

27 November 2023

Rhonda Carr  
 Micheal Fountain Architects Pty Ltd  
 2/5 Narabang Way  
 Belrose NSW 2085

Dear Rhonda,

**DA20230094 – ALTERATIONS AND ADDITIONS TO THE EXISTING WOOLWICH MARINA –  
 RESPONSE TO HERITAGE NSW REFERRAL COMMENTS**

We refer to Heritage NSW’s letter, dated 12 October 2023 and referred to Hunter’s Hill Council regarding the proposed alterations and additions to the existing Woolwich Marina (the proposed development) lodged under DA20230094.

Advisian Pty Ltd has been requested on behalf of the applicant to provide responses in relation to Heritage NSW’s referral comments. A response is provided in Table 1 against each comment raised by Heritage NSW.

**Table 1 – Response to Heritage Matters**

Heritage NSW Comment	Response
<b>Aboriginal Cultural Heritage</b>	
Heritage NSW advises that it is the responsibility of the proponent to ensure that they comply with Part 6 of the <i>National Parks and Wildlife Act 1974</i> .	Noted. The proposed development complies with Part 6 of the <i>National Parks and Wildlife Act 1974</i> .
If Aboriginal objects are present, or likely to be present, and the proposed activity will harm those objects, an Aboriginal Cultural Heritage assessment must be undertaken. This assessment should inform appropriate management and mitigation measures, which may include the requirement for an Aboriginal Heritage Impact Permit.	As noted in Heritage Impact Statement (HIS), there is unlikely to be Aboriginal objects present at the site due to prior disturbance from the construction and operation of the site and associated modifications over the years. In addition, the State Heritage Inventory (SHI) for Kelly’s Bush Park notes that “ <i>Kelly’s Bush Park has no technical/research significance as there are no extant remains of the former Smelting Company or of the original inhabitants of the area and the site is now a natural reserve</i> ”.
<b>Impacts to Maritime Heritage</b>	
The Heritage Impact Statement (Advisian, 9 May 2023) (HIS) was not prepared by or with input	Issues raised by Heritage NSW in relation to impacts on maritime heritage are responded to below.

Heritage NSW Comment	Response
from a suitably qualified and experienced maritime archaeologist, and hence does not address many of the issues outlined below that would be expected in a HIS for a proposal that extends over the water:	
This area is adjacent to one of the oldest suburbs in Australia so it could be expected that the remains of previous historic maritime infrastructure may exist in this area.	Noted.
The desktop study for the project is inadequate. It needs to present a historical overview of prior use of this area to determine what sites were located in the proposal area (aside from heritage listings in the nearby area). This should be undertaken before the works proceed and should be undertaken by an experienced and suitably qualified maritime archaeologist.	There are no earlier buildings and structures directly located over the waterway in which the marina extension is proposed based on available historical information.  Historical reclamation previously occurred along the foreshore where the Horse Paddock is located and to part of the lower section of Kelly's Bush Park where the former smelting works were located. There was a former short wharf that serviced the smelting works which is evident on the 1943 aerial imagery on SIX Maps. This former wharf is no longer present; however, any surviving underwater remains from this wharf on the seabed would not be directly impacted by the proposed development.
If historic sites are identified in the updated HIS historical overview, a maritime archaeological survey of the seabed of the works area should be conducted by a suitably experienced and qualified maritime archaeologist (this could include remote sensing and visual inspections if historical sites were formerly present in the area).	See response above.
Woolwich Dock is listed on the Commonwealth Heritage List. The front of the study area i.e. seawall and park behind, appears to be protected under this listing. There may be possible issues of sites/relics under land reclamation if this area is impacted as part of associated works.	The proposed development has no impact on "Woolwich Dock" including the Horse Paddock seawall and immediately adjacent waterway in front of the seawall due to distance of the marina extension from this area. The majority of the moorings in this area near the Horse Paddock are to remain unchanged in their existing location.
The HIS needs to address the shipwreck provisions under section 47-52 of the <i>Heritage Act 1977</i> .	The proposed development would not require a permit under Section 51 of the <i>Heritage Act 1977</i> as it is not proposed to move, damage or destroy any historic shipwreck.
The HIS needs to assess whether the works will potentially directly or indirectly impact the shipwreck site at Kelly's Bush Reserve – a mooring.	There is not expected to be any direct impacts on the shipwreck site (i.e. from the mooring system) as it located between an existing mooring and on the edge of a proposed re-located position for a mooring. See below response regarding indirect impacts.
One of the moorings is shown directly crossing over the area of the shipwreck. The HIS needs to consider the effects of boat propeller wash on the shipwreck and whether this will have a direct or indirect impact to the site.	Any potential indirect impacts from boat propeller wash due to existing and future boating, ferry and other maritime activities along this section of the Parramatta River is expected to be no more than minor to the submerged wreck.
Any advice regarding the impact of the new marina and moorings on the shipwreck and any other underwater or under reclamation sites that may be identified in the historic overview study recommended above should	Noted. See above responses.

Heritage NSW Comment	Response
<p>be provided by a suitably qualified and experienced maritime archaeologist.</p>	
<p>The project needs an Unexpected Finds Policy which will outline what will happen to any unexpected sites discovered in the area, including:</p> <ul style="list-style-type: none"> <li>o Training and briefing of works crew in the recognition of maritime/ historic heritage sites and relics.</li> <li>o Procedures in the event that underwater cultural heritage relics / sites are discovered, including statutory reporting requirements, inspection by an on call maritime archaeologist, and possible stop work procedures.</li> <li>o Consideration of short term storage/ conservation items for any discovered relics, and consideration of long term storage, conservation, display and interpretation. This section should also identify how these works will be funded.</li> <li>o The legislative requirement to obtain a permit under the <i>Heritage Act 1977</i> if relics will be disturbed.</li> </ul>	<p>The preparation and implementation of an Unexpected Finds Policy can be adopted as a condition of consent.</p>
<p><b>Impacts to Kelly's Bush Park</b></p>	
<p><i>Kelly's Bush Park</i> is listed on the State Heritage Register (SHR 01391) and is directly adjacent to the proposal.</p> <p>It is of State significance <i>'as the site of the first "Green Bans" of the 1970's when a group of local residents enlisted the assistance of unions to oppose development of the site. Kelly's Bush Park has high local significance as a remnant of natural bushland located on the foreshores of the Parramatta River in Hunters Hill.'</i></p> <p>It has <i>'aesthetic significance as part of the network of open spaces on the Sydney Harbour waterways system. It is the largest area of natural bush on both the lower Parramatta River and the Hunter's Hill Peninsula.'</i></p>	<p>The proximity of Kelly's Bush Park to the proposed development is acknowledged.</p> <p>The Statement of Significance from the SHI emphasises that the heritage values of State significance are in relation to Kelly's Bush Park's social/cultural significance for it being the site of the first "Green Bans" of the 1970's. The proposed development does not impact on the social/cultural significance of Kelly's Bush Park.</p> <p>With regard to the aesthetic significance of Kelly's Bush Park, the SHI entry describes the item as having high local significance as a remnant of natural bushland rather than being graded of State significance. Further, Kelly's Bush Park is assessed for its rarity values in the SHI which is said to be of <i>"limited rarity significance as there are a number of foreshore parks around Sydney Harbour"</i>. The proposed development has no direct impact on these heritage values. Refer to further discussion below on impacts.</p>
<p>Heritage NSW supports the position of Hunter's Hill Council that the proposal will have an adverse heritage impact on Kelly's Bush Park, as outlined in their minutes of Ordinary Meeting held on 18 September 2023.</p>	<p>Heritage NSW's position is noted. However, as discussed above, it must be noted that there is a clear distinction in the Statement of Significance between the item's heritage values that are of State versus local significance.</p> <p>The HIS concluded that the impact of the proposed development to Kelly's Bush Park is as follows:</p> <p><i>"The proposed development would have a temporary and moderate visual impact to the item during the construction phase mainly from the presence of water-based construction vessels and equipment. No physical or direct impacts are anticipated. However, a minor visual impact is anticipated"</i></p>

Heritage NSW Comment	Response
	<p><i>during operation to affect the item towards the south-east area of the item whereby static views to the proposed new marina berths can be expected".</i></p> <p>In view of the above, it is maintained that the proposed development would not adversely impact the heritage significance of Kelly's Bush Park.</p>
<p>The photomontages clearly illustrate that the proposal is inappropriate and out-of-scale with the surrounding landscape. The proposed marina extension will obstruct the historic and iconic views to and from Kelly's Bush Park and the harbour, including Cockatoo Island and Spectacle Island. Large vessels will dominate the foreground views of the harbour setting of Kelly's Bush Park.</p>	<p>The existing visual catchment directly to the south of Kelly's Bush Park already partly has the existing marina and a number of swing moorings that are regularly occupied by boats of various sizes in this location. Further, it is noted that during Kelly's Bush Park previous industrial use, some historic views were obstructed during that phase along part of the foreshore due to presence of the former smelting buildings.</p> <p>The Visual Impact Assessment identifies that <i>"the main visual impact of the proposal will be on the walkway-level views from Kelly's Bush's promenade"</i> and that <i>"the view loss from the walkway resulting from the marina extension is transitory"</i>. In that regard, there is no complete loss of views to and from Kelly's Bush Park and the harbour, including Cockatoo Island and Spectacle Island as shown in the photomontages.</p>
<p>The proposed view corridor as described in the Visual Impact Assessment is too narrow and will not sufficiently mitigate the adverse impact of the proposed marina extension on significant views from Kelly's Bush Park.</p>	<p>Based on the layout of the marina extension, it is considered that the proposed view corridor along with other mitigations is an appropriate response noting the visual impacts are transitory.</p>
<p>These significant views from public bushland that is connected to the harbour must be retained and conserved so as not to detract from the important visual curtilage and setting of Kelly's Bush Park or have an adverse impact on the historical and aesthetic values of the place.</p>	<p>The formal curtilage and setting of the SHR listing of Kelly's Bush Park is based on the extent of its land area. There is no designated visual curtilage over the waterway and the Statement of Significance and the supporting Assessment of Significance in the SHI does not refer to any significant views to and from Kelly's Bush Park.</p> <p>The proposed development does not directly or adversely impact historical and aesthetic values, the setting or the public's access to or appreciation of Kelly's Bush Park.</p>
<p><b>Impacts to Cockatoo Island and Spectacle Island</b></p>	
<p>Cockatoo Island is listed on the National Heritage List and World Heritage List, while Spectacle Island is listed on the Commonwealth Heritage List. Notwithstanding the comments above, it is recommended that advice on impacts to matters of national heritage significance be sought from the Australian Government's Department of Agriculture, Water and the Environment (DAWE).</p>	<p>The applicant has contacted the Australian Government's Department of Climate Change, Energy, the Environment and Water's (DCCEEW) and sought their advice. A self-assessment of the proposed development under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) has been provided to DCCEEW for their consideration.</p>

Yours faithfully,



**Claire Jones**  
Principal Environmental Planner