



Contact: Gary Estcourt  
Phone: (02) 9873 8562  
Fax: (02) 9873 8599  
Email: Gary.estcourt@planning.nsw.gov.au  
File: 10/23460  
Our Ref: B234761  
Your Ref: MP10\_0084

Anna Johnston  
A/Team Leader Strategic Assessment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Dorna Darab

Dear Ms Darab

**MAJOR PROJECT REFERRAL – COAL AND ALLIED SOUTHERN ESTATES GWANDALAN SUBDIVISION CONCEPT PLAN (MP 10\_0084) ENVIRONMENTAL ASSESSMENT– REQUEST FOR COMMENTS**

I refer to your letter dated 16<sup>th</sup> November 2010 inviting comment of the Environmental Assessment for the above project prepared by Urbis on behalf of Coal and Allied.

The Director-General's Requirements for the EA identified heritage as one of the Key Issues as follows:

**Heritage**

- (1) Provide an archaeological assessment and heritage impact statement in accordance with NSW Heritage Office guidelines. The statement should assess the impacts of the application on the area and any significant components of the site, including indigenous heritage.
- (2) Provide an assessment in accordance with the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC 2005).

The EA deals with heritage issues in Section 6.6 and in Appendix I *Heritage Impact Assessment* prepared by ERM and dated October 2010. The EA notes that:

The HIA has determined that the site does not have any inherent European historic heritage value nor does it contain items of historical heritage. The proposed development will not impact on any known historical heritage items. However, the HIA has determined that the proposed development at Gwandalan has the potential to impact on the Aboriginal heritage values of the foreshore area.

These conclusions were based on an initial desktop assessment of the site and field survey undertaken in July 2007. Based on these results it has been recommended in the Statement of Commitments (page 4) that *prior to any works on the development lands site commencing, the Owner is to prepare a Aboriginal Cultural Heritage Management Plan in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement.*

On page 55 of the HIS it is stated that since no historical heritage was identified at the site no mitigation of historical heritage is to be undertaken *before, during or after the proposed development.*

It is considered that the EA is generally consistent with the DGR's with respect to the heritage requirements. The Indigenous heritage recommendations, with specific regard to the development of an Aboriginal Cultural Heritage Management Plan, appear to be appropriate however more detailed comment from the DECCW should be sought in this regard.



Although it is supported that no specific mitigation is required for non-Indigenous heritage based on the results of the Heritage Impact Assessment, there must be specific procedures to be followed should any unexpected historical sites or archaeological objects be located. The Statement of Commitments should be amended to include the following:

- If substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) the Heritage Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery; and
- If any previously unidentified sites of non-Indigenous heritage are discovered work must cease in the affected area(s) the Heritage Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

It is further recommended that the above be included as conditions of consent for this proposal. If you have any questions regarding the above matter please contact Gary Estcourt at the Heritage Branch on (02) 9873 8562.

Yours sincerely

09/12/2010

**Vincent Sicari**  
Manager  
Conservation Team  
Heritage Office  
Department of Planning