



Attachments

Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 8 March 2010

Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

TABLE OF CONTENTS

Item	Page No.
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PLANNING AND STRATEGY DIVISION**Planning And Strategy Division Report No. 5**

MV Baragoola Ferry – former State Heritage Register listed item.

AT1: Media Release MV Baragoola	2
AT2: PJP Marine Report on MV Baragoola	3
AT3: Boat Check Report on MV Baragoola	6
AT4: Copy of the NSW Heritage Council Minutes July October and November 2009.....	12

******* END OF ATTACHMENTS *******

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.
Media Release MV Baragoola

3 February 2010

MV Baragoola ferry removed from State Heritage Register

The dilapidated former Manly ferry MV *Baragoola* has been removed from the State Heritage Register, and a group dedicated to its restoration is negotiating to purchase the vessel.

Deputy Director of the Department of Planning's Heritage Branch, Tim Smith, said the delisting means the owners will not be required to gain Heritage Council consent to relocate the *Baragoola* nor in applying to undertake reconstruction works on the former ferry.

Mr Smith said the NSW Government has received advice that the vessel's sale to the Baragoola Preservation Association was currently being finalised.

"While the Baragoola has important historic, aesthetic and social significance, the vessel's current state of disrepair meant that delisting was the only valid option on heritage grounds," Mr Smith said.

"Moreover, it will allow any necessary emergency works to be undertaken straight away.

"The reality is, however, that the bulk of the vessel, its fixtures and fittings would all need to be replaced.

"In fact, the restoration works would be so substantial as to transform the vessel largely into a replica of its original self, which would clearly not have the same level of heritage significance."

The decision to delist was based on a recommendation by the Heritage Council of NSW which has been examining the future of the ferry for over twelve months.

During this time, the Heritage Council sought independent structural condition reports and peer reviews, along with advice from the Department of Planning's Heritage Branch, into the condition of the vessel.

One structural assessment indicated that up to 65 per cent of the vessel would have to be replaced with new materials in order for it to survive into the immediate future.

"Inspections of the derelict vessel have confirmed that it is in an advanced state of deterioration at this time, with the constant risk of taking water through leaking roofs and degraded hull plates," Mr Smith said.

"The current state of the hull, machinery and noted theft of fixtures and fittings alone has reduced the vessel's integrity and basis for its original heritage listing in 1989."

News release

Mr Smith said a public advertising period last year sought to obtain the views of maritime heritage enthusiasts and members of the wider community concerned about the *Baragoola*'s future.

"In July 2009 the Heritage Council also provided an additional four-month window to give the *Baragoola*'s supporters time to come up with some workable economic options.

"The Heritage Council gave the issue very detailed and difficult deliberation before recommending refusal and the former Planning Minister accepted its recommendation based on evidence that *Baragoola* was in such a poor structural condition that it presented a serious risk to the item and to the marine environment.

"That said, I wish the new owners all the very best in their efforts to raise the necessary funds and to undertake they're planned restoration works."

Another State heritage listed former Manly ferry, the MV *South Steyne* continues to represent the large Sydney ferry type and is located in Darling Harbour.

Media contact: Paul Searle – 9228 6295

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.
PJP Marine Report on MV Baragoola

P.J.P. MARINE PO BOX 7 JANNALI NSW 2226

A DIVISION OF PJP CONSULTANTS PTY LTD Tel: 02 9521 4990 02 9521 1322

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COMMERCIAL VESSEL DESIGNERS & SURVEYORS

PJPMarine “Baragoola”

25 June 2009
Mr Tim Smith
Deputy Director
Maritime Archaeologist
Heritage Branch
NSW Department of Planning
Locked Bag 5020
PARRAMATTA 2124

Dear Mr Smith

**Peer Review of the “Boat Check” report provided to the NSW Heritage Branch
Background**

PJP Marine have been requested to undertake a peer review of the report compiled by Mr Peter Kysil of “Boat Check” surveyors and valuers on the findings of his report on the vessel MV “Baragoola” to the Director of the NSW Heritage Branch.

The “Boat Check” report is seen as a present condition report of the vessel MV “Baragoola” and is not a true marine survey report which would consider other deficiencies and aspects of the vessel. PJP engineers recently undertook an external inspection of the hull condition prior to writing this report.

Whilst the report does cover the overall condition of the vessel’s hull, deck and machinery systems on the vessel, it also provides a brief past history of its operation of the vessel as a Sydney ferry.

Whilst the vessel MV “Baragoola” does represent an early example of the double ended ferry design that was engaged in transporting passengers from Circular Quay to Manly through the early years of the Sydney Harbour passenger service, today it does not reflect an exact replica of what it once was, in that the vessel was originally a steam powered ferry with an open upper deck and its original machinery has all but gone. The hull however, may be considered as a possible original good example of riveted steel construction and its design and build standard would be the only example of early Sydney Harbour ship building significance left today.

Her service as a Manly ferry is significant having been in continuous service since 1922 until the late 1970’s. The listing by the Heritage Council of NSW by the issuing of a Permanent Conservation Order in 1989 should be considered at this time. A clear line of separation must be determined as to the future of the vessel by its present owner and the NSW government authorities.

The “Boat Check” report does clearly demonstrate that the vessel is in poor condition, however this view is also expressed by the authorities and other interested parties.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.
PJP Marine Report on MV Baragoola

Options

1. If it was decided to de-list the MV “Baragoola” from the State Heritage Register then the fate of the vessel would only be to wreck the vessel for scrap. This also presents a problem for authorities as the vessel cannot be **broken up** in its present **location**. This would only be permitted by the relevant authorities and would have to be moved to be broken up as scrap.

2. If the vessel remains on the Heritage List after June 2009 the State Government authorities and the present owner must decide upon its immediate future. As stated in the report the vessel is in **imminent** danger of **sinking at its berth**. NSW authorities such as the Port Authority, Foreshore Protection Authority and the NSW Maritime Authority along with the NSW Heritage Council, must meet with the present owner to finalise an **outcome** for this historic vessel **immediately**.

As also pointed out in the “Boat Check” report there would be substantial environmental impact should the vessel sink at the berth.

Conclusions

(a) I have reviewed the “Boat Check” report and whilst it is somewhat disjointed it cannot be read as a marine survey report, however it does provide information that we would be in agreeance with. I refer to paragraph 11 onwards where the author refers to the vessel’s hull condition.

PJP would fully support the view that this vessel is presently in imminent danger of sinking at its berth. We would concur with this assessment and therefore immediate action is required to determine the future of the MV “Baragoola”.

(b) Should the vessel remain on the Heritage list then the NSW government authorities and the present owners **must prepare a risk assessment plan** (RAP) for its movement to a repair slipway to make the vessel safe and a suitable location must be found to store the vessel, possibly out of the water permanently.

A location such as the hard stand area on Cockatoo Island would be ideal where the vessel could possibly be viewed as an exhibit of early ship building in Sydney Harbour. As the NSW government is aware this site is managed by the Sydney Harbour Trust.

(c) The cost of undertaking such a relocation program would however be estimated in millions of dollars, ie. :

- Phase 1 – Risk Assessment and Hull survey to make the vessel safe for towing and slipway permanent storage; the owner must seek permission to move the vessel from the Harbour Master/Harbour Control.

- Phase 2 – To tow and locate the vessel on a hand stand, such as Cockatoo Island at the north western building slipway where cradles would be required to be fabricated to slip the vessel on a high tide. This facility is managed by the Federal Government under the Harbour Trust. Again permission must be obtained from the Harbour Master.

In our opinion no other location is available except the possibility of Homebush Bay

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

PJP Marine Report on MV Baragoola

where the vessel's funnel would have to be removed to allow it to pass under the rail bridge at Rhodes. A separate risk management plan would have to be approved by the Harbour Master's office for this to occur.

(d) The de-listing of the vessel will in our opinion immediately force the authorities into having the vessel scrapped by the owners as it **will not be possible** to place the vessel back in class survey as a ferry or commercial vessel under U.S.L.

(e) The "Boat Check" report covers all aspects of what the NSW Heritage Council requested.

Recommendations

1. The final decision must rest with the NSW government authorities and the present owners of the vessel MV "Baragoola" as to the future of the vessel. A clear decision must be made immediately.
2. That the "Boat Check" report be accepted as a fair assessment of the vessel's present unsafe condition.
3. We agree with the NSW Heritage Branch's justification for de-listing the MV "Baragoola" from the State Heritage Registrar of Historic Vessels due to the present unsafe condition of the vessel.

Yours sincerely

Peter James Pool
Senior Surveyor for PJP Marine
Member of the Chartered Institute of Marine Science & Engineers

NB: This report has been completed as an independent review of the "Boat Check" report dated 13 February 2009 at the request of the Deputy Director of the Heritage Branch, NSW Department of Planning, and their senior Maritime Archaeologist.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Boat Check Report on MV Baragoola



BOAT CHECK

Hull & Engine Reports
Insurance & Valuation Reports
Damage Reports



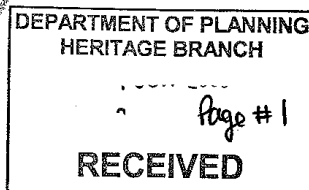
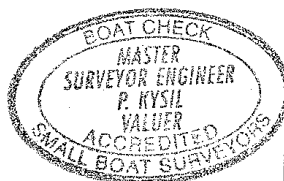
ABN57997692321

5 Tate Place
Lugarno NSW 2210

Ph: (02) 9533 5396
Mobile: 0408 289 600

13.2.2009,

Mr. Tim Smith,
Deputy Director,
Maritime Archaeologist,
Heritage Branch,
NSW Department of Planning,
Locked Bag 5020,
PARRAMATTA NSW 2124,
AUSTRALIA.



Dear Sir,

Subject: Ex. Sydney Harbour Ferry MV BARAGOOLA.

Thank you for your instructions on 5.2.2009 – **Undertake an assessment and report on the structural condition/integrity of the State Heritage Register listed ferry.**

The craft was inspected afloat at it's berth at the old coal loader facility in Balls Head Bay, Waverton on **6.2.2009** in company with the vessel owner's representative Mr. Adrian Thompson. My observations and comments following inspection of the vessel are as follows:

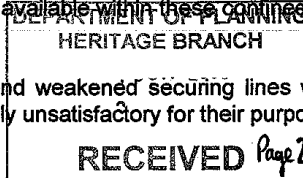
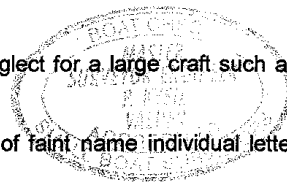
OLDER CRAFT. This vessel was built with a design life ie a use by date, as such you need to be aware that practically every component in the vessel including the hull structure has experienced a reduction in it's original condition, strength, efficiency, reliability or serviceability. As such the purpose of the inspection that was carried out was limited to visual deterioration indicators only, NO ITEM has been subjected to removal or scrutiny under a microscope or in a workshop or the extra costs associated with this type of extra ordinary investigation due to the inevitable higher charges that would be involved. The inspection of the subject vessel has produced representative defects and deficiencies and they are not necessarily the full extent of items that may be concealed, covered or impractical to be easily viewed. This report is not a warranty that limits the craft's deterioration to those items identified but is a clear and transparent representation of a vessel that is well and truly passed the builder's/manufacture's liability, component failure and structural issues can occur at any time. Fuel tanks typically can have pin hole leaks that are not always apparent during inspection, molecular deterioration of components and structures is likely, **AS THIS IS NOT A NEW VESSEL.**

1. Variously described as being between about 61-66m in length, about 10.4m in beam and approx. 4.4m in draft, this ex. Sydney Harbour ferry of around 506 metric tonnes and carrying capacity of 1523 people is understood to have been built by Morts Dock & Engineering Company Balmain. Launched on 14.2.1922 originally with an open upper deck, the vessel was re-powered and fitted with new seven cylinder diesel electric generators in 1958 replacing previous machinery.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Boat Check Report on MV Baragoola

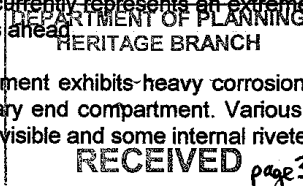
2. The craft is constructed with a round bilge hull shell of riveted steel plate appropriately reinforced laterally and longitudinally with suitably heavy steel elements married together to form an integral double ended displacement structure propelled via propeller, propeller shafts, diesel electric drives and gearboxes.
3. This generalised description of the subject craft should at all times be considered in parallel with all historically correct records, photographs and publications, the description of the craft in this report is not intended to replace accurate and documented facts.
4. A worthwhile further observation that is useful to consider is the expectation of the era of the vessel's design, which was for a heavier overall general standard which was expected to achieve a longer operating design life.
5. This vessel when it was built and put into service represented a complex operating envelope comprising machines, steel, electrical systems, manpower and technology of the day requiring ongoing maintenance, upgrading from time to time whilst the general acceptance by all stakeholders continued that it remained fit for purpose.
6. The compounding deteriorating affect of years of maintenance neglect for a large craft such as MV Baragoola remaining afloat is exponential.
7. No vessel identifiers were visible on the craft with the exception of faint name individual letter outlines each side of the hull at the primary and secondary ends.
8. Generally speaking the significant items of fitout (excluding machinery) including wheel house items have severely deteriorated or have been stripped and removed, machinery overall is old technology and would have little more than scrap value.
9. The general arrangement of the craft provides a main lower deck, the upper deck, a wheel house forward and aft plus sub-lower deck compartments housing machinery, shafts etc. The superstructure provides an enclosed main lower deck area with partially covered side decks extending from forward to aft. The primary end of the vessel for the purposes of simplifying locations defined in this report is the end where a large manually operated anchor winch is found on the foredeck. A bulwark on each side of the vessel is provided, boarding gates are installed to bulwarks and various double sliding doors provide access into enclosed lower deck passenger space, side decks and the cambered internal main deck are timber planked, internal staircases towards each end of the main deck area provide access the upper deck, toilets are provided at the far end of the main deck at both ends of the vessel, two separated centralised enclosed compartments extend upward from the sub-main deck spaces through the lower deck space, upper deck space and through the roof over the upper deck, the superstructure main funnel and ventilation shafts are located over these compartments. The sub-main deck area is divided with bulkheads into four compartments, the engine room is aft of the primary end compartment, a second machinery and electrical control room is located adjacent to the engine room adjacent to the secondary end compartment. Access to all sub-main deck compartments is via the main lower deck. The lower main deck is provided with windows along the full length each side. The upper deck is now fully enclosed and originally it is understood it was open sided, the deck is timber planked, it also has windows along it's full length and various passenger access points into the enclosed passenger space, restricted areas outside the enclosed upper deck space are found at the primary and secondary ends of the craft. Access to the two wheel houses is via upper deck ladders at each end of the craft.
10. Heavy machinery and generators are in-situ in both the engine compartment and secondary machinery and electrical control room, considerable evidence of the partial dismantling and removal of machinery components is evident, no lighting is available within these confined spaces below the main lower deck.
11. Currently the vessel is tethered with heavily weathered and weakened securing lines which in some cases are substantially worn through and are generally unsatisfactory for their purpose.



Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Boat Check Report on MV Baragoola

12. At the end of the engine compartment closest to the primary end of the craft a port and starboard fuel tank is bridged with a day fuel tank, four diesel electric generators are arranged along the engine compartment from the fuel tanks towards the bulkhead for the secondary machinery space. The secondary machinery space is arranged with electrical boards and switch boards at the end adjacent to the engine compartment bulkhead, Gardener motors are located each side towards the bulkhead nearest the secondary end of the craft. A sealed gearbox is found in each of these two main compartments. All flooring around machinery in both compartments has been removed presenting considerable difficulty for individuals moving around within these two compartments.
13. Motor oils should be drained and disposed of to minimise potential environmental danger in the event the vessel is immersed.
14. Within the engine compartment it was noted that no visible asbestos was evident to exhaust lagging, variable layers of corrosion spalling from light to heavy was evident to all surfaces to the steel plated and riveted internal hull area, lateral and longitudinal hull structural members exhibited heavy to extreme corrosion particularly from around the waterline and below, seawater infiltration was evident through hull plate overlaps, temporary concrete repairs and shoring plus incompatible material repairs to leaking weakened plate areas was evident, sludge build up and heavy corrosion was noted to lower hull structural members, the fuel tanks generally were empty, a small starboard side (when facing the primary end of the craft) oil tank contained about 30 litres of oil which can easily be drained into a drum, ditto the secondary machinery room showed similar variable heavy to extreme corrosion to the hull plating/rivets and structural elements. It is not possible currently to safely fully investigate comprehensively the full extent of the heavy corrosion throughout the lower internal underbody areas of these two compartment, however it is evident that the extreme areas are extremely worrying. Heavy corrosion also exists to areas of the main lower deck support structure and deck head above these two compartments. Considerable external hull plate breakdown is evident from above waterline to just under the waterline where it is suspected thick hard shell growth is masking the vulnerability of failures in the lower plate areas.
15. Currently NO AUTOMATIC bilge pumping system protects the craft, seawater infiltration is occurring into hull bilge ie the vessel is slowly sinking day by day. The constant rolling action that the vessel is experiencing in it's current location is adding to hydrostatic loadings on the fragile areas of the hull underbody.
16. Currently NO BILGE HIGH WATER ALARMS are installed within the bilge areas of the craft.
17. Within the secondary machinery compartment the starboard battery bank contains failed batteries which should be removed to prevent environmental risk in the event the craft becomes immersed.
18. Bulkhead doors through the forward and aft bulkhead in the secondary machinery compartment are not easily operated and represent a potential hazard.
19. The aft compartment at the secondary end of the craft exhibits hull plates above waterline where daylight is visible. Lower hull stringers are so heavily corroded that they are compromised, lateral frames, riveted plate and various lower hull members are severely corroded and vulnerable, very heavy corrosion is evident uniformly throughout this compartment, temporary lower hull plate overlap concrete repairs are also evident.
20. Numerous digital pics were taken of areas throughout the craft and are available for transmission on request.
21. Each sub-main lower deck compartment currently represents an extreme occupational health and safety risk which will escalate in the weeks ahead.
22. The primary end sub-main deck compartment exhibits heavy corrosion throughout to a greater degree than that detailed for the secondary end compartment. Various temporary concrete pad repairs are evident, seawater infiltration is visible and some internal riveted plate surfaces



Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

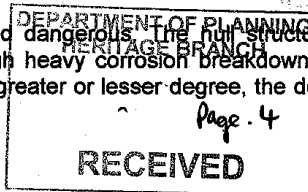
Boat Check Report on MV Baragoola

particularly to the lower underbody are so heavily affected by layers of heavy corrosion spalling that they are at the point or just about at the point of "imploding" which will produce unmanageable bilge water control. Riveted plate in many locations has reached the point where minimal available parent material is visibly and these areas are at the stage of imminent failure unless the vessel is removed from the water.

23. Side decks generally are heavily compromised due to the extensive areas of deterioration of planking and heavy corrosion to deck head steel support. Planks are visibly distorted, fractured, warped and irregular.
24. The superstructure generally shows areas of heavy deterioration through rot to linings and corrosion to framing. The bulwarks show heavy localised corrosion, the lower main deck edge rubbing strakes are generally compromised.
25. In the recent past the roof over the upper deck has been sheathed over with a light plywood and timber support structure along the full length, from wheel house to wheel house. These timber areas are now extensively rot affected and dangerous to walk on.
26. It is understood some makeshift external spot repairs were carried out in the past to riveted hull plate areas below waterline.
27. From some research of the craft's history it appears many changes have occurred to the vessel over its working life, these changes include its re-powering, replacement of the original funnel, enclosure of the top deck area and re-planking of some deck areas.
28. This report is issued subject to the condition that it is understood and agreed, that neither the firm nor any of its surveyors is under any circumstances whatever, to be held responsible for any inaccuracy in any report or certificate issued by this firm or its surveyors, or for any error of judgement, default or negligence of its surveyors, associates or agents. We have not inspected woodwork or other parts of the structure, which are covered, submerged, unexposed or inaccessible and we are therefore unable to report that any such part of the structure is free from defect. NB Localised undetected areas of rot can always exist, the engine beds were not core tested or opened up for inspection and no destructive investigation was carried out to establish their adequacy. The engine mounts were not removed for inspection to establish their adequacy and no conclusion was reached as to their adequacy.
29. The mechanical inspection is based on a visual non-intrusive inspection only. Items such as cracked cylinder heads and/or head gasket failure and piston failure are not always possible to detect during inspection.
30. A more detailed examination of the motors and gearboxes is currently not possible.
31. The sub-deck areas were not all inspected due to lack of access. All reasonable attempts have been made to trace defects present, however, there can always exist latent or design defects that are not always visible without interfering with the vessel's structure or fittings.
32. This report is for the exclusive use of the nominated client; no further circulation of same is authorized unless with the express approval of the author who retains the right of its content.
33. Note: Each and every defect or deficiency identified may not be limited to the item described, nominated client should seek to inspect and investigate each matter raised in this report.

Summary

The craft presents as derelict, potentially hazardous and dangerous, the hull structure is severely compromised, particularly the lower hull structure, through heavy corrosion breakdown to the riveted plate and structural members along its entire length to a greater or lesser degree, the deteriorated hull condition is common and is not isolated to specific areas.



Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.
Boat Check Report on MV Baragoola

In my view from the limited inspection to waterline that I have carried out, MV Baragoola is perilously close to and in **imminent danger of sinking** should any of a considerable number of hull underbody areas fail by hydrostatic pressure rupture or "implosion".

The lack of maintenance to the craft for a considerable number of years has lead progressively to the point where further inaction will increase the potential for considerable further liabilities surrounding this vessel. To date through some bandaging under the hull and a considerable amount of good luck MV Baragoola is at a point where a decision must be made about it's fate. Currently the hull is being pumped out on a cycle which will only increase in frequency until the vessel's hull fails allowing a rapid increase in internal flooding leading to acceleration in it's instability.

To retain seaworthiness the hull skin (plated and riveted shell) and most of the hull structural elements would require replacement at considerable cost if a suitable location could be found for the work to be carried out.

It may be possible as a temporary measure to skin or sheath the outside of the hull underbody with say sprayed on glass reinforced plastic (grp) at considerable expense, if a suitable site and funds were found. This is not a desirable option for numerous reasons including differing characteristics between the current hull skin and a temporary coating but may extend the period the vessel could be kept static on the water.

Desireably if the vessel could be removed from the water then time would not continue to be of the essence in arriving at a strategy for the craft.

I am not aware of a suitable Parramatta River Sydney site where the craft could be removed from the water.

The potential environmental contamination dangers currently are minor and they could without too much difficulty be managed.

Alternatively, if MV Baragoola could be introduced to a floating dock, the opportunity would be available then to carry out some temporary work to it's underbody.

The advanced structural deterioration of the hull and structural elements supporting the hull in particular make restoration an uneconomic and illogical proposition on the face of it, however, if heritage considerations are of greater consideration then the massive costs associated with restoration could be considered.

Leaving the considerable additional costs associated with refurbishing the superstructure, re-wiring the craft, replacing/refurbishing machinery, replacing systems and refitting the craft aside, the costs of the hull reconstruction I believe would be prohibitive.

To carry out all the works necessary to make the craft seaworthy and to achieve a full conservation outcome would require at least 65% of the original heritage fabric to be replaced.

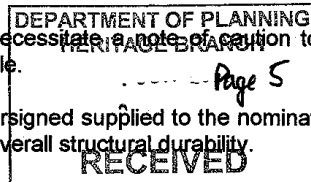
Costs associated with the vessel sinking would also be massive.

In the circumstances I stand willing to condemn the vessel allowing it's break up to proceed which would normally be the favoured outcome in the circumstances I have outlined. Equally if MV Baragoola is to be managed to allow it's stabilisation afloat my services are at your disposal.

The vessel in my opinion was not tight and sound on the specific day when inspected namely 6.2.2009 and it is a **time bomb** in **imminent danger of sinking** at it's berth.

What I have seen alerts me to the many risk factors that would necessitate a note of caution to a prospective insurer, consequently the vessel in my view is uninsurable.

This report is subject to the Standard Trading Conditions for the undersigned supplied to the nominated client on the understanding the subject vessel has aged reducing its overall structural durability.



ATTACHMENT 3

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

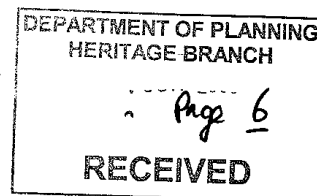
Boat Check Report on MV Baragoola

This report is given without prejudice and is conscientiously believed to be a true and accurate statement. Thank you for the opportunity to assist on this occasion.

Yours faithfully,
Boat Check.

USL Capt. Peter Kysil,
Master Surveyor, Engineer & Valuer.

www.boat-check.com
www.boatcheckman.com



Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

Copy of the NSW Heritage Council minutes (July, October and November 2009) regarding the de-listing of the MV Baragoola from the State Heritage register. Sourced from the NSW Heritage Branch website.

HERITAGE COUNCIL OF NSW
MINUTES OF SPECIAL MEETING
Meeting Number 349
1st July 2009

Heritage Branch Department of Planning Parramatta

PRESENT Gabrielle Kibble (Chair), Tom Gellibrand (Department of Planning), Russell Couch (for Director-General Department of Environment and Climate Change), Tina Jackson, Danny Chapman Julie Bindon, Peter Mould (Government Architect), Rosemary Annable, Petula Samios (for Director General, Department of Planning), John Neish

APOLOGIES Sharon Sullivan (Deputy Chair), David Logan, Ross Fitzgerald

ALSO PRESENT

Michael Clarke (SHR Committee) Heritage Branch Staff: Tim Smith, Cameron White, Colleen Klingberg

1. Opening – Welcome

The Chair opened the meeting at 9.00am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests Nil

Non Pecuniary Interests Nil

Conflicts of Interest Nil

2.0 Matters for Consideration and Decision

2.1 M.V. Baragoola – Recommendation to de-list

The members received a report on the recommendation to de-list the Ex-Manly Ferry, "mv Baragoola". The vessel currently moored at Coal Loader Wharf, Waverton, is a double ended steel-hulled diesel electric former Manly ferry. The vessel is currently owned by the 'They Group' Pty Ltd. Tim Smith provided the members a presentation on the history of the vessel, the condition reports received and submissions received following the advertisement of the Intention to Consider De-listing. New members were also advised of previous discussions and decisions from Heritage Council meetings. The presentation also included information on comparative vessels such as mv North Head and the State Heritage Register listed South Steyne.

Members were advised that the present owner of the mv Baragoola historic ferry has written to the Heritage Branch to seek Heritage Council consideration to de-list the vessel from the State Heritage Register (9 April 2009). The owner's representative, Adrian Thompson ("They Group" Pty Ltd.) purchased the vessel in November 2008 and contends that the vessel is beyond salvation and no longer warrants listing as an item of State heritage significance, due to its poor condition and lack of integrity.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

Following this request, an Intention to consider de-listing was advertised for comment for 14 days: 16 May 2009 to 1 June 2009. The advertising period was extended for a further 3 weeks until 22 June 2009 (5 weeks total). Letters were issued to all known stakeholders and notices published in the Sydney Morning Herald, Daily Telegraph, and Manly Daily newspapers. A visual inspection by the Heritage Branch in December 2008 confirmed the deteriorated condition of the vessel. This report was substantiated by an independent professional naval surveyor's assessment conducted in February 2009 by Boat Check. This condition survey was instigated at the request of the Heritage Council and funded by the Department. Importantly, the report identifies that significant new replacement work (in the vicinity of 65% of original fabric) may be required of the hull, decks and upper works, to maintain a seaworthy and stable condition. This is considered a conservative estimate and does not include the below deck machinery and plant items which are also in an advanced state of deterioration and no longer operable, nor areas of structure not visually accessible.

The vessel was previously converted to a 'dumb barge' (unpowered) with removal of propellers and sealing of shafts. Members also received a copy of a peer review report prepared by P.J.P. Marine on the condition survey by Boat Check. The P.J.P. Marine report also funded by the Department, advised that the Boat Check report is seen as a present condition report of the vessel and does clearly demonstrate that the vessel is in poor condition. It also advises that whilst the report does cover the overall condition of the vessel's hull, deck and machinery systems on the vessel, it also provided a brief past history of its operation of the vessel as a Sydney ferry.

P.J.P. Marine concluded that the Boat Check report provided information that they in agree with and fully support the view that this vessel is presently in imminent danger of sinking at its berth. P.J.P. Marine concurs with the assessment by Boat Check and therefore advises that immediate action is required to determine the future of the mv Baragoola. Members were advised that the Heritage Branch has identified that de-listing might be warranted due to the advanced deterioration of original fabric and the amount of change that would be required to sustain the item. This could be deemed to affect the original listing on integrity grounds, reducing its State heritage significance. Delisting would not compromise future potential projects aimed at reconstructing the vessel with substantive replacement of materials. It would mean that Heritage Council approvals would not be required for future works, including relocation and rebuilding.

Presentations

The members received a presentation from the present owner of the mv Baragoola Mr Adrian Thompson of the 'They Group' Pty Ltd. Mr Thompson advised that he found the mv Baragoola on the web for sale, prior to the sale he had a brief meeting with the boat broker on the boat and only had a short time to inspect the upper decks of the vessel. After purchasing the vessel he was able to make a fuller inspection at which time he came to the conclusion that the vessel is beyond its use-by date. Mr Thompson advised work carried out previously was mainly cosmetic and to repair the vessel could cost up to \$15 million. Mr Thompson advised that he did not have access to funds to carry out this work and make it a viable business. Mr Thompson advised that he operates the Port Stephens Ferry Service having four vessels under his management. He also advised that his initial plan for the vessel was to move it to Port Stephens, anchor the vessel in the harbour and utilise it for a viewing platform to watch dolphins. The vessel would have also provided a mooring location for other boats and had the potential to house a shop like kiosk and be fitted out with 15-20 cabins. Mr Thompson advised that if the vessel was de-listed he would be looking at scrapping the vessel. He has already placed it on Ebay with no real interest – but has not tried a public auction due to the costs involved. The members thanked Mr Thompson for presenting to the meeting. Mr Thompson left the meeting.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

The members received a presentation from Mr Richard Pool on behalf of P.J.P. Marine who carried out the peer review on the Boat Check report. Mr Pool advised that he is a Marine Engineer and Archaeologist, with over 35 years experience in heritage conservation, development and management including adaptive reuse of historic buildings and structures. Mr Pool advised that the Boat Check report is the result of a visual inspection and is not a record resulting from a marine survey where structural or other deficiencies would be fully detailed. He agreed with the Boat Check in the matter of oils remaining on board and the potential risk of environmental pollution should the ship sink. Mr Pool advised that he did visit the vessel at its current mooring on the 17th Nov 2008. The exterior of the ship was in a visually poor state, a state that he would understand as being the result of lack of any recent maintenance. The steel hull was clearly showing signs of deterioration with metal corrosion evident throughout. The state of hull is of concern and indicates a prolonged lack of maintenance that will result in continued and increasing water infiltration and ultimately hull failure. The ship's hull requires urgent attention and without which, there is real danger that the vessel will sink at its berth. He advised that the current practice of intermittent ship keeping and bilge pump out is unsatisfactory and offers no real protection for the ship especially in the event of a major structural component failure to the ship's hull. Concern also was raised over the possible chemical leakage from failed batteries which would find its way into the bilges where these liquids could stimulate corrosive reactions, possibly form dangerous gases and be a pollutant risk should the ship sink. As the vessel is not in commercial survey and has not been for some time, the owners are not subject to statutory obligations of a vessel in survey requiring ongoing maintenance to meet certification. A vessel that is not properly maintained will deteriorate and over time will result in becoming a total loss.

In summary Mr Pool advised that based on the reports and observations from his visit in November, his knowledge of the vessel, marine engineering practice and experience in heritage conservation and restoration; that the vessel exhibits hull deterioration throughout and the vessel is in real danger of sinking at its berth. He also advised that preservation of our maritime heritage is a costly business both in time and money. All heritage projects require a coherent plan that sets out clearly the objective and how preservation is to be achieved. He also advised that the restoration of James Craig took over 20 years and at a cost of some \$20M. This was achieved with a detailed development plan, public and corporate support and the contribution of hundreds of volunteers. Mr Pool advised that the mv Baragoola is a Heritage Item, very much an important part of Australia's oldest urban transport system. The vessel's conversion from steam to diesel/electric power is a very important part ship building history in Sydney.

The members thanked Mr Pool for his level and balanced presentation. Mr Pool left the meeting.

The members received a presentation from Mr Lance Lyon on behalf of the 'Baragoola Preservation Association'. Mr Lyon advised the members of the following.

The heritage significance of the mv Baragoola is that it is the sole remaining Balmain built vessel from Mort's Dockyard & Engineering Company of its type in Sydney. The largely unaltered vessel displays large scale Australian ship building techniques & materials from the 1920's. It is the only remaining vessel in near original "as built" design of six near-identical large vessels built for the Port Jackson & Manly Steamship Co and is a surviving example of the type of vessel that opened up the North Shore & Manly areas in the early part of the 20th century. Removal of Heritage Listing from the vessel may leave it open to destruction by scrapping or further neglect resulting in the destruction of a unique, remaining icon of Sydney's maritime fabric & heritage and large scale shipbuilding industry, a loss to future generations of our maritime past. In response to the Heritage Council report they feel

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

that the examination of the vessel was cursory without proper investigative procedures and has led the Heritage Branch to believe that restoration of the vessel will require at least 65% of the vessels fabric to require replacement, thus negating the heritage value of the vessel. Without a full “out of water” inspection in a controlled & neutral environment, unaffected by commercially driven requirements, they feel that this cannot be used as the basis for delisting. The group presented their proposal for restoration of the vessel. They feel that the vessel should be removed from private ownership thus mitigating the chance of destruction for purely commercial gain. In conjunction with the Heritage Council and Marine Archaeologists, a suitable long term management plan should be enacted to stabilise, conserve and restore the vessel to a functional condition. They would develop a business plan sympathetic to the vessel's history and suitable to the future usage of the vessel in both an historic and contemporary interpretation setting. They advised that currently their organisation is discussing the availability of a suitable and sympathetic site to begin immediate conservation work.

The following ideas were proposed for the future use of the vessel: Interpretive centre for Sydney's maritime history; Functional cruising vessel; Floating convention centre with related facilities; Use by community groups; Hospitality facilities or other commercial uses (e.g. office & display space).

In conclusion Mr Lyon advised the members that the role of their organisation and website includes providing a single point of contact for all interested parties (e.g. media organisations, corporate sponsors, volunteers etc). The website allows the publicising of the organisation and their aims, promoting the vessel in a sympathetic light and keeps the vessel and its current situation in constant public awareness. It also allows coordinated responses to public commentary in relation to the vessel, regular factual updates on the vessel and provides historical information and images of the vessel.

The members thanked Mr Lyon for his enthusiastic presentation. Mr Lyon left the meeting.

The members discussed the reports, submissions and presentations that had been received. The members agreed that the mv Baragoola is in a poor physical state and will ultimately suffer a catastrophic failure. It was agreed that without a major capital injection the vessel may not be viable to restore. However, the members agreed that interested parties require more time to develop a viable business and management plan demonstrating that the vessel could be conserved into the future.

The members agreed to provide time to the interested parties and to review the matter at the October 2009 meeting.

Resolved:

That the Heritage Council of NSW:

1. notes the report and presentations received;
2. notes that from the independent advice and review of this advice that the mv Baragoola is in very poor structural condition which poses a potential serious risk to the item and the environment;
3. given the historic, aesthetic and social significance of the vessel and the potential risk outlined above, the Heritage Council would like to provide a period of no more than 3 months for those interested in retaining the vessel to develop a viable community / private business and management plan which provides evidence that the vessel can be conserved into the future;
4. requests the Heritage Branch to report to the Heritage Council at each meeting on progress and report back to the October 2009 meeting.

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

HERITAGE COUNCIL OF NSW MINUTES OF MEETING

Meeting Number 352

7th October 2009

Heritage Branch Department of Planning Parramatta

PRESENT David Logan, Ross Fitzgerald, Rosemary Annable, Peter Mould, John Neish, Julie Bindon, Petula Samios (for Director General, Department of Planning), Tom Gellibrand (Department of Planning), Russell Couch (for Director-General Department of Environment, Climate Change and Water)

APOLOGIES Gabrielle Kibble (Chair), Sharon Sullivan (Deputy Chair), Danny Chapman
ALSO PRESENT

Heritage Branch Staff: Tim Smith, Cameron White, Graham Williams and Alice Brandjes for presentation 4.3, Brewarrina Rock Ramp Fishway

In the absence of the Chair and Deputy Chair members agreed to Mr Tom Gellibrand acting as Chair for the meeting.

5.4 M.V. Baragoola – Recommendation to de-list

Tim Smith, Deputy Director, Heritage Branch, advised the Heritage Council that Mr Lyons had telephoned that morning stating that he was unable to make the presentation. Advice received from Mr Lyon was that the Baragoola Preservation Association was in discussions with the relevant authorities for a berth for the vessel at Cockatoo Island and for transfer of ownership. The Heritage Council considered the recommendation which proposed the delisting of the vessel from the State Heritage Register.

The Council was advised that the independent structural assessments obtained by the Heritage Branch had estimated that around 65% of the original fabric may require replacement. The Council debated various aspects of the question of leaving the vessel on the list, including mechanisms for exemptions appropriate to the level of replacement work required versus de-listing. It was noted that the "Minimum Standards of Maintenance" provisions, applicable under the Heritage Act to most State Heritage Register items, do not apply to moveable heritage items.

Members were of the view that further legal advice was needed prior to further discussion and requested legal advice be sought on the following matters:

- 1) To obtain advice that the appropriate wording to recommend removal of the item from the State Heritage Register, in keeping with the provisions of the Act and legal rigour:
- 2) The impact, if any, that the commencement of the Heritage Amendment Act 2009 will have with regard to the Heritage Council's deliberations on the matter.

In relation to the latter, the Heritage Council sought clarification on whether they could proceed with a decision based on the Heritage Act provisions prior to the Heritage Amendment Act no.34, and what affect any transitional arrangements had on their action.

Resolved:

That the Heritage Council of NSW:

1. to defer consideration of the matter to a special meeting of the Heritage Council on 4 November 2009

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

HERITAGE COUNCIL OF NSW MINUTES OF SPECIAL MEETING

Meeting Number 353

4th November 2009

Heritage Branch Department of Planning Parramatta

PRESENT Gabrielle Kibble (Chair), Sharon Sullivan (Deputy Chair), Danny Chapman, Julie Bindon, Rosemary Annable, John Neish, David Logan, Ross Fitzgerald, Peter Mould (Government Architect), Robert Goodman (for Director-General Department of Environment, Climate Change and Water), Tom Gellibrand (for Director General, Department of Planning)

APOLOGIES Nil

ALSO PRESENT

Heritage Branch Staff: Petula Samios, Tim Smith, Cameron White, Vincent Sicari, Colleen Klingberg

1. Opening – Welcome

The Chair opened the meeting at 9.00am.

The Chair advised the members that the Heritage Amendment Act 2009 commenced on 16 October and as such the appointments of David Logan and Rosemary Annable had ended as organisational representatives. The members were advised that both David and Rosemary had been re-appointed to the Heritage Council for their individual expertise effective from 16 October 2009.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed noting no presentation would be occurring for the item

2.1 M.V. Baragoola – Recommendation to de-list. The members also received an updated report for consideration of this matter.

1.3 Declarations of Interest

Pecuniary Interests Nil

Non Pecuniary Interests Nil

Conflicts of Interest David Logan and Julie Bindon - Item 2.2

Bungarrabee Curtilage Amendment

2.0 Matters for Consideration and Decision

2.1 M.V. Baragoola – Recommendation to remove item

The Chair introduced the matter and noted that the item was discussed in detail at the October Special meeting. Tim Smith summarised the present state of discussions regarding the proposition to remove Baragoola from the State Heritage Register. He noted that at the time of presentation, ownership of the vessel is retained by Mr Adrian Thompson and that despite advice to the contrary, the Baragoola Preservation Society had not yet obtained custody and control of the ferry. Mr Thompson had recently confirmed that the vessel was taking water and required daily pumping. NSW Maritime Authority had also advised in writing (letter of 30 October 2009 tabled), that it would seek to have the vessel removed from the harbour as soon as practicable, notwithstanding the heritage listing.

Mr Smith summarised the legal advice requested by the Heritage Council on two key matters. In relation to the wording detailing the reasoning for removing the item from the SHR, Legal Services Branch suggested the wording incorporated into draft resolutions 1) – 3) of the current report. In relation to the implications of the recent proclamation of the Heritage Amendment Act 2009, Mr Smith confirmed legal advice that the new provisions of

Planning And Strategy Division Report No. 5 - MV Baragoola Ferry – former State Heritage Register listed item.

Copy of the NSW Heritage Council Minutes July October and November 2009

the Act are applicable to discussions regarding removal of the Baragoola from the SHR. This is because a formal decision on the matter had not been made by Council and recommended to the Minister. Ms Bindon noted that the legal advice should have been tabled for the benefit of Members. Mr Smith noted the Branch's advice that the legal report was subject to legal privileges, but confirmed that the current Heritage Council report contained an accurate and fair summary of the advice provided.

Members re-engaged discussion relative to the vessel no longer being of State heritage significance. Key issues included the current state of the vessel and its listed fabric, the amount of further change required, and the discussion on when the Baragoola ceases to retain heritage significance. Members unanimously agreed to recommend the removal of the site, from the State Heritage Register on the basis that the current condition has seriously undermined the original integrity of the vessel, its fabric and fittings, and that future works required to make the vessel safe as a floating exhibit will require additional substantive replacement of original materials with new. Members were satisfied that as a result of the vessel's condition it was no longer of State Heritage Significance. The scale of this additional work has been estimated in the vicinity of 65%. It is the members view that the scale of this activity and the poor current condition overall would result in substantive change to the vessel and its % of original fabric. In essence this activity would result in a replica of Baragoola being made, which would no longer be of State Heritage significance.

Members noted that removal of the listing would not preclude an interested body, such as the Baragoola Preservation Society, to undertake the rebuilding works that would safeguard the vessel, but that heritage approvals for this extensive works program would no longer be required.

The members endorsed the recommendations in the report and requested that the Chair assist in finalising an additional resolution to capture the reasoning behind Council's resolution to recommend to the Minister the item's removal from the Register. (included below).

Resolved:

That the Heritage Council of NSW:

1. considers that the MV Baragoola, located in Unincorporated Waters of NSW, be removed from the State Heritage Register, being no longer of State heritage significance, and notes that:

a. based on the advice of the Heritage Branch, NSW Department of Planning and independent experts, that the integrity of the item has been irrevocably altered by its current poor physical state.

b. the original fabric is so degraded that retention of the vessel will require substantial intervention and replacement with new materials and that this action will further diminish the vessel's significance values.

2. determines, having considered the submissions received in response to the notice of intention to remove the listing, to recommend to the Minister under section 33(1)(d) of the Heritage Act 1977, to remove the listing of the item known as MV Baragoola, located in Unincorporated Waters of NSW, from the State Heritage Register;

3. gives notice of its decision in accordance with section 33 (1) (e) of the Heritage Act 1977;

4. recommends to the Minister, under section 33(1)(f) of the Heritage Act 1977 that the Minister form an opinion that the item known as the MV Baragoola is not of State heritage significance and that the Minister direct this item be removed from the State Heritage Register in accordance with section 38(1)(a) of the Heritage Act 1977, as soon as possible after notice of the Heritage Council's decision is given.