



File: SF/FA385231  
Job ID: DOC15/371435  
Your Ref: SSD6367

Stephen O'Donoghue  
A/ Director Resource Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr O'Donoghue

**RE: Heritage Division comments on State Significant Development Application 6367 – Bylong Coal Project**

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I refer to your email dated 21 September 2015 inviting comments on the above State Significant Development application.

The Heritage Division of the Office of Environment and Heritage (OEH), as delegate of the Heritage Council of NSW, has reviewed the documentation and provides the following comments:

Built Heritage

The Heritage Division commends the proponent for their efforts in preparing significance assessments for historic sites that would be affected by the proposal, but are not currently protected through statutory heritage listing.

Of the identified sites, Bylong Upper Public School, Cheese Factory Remains, Our Lady of the Sacred Heart Catholic Church, Upper Bylong Post Office and Bylong Upper Hall are proposed to be demolished or relocated as part of the proposal. Whilst relocation is preferred to their full demolition, it should be noted that the proposed mine will substantially alter the historic landscape of Bylong, and will have an irreversible impact on the heritage value of these significant historic places. To partially mitigate these impacts, the proponent should demonstrate appropriate management of the surviving heritage sites located in the vicinity of the mine, and provide for their statutory protection. It is therefore recommended that the following sites should be considered for inclusion as heritage items in the relevant Local Environmental Plan/s (LEP) prior to the commencement of works.

The proposed vibration monitoring prior to and throughout the life of the project is appropriate and should occur as proposed. It is also recommended that Conservation Management Plans, including Conservation and Cyclical Maintenance Schedules, are prepared and implemented for these sites by the proponent in consultation with the property owners and relevant local councils. Costs associated with preparing these documents should be funded by the proponent.

Given the impacts the project will have to the wider Bylong area an Interpretation Plan should be prepared for the broader Bylong Precinct as part of the EIS. The Interpretation Plan should be prepared by an Interpretation Specialist and implemented as part of the works.

Historical Archaeological Sites and Impacts:

The Historic Heritage Impact Assessment (HHIA) prepared by AECOM in 2015 has identified a total of six historical archaeological items/sites with potential within the study area. These include two historic churches and cemeteries. A further isolated burial, the Renfrew Park Isolated Burial, Upper Bylong, is identified by Higginbotham Archaeological Assessment 2015, but not discussed in the HHIA, 2015. The project will cause direct harm to three (3) archaeological sites within the study area including:

- Cheese Factory Remains.
- Renfrew Park Remains 1 and 2; and

- Our Lady of the Sacred Heart Catholic Church, Upper Bylong.

**The Cheese Factory Remains** were assessed as retaining local heritage significance. The HHIA proposes the Cheese Factory Remains will be mitigated through a program of archaeological excavation and recording prior to impact. Heritage Division supports this recommendation where impact cannot be avoided.

**Renfrew Park Remains 1 and 2** will be impacted but no mitigation is proposed. It is noted that the HHIA did not include further historical investigation and assessment following the identification from oral sources that a historical dwelling was located in the area. Heritage Division does not believe that this level of assessment is suitable to adequately assess the significance of this site. It is therefore recommended that a detailed historical archaeological assessment be prepared by a suitably qualified historical archaeologist and based on the results of that assessment, if locally significant relics are likely to be present, the loss of the site of Renfrew Park Remains 1 and 2 should be mitigated through archaeological excavation and recording prior to harm occurring. Conditions to guide archaeological excavation (if required) are included below.

**Our Lady of the Sacred Heart Catholic Church, Upper Bylong** is assessed as retaining local heritage significance. It contains a church and cemetery containing four marked graves with grave monuments; one reported unmarked grave and a further two potential unmarked graves indicated by ground penetrating radar. A further five areas of disturbance which may or may not be graves were also identified via a ground penetrating radar investigation in 2015 guided by historical archaeologist Dr Edward Higginbotham. The relocation of the church building is being investigated with the Rylstone Historical Society, however the final location has not been confirmed in the Higginbotham Assessment, 2015: p93. The location for reburial of known and potential burials from this site is also not yet confirmed. These points require clarification prior to approval of this project.

**Proposed Conditions to mitigate harm to built heritage, landscapes and historical archaeological sites:**

1. The Proponent should apply to Council to have the Heritage Schedule of the Mid-Western Local Environmental Plan amended to include the sites listed below prior to the commencement of works;
  - Homestation, Bylong Valley Way
  - Bylong Station Farm Complex, North Bylong
  - Sunnyside Homestead, Bylong Valley Way
  - Bylong St Stephens Anglican Church and Cemetery, Bylong Valley Way
  - Harley Hill Farm Complex, Upper Bylong Road
  - Bylong Trig Station, Upper Bylong Road
  - Swiss Cottage, Wooleys Road
  - Bridgelo Provisional School, Wollar Road
  - Bylong Hall, Bylong Valley Way
  - Tarwyn Park Farm Complex, Upper Bylong Road
  - Cottage Chimney Remains, Upper Bylong Road
  - Bylong Landscape Conservation Area
2. Vibration monitoring shall occur to those sites which will be indirectly impacted by the proposed works in the Historic Heritage Impact Assessment prepared by AECOM dated 2015. This should occur throughout the life of the project in accordance with thresholds identified for these items;
3. A Conservation Management Plan, including Conservation and Cyclical Maintenance Schedules, shall be prepared and implemented for the built heritage sites (listed above). This shall be undertaken by the proponent in consultation with the property owners and relevant local councils. Costs associated with preparing these documents shall be funded by the proponent; and
4. An Interpretation Plan shall be prepared for the broader Bylong Precinct by an Interpretation Specialist and implemented as part of the works. This plan should be prepared and implemented prior to the commencement of works.

5. A full historical archaeological assessment shall be prepared for the site of "*Renfrew Park Remains 1 and 2*" by a suitably qualified historical archaeologist prior to the commencement of works. Based on the results, if relics of local significance are anticipated this loss of this site shall be appropriately mitigated through archaeological excavation and recording prior to harm occurring;
6. An historical archaeological excavation methodology and research design shall be prepared to guide all historical archaeological sites which will be harmed by the proposed activity. This shall be prepared by a suitably qualified historical archaeologist and directed by an archaeologist who fulfils the Excavation Director criteria of the Heritage Council of NSW at the appropriate activity level;
7. A final excavation report shall be prepared by the Excavation Director within one year of the completion of the archaeological activity and one copy shall be supplied to the Heritage Council of NSW. This report shall identify the secure storage location of any relics recovered during the excavation;
8. Archival photographic recordings should be undertaken for all historical archaeological sites which will be harmed by the proposed activity;
9. The location of the proposed human remains and the movement of the Our Lady of the Sacred Heart Catholic Church shall be confirmed prior to the movement of any structures and any exhumation activities taking place;
10. The procedures for the archaeological investigation and exhumation of any human remains, where they cannot be avoided by the proposed development, shall be undertaken in accordance with the procedures outlined in the "Archaeological Assessment for Historical Burials prepared by Edward Higginbotham and Associates dated September 2015". This activity must occur prior to the commencement of proposed works. In the event that further access to death records is provided by Births, Deaths and Marriages, additional historical research of the unidentified burials should be undertaken in an effort to identify the identity of the unmarked graves at the Bylong Roman Catholic Cemetery.

If you have any questions regarding the above advice, please feel free to contact Nina Pollock, Acting Senior Planning Officer, Heritage Division, Office of Environment and Heritage, at [nina.pollock@environment.nsw.gov.au](mailto:nina.pollock@environment.nsw.gov.au) or 9873 8520.

Yours sincerely



**Katrina Stankowski**  
Acting Manager, Conservation  
Heritage Division  
Office of Environment & Heritage

**As Delegate of the NSW Heritage Council**

11/11/2015