



Government Gazette

of the State of

New South Wales

Number 260–Planning and Heritage

Friday, 18 June 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

HERITAGE ACT 1977

**NOTICE OF LISTING ON THE STATE HERITAGE REGISTER
UNDER SECTION 37(1)(b)**

Balls Head Coal Loader Complex
10 Balls Head Drive, Waverton

SHR No. 02051

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Special Minister of State made on 11 June 2021 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as the Balls Head Coal Loader Complex, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 99 DP 1048930 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3047 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

ORDER UNDER SECTION 57(2) TO GRANT SITE SPECIFIC EXEMPTIONS FROM APPROVAL

**Balls Head Coal Loader
10 Balls Head Drive, Waverton**

SHR No. 02051

I, the Minister administering the *Heritage Act 1977*, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57(2) of the *Heritage Act 1977*, do, by this my order, grant an exemption from section 57(1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule “C” by the owner, mortgagee, manager or lessee of the land described in Schedule “B” on the item described in Schedule “A”.

The Hon Don Harwin MLC
Special Minister of State
Minister for the Public Service and Employee Relations,
Aboriginal Affairs, and the Arts
Vice-President of the Executive Council

Dated at Sydney, 11th Day of June 2021

SCHEDULE “A”

The item known as the Balls Head Coal Loader Complex, situated on the land described in Schedule “B”.

SCHEDULE “B”

All those pieces or parcels of land known as Part Lot 99 DP 1048930 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3047 in the office of the Heritage Council of New South Wales.

SCHEDULE “C”

1. All Standard Exemptions

2. Existing approved development

- (i) All works and activities in accordance with a current and valid development consent in force at the date of gazettal for listing on the NSW State Heritage Register, including, but not limited to:
- (ii) Works proposed under Development Consent DA 413/07 (Coal loader site), DA 102/09 (change of use for Mess Hall) and DA 266/13 (re-fit out of café) & associated approved Construction Certificates.

3. Works and activities to allow general maintenance and repair

- (i) Works and activities associated with:
 - a. Prescribed and / or cultural burning of bushland vegetation.

- b. Bushland track maintenance, where this does not impact on significant fabric.
- c. Make safe works to areas of spalling concrete
- d. Re-pointing of masonry and crack repair.

4. Works and activities allowing for temporary events

- (i) Works and activities associated with use of the site for temporary events including: installation of temporary equipment and fixtures such as: marquees, shade and shelter structures, market stalls, fencing, crowd control barriers, stages, lighting, sound and public address systems, drinking fountains, toilets, signage & banners, seating and tables, temporary art works and sculptures, where the Director City Strategy is satisfied that the work or activity will not materially affect the heritage significance of the site.

5. Works and activities to upgrade land-based portion of Coal Loader complex

- (i) The following works and activities are exempt, where the where the works do not adversely impact on the heritage significance and visual amenity of the site, do not damage or remove significant heritage fabric, and wherever possible the works are reversible:
- (ii) Planting, establishment and maintenance of grape vines and associated trellis supports to existing shade colonnade on coal loader platform.
- (iii) Provision of interim shade (pending satisfactory establishment of vines per 4(a)) to existing shade colonnade, consisting of canvas or woven shade cloth type material with stainless steel support wires.
- (iv) Store 2 area (enclosed space under platform entry-slab) fit-out, for community meeting hub, pop-up bar and accessible amenities, including replacement of existing timber-batten clad FC sheeting wall panels with timber-framed glass bi-fold doors and associated internal fixtures and finishes.
- (v) Works to construct lower terrace informal amphitheatre / performance area, comprising small circular stage area approximately 6.5m diameter and set approximately 450mm above adjacent surface. Area to be constructed of sandstone blocks infilled with compacted granitic-gravel ground surface.
- (vi) Works to install and landscape lower terrace picnic & barbeque area, comprising stainless steel barbeques and timber and steel picnic settings, with compacted decomposed granitic-gravel ground surface, all surrounded by low sandstone block wall and covered with a timber and brush-roofed shelter.
- (vii) Works to the community garden potting area & shade structure to south-east corner of platform, footprint / envelope measuring approximately 12m x 6m x 4m (LWH) and consisting of materials in keeping with the existing palette for the coal loader contemporary design elements (recycled timber, steel, concrete and the like).
- (viii) Re-surfacing of uneven and poorly drained floors in the Coal Loader tunnels, ensuring that historic features such as the rail sleeper beds for the conveyor and associated concrete plinths are suitably retained and interpreted. These works will consist of asphaltic concrete or similar sympathetic material for resurfacing, with galvanised steel edge strip set flush with path surface immediately adjacent to drainage channel. Filling up of drainage channels with recycled gravel aggregate.
- (ix) Provision of moveable site furniture, including seats, tables, picnic settings and shade umbrellas.

- (x) Provision of Coal Loader 'Smart Cities' technology-related equipment and services, including concealed and discretely visible sensors, weather station and associated items, where the works do not cause visual impact or impact significant fabric as indicated in the Heritage Council listing information for SHR No. 002051.
- (xi) Security cage for water storage pump equipment in Tunnel No. 3, measuring approximately 2m x 2m x 1m in galvanised and / or painted steel mesh to match existing materials used on site.

6. Site safety

- (i) Works and activities to remove any detached timber from waters around or under the wharf and salvage and store these timbers for further testing prior to potential adaptive reuse
- (ii) Works and activities to remove any fixed or loose timber at risk of falling into the water or compromising navigational safety, as determined and documented by a maritime structural engineer and an independent, suitably experienced, heritage practitioner.
- (iii) Works and activities to repair, replace or reposition a temporary netting barrier or other security and safety measures around the wharf.

7. Structural investigations

- (i) Works and activities to remove timber to allow underwater investigations to minimise risk to divers and inspection crew. Safety risk to be determined and documented by maritime structural engineers.
- (ii) Initial inspection could be undertaken by an engineer with timber structures experience or a timber inspector. Based on the sound length of timber remaining, timbers would be identified as "reject", "non-structural reuse", or "structural reuse". Elements identified for possible structural re-use will be visually graded by a timber inspector. Minimum lengths for "non-structural" and "structural" classification need to be determined as specified in a procedural manual for this project developed in consultation with an independent, suitably experienced heritage practitioner.
- (iii) Works and activities to remove marine growth or floating debris to inspect and document the structure, to collect timber or metal samples or undertake minor destructive testing *in situ* and that does not further impact the stability of the pier structure, to determine current condition of the wharf or its elements. This intervention will change as much as necessary but as little as possible in order to understand the condition of the steel substructure, timber structure and pylons and will be determined by a maritime structural engineer in consultation with an independent, suitably experienced heritage practitioner.
- (iv) Minor works and activities, excluding the removal of structural elements, to undertake geotechnical testing around and beneath the wharf to determine conditions of harbor bed and underlying sediments and geology
- (v) Works and activities to install new piles or moorings outside the footprint of the wharf, adjacent dolphins and associated infrastructure which do not impact on the pier, when required. These works will support continuing waterway safety management, safety works or investigations of the structures.
- (vi) All timber and other materials removed from the structure or floating are to be assessed by maritime structural engineers in consultation with and independent and suitably experienced heritage practitioner, for suitability for use in the agreed design of the wharf.

(vii) Disposal of any removed timber or metal that is not sound or is contaminated or graded as unsuitable for use.

8. Navigational

- (i) Works and activities to attach or replace navigational or safety signage and aids to the structure of the wharf or the structure of the adjacent dolphins and associated infrastructure where the works minimise impact on significant fabric.
- (ii) Works and activities to upgrade, maintain or repair access stairs, walkway, dolphins and associated supporting infrastructure providing access to *Cape Don*, *Baragoola*, or any future vessels berthed at the facility, to improve safety and longevity, using modern equivalent materials but overall like-for-like treatment that has negligible heritage impact.
- (iii) Activities associated with the movement of vessels along, to or from the associated infrastructure providing access to these vessels that has negligible heritage impact.