



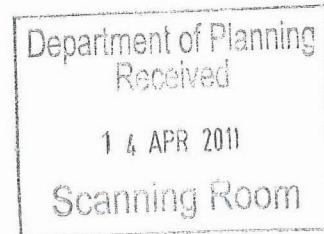
Office of
Environment
& Heritage



PCU021694

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File number 11/06173
Your ref: 10_0080

Colin Phillips
Senior Planner
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Department of Planning
PO Box 39
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Dear Mr Phillips

Attention: Paul Freeman.

Subject: Office of Environment & Heritage comments on the Environmental Assessment for Myuna Coal Project 10_0080.

The Office of Environment & Heritage (formerly the Heritage Branch, Department of Planning) received your letter dated 14 March requesting comments on the Environmental Assessment (EA) for the Myuna Coal Project (10_0800), which is currently on exhibition.

Accordingly, the Office has reviewed the EA and its associated Appendices and has the following comments:

- The Environmental Assessment and its associated Appendix M- 'Myuna Colliery Extension of Mining Cultural Heritage Assessment' by RPS, dated February 2012 does not adequately address the impacts the project may have on non-Aboriginal heritage located within and adjacent to the project area.

There are several mistakes and assumptions which have led to the erroneous conclusion regarding the presence of heritage within the subject site and there is an obvious lack of detail in the assessment which means that it is by no means sure that all heritage was adequately identified during the EA process.

- The prime example of this is found in Paragraph 5 of the Executive Summary in Appendix M, which provides incorrect detail regarding the non-presence of non-Aboriginal heritage within the subject site.

Heritage was identified- specifically the remains of the Wangi Rail line which cross in to the project area and is associated with the State Heritage Listed Wangi Power Station, located adjacent to the site.

However, a misunderstanding regarding advice provided by the former Heritage Branch and the 'Relics' provisions of the Heritage Act have led the heritage consultants to conclude that this item is not heritage and to dismiss it. Accordingly, they have provided no analysis of the impacts the project will have on it and no mitigation strategies to ensure it is properly recorded prior to any impacts taking place.

It is true that the former Heritage Branch provided verbal advice that rail lines are considered 'works' under the definition of Environmental Heritage present in the Heritage Act, not as 'relics'. However, it is incorrect to state that because the rail line is not considered as a 'relic', it is not classed as a heritage item under the NSW Heritage Act as is stated on page 28 of the RPS report. This erroneous ascertain is repeated on page 57 of the RPS report and on page 141 of the Main Report. This should be fixed.

Whether or not the rail line can be classed as a heritage item would depend on a formal Assessment of Significance which conforms to the methodology outlined in the endorsed Heritage Council Guidelines (Assessing Significance dated 2001), not on which type of Environmental Heritage it is considered to be under in the Heritage Act.

RPS did not include an assessment of significance for the rail line, which is in itself associated intimately with a State significant item. This needs to be amended with an assessment of significance and any appropriate mitigation measures identified, forthwith.

Please note the name of the Heritage Officer in question is correctly spelt as 'Katrina Stankowski', not 'Karen Stankowski'.

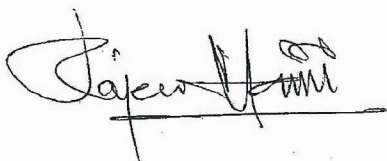
- Furthermore, there has been no attempt to assess whether the works will have any impact on the State Heritage Listed Wangi Power Station situated adjacent to the project area. The RPS report and correspondingly, the Main Report contains an assumption that because potential subsidence will be less than 20mm, there will be no impact- there has been no evidence provided to justify this. This level of impact assessment is considered to be inadequate and needs to be supplemented.
- There are no maps outlining the locations of known non-Aboriginal heritage items in relation to the proposed works, although these maps exist in the report for Aboriginal Heritage.

In fact, the level of research, assessment and detail afforded to Aboriginal heritage in the RPS report seems out of proportion to the research, assessment and detail afforded non-Aboriginal heritage, particularly given that the DGR for heritage makes no distinction in required detail level between the assessment of the two.

In summary, it is recommended that further heritage assessment be undertaken to ensure that all potential non-Aboriginal heritage items and impacts to them have been assessed, and that appropriate mitigation strategies are in place to mitigate impacts to known and unknown heritage items.

If you have any questions regarding the above, please feel free to contact Katrina Stankowski on 02 98738569.

Yours sincerely



11/4/2011

Rajeev Maini
A/Manager
Conservation Team
Office of Environment and Heritage