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File: 11/19441
Our Ref: B516758
Your Ref: MP09_0131

Director Metropolitan and Regional Projects
GPO Box 39
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Attention: Robert Byrne

Dear Mr Byrne

MAJOR PROJECT REFERRAL – TALLAWARRA LANDS PROJECT (MP09-0131) – COMMENT ON ENVIRONMENTAL ASSESSMENT

I refer to your letter, requesting the NSW Heritage Council's comments on the proposed Tallawarra Lands Project from TRUenergy, pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (as amended). The proposal consists of a concept proposal for the mixed use of the Tallawarra Lands including:

- Residential Development (both small and large lots);
- Neighbourhood Centres;
- Business Parks;
- Industry;
- Retirement Living;
- School; and
- Open Space.

Section 6.18 and Appendices 14a and 14b specifically deal with Cultural Heritage issues identifying a number of potential sites as follows:

- TH1: Existing structures in the northwest corner of the site, most recently a riding school. Possibly "O'Brien's House" present at least by 1916;
- TH2: Potential archaeological site near a large fig tree to the west of the site and adjacent to the Princes Highway. Possibly part of "Jordan's Farm" in the late nineteenth century;
- TH3: Potential archaeological site slightly to the north of TH2. Possibly part of "Jordan's Farm" in the late nineteenth century;
- TH4: Potential archaeological site south of Duck Creek and adjacent to the Princes Highway. Possibly part of the Wollingurry Dairy, early 20th century;
- TH5: Potential archaeological site south of Duck Creek and east of TH4. House known as "Wollingurry" situated on Wollingurry Dairy, early 20th century;
- TH6: Former Yallah Platform. Removed to Albion Park rail museum in 1980s;
- TH7: Former Smelting Company rail alignment (adjacent to the Study Area);
- TH8: Pair of existing tanks at the base of Mount Brown, built c.1950;
- TH9: A more widespread group of structures in the southern part of the Study Area; grouped together as the aerial photographs are unclear. Shown as "Beachgrove" in 1970s and possibly part of Wollingurry Dairy, early 20th Century; and
- TH10: Group of structures east of TH6. Shown as "Roscommon" in the 1970s and possibly part of Wollingurry Dairy, early 20th Century.

The significance and impacts of the proposal on the identified sites are shown below.

Site	Significance	Impact
TH1	Unknown	Will be demolished
TH2	Unknown	Will be demolished
TH3	Unknown	Unknown, beyond direct development but landscaping and service details are not known
TH 4	Unknown	Unknown, beyond direct development but landscaping and service details are not known
TH5	Unknown	Unknown, beyond direct development but landscaping and service details are not known
TH6	Outside of study area	None
TH7	Outside of study area	None
TH8	Unknown	Unlikely
TH9	Unknown	Will be impacted
TH10	Unknown	Impacts are likely

On page 48 of the Heritage Impact Statement it is stated:

A concept plan identifies the location of proposed land uses and accompanying infrastructure. Its purpose is not to provide specific details of individual components such as would be required in a development application. As a result, an assessment of the impact of future development on heritage items and potential archaeological sites is necessarily limited...

In the conclusion the author states (page 50):

The assessment of archaeologically sensitivity areas should be conducted as early as possible following concept plan approval so that any resulting constraints can inform the design and so that the Proponent can factor in any additional stages of investigation as early as possible....If sensitive sites are not identified before approval of future stages is given, then mitigation of impacts may be difficult once development activity is actually underway. The management of relics, particularly any that reach the State significant threshold, should be an important factor in the Tallawarra Lands Development project.

The following comments are made in relation to this EA:

- The assessment of the site TH1 that was undertaken is considered to be appropriate; this identified that the site is unlikely to be significant, however an archival recording of the site was undertaken to offset the loss of the complex.
- The Heritage Impact Statement recommends that where practical impacts to all identified heritage items and archaeological sites should be avoided but where these impacts are unavoidable then archaeological assessments should be undertaken. Based on the Heritage Impact Statement's conclusions the majority of these identified sites are going to be destroyed or very likely impacted.
- Identifying that these sites are to be impacted but then not undertaking any assessment of their significance, even at concept plan stage, is considered inappropriate. This approach seems to contradict the HIS where it notes that early identification of significance is necessary because *on of impacts may be difficult once development activity is actually underway.*

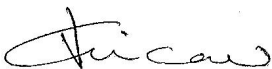
The following conditions are recommended for inclusion in any approval granted:



- Prior to any further works commencing or any detailed plans for the Land Uses identified in the Concept Plan being submitted to the Department for comment or approval, assessments of significance and assessments for archaeological potential must be undertaken for sites TH2, TH3, TH4, TH5, TH9 and TH10; these assessments must be considered in any future studies for this site.
- The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not previously identified are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- The Statement of Commitments must include a clause that any recommendations from any other Heritage Impact Assessments or Assessments of Archaeological Potential undertaken at the site are to be incorporated into the Statement of Commitments if not already done so.
- A Heritage Management Plan must be prepared that details how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The Plan shall include, but not necessarily be limited to:
 - (i) Specific measures to be applied to works undertaken in close proximity to identified Aboriginal and non-Aboriginal heritage items to minimise and avoid impacts on these items;
 - (ii) How heritage items (Aboriginal objects and relics or works) discovered during the construction of the project will be considered and managed. This shall include a component within the site induction program for construction workers on Aboriginal and non-Aboriginal heritage within the project area;
 - (iii) Stop-work and notification procedures to be implemented should any unexpected intact archaeological deposits and/or State significant relics not previously identified be discovered;
 - (iv) A procedure for continued consultation with the relevant Aboriginal stakeholders; and
 - (v) Procedures to be followed should non-compliance against any of this management plan be detected.

The Heritage Branch would be happy to review any further documentation that may address any likely heritage impacts. If you have any further enquiries regarding this matter, please contact Gary Estcourt at the Heritage Branch on (02) 9873 8562.

Yours sincerely



28/10/2011

Vincent Sicari
Manager
Conservation Team
Office of Environment and Heritage
AS DELEGATE OF THE NSW HERITAGE COUNCIL