

## 10.6. Landowners Consent: Transport for NSW - Balls Head Coal Loader Wharf

<b>AUTHOR</b>	Gary Parsons, Director Open Space & Infrastructure
<b>ENDORSED BY</b>	Therese Cole, Chief Executive Officer
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. s 60 Balls Head Coal Loader Wharf - delegated approval letter App Id 6314 [<b>10.6.1</b> - 5 pages]</li> <li>2. TfNSW - Coal Loader Wharf - Community Update July 2024 [<b>10.6.2</b> - 2 pages]</li> </ol>
<b>CSP LINK</b>	<ol style="list-style-type: none"> <li>2. Our Built Infrastructure</li> <li>2.1 Infrastructure and assets meet diverse community needs</li> </ol>

### PURPOSE:

The purpose of this report is to consider a request from Transport for NSW (TfNSW) for Council to provide landowner's consent to enable lodgement of a s60 with the NSW Department of Climate Change, Energy, the Environment, and Water, to undertake make-safe works under and around the Balls Head Coal Loader Wharf.

### EXECUTIVE SUMMARY:

- TfNSW have responded to a partial collapse of the Balls Head Coal Loader Wharf and have been conducting ongoing daily inspection around the wharf to ensure safe navigation around the area.
- TfNSW have lodged a Section 60 (s.60) with the NSW Department of Climate Change, Energy, the Environment, and Water, to undertake make-safe works for the section of the wharf within their jurisdiction and have subsequently received approval.
- TfNSW have approached Council seeking Landowners' consent to submit a similar s.60 application for the section of the wharf situated within Crown Reserve (*R1004268*) for which Council is the Crown Land Manager.

### RECOMMENDATION:

**1. THAT** Council note the contents of this report regarding Transport for NSW's (TfNSW) request for Landowners consent from Council to submit a s.60 application for the section of Balls Head Coal Loader wharf located within the Crown Reserve (*R1004268*), for which Council is the Crown Land Manager.

**2. THAT** Council authorise Council's Chief Executive Officer to provide Landowners consent to enable TfNSW to submit a s.60 application for the section of wharf located within the Crown Reserve (*R1004268*), for which Council is the Crown Land Manager.

## Background

On 30 June 2024, TfNSW reported a partial collapse of the Balls Head Coal Loader Wharf. TfNSW have subsequently responded to this incident and have been conducting ongoing daily inspections around the wharf to ensure safe navigation within the area.

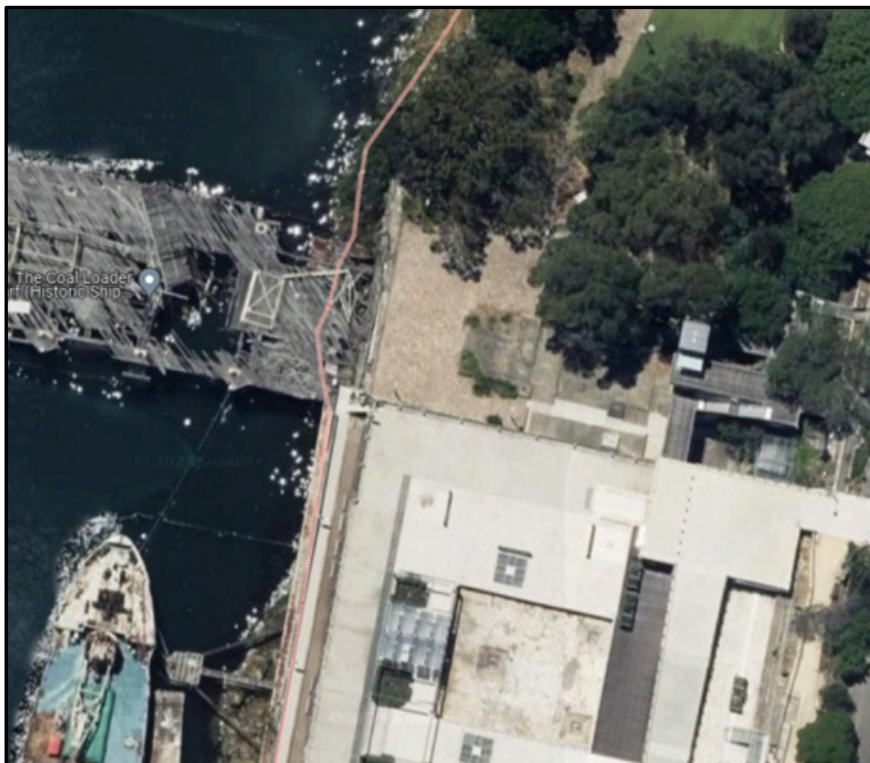
TfNSW have lodged a Section 60 (s.60) with NSW Department of Climate Change, Energy, the Environment, and Water, to undertake make-safe works for the section of the wharf within their jurisdiction and have subsequently received approval.

The Approval notes that: *Fabric should only be removed that is in imminent danger (i.e., a single retrieval process that would not be repeated within a 12-month period as determined by a qualified structural engineer, in consultation with a heritage specialist) of dislodging from the structure because of instability or fabric deterioration.* A full copy of the Conditions of Approval for this work are attached herein.

In July 2024 TfNSW issued a community update (Attachment 2) in relation to the next steps in progressing the future of the Wharf.

## Report

The majority of the Balls Head Coal Loader Wharf structure sits within Balls Head Bay, which is within the jurisdiction of TfNSW. However, a small section of the wharf abuts the Crown Reserve (R1004268), for which Council is the Crown Land Manager. The pink line on the aerial photo below indicates the alignment of the Crown Reserve boundary.



TfNSW have approached Council, advising that they wish to submit a similar s.60 application for the section of wharf located within the Crown Reserve, and have requested Landowners Consent from Council as the Crown Land Manager.

As the Crown Land Manager, Council is the lawful occupier of the Balls Head Coal Loader complex to the extent it is on the Reserve, and accordingly can provide Landowners Consent as requested by TfNSW.

### **Consultation requirements**

Community engagement is not required.

### **Financial/Resource Implications**

There are financial implications for Council accepting the recommendations as outlined within this report.

### **Legislation**

- Section 60 NSW Heritage Act 1977

Department of Climate Change, Energy, the Environment and  
Water



HMS Application ID: 6314

Ms Flavia Scardamaglia  
Transport for NSW  
7 HARVEST ST  
MACQUARIE PARK NSW 2113

**By email:** [flavia.scardamaglia@transport.nsw.gov.au](mailto:flavia.scardamaglia@transport.nsw.gov.au)

Dear Ms Scardamaglia

**APPLICATION UNDER SECTION 60 OF THE HERITAGE ACT 1977**

Balls Head Coal Loader Complex (including Platform Pier and Administrative  
and Workshop Buildings)  
State Heritage Register No. 02051

**Address:** 10 Balls Head Drive, WAVERTON NSW 2060

**Proposal:** This S60 aims to: make the area safe from navigational hazards, minimise the risk of significant loss of material resulting from structural collapse and allow for condition assessments and investigations that will assist in future decision making.

**Section 60 application no:** HMS ID 6314, received 6/06/2024

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As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

**APPROVED DEVELOPMENT**

1. All work shall comply with the information contained within:
  - a) *Coal Loader Wharf Make Safe and Retrieval Review of Environmental Factors (REF)* by TfNSW, December 2022 and

b) *Statement of Heritage Impact Addendum by TfNSW, 5 June 2024.*

EXCEPT AS AMENDED by the conditions of this approval:

**ADDITIONAL CONDITIONS RELATED TO THIS APPROVAL**

2. These works are only approved within the Transport for New South Wales (TfNSW) owned Wharf boundary. Any future Stage 1 Make Safe Works within the North Sydney Council managed land will require a s.65A application under the *Heritage Act 1977* to be submitted for approval.
3. These works are not to be a comprehensive reduction of the wharf fabric. Fabric that is not in imminent danger of dislodgement as defined here must remain in place.
4. Fabric should only be removed that is in imminent danger (i.e., a single retrieval process that would not be repeated within a 12-month period as determined by a qualified structural engineer, in consultation with a heritage specialist) of dislodging from the structure because of instability or fabric deterioration.
5. Work should stop when it is deemed that the structure is safe enough for the proposed investigations and condition assessments to be completed and the risks to vessels using the harbour is minimised.
6. Piping associated with the oil pumping facility throughout the structure should be retained in situ where possible.
7. All machinery / ancillary equipment in the oil pump room should be retained for later interpretation and display (either in situ or elsewhere).
8. The Hoskins steel frame above the timber deck should be removed in one piece if possible and not cut up in the removal process – any carcinogenic material should be removed from the structure to enable subsequent reuse and interpretation of this feature both onsite and elsewhere.
9. If the piles for the pier have to be removed due to risk, then they should be cut off at the necked area and the base of the piles retained in situ to interpret the lower sections of the pier.

*Reason: to ensure that the works do not result in the total removal of fabric from the wharf.*

**HERITAGE CONSULTANTS**

10. The make safe and retrieval work should be carried out under the guidance of a heritage specialist and a Structural Engineer with experience working on maritime timber structures and who is approved by Heritage NSW.
11. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

12. Daily meetings must be held between the heritage specialist and the maritime works contractor to review what is to be done and what has already been done. Weekly progress updates should be provided by Transport to Heritage NSW.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### HERITAGE SALVAGE MANAGEMENT PLAN

13. All Stage 1 Make Safe Works undertaken to the wharf under this approval must be guided by a Heritage Salvage Management Plan written by the Heritage Specialist in consultation with the structural engineer and the maritime contractor and endorsed by Heritage NSW one month prior to the start of salvage works to the wharf.
14. The Heritage Salvage Management Plan must include:
  - Detailed salvage and retrieval methodology (including plans) which includes 'hold points' for the works to be instituted at the completion of work at each bay of the wharf.
  - Maritime archaeology methodology to ensure that no archaeology (including two shipwrecks near wharf) will be impacted by the works.
  - An approach to recording fabric in situ before removal and document fabric to be retained and discarded, including assessment criteria and sampling.
  - Storage location and ongoing maintenance requirements for the salvaged fabric.
  - Roles, qualifications, and responsibilities of the specialists assessing the criteria above.

#### SALVAGED FABRIC

15. All fabric removed from the wharf must be catalogued and stored in a single location owned and managed by TfNSW. This includes fabric removed from the wharf during previous make safe works and currently stored at multiple TfNSW locations. TfNSW must inform Heritage NSW of this location at the end of Stage 1 works. This location must be protected from the elements and the fabric must be accessible to visit.
16. Salvaged fabric from the Wharf must be used in future interpretation at the site and within the wider precinct.

*Reason: To ensure that all fabric from the wharf is stored safely and securely under the protection of TfNSW until it can be determined how it should be used in the future.*

#### SPECIALIST TRADESPERSONS

17. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation, and repair of significant fabric follows best heritage practice.*

#### MARITIME ARCHAEOLOGY

18. Anchoring of vessels as part of these works are not permitted to impact the Transport s.170 Maritime Heritage Inventory listed shipwrecks (SHI numbers 4920877 and 4920876).

19. Heritage NSW Maritime Archaeologist must attend site at least once during the salvage works to the wharf to ensure that the works are being carried out in an appropriate manner and in accordance with these conditions of approval.

*Reason: To ensure that the State significant maritime resources at the site are not impacted during the proposed works.*

#### **SITE PROTECTION**

20. No part of the steel substructure should be removed, damaged, or destroyed as part of the removal of timber topside project. Steps may need to be undertaken to reinforce and support this substructure during this process.
21. Significant built and landscape elements related to the Balls Head Coal Loader Complex are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **PHOTOGRAPHIC ARCHIVAL RECORDING**

22. A photographic archival recording must be prepared prior to the commencement of works/ during works/ at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW.
23. The whole wharf structure must be photographed to archival standards prior to the dismantling of the timber components. This should also include aerial drone video recording of the site from which the proponent will produce a 3D photogrammetric model will record of the entire structure in situ prior to dismantling of at-risk features of the timber pier.
24. Any previously inaccessible or hidden deposits or features of the timber pier / oil pump room that may be exposed during the proposed works should be archivally recorded in situ prior to removal (if removal is necessary).
25. The photographic archival recording must include a pre-removal Dilapidation Survey including drone footage and a digital photographic and photogrammetric recording of all salvaged and stored material/elements.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

#### **HERITAGE INTERPRETATION STRATEGY**

26. An interpretation strategy must be prepared in accordance with Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) at the end of the Stage 1 works.
27. The interpretation strategy must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting.
28. The Heritage Interpretation Strategy must tie in with the Heritage Interpretation Plan undertaken as part of the future Stage 2 works.

*Reason: Interpretation is an important part of every proposal for works at heritage places.*

#### **COMPLIANCE**

29. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **DURATION OF APPROVAL**

30. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

*Reason: To ensure the timely completion of works*

#### **Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

#### **Right of appeal**

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

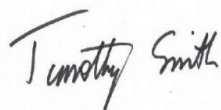
It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

#### **Stamped documents**

Any stamped documents (e.g., approved plans) for this application are available for the Applicant to download from the Heritage Management System at <https://hms.heritage.nsw.gov.au> under 'My Completed Applications.'

If you have any questions about this correspondence, please contact Katrina Stankowski, Manager, Assessments at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely

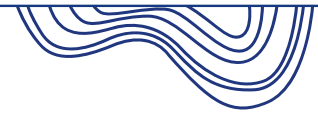


Tim Smith, OAM  
Director, Assessments  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As Delegate of the Heritage Council of NSW  
28 June 2024

cc: North Sydney Council: [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au)



## Transport for NSW



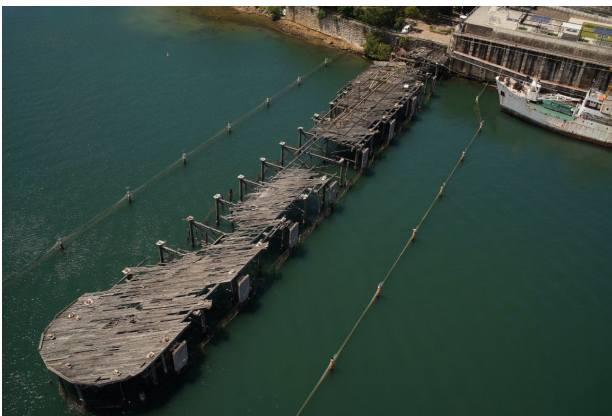
# Coal Loader Wharf

## Make safe and retrieval – work to proceed

July 2024



Transport for NSW acknowledges the Gamaragal (also spelled Cammeraygal) people as the Traditional Custodians of the lands on which we work and pays respect to Elders past and present.



Transport for NSW is progressing plans to make the Coal Loader Wharf safe and provide opportunities for the community to connect, and appreciate, the maritime industrial and Aboriginal heritage of the area.

Between 2 December 2022 and 15 January 2023, Transport invited the community and stakeholders to have their say on the Review of Environmental Factors (REF) for the make safe and retrieval work and to understand the community's vision for the Coal Loader Wharf. Thank you to everyone who provided feedback during this time.

### Make safe and retrieval to proceed

All environmental, heritage and planning approvals have now been received.

Work is planned to start later this year to make the area safe and retrieve sections of the wharf for future heritage interpretation.

### What we heard

Key themes raised during the REF public display included:

- potential impact on the heritage value of the wharf
- ongoing consultation and opportunities for involvement
- the future use of the wharf.

We have prepared a Submissions Report summarising the feedback received and our responses. The report is available on the project webpage [transport.nsw.gov.au/coalloaderwharf](https://transport.nsw.gov.au/coalloaderwharf)

### Vision Survey results

We received 83 responses to the Vision Survey. Most people told us they visited the wharf precinct for recreational activities such as exercise, bushwalks or cycling.

Respondents had a broad range of views on the future use of the wharf with **passive recreation** and **improved access to the waterfront** the most popular responses. The survey report is available via [transport.nsw.gov.au/coalloaderwharf](https://transport.nsw.gov.au/coalloaderwharf)

Your feedback will help us further develop the plans for the site.

### Heritage interpretation

Transport is exploring options to express the heritage values of the Coal Loader Wharf through heritage interpretation. This will involve the re-imagining of the wharf in a way which integrates heritage, public art and urban design to share the significance of the site and place with the local community and visitors, in interesting, educational and engaging ways.



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We will explore a number of options including interpretive signage, public art, reuse of salvaged materials, expressions of Country and creative lighting.

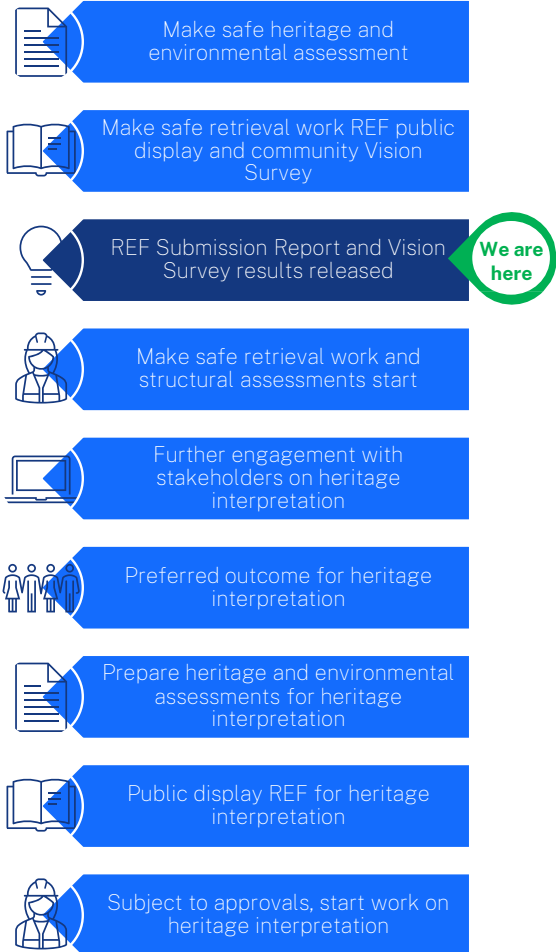
Once our site investigations are complete, we will have a better understanding of the structures condition and different options available to safeguard and interpret this historic wharf and place.

While Transport's current priority is to make the area safe and express its heritage value through reuse and reinterpretation, work will not preclude elements of the wharf from being rebuilt or other site enhancements being explored in the future, should funding become available. Any future work would require appropriate environmental approvals, design development and funding, noting there are no current plans for this to occur while we prioritise other maritime projects which improve safety, accessibility and facilitate a better experience for public transport customers.

### Next steps

We will continue to work closely with Heritage NSW and North Sydney Council as we plan for start of work. Retrieval is expected to start later this year and take about six months to complete, weather and maritime conditions permitting.

### Coal Loader Wharf key stages



### Contact us



Project Infoline **1800 684 490**



**projects@transport.nsw.gov.au**



**transport.nsw.gov.au/coalloaderwharf**



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