroughness that was done with the application for the Sydney City Marine (formerly Sydney Slipways) maintenance facility at Rozelle Bay. The following sections explain where the proponent is not complying with the statute legislation and/ or best practice to construct a marine maintenance yard.

1. **NEED.** The proponent does not explain the need. Clause 2.3 claims that the facility needs the additional approval to meet the needs of the refuelling clients. The proponent does not attempt to detail or quantify what these needs are.

Furthermore the submission makes no reference to adjoining fully compliant facilities. The scope of the neighbours is restricted to 300 metres to the south. Some 500/600 meters to the south is a fully compliant state of the art vessel maintenance facility- Sydney City Marine - catering for boats from 6 metres to 50 meters long. In nearby Berry's Bay is the Noakes facility which caters for boats from 6 meters to approximately 30 meters. Along the shores of Balmain there are numerous small facilities catering for the smaller boat owner.

The local community and the broader Sydney community is currently well provided for in maintenance facilities. Currently the industry is experiencing revenue problems in

line with those being experienced in the broader community. Neither of the above two major facilities are operating close to capacity.

2. **MARINA EXPANSION.** The request for an extension for temporary moorings from 7 days to 180 days is no more than a ploy to allow permanent mooring of vessels at the facility. The argument given that this will allow for the long term maintenance of a vessel is unfounded. From long experience the size of boats contemplated at this facility would only be at the mooring for up to 3 weeks. The vast majority of long term work is done on the hardstand. The only time major long term work is done in the water is for larger vessels, in the order of 30 metres and greater in length. This facility is not designed for this size of vessel.

Should the application for the number of boats be granted then a limit based on the existing approval should be placed on the total length of vessels that are able to be temporally moored (i.e. 3 by 30 metres long = 90 metres and limited to 8 boats as applied for, with a maximum stay of 28 days).

3. **ENVIRONMENTAL.** The proposed extension to the facility makes no attempt to comply or provide facilities in compliance with the EPA's "Best Management Practice for Marinas and Boat Repair Facilities"(1999)

The application is completely silent on the control of rainwater and the use of first flush systems to control rain events in the wash down and work areas. These areas require careful design considerations.

There is no water harvesting and use of harvested water, recycling of water, or even details of the extent of treatment required on the wash down and rub down water generated from the activities proposed.

The application is within itself confused as to the treatment and disposal of wash down water. During de-fouling and anti-fouling the following chemicals could be used or require removal/treatment and therefore enter the wash down water: Diuron, Lead, Xylene, white spirit, n-butyl acetate, Methyl ethyl ketone, butanol, Toluene, methyl n amyl ketone, ethylene glycol mono ethyl ether acetate, ethylene glycol, ethyl acetate, mercury, zinc and nickel. Other potential pollutants include litter, sediments, suspended solids and hydrocarbons from oil spills.

There is reference to the wash down water going to a wastewater treatment plant, but no description of the plant, nor have they indicated that discussions have been held with Sydney Water to determine what quality would be acceptable for sewer disposal. The degree of treatment will be determined by the Sydney Water requirements, which would normally be sought prior to making an application of this type.

Within the document there is also reference to the containment of the liquid waste and disposal by a licensed contractor. It indicates that the appellant is unsure of how they are going to dispose of the waste water.

The lack of knowledge of the workings of a boat yard is further evidenced in the description of the operation of the anti fouling operation. This will be further detailed later.

4. **ACTIVITIES.** The activities described in the application are not an accurate account of the methods used for the de-fouling and antifouling application.



The wash down description is correct, and the water from this operation will be contaminated and require specialised treatment for either reuse or disposal to sewer with a special trade waste license from Sydney Water.

The operation for the preparation of the surface to be re anti-fouled is incorrectly described in the application.

The description of dry sanding is not correct. This would normally be done on a new vessel being commissioned for the first time. The surface is sanded, to etch it, primed, undercoated and anti fouled. This is typical of a vessel boat commissioning operation as indicated in the initial application in 2006/7.

The normal practice is to move the vessel to a work area and wet and dry down the hull by hand. This generates a very concentrated liquid waste which needs to be contained and treated correctly. The drainage in the work area also needs very stringent controls on it to prevent any contaminated liquid entering the drainage system. A first flush system is also required, to contain contaminated rain water, in a rain event.

The methods of contaminate handling in the application is inadequate for the proposed operation.

5. **NOISE ANALYSIS.** The submission is very scant on the noise modelling, preferring to rely on the original noise modelling done in the initial application. With the proposed amendments to the scope of work to be done at the facility, which we consider to be non compliant with the Sydney Ports Master Plan, there are additional noise generators which must be considered in any noise modelling. These include grit and soda blasting – both activities that are associated with the complete removal of old anti fouling paint build up. Hammering of metal hulls and engine testing should also be accounted for in the any noise modelling. This is especially important considering the very close proximity of residential properties and the future cruise terminal. The submission is lacking in all of these issues.
6. **AIR ANALYSIS.** The submission does not make any real attempt to analysis air pollution which will emanate from the proposed activities.

A proper air modelling analysis will need to account for the anticipated amount of anti fouling paint that is to be used in any set period of time, its impact on residential neighbours and the adjoining cruise terminal.

It is also stated that other spray painting activities are to take place , but no mention is made of the precautions that will be in place except to state “ that they will not be done in windy conditions”.

This totally inadequate and in complete contravention of all the safe working practices and with the EPA act in relation to pollution. Any such activities with spray painting, which are very high VOC gas emitters, should be done in purpose built filtered facilities, which provide safe air flow for the workers and result in compliant emission concentrations to the atmosphere, thus avoiding concentrated odours drifting onto neighbouring properties.

In the SCM (Sydney Slipways) air modelling it was a requirement of the Department that the air modelling be peer reviewed.

It is clear from the submission that the proponent is attempting to be allowed to carry out the work of spray painting in a prohibited and non compliant manner.



CONCLUSION

Sydney City Marine object in its entirety to the approval for the maintenance work as proposed by the appellant on the following grounds:-

- The proposed facility will not be in accordance with the current "Best Management Practice for Marinas and Boat Repair Facilities(1999)"
- The noise modelling is inadequate and misleading in its content.
- The air modelling has not been adequately assessed.
- The drainage and water treatment for the site needs to be determined prior to any approval to allow for vessel clean down.

In making a determination the Department of Planning should be consistent in the assessment and approval process that was applied to the Sydney City Marine development.

In this submission there was:-

- detailed analysis of the water harvesting, dirty water treatment , its reuse, first flush analysis completed for the site, and the a proper analysis done (as required) of the waste products generated.
- A detailed noise modelling analysis with a peer review. All the equipment used at the facility has had specialised noise attenuation equipment added to the machinery to further reduce noise.
- A detailed air modelling study, which included the anticipated number of vessels that would be anti fouled daily. A state of the art paint facility has been built to meet the current and proposed emission controls. The air modelling had to also be peer reviewed at the Departments request.
- All the building were built to contain noise and to meet the stringent ventilation requirements for the proposed nature of the work. It was due to the specialised nature of the building fabric, detailed at the time of consent, that the facility was granted 7 by 24 hour working conditions within the sheds.
- The perimeter fence had to be constructed to a noise engineers requirements to meet the allowable noise emissions from the outside hardstand areas.
- Purpose built over head extraction equipment has been installed so that sanding operations in vessels in the shed can be ventilated thus ensuring that the workplace remains a safe environment for the personnel.

An approval of the application in its current form would demonstrate great inconsistency within the department, and it should be rejected.

These modern compliant facilities are complex structures with significant associated mechanical equipment all requiring continual monitoring and maintenance to ensure that the facility operates in a safe and compliant manner.

Yours sincerely

SYDNEY CITY MARINE PTY LIMITED


Brenton Fischer
Director

