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File: 10/24118
Our Ref: B234760
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Anna Johnston
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Attention: Dorna Darab

Dear Ms Darab

MAJOR PROJECT REFERRAL – COAL AND ALLIED SOUTHERN ESTATES MIDDLE CAMP SUBDIVISION CONCEPT PLAN (MP 10_0089) ENVIRONMENTAL ASSESSMENT– REQUEST FOR COMMENTS

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 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 proposal is for the creation of two new subdivisions with Middle Camp including:

- Dedication of 525.87ha of conservation land to the NSWG that is identified in the LHRS and LHRCP, comprising approximately 93% of the Catherine Hill Bay (Middle Camp) site.
- Dedication of 12.3ha of public open space to Lake Macquarie Council.
- Retention of 12.21ha of land to maintain the existing occupied dwellings in Coal & Allied ownership.
- Proposed dwelling yield of 222 dwellings (including 57 integrated housing lots) and 3 super lots over 28.2ha.
- Two areas developable for residential purposes are identified under the Concept Plan located to the north of the Middle Camp heritage township:
 - Developable area A (northeast) = 7.32ha; Area A (Sawmill Camp) is located north of the existing settlement on the eastern side of Flowers Drive in an existing cleared area. It is proposed to be set back behind a buffer of proposed vegetation.
 - Developable area B (northwest) = 20.88ha; Area B (Colliery Hamlet) is located to the west of Flowers Drive and northwest of the existing settlement. Development is proposed to be set back from Flowers Drive behind a buffer of proposed vegetation.

Two of the proposed super-lots in Area B have been located to provide protection for identified heritage/archaeological elements at the site by incorporating them into open-space.

The EA deals with heritage issues in Section 6.7 and in Appendix I *Heritage Impact Assessment* prepared by ERM dated November 2010. The EA notes that the key assessment findings were:

- The study area does not contain any recorded Aboriginal sites. Given the level of disturbance that has occurred throughout the study area, in-situ archaeological material is not predicted to remain except for an Aboriginal Potential Archaeological Deposit in the vicinity of the creek that leads to the northern end of Middle Camp Beach. This area is assigned a “moderate” scientific / research significance. If this area can be avoided by development, then no direct or ancillary impacts on Aboriginal significance are anticipated.
- Two significant landscape features exist in the study area: the former CHB colliery railway which provides evidence at a local level for the movement of coal within the area and the E Pit, a recognised archaeological zone in the north-western precinct that provides evidence of the development and continuity of mining activity.
- Catherine Hill Bay is listed as a Conservation Area under Schedule 5 of the Hunter REP - Heritage, which includes the Middle Camp sites. The identified heritage items in the vicinity of the proposed development include the Uniting Church; cottages on Flowers Drive; Hall on Northwood Road; and the Cemetery. Various potential heritage items are also listed under the 1993 City of Lake Macquarie Heritage Study.

Based on the information provided the following comments are made:


- The Indigenous heritage recommendations appear to be appropriate however more detailed comment from the DECCW should be sought in this regard.
- In Section 5.3 the built heritage items are identified; these are shown in Figure 5.2. The specific items are not identified in Figure 5.2 as such it is unclear what structures are located where. It is presumed that these are the items indicated in the Concept Plan in Figure 7.1. The retention of these heritage items has been identified in the SoC. A detailed concept plan that identifies these heritage items within the proposed subdivision should be completed as a part of the approved project documentation.
- Appropriate exclusion zones are to be provided around all existing heritage items to be retained so that they are not adversely impacted during works associated with the proposal.
- Item C identified in the archaeological assessment (the cistern) was identified as likely being a remnant from the 1934 water supply infrastructure. The archaeological assessment that it is unlikely to contain relics or artefacts seems to be based upon the assessment that it was ‘robbed out’ in the 1960s or 1970s. Cisterns/wells often provide areas where artefacts are disposed of and as such without specific evidence being provided that the cistern was emptied when the adjacent buildings were removed in the 1960s/70s it is reasonable to conclude that the cistern may contain archaeological objects. Initial excavations of the cistern should be monitored by an archaeologist should any archaeological deposits be uncovered.
- A Construction Heritage Management Plan should be prepared to detail how construction impacts on heritage items will be minimised. This plan shall be developed in conjunction with the Heritage Branch of the Department of Planning and include, but not necessarily be limited to:
 - Specific measures to be applied to works undertaken in close proximity to identified heritage items and archaeological items to avoid impacts;
 - How heritage items and relics discovered during the development will be considered and managed. This shall include a component within the site induction program for workers adjacent to heritage/archaeological objects; and
 - Appropriate stop-work procedures to be followed should unexpected archaeological objects be located.
- It is stated that the landscape plan and subdivision layout has been designed to protect views to and from the heritage dwellings; however the EA does not include a detailed view analysis that identifies the specific view corridors that are to be impacted by the proposal. Although the general principle of protecting such views is to be supported, without such a view analysis the adequacy of the measure being taken cannot be properly assessed.



- The commitments in the draft Statement of Commitments relating to the protection of historical archaeology should be included as conditions in any consent granted for this proposal.
- An additional condition should be included to the effect that should any archaeological objects be uncovered they shall be reported to the Heritage Branch of the Department of Planning and their advice sought on the assessment and management of this material.

If you have any questions regarding the above matter please contact Gary Estcourt at the Heritage Branch on (02) 9873 8562.

Yours sincerely



08/12/2010

Vincent Sicari
Manager
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Department of Planning