

Submission on the Proposed Redevelopment of the Berrima Gaol

State Significant Development – Berrima Hotel

Reference: Application Number SSD-66876472.

Attention: Fadi Shakir

Introduction

We write as concerned members of the Berrima community regarding the proposed redevelopment of the heritage-listed Berrima Gaol. We live in Berrima in a heritage listed 1870's Georgian cottage, which we maintain in compliance with the guidelines for heritage listed buildings in the Wingecarribee Shire, and enjoy being part of a historic community in NSW. The Berrima Gaol site holds immense historical, cultural, and architectural significance, not only for the local community and the significant number of visitors that travel to Berrima each year to experience this Historic town, but for the broader heritage of New South Wales.

This submission responds to the NSW Government's request for public input on the proposed redevelopment, emphasising the need to preserve the Berrima Gaol site's historical, cultural, and architectural value within one of Australia's best-preserved historical towns.

While we recognise the need for adaptive reuse to ensure heritage assets remain relevant and economically sustainable, we are deeply concerned that the current proposal does not comply with the NSW Government's own guidelines on adaptive reuse and heritage conservation.

Heritage Significance and Cultural Value

The Berrima Gaol stands as a rare and tangible reminder of our colonial and penal history. It embodies unique architectural characteristics representative of its era and holds deep social value for generations who view it as a symbol of local identity

Non-Compliance with NSW Adaptive Reuse Guidelines

The NSW Government's *Adaptive Reuse of Heritage Buildings Guidelines* (Heritage Council of NSW) states that:

"Adaptive reuse should retain the cultural significance of a place while allowing for compatible use that involves minimal change to its significant fabric. Adaptive reuse can breathe new life into historic buildings, ensuring their ongoing maintenance and conservation. It is a process that balances the need to retain a place's heritage values with the requirement for it to remain functional and economically viable in a contemporary context."

Based on the publicly available concept plans, the proposed redevelopment involves:

- **extensive alteration and removal of significant heritage fabric**, rather than conservation and integration; and
- **introduces incompatible uses and large-scale new structures**, which undermine the gaol's historical integrity and visual character.

The construction of an entrance through the east wall of the Gaol and the construction of 50 hotel suites which cover the whole of the western wall do not conserve "The Significant Heritage Fabric" and they "undermine the gaol's historical integrity and visual character". The Gaol walls are "Heritage Listed" and as such should be protected and visible from all aspects including the western wall.

These actions are inconsistent with the NSW Government's *Adaptive Reuse* principles, *The Heritage Act 1977* (NSW) (**Heritage Act**) and the *Burra Charter*, which together emphasise minimal intervention, reversibility of change, and retention of heritage significance.

Under the objects in section 3 of the Heritage Act, works are required to support the conservation and adaptive reuse of state heritage items; they must be designed to conserve, not unnecessarily diminish a place's heritage significance. This reflects the Burra Charter principle of doing "as much as necessary, as little as possible", limiting works to what is essential to repair, secure and maintain the place while retaining as much original fabric as possible.

By contrast, the redevelopment prioritises commercial outcomes over conservation imperatives and community values, therefore failing to uphold required legislative and ethical obligations. The proposal also provides inadequate interpretation of the site's penal history, with nothing that meaningfully showcases the Gaol's 186-year criminal justice story.

River Flora and Fauna and Historical Riverwalk

Within the *Aquatic Ecology Assessment* appendix 17 of the EIS, platypus and rakali were identified and observed during the site visit in the study areas. The platypus, a protected species under the *Biodiversity Conservation Act 2016* (NSW), is in danger of being "threatened" and efforts are being made throughout Australia to ensure their protection.

It states in the report that there is the possibility of encountering and damaging the burrows and habitat of these shy creatures which is unacceptable, as is the method of addressing the protection of these animals during construction.

If construction had been confined to inside the walls, as recommended in the provisions and guidelines of the Berrima Village DCP 2021, in acknowledgement of the general heritage and cultural objectives that apply to the site, there would have been no impingement on the river Flora and Fauna and consequently the Platypus and Rakali habitat.

The Sydney Gazette and NSW Advertiser on 12 April 1838 talks about Lambie's Well and shows its importance as a source of fresh water during early colonial settlement. There is significant concern that potentially 4 years of construction will impact on this locally listed heritage item which is fed by water from the adjacent sandstone aquifer.

The Riverwalk is historically recognised as a link to the German prisoners of war interned during World War 1 in Berrima. The walk features interpretive signs and captioned photos that detail the stories of German merchant seamen, officers, and other prisoners of war during their internment in Berrima. The constriction of the hotel suites along the river impacts this historic walk and the natural beauty of the Wingecarribee River.

Visitors/International tourists/Schools and Educational visits

The gaol not only serves as a physical reminder of our past but also plays an active role in community's identity and education. Its Heritage Values include:

- **Historical Significance:** the gaol's 186-year history as a correctional facility provides insight into past penal practices and social attitudes, making it an invaluable educational resource.
- **Architectural Features:** the distinctive construction, including original stonework, cell blocks, and watch towers, are rare examples of period architecture.
- **Cultural Importance:** the gaol has been a focal point for local heritage, and as such its continued presence supports the community and tourism.

Visitors when they visit Berrima enjoy the colonial Georgian village with its many intact heritage buildings and village atmosphere. A break from Sydney; a convenient stop-off from Canberra to Sydney and a regular stop for grey nomads. We question how an exclusive luxury five-star entertainment area will enhance the village atmosphere change the visitor dynamics.

The case studies presented by the architects in their report appended to the EIS, show many successful adaptive reuse projects both in Australia and globally. These projects, the majority of which are in major cities or towns, do not have the same significant impact the Berrima Hotel project will have on the historic town of Berrima and its approximately 600 residents.

Conclusion

We oppose the project in its current form and urge the NSW Government and relevant planning authorities to:

- require the proposal to be **revised in accordance with the NSW Adaptive Reuse Guidelines** and **Burra Charter** principles;
- constrain the **development within the walls/footprint of the existing historical** site as recommended in the provisions and guidelines of the Berrima Village DCP 2021, in acknowledgement of the general heritage objectives that apply to the site; and

- explore **adaptive reuse options that sustain the building's integrity**, such as cultural, educational, or interpretive uses that celebrate the gaol's history while serving contemporary community needs.

The Berrima Gaol is not merely a property but a living document of our shared past. Redevelopment must proceed with respect, restraint, and responsibility to ensure that what is preserved is not only the physical structure but also the stories and meanings it holds for future generations.

Thank you for the opportunity to contribute to this important consultation.

Yours sincerely,



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References

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