

Department of Planning and Environment

HMS Application ID: 4674

Sarah Jenkins
Town Planning Administration Officer
Hunter's Hill Council
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Dear Mrs Jenkins

DEVELOPMENT APPLICATION REFERRAL HERITAGE NSW COMMENT

Address: 2 Margaret Street WOOLWICH NSW 2110
DA no: DA20230094 (CNR-58958)
Proposal: Alterations and additions to the existing Woolwich Marina in order to expand the berthing facilities available for a range of different vessel typologies (ranging in size from 10m to 35m in length).

Thank you for your referral, received 22 September 2023, inviting comments from Heritage NSW on the abovementioned development application.

The subject site is not listed on the State Heritage Register (SHR) but is adjacent to Kelly's Bush Park (SHR).

Heritage NSW has reviewed the documents on the NSW Planning Portal including:

- Environmental Impact Statement (Ethos Urban, 20 July 2023), including:
 - Appendix A – Marina Plans and Drawings (Micheal Fountain Architects, various dates)
 - Appendix B – Digital photomontages (Micheal Fountain Architects, various dates)
 - Appendix F – Heritage Impact Statement (Advisian, 9 May 2023)
 - Appendix H – Visual Impact Assessment (Micheal Fountain Architects, May 2023)
- Hunter's Hill Council Minutes of Ordinary Meeting held on 18 September 2023 for Item 3.1 Woolwich Marina Development Application.

Aboriginal cultural heritage

The following comments are provided in relation to the proposal:

- Heritage NSW advises that it is the responsibility of the proponent to ensure that they comply with Part 6 of the *National Parks and Wildlife Act 1974*.

- 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.
- Heritage NSW recommends that the Aboriginal Cultural Heritage assessment is guided by the following documents:
 - Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales.
 - consultation with the Aboriginal community undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents.
 - satisfy the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

Environmental heritage

The following comments are provided under delegation from the Heritage Council of NSW in relation to the proposal:

Previous advice

- On 14 August 2023, Heritage NSW provided email advice to Ethos Urban recommending that an Archaeological Assessment of the site be undertaken, along with a Maritime Archaeology Study. These reports have not been supplied.

Impacts to maritime heritage

- The Heritage Impact Statement (Advisian, 9 May 2023) (HIS) was not prepared by or with input 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.
 - 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.
 - 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).
 - 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 HIS needs to address the shipwreck provisions under section 47-52 of the *Heritage Act 1977*.
 - The HIS needs to assess whether the works will potentially directly or indirectly impact the shipwreck site at Kelly's Bush Reserve – a mooring.
 - 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 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 be provided by a suitably qualified and experienced maritime archaeologist.
- The project needs an Unexpected Finds Policy which will outline what will happen to any unexpected sites discovered in the area, including:
 - Training and briefing of works crew in the recognition of maritime/ historic heritage sites and relics.
 - 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.
 - 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.
 - The legislative requirement to obtain a permit under the *Heritage Act 1977* if relics will be disturbed.

Impacts to Kelly's Bush Park

- *Kelly's Bush Park* is listed on the State Heritage Register (SHR 01391) and is directly adjacent to the proposal.

It is of State significance *'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.'*

It has *'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.'*

- 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.
- 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.
- 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.
- 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.

Impacts to Cockatoo Island and Spectacle Island

- 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).

If you have any questions about this correspondence, please contact Lily Chu, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Tempe Beaven

Tempe Beaven
Acting Manager Assessments
Heritage NSW
Department of Planning and Environment
Environmental heritage comments made as delegate of the Heritage Council of NSW
12 October 2023