



Our ref: DOC21/59878

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Dear Ms Evans

Notice of Exhibition of application for Mount Pleasant Optimisation Project (SSD – 10418)

Thank you for your referral dated 2 February 2021 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The proposed development involves:

- Increased open cut coal extraction at the existing Mt Pleasant Coal Mine.
- Staged increase in extraction, and upgrades to the existing coal handling and processing and handling infrastructure;
- Rail transport
- Upgrades to ancillary infrastructure, workshops and electricity distribution
- Existing infrastructure relocations to facilitate mining extensions (local roads, powerlines, water pipe-lines)
- Construction and operation of new water management and water storage infrastructure
- Additional reject dewatering facilities to allow co-disposal of fine rejects with waste rock as part of ROM waste rock operations;
- Development of an integrated waste rock emplacement landform to incorporate geomorphic drainage design principles for hydrological stability, varying topographic relief to be more natural in exterior appearance.
- Construction and operation of new ancillary infrastructure in support of mining
- Extension of the mining operation time limit until December 2048
- Ongoing exploration activities
- Other associated infrastructure, plant, equipment and activities

The proposed SSD affects no items that are listed on the State Heritage Register (SHR). There are items located outside the study area which may be affected by the project. These include (MP51 – Kayuga Bridge which is listed on the s170 register for TfNSW and MP53 – Kayuga Cemetery). These two items have been assessed as being of state heritage significance by the project (Veritas 2014 and Extent 2020), although they are not currently SHR listed.

HNSW notes that a series of test excavations were conducted for MACH Energy in 2017-2018 for several sites identified by VAHS 2014 as retaining archaeological potential. These included MP12, MP10, MP8, MP17, and MP10. Results for MP10 and MP12 have been received. HNSW notes that the remaining testing reports (MP8, MP17 and MP10) remain outstanding and MACH Energy is requested to provide copies of those reports to the Heritage Council of NSW.

A 2014 heritage study conducted by Veritas Archaeology & Heritage Services (VAHS) for MACH Energy identified 55 historic heritage sites for the Mount Pleasant Operation DA 92/97 boundary and its immediate surrounds. These sites included 'a lime kiln, sandstone quarry, sheds, stockyards and fences, windmills, hut sites, school and church sites, a butter rectory, a slaughter house, a

surveyor's mark, farm and house sites, homesteads and a cemetery; ranging in age from the 1830s to the 1970s' (MACH Energy EA, 2020 p7-110). These sites were reassessed by Extent Heritage in 2020 for the current proposal. The Extent recommendations are discussed below. Extent has identified 14 sites of 'local heritage significance', with 7 of these sites having the potential to be impacted by the current project including MP20 Kayuga Coal Mine; MP21 Kayuga School; MP22 Smiths' clear farm; MP27 Thorndale; MP29 Lynch's; MP42 Fibbins and MP45(a-b) Casey – Glenmore and Edgeway. Eight further sites have been identified by Extent as being likely to be indirectly impacted by the project: MP01 Broomfield; MP38 Rosebrook; MP41 Negoa; MP46 Kayuga Rec Ground; MP50 Waitomo; MP51 Kayuga Bridge; MP52 (Overdene) and MP53 Kayuga Cemetery (Refer Table 7-26).

The landscape assessment has also identified a series of homesteads of heritage significance surrounding the mine such as Edinglassie (00170), Rous Lench (00211), Overdene (Overton), Bengalla Homestead and Negoa homestead. The analysis has deferred to the Historical Heritage Assessment by Extent Heritage to consider potential visual impacts to the heritage values of these landscape items. This is discussed below.

The following reports were considered in our assessment:

- *Appendix H: Historical Heritage Assessment prepared for MACH Energy Mt Pleasant Operation, Extent Heritage, Final December 2020.*
- *Appendix M: Visual and Landscape Assessment prepared for MACH Energy Mt Pleasant Operation, VPA Visual Planning & Assessment, 2020*
- *Section 7 – Environmental Assessment prepared for MACH Energy Mt Pleasant operation, 2020*

As delegate of the Heritage Council of NSW, I note that comment on the Aboriginal cultural heritage impacts will be provided under separate cover by Heritage NSW.

After review of the above documents, I provide the following comments for historic heritage including historical archaeological sites of significance (relics):

General Comments and Management:

Extent Heritage (2020) identified that 17 sites retain local or state significance and would be directly or indirectly impacted by the project. These are included in Table 5 (p28-30): MP01 (Broomfield), MP20 (Kayuga Coal Mine), MP 21 (Kayuga School); MP22 (Smiths' Clear Farm); MP27 (Thorndale); MP29 (Lynch's); MP38 (Rosebrook); MP39 (Rosebrook Quarry), MP41 (Negoa); MP42 (Fibbins); MP45(a-b) (Casey: Glenmore and Edgeway); MP46 (Kayuga Recreation Ground); MP50 (Waitomo House); MP51 (Kayuga Bridge); MP52 (Overdene/Overton); MP53 (Kayuga Cemetery); Muswellbrook-Jerrys Plains Landscape Conservation Area.

Extent Heritage (2020) has identified a subset of 5 sites in the 17 listed above retain a likelihood for 'relics' within the meaning of s4 of the *Heritage Act 1977*. These sites may be directly or indirectly impacted by the project. These are included in Table 5 (p28-30) as: MP21 (Kayuga School); MP38 Rosebrook; MP41 Negoa; MP52 (Overdene (Overton)); MP53 (Kayuga Cemetery).

HNSW notes that Extent Heritage has reassessed items that were identified by VAHS in 2014. The Extent reassessment has concentrated on clarifying questions against the *NSW Historical Themes (2001)* and the Heritage Council Guideline 'Assessing Significance for Historical Archaeological Sites and Relics' (2009). Extent concluded several sites do not meet the threshold of research potential to reach a level of significance, would not retain relics, and therefore do not require further archaeological management. HNSW supports the approach of reassessing values of a site to more clearly align with Heritage Council guidelines to ensure that sites (and relics) of significance are clearly identified, assessed and managed by the project where necessary.

The Extent Heritage Assessment relied on historical research conducted by VAHS in 2014. A copy of the VAHS 2014 report was not supplied for reference. The Extent Assessment does not appear to have included any more detailed historical research to clarify or resolve outstanding questions raised by VAHS in its report. The absence of detailed historical research for sites as part of an assessment does not fully align with Heritage Council requirements for preparing an historical archaeological assessment. HNSW notes that there is an assumption that the level of historical research set out by VAHS is adequate and the assessment of significance and management may require further refinement. The following points set out below (*Historical Archaeology*) identify why further research and justification is requested for the project's Response to the Submissions (RTS) phase.

Section 5 of the Extent Assessment includes impacts to items that it has concluded (through additional assessment) do not retain significance. It is unclear why Section 5 includes recommendations for these items. This section could be revised to remove these items for clarity and updated as part of the project's RTS phase.

Historical Archaeology:

The reassessment concluded for a number of sites, where a well is present it would not require further investigation (e.g. MP13, MP23, MP25, MP38). It is unclear if these wells contain any artefacts, objects or deposits which would be 'relics' under the *Heritage Act, 1977*. Extent argued in each case that 'the well would not constitute a relic under the *Heritage Act*, being rather a work under the legislation' (Extent 2020). This is only partly correct, 'environmental heritage' as defined under s.4 of the *Heritage Act 1977* is interpreted to mean that each item is mutually exclusive, therefore a relic is not a work. That interpretation is provided in the Guideline 'Assessing Significance for Historical Archaeological Sites and Relics' (2009). There is no definition for a 'work' under the *Heritage Act, 1977*. Extent has concluded in most instances that these sites have a low potential for relics elsewhere, however it is unclear if the wells contain artefacts. If present would the artefacts retain research potential and be considered relics? HNSW requests that the Extent Assessment reviews the sites which contain wells to clarify this question of the presence of relics and further management. This is requested for the project's RTS phase.

The assessment for MP49(a-c) should be reviewed to confirm the conclusions for the site based on the existing levels of research. It is noted that its current phasing and likely occupation is linked predominately to the Weidmann Family from the late 19th century, rather than a much earlier time period. The Extent argument is based on a limited timeline sourced from VAHS 2014 and does not fully explain an argument for limited research potential. Clarification about the historical research and significance for this item (MP49) is requested for the project's RTS phase.

Appendix H is a Heritage Assessment, it was not a detailed Historical Archaeological Assessment prepared in accordance with the Guidelines published by the Heritage Council of NSW. While Section 6 contains recommendations for further archaeological management, the project will require the preparation of an Archaeological Research Design and Excavation Methodology (ARDEM) to manage disturbance to historical archaeological relics. The ARDEM would enable clearer assessment of research values (at a local/state level), and comparative analysis of the archaeological resource, which would guide preparation of appropriate research questions. The ARDEM should be prepared by a suitably qualified historical archaeologist, in accordance with Heritage Council Guidelines and policy. It should address all sites where archaeological relics are anticipated as identified by Extent (2020) and include the additional responses requested by this letter. The ARDEM should include an Unexpected finds protocol for management of areas where relics are not identified, or Extent has identified they would not be found. The ARDEM, should be provided for the project's RTS phase to allow appropriate guidance on archaeological management to DPIE.

Investigation of potential burials:

Extent's Assessment identified sites MP23 (Devine's) and MP27 (Thorndale) may contain unconfirmed potential for child burials. If of significance, these remains may also be relics under the *Heritage Act, 1977*, however this is not clear from the summary research presented. Legislative requirements within the Public Health Act and Public Health Regulation (and definition of a 'relic' under the *Heritage Act 1977*) have been updated since the publication of the 1998 Heritage Council Guideline 'Skeletal Remains'. If human remains are identified, NSW Health are likely to require the names and next of kin to seek approval for exhumation (where required by the SSD). Exhumation is approved under the Public Health Regulation 2012. The timing of these activities (investigation) and appropriate and sensitive management of discovery of human remains including contact with relatives, should be appropriately factored into the project, if approved. Relevant commitments and requirements should be updated for the project's RTS phase.

Sites requiring reassessment for State Heritage Significance:

The following (3) sites should be reassessed to clarify their current level of heritage significance based on the VAHS and Extent assessments. Existing records reviewed by Heritage NSW indicate that the following may have been underassessed and that their significance and may be at a state level, even though not currently listed on the SHR under the *Heritage Act 1977*: For example, there are existing assessments which note Negoa as an item of State significance under the assessment criteria. It is essential that items of state significance are managed commensurate with their significance. MACH Energy has demonstrated this process with its treatment of the Kayuga Cemetery and the Kayuga bridge, which is appropriate. A more detailed analysis of these sites, against other heritage assessments prepared for the Hunter Valley such as the *Hunter Estates: A comparative heritage study of pre 1850s homestead complexes in the Hunter Region* by Clive Lucas Stapleton and Partners Pty Ltd 2013 prepared for the Heritage Council of NSW should be undertaken. This should specifically clarify their heritage significance. This piece of work is requested for the project's RTS phase.

- Negoa Estate (MP41)
- Rosebrook (MP38)
- Overdene (Overton) (MP52)

Proposed Management for items of potential and identified state significance:

The project has committed to a Blast Management Plan (2019) which establishes blasting activities for the project would be designed to manage and limit ground disturbance to 10mm/s at historic heritage sites. This accords to the German DIN 4150 standard. It is unclear if there would be checks in place to ensure that monitoring takes place to confirm the 10mm/s vibration limit and include e.g. structural assessments for each heritage item which will be protected and managed by the mine. It is also unclear if any damage identified would be rectified with appropriate materials commensurate with the item's significance and phasing, e.g. MP38 (Rosebrook); MP52 (Overdene/Overton); MP50 (MP50 Waitomo*) and MP41 (Negoa). * It is noted that Waitomo is not identified as potentially state significant but is included in this list to request the comment is considered and addressed.

Management commitments for MP38 (Rosebrook), advise that a Conservation Management Plan should be prepared, which is supported. This document should identify, assess and guide management of the Place's significant values, in line with previous assessment, and the additional requirements set out in this letter. The CMP should follow existing Heritage Council of NSW guidance on its preparation. Management should also address the above vibration monitoring requirements. Suitable uses should be identified that are appropriate for the item and would not negatively impact its significance. Section 6.15 may not be correct as Heritage Act 1977 approvals under s139 for disturbing relics does not apply to approved SSD projects. These aspects should be updated for the project's RTS phase.

MP41 (Negoa) is outside the SSD boundary. It is unclear how the commitment to preparing an appropriate Conservation Management Plan, which is supported, would be achieved. The CMP should identify, assess and guide management of the Place's significant values according to existing Heritage Council guidance. Suitable uses should be identified that are appropriate for the item and would not negatively impact its significance. Management should address the above vibration monitoring requirements. These aspects should be updated for the project's RTS phase.

MP52 (Overdene/Overton), is 700m outside the SSD boundary and managed under a separate planning approval. It is unclear how this approval would achieve actions such as the adaptive reuse that is recommended. It is recommended that the item's significant values are used to guide any planning/management decisions in future.

The mine's identified commitment to avoidance of impact to MP51 (Kayuga Bridge) through a 'no access for mining vehicles' strategy is supported. The avoidance of MP53 (Kayuga Cemetery) is also supported.

Cultural Landscape Assessment

Assessment of impact to the Muswellbrook-Jerry Plains Landscape Conservation Area as presented by Extent (s4.30.1) indicates that there is no impact as the works have already been approved, if they have already been approved it remains unclear why there would be two discrete areas where this project intersects. Either those parts of the project require approval, or they do not. It is requested that the Assessment is revised to clarify the impact of this project on the Muswellbrook-Jerry Plains Landscape Conservation Area for the current SSD project, not previous approvals unless related to this project. If there is no further impact it is requested that is clearly set out in the project's RTS phase.

Interpretation:

Extent has recommended the preparation of a Heritage Interpretation Plan (HIP) for Mt Pleasant Mine. In terms of ensuring the broader dissemination of why this area forms part of a significant historical cultural landscape and includes some highly significant historical land occupation in the Hunter Valley, public dissemination of this information would be beneficial. However, it is noted that the mine is a heavily controlled landscape and it is unclear who the audience would be, what actual benefit the HIP would bring as it would be unlikely to be broadly disseminated. It is requested that this aspect of the project's commitments, the preparation of a HIP, is clarified with further advice for the project's RTS phase.

As the site contains local heritage items, and other local items are in the vicinity, advice should be sought from Muswellbrook Council.

Heritage NSW would be happy to discuss the comments raised in this submission if that would assist the project's response. If you have any questions regarding the above advice, please contact Felicity Barry, Senior Historical Archaeologist at Heritage NSW on (02) 9995 6914 or Felicity.Barry@environment.nsw.gov.au.

Yours sincerely



5 March 2021

Dr Siobhan Lavelle, OAM

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Heritage NSW

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As Delegate of the Heritage Council of NSW