



Mr Paul Freeman
Team Leader, Resource Assessments
Department of Planning & Environment
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SYDNEY NSW 2000

Sent by email to: paul.freeman@planning.nsw.gov.au

Dear Mr Freeman

Environmental Impact Statement for Hume Coal Project (SSD 7172) and related Berrima Rail Project (SSD 7171): Request for Submissions

I refer to your correspondence received on 3 April 2017 requesting a submission and recommendations, if required, from the Heritage Council of NSW for the Environmental Impact Statement (EIS) for both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171).

The EIS for both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171) have been reviewed, with emphasis placed on reviewing the Environmental Impact Statements, Appendix I and Appendix T. Accordingly, the following comments concerning the potential impact of the proposal on the nearby cultural heritage places, archaeology and areas are offered.

State Heritage Register items

Dspite reassurances in the EIS, there is still concern about potential physical impacts from the mining operation on Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no.442), such as vibration, changes in the water table and ground water and coal contaminated dust at any time during the life of the mine on the condition and structural stability of the adjacent SHR heritage items.

The potential for adverse impacts is exacerbated by the considerable age and fragility of adjacent built SHR listed buildings, structures and mature plantings. In light of this, it is recommended that the following conditions should be included in any approval of the proposal:

- **A dilapidation report is to be undertaken prior to the commencement of both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171) of each of the State Heritage Register items adjacent to the Hume Coal Project Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no.442). The dilapidation study is to report on the condition of the properties prior to any construction or excavation. It is to record any existing damage, and the state of any particular aspects of the property that are likely to be affected by construction work, excavation or demolition.**
- **An inspection and monitoring program should be established for the State Heritage Register items adjacent to the Hume Coal Project Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no.442) to ensure that any structural changes are identified. The program is to inspect and monitor the condition of the buildings, structures as well as the level and extent of ground water for the full duration of the mine,**

from inception to final decommissioning and for two years following decommissioning and site remediation.

- Any damage due to the mine construction and operation and for the two years following decommissioning should be firstly prevented. Any damage must be carefully rectified immediately in accordance with conservation Australia ICOMOS Burra Charter, best industry practice and Heritage Council of NSW guidelines. This includes damage to buildings' structure, external and internal claddings, finishes and built in fittings due to any movement, contamination, leaching, accelerated corrosion and deterioration, or discolouration. This program should be included in the proposed Historic Heritage Management Plan for both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171).

Berrima, Sutton Forest and Exeter Cultural Landscape

In 1998, the National Trust of Australia (NSW) identified a significant cultural landscape conservation area for Berrima, Sutton Forest and Exeter. The proposed subterranean mine, its surface infrastructure and the rail loop are mostly located within this landscape. Despite the fact that the Berrima, Sutton Forest and Exeter Cultural Landscape is not listed on the SHR, the 1998 assessment identified that it is of state significance. Its significance is as a place of early colonial exploration, settlement and pastoralism from 1819, the evidence of which is still legible in the landscape.

It is considered that the EIS's analysis of potential adverse impacts of the mine and rail loop on this landscape (p116 of the Statement of Heritage Impact) is insufficient and its possible impact on this intact colonial pastoral landscape. Therefore, it is recommended that:

- The EIS should include a detailed assessment of impact of both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171) on the Berrima, Sutton Forest and Exeter Cultural Landscape. The applicant should provide this assessment prior to determination of the application, so that it informs the conclusion of any determination. The assessment should be undertaken by a heritage consultant with demonstrated experience with similar issues and scale of historic landscapes. The assessment should address the values set out in the National Trust of Australia (NSW) 1998 Summary Statement of Significance in detail. It should analyse any impact on these values as well as significant elements or groupings that comprise the landscape, that is the towns and villages, habitable buildings, pastoral and other structures, roads, streets, lanes, paths, fences, waterbodies, trees, plants, paddocks, cropping, their fabric as well as significant historical links across the landscape such as explorer and stock routes, the visual connections across the landscape as well as local and precinct-wide settings. The assessment should also consider whether any modifications to the projects' scope would prevent any adverse impacts to this multifaceted cultural landscape including the impact of project wide water usage, any water table draw-down and altered surface and sub-surface flows.

Locally significant heritage items

Eight locally significant heritage items listed on Schedule 5 of the Wingecarribe Local Environmental Plan (LEP) 2010 are wholly or partially within the project area. Despite reassurances in the EIS that subsidence and disturbance to the water table and ground water will be minimised by state-of-the-art mining methods, concern remains that some damage is possible to the items due to the size and longevity of the subterranean operations and the age and fragility of historic buildings, structures and mature plantings.

Therefore, it is recommended that the following conditions should be included in any approval of the proposal for condition monitoring, prevention and rectification of the locally listed heritage items:

- **A dilapidation report is to be undertaken prior to the commencement of both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171) of each of the locally significant heritage items listed on Schedule 5 of the Wingecarribe Local Environmental Plan (LEP) 2010 adjacent to the Hume Coal Project. The dilapidation study is to report on the condition of the properties prior to any construction or excavation. It is to record any existing damage, and the state of any particular aspects of the property that are likely to be affected by construction work, excavation or demolition.**
- **An inspection and monitoring program should be established for each of the locally significant heritage items adjacent to the Hume Coal Project. The program is to inspect and monitor the condition of the buildings, structures as well as the level and extent of ground water for the full duration of the mine, from inception to final decommissioning and for two year following decommissioning and site remediation.**
- **Any damage due to the mine construction and operation and for the two years following decommissioning should be firstly prevented. Any damage should be carefully rectified immediately in accordance with conservation Australia ICOMOS Burra Charter, best industry practice and Heritage Council of NSW guidelines. This includes damage to buildings' structure, external and internal claddings, finishes and built in fittings due to any movement, contamination, leaching, accelerated corrosion and deterioration, or discolouration. This program should be included in the proposed Historic Heritage Management Plan for both the projects.**

Mereworth House and Garden

Mereworth House and Garden are listed in the Wingecarribe LEP 2010. It is understood that the house dates from 1965, but the garden is an intact work of the renowned master landscape architect Paul Sorenson from his most productive years.

There is concern about potential adverse impact of the proposal on a key feature of Sorenson's garden design, the view to the north and east. The coal handling infrastructure, buildings, the powerlines, water infrastructure and stockpiles north of Mereworth will, for the life of the mine, has a potential to adversely impact the quality of Sorenson's garden design which borrows the long open view to the north and east. There is also insufficient information in the Statement of Heritage Impact to understand the height and size of the mine's above ground workings and structures north of Mereworth. Therefore, it is recommended that:

- **The EIS should firstly include a comparative analysis of Sorenson's design at Mereworth within his whole body of work for an up-to-date understanding of Mereworth's level of significance, ie state or local. Only then can the assessment discuss any potential impact with greater certainty and recommend effective measures to prevent a negative impact. The analysis should be undertaken by a heritage landscape consultant with demonstrated experience with similar historic landscapes. Then, based on the comparative analysis, the EIS should reassess the impact of the Hume Coal Project (SSD 7172) above ground workings in greater detail.**
- **The following three views need to be accurately rendered and presented at least at A4 size for clarity:**
 - **the view from within Sorenson's Garden out to the north and east;**
 - **the view to Mereworth House and Garden from the highest point on the original Mereworth drive; and**
 - **the view to Mereworth House and Garden from the Old Hume Hwy parallel to the original drive, now disused.**

These views need to accurately illustrate the appearance, size, scale of the mine's above ground infrastructure and its proximity to the House and Garden. This is important so that the assessment of any impact is correct and negative impacts on these views can be prevented. The applicant should provide this analysis and subsequent assessment prior to determination of the application, so that it informs the conclusion of any determination.

Historical Archaeology

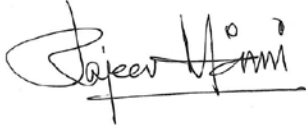
The EIS states there are two potential archaeological sites affected by the project which retain archaeological relics within the meaning of the *Heritage Act 1977*. These sites are identified as a former homestead *Mereworth 1* which dates from the 1820s, and *Evandale scatter HC_127*. It is noted the *Three Legs of Man Inn* is identified outside the study area, however it is unclear how subsidence to this site would be avoided by the proposed mining activity. Due to the access restrictions referred to in the EIS it is also unclear how the EIS can have adequately identified and assessed archaeological potential within the subject land. It is further noted that the 'local heritage items' Sutton Farm, The Pines, Comfort Hill and The Harp all date to the 1820s and 1830s and are highly likely to retain their own historical archaeological resources associated with the extant intact structures. Newbury and the Eling Forest Winery Group are both identified in the EIS as highly likely to retain research potential. These items are within the impact area, however, the EIS is silent as to the likely impact that the proposed mining activities may cause to likely subsurface archaeological deposits associated with these items.

The EIS has not demonstrated an adequate assessment of the study area to clarify there are no additional historical archaeological sites which may fall within the project boundary. The EIS is also not supported by a separate Historical Archaeological Assessment to clarify this. Therefore, given the early cultural landscapes which date from the 1820s onwards, it is recommended that:

- **The EIS should be supplemented with a detailed historical archaeological assessment prepared by a suitability qualified and experienced historical archaeologist. The assessment should be prepared in accordance with Heritage Council of NSW guidelines including *Archaeological Assessments 1996* and *Assessing Significance for Historical Archaeological Sites and Relics 2009*.**
- **This Assessment should address, in sufficient detail through historical investigation of primary records, the potential for other historical archaeological sites within the subject area and reassess the significance of the sites it identifies.**
- **The Assessment should clarify how archaeological sites of the 1820s associated with the Atkinson Family and other early settlers in NSW, would not be of potential state significance, rather than local.**
- **The Assessment should also clearly outline what the impact would be to these sites, both within the study area subject to the coal mining works below and above ground and how mitigation of relics may or may not be required. This impact should be clearly explained so that conditions of consent can be reasonably imposed to manage such impacts to these significant archaeological deposits.**
- **The detailed historical archaeological assessment should be provided to the Heritage Council for review prior to any determination of the application. Based on this supplementary assessment to address these elements in sufficient detail, the Heritage Council would be able to provide more specific advice for recommended conditions of approval to manage this resource.**

If you have any questions regarding the above matter, please contact Ed Beebe, Senior Heritage Assessment Officer, at the Heritage Division, Office of Environment and Heritage on telephone (02) 9585 6045 or by email: ed.beebe@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line underneath.

Rajeev Maini
Acting Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the Heritage Council of NSW
17 July 2017