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Your Ref: MP10_0088

Ms Anna Johnston
A/Team Leader Strategic Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Dorna Darab

Dear Ms Darab

MAJOR PROJECT REFERRAL – COAL AND ALLIED SOUTHERN ESTATES – NORDS WHARF (MP10_0088) – REVIEW OF ENVIRONMENTAL ASSESSMENT

I refer to your letter dated 16th November 2010 inviting comment of the Environmental Assessment for the above project prepared by Urbis on behalf of Coal and Allied. The project comprises a Concept Plan for a residential development of up to 90 dwellings, the dedication of conservation land comprising approximately 117 hectares, and associated infrastructure.

The Director-General's Requirements for the EA issued 19 August 2010 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 a separate report 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.

The EA also notes that a Scout Camp has been located at the Nords Wharf site since the mid to late 1970s. Although no physical buildings or remains at Nords Wharf were considered to have heritage values, the Draft Statement of Commitments for the site includes the following:

Prior to commencement of works on site, the Owner is to recognise the Scout's occupation of the site through heritage interpretation.

The Owner is to compile an oral history and documentary history of Scouts in the region and produce a publication of the Regional Scout History.



It is therefore suggested that if approved, the project should include a requirement to complete an Interpretation Plan in accordance with Heritage Council Guidelines. That Plan would identify what kinds of on-site or other interpretation would be most appropriate within a new development.

The Heritage Branch has also reviewed the specialist Heritage report provided in Appendix I of the EA. It was noted that the report quotes the version of the Heritage Act prior to its amendment in 2009. The report also does not follow the methodology or criteria for assessment of heritage significance which is given by published Heritage Council guidelines. Nevertheless, the report indicates that basic historical research and site survey fieldwork was undertaken to inform the study's recommendations. On page 57 of the HIS it is stated that:

The Nords Wharf Site does not have inherent heritage value nor does it contain items of historical heritage. The proposed development will not impact any known heritage items. Therefore the proponent is not required to undertake mitigation measures in relation to historical heritage before, during or after the proposed development.

Despite the errors noted above, it is considered that the EA is generally consistent with the DGR's with respect to the heritage requirements. Indigenous heritage recommendations, that *'all elements identified as being of "aboriginal heritage significance" are to be generally retained and protected,'* appear 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 matters (interpretation plan and notification of discovery of 'relics') should be included as conditions of consent for this proposal if it is approved. If you have any questions regarding the above matter please contact Siobhan Lavelle using the details on this letter.

Yours sincerely

17/12/2010

Vincent Sicari
Manager
Conservation Team
Heritage Branch
Department of Planning