



Our ref: DOC18/513719

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

Dear Mr Freeman

Hume Coal Project (SSD 7172) and related Berrima Rail Project (SSD 7171): Response to Submissions

I refer to your correspondence received on 23 July 2018 requesting review and comment on the Hume Coal Response to Submissions (RtS) for both the Hume Coal Project (SSD 7172) and the Berrima Rail Project (SSD 7171).

The subject site is not within the curtilage of any State Heritage Register (SHR) listed item, however it is in the vicinity of Oldbury Farm (SHR no. 488), Golden Vale (SHR 489), and Hillview (SHR 442).

The *Hume Coal Project and Berrima Rail Project - Response to Submissions – Main Report (Volume 1)*, prepared by EMM, dated June 2018, has been reviewed. The following comments are made concerning the potential impact on nearby cultural heritage places and archaeology:

Mereworth House and Garden

Mereworth House and Garden is listed in the Wingecarribee Local Environmental Plan 2010 as a locally significant heritage item. It is understood that the house dates from 1965, but the garden is potentially very significant as an intact, large-scale work of the renowned master landscape architect, Paul Sorensen.

Unfortunately, the location of Mereworth House and Gardens is not shown in any of the Hume Coal plans for the proposal, this omission makes thorough impact assessment and recommendation of mitigation measures difficult. As that Mereworth House and Gardens is in the centre of the Hume Coal area, a complete plan indicating existing buildings and gardens and the proposed Hume Project must be submitted prior to the determination of the application. This plan should also clearly indicate the location of the open vistas from Sorensen garden to the rural landscape.

It is understood that the current surrounding rural setting contributes to the significance of the Mereworth House and Garden and its Sorenson landscaping, which sought to blend interior views of the garden with longer rural vistas. Despite additional visual impact assessment in the RtS, the visual impacts of mine on views from the driveway of Mereworth, from points where Mereworth's garden, outer yards and surrounds have outward views, and views of the property from the Hume Highway, do not appear to have been adequately addressed in RtS. Therefore, existing photomontages should be amended to show the real outcome of the proposal before

any decision is made. Choices of locations for photographs must avoid 'internal' areas of the garden where enclosure (by vegetation or structures) blocks outward views. Based on the existing images of the proposal, it is clear that its construction will have a detrimental impact to this significant landscape and setting.

The RtS notes that a CMP will be prepared to manage the significance of the site into the future. This is supported and therefore a condition should be included:

- A conservation management plan (CMP) for Mereworth estate, including the house, garden, estate drive, former drive and rural landscape, is to be prepared within 12 months of the approval. The CMP shall identify appropriate uses for the house, include a schedule of conservation works, as well as a maintenance schedule for house, garden and surrounding farm estate.

A comparative analysis of Sorensen's entire landscape design was previously requested. This was not provided in the RtS. Our previous comments on the EIS in relation to this matter are reiterated and should be addressed prior to determination.

Berrima, Sutton Forest and Exeter Cultural Landscape

Comments provided in the RtS regarding the Berrima, Sutton Forest and Exeter Cultural Landscape highlight that there will not be a significant visual impact to these landscapes because visitors to those areas would not see the Hume Coal and rail loop proposal due to its distance from the highway, the trees and the topography. This statement should be supported by a visual analysis with adequate photomontages and subsequent assessment to indicate possible impacts on this intact colonial pastoral landscape prior to determination. Accordingly, previous comments on the EIS are reiterated and should be addressed prior to determination:

- The EIS should be amended to include a detailed assessment of impacts of both Hume Coal Project (SSD 7172) and 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 and conditions 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 (such as the Old Hume Highway, Hume Highway, Oldbury Road and other local 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.

Historical Archaeology

The RtS provided a response to consent conditions at the EIS stage at Hume Coal Project RTS Main Report part 2 of 2 (Vol 1), section iv – Historical Archaeology.

With regard to point i., there has been no appropriate response received with regard to the requirement for further investigation relating to the archaeological potential of the known site, *Three Legs of Mann Inn*. Whilst the RtS notes that no mining will occur beneath this item, the response does not adequately address the potential impacts of subsidence to this site as a result of the proposed mining activity. Further justification to support this argument is warranted. This requirement remains unsatisfied by the current submission.

In response to point ii, the RtS does not provide an assessment of archaeological potential associated with the *Newbury and Eling Forest Winery Group sites*, identified in the EIS as highly likely to retain research potential. It is understood from the RtS that the known buildings will not be impacted, however no research has been included to address whether these structures had earlier associated outbuildings or structures which may be present in the impact area and therefore impacted by this proposal. It is currently unclear whether the proposed mining activities in the vicinity of the above item may cause harm to potential subsurface archaeological deposits associated with this occupation evidence. This requirement remains unsatisfied by the current submission.

In response to points iii and iv the following argument is made: *a separate archaeological assessment was not prepared as the response indicated that built heritage and relics are not mutually exclusive but part of the same process*. While it is noted the SoHI supporting the EIS was prepared by an historical archaeologist, the comments provided by the Heritage Division to the EIS considered this information and made recommendations for the need for additional, supplementary research specific to understanding the study area. This would then inform an assessment of archaeological potential and significance. This was requested in accordance with specific guidelines for historical archaeology endorsed by the Heritage Council of NSW. The Division reiterates its position for the need for a supplementary historical archaeological assessment to more fully understand the archaeological implications from this proposal. This requirement remains unsatisfied by the current submission.

In response to point v, an historical archaeological assessment would outline the key impact areas and an assessment of potential and significance would determine whether archaeological testing in areas of impact would be required. The response provided does not clearly establish the archaeological potential at the Atkinson's homestead complex and areas of impact. An historical archaeological assessment would do this and outline mitigation measures to manage the impacts in areas of existing and anticipated archaeological potential. This requirement remains unsatisfied by the current submission.

The following recommendations for appropriate archaeological assessment, originally provided in our correspondence dated 17 July 2017, remain relevant and are reiterated:

- 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.

For clarity, we also reiterate the recommended conditions of consent which were detailed in our correspondence dated 17 July 2017, and have not been addressed in the RtS:

- 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, being Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no.442). This 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, being Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no. 442) to ensure that any structural changes are identified. This 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 to State Heritage Register items adjacent to the Hume Coal Project, being Oldbury Farm (SHR no. 488), Golden Vale (SHR no. 489) and Hillview (SHR no. 442) due to mine construction and operation and for 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).
- 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 Wingecarribee 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.

If you have any questions regarding the above matter, please contact Mariana Martin, Heritage Assessment Officer, at the Heritage Division, Office of Environment and Heritage on telephone (02) 9873 8527 or by email: mariana.martin@environment.nsw.gov.au.

Yours sincerely



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As Delegate of the Heritage Council of NSW