

**REVIEW OF THE**  
  
**Amended Rocky Hill Coal Project**  
**R.W. Corkery & Co. Pty. Limited**  
**Specialist Consultant Studies Compendium**  
**Development Application No. SSD 5156**  
  
**Volume 5**  
**Volume 5 Part 12 Historic Heritage Assessment**  
**Richard Lamb and Associates**  
  
**with reference to**  
**Volume 2 Part 3 Visual Impacts Assessment**  
**Richard Lamb and Associates**

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## SECTION 1

### ***AMENDED ROCKY HILL HISTORIC HERITAGE ASSESSMENT***

(The comments provide an overview of the deficiencies in the above document.)

#### **1.1 Understanding the geology of the Gloucester Valley**

The *Amended Rocky Hill Coal Project* fails to understand the Gloucester Valley's complex geology, which is a quality that permeates all areas of environmental assessment. The Gloucester Valley requires high level assessment to understand the geological faults, gas migration and hydrogeology matters that underlie all types of extractive industries in the Valley. The geology is among the most complex of all areas yet identified for coal mining and coal seam gas extraction in Australia and was the underlying reason that AGL finally abandoned the Gloucester Gas Project.

As well as providing matters of outstanding environmental concern, the geology is a scientific heritage quality in itself. It is a matter of outstanding scientific interest that goes to all aspects of the Valley's formation, appearance and history.

#### **1.2 The Valley's heritage qualities**

**Readers are referred to Section 2 for an explanation of the Amended Rocky Hill Historic Heritage Assessment's deficiencies and to Section 3 for a fuller understanding of the Valley's heritage significance**

The underlying deficiency in the *Amended Rocky Hill Historic Heritage Assessment* is that it goes to considerable effort to downgrade the Valley's natural and historical heritage significance. The only interpretation that can be placed on this is that the development will have a serious impact on the Valley's heritage qualities and from that on tourist income and the other economic and social benefits that flow from the Valley's heritage qualities.

Issues concerning its geological formation, scenic qualities and historical settlement are repeatedly claimed to be typical of other areas and of no special significance. This claim is flawed because both the Valley's geology and human history are distinctive and underlie its heritage significance. It is also contrary to heritage assessment guidelines, which provide that the existence of other items of similar significance is not reason to downgrade or dismiss an item being assessed.

A brief summary of the Valley's significance follows below.

- The Valley's scenery drew praise from Robert Dawson in his exploration of 1826;
- the Valley's scenery was highly praised in the commemorative publication *The Vale of Gloucester*, Eve Keane, Gloucester Shire Council, 1953;
- the National Trust of Australia (NSW) listed the Vale of Gloucester in 1975;
- the Vale was nominated for entry on the Register of the National Estate in 1976;
- the National Trust of Australia (NSW) revised the listing in 1981;
- provision of the Environment Protection (Scenic) Zone in the Gloucester LEP 2000;
- the National Trust of Australia revised and upgraded the listing 2009;
- the Vale was nominated for entry on the National Heritage List 2010, 2012;
- Publication of *The Stroud-Gloucester Valley: A Heritage Landscape Under Threat*, BGSP Alliance Inc., 2009; revised 2015, 2016.

The Gloucester Valley has a level of heritage significance under all of the assessment criteria used in New South Wales, summarised as follows.

- The valley has a high level of significance under criterion (a) for cultural historical reasons and for natural historical reasons.
- The Valley has historical association significance under criterion (b) because of its association with the Australian Agricultural Company.
- The Valley has a high level of aesthetic significance under criterion (c) for its acclaimed visual qualities.
- The Valley has social significance under criterion (d) because of its significance to Aboriginal people and its 'sense of place' qualities to the non-indigenous residents.
- The Valley has technical research significance under criterion (e) because of its potential to yield further information about the geological formation of the Stroud-Gloucester Valley and archaeological information about past Aboriginal occupation.
- The Valley has rarity significance under criterion (f) because of its rare geological formation and its ability to visually demonstrate these qualities.
- The Valley has significance under criterion (g) because it is important in demonstrating in a visually graphic manner the characteristics of a complex geological landscape.

### **1.3 Strategies used to dismiss the Valley's scenic heritage qualities**

The assessment is seriously flawed because the *Visual Impacts Assessment* separates visual significance from heritage significance. The assessment instead addresses scenic significance in a separate and complicated study, *Volume 2 Part 3 Visual Impacts Assessment*, which on detailed consideration is intended to isolate scenic significance from the matters for heritage consideration.

Irrespective of the claims made within the *Visual Impacts Assessment*, the proposed development will be highly visible from general viewing points within and adjoining the project area, and from scenic viewing points on both the Mograni Range and Bucketts Range. The findings of the separate scenic assessment should have been integrated into the *Historic Heritage Assessment* as a major component of that assessment. Failure to do so has left the *Historic Heritage Assessment* deficient to a level that seriously undermines both its integrity and its function as a planning document.

### **1.4 Refusal to acknowledge the landscape's special qualities**

The refusal to acknowledge the Valley's special geological, historical and scientific qualities runs throughout the entire *Amended Rocky Hill Historic Heritage Assessment*. Scenic significance is an important element in the Valley's heritage significance and an important contributor to the Valley's tourism industry.

The Historic Heritage Assessment is incorrect when it claims that the landscape '*does not uniquely demonstrate the tangible evidence of the early grazing runs and crop lands established by the AACo. and its current appearance is considered to be only incidentally*

*related to first settlement themes.*’ The landscape bears considerable similarity to the original landscape in its setting and in its pastoral use. However, acknowledging the valley’s significance does not depend on Criterion (f) alone, the landscape is also significant under the other criteria.

The following quotation from page 12-55, where the Assessment spuriously attempts to dismiss the Valley’s significance is an example of the Assessment’s unsupported claims.

*The part of the landscape that would be affected by the proposed amended Project is of a kind that is widespread throughout the northern section of the Valley between Stroud Road and Gloucester/Barrington. It does not uniquely demonstrate the tangible evidence of the early grazing runs and crop lands established by the AACo. and its current appearance is considered to be only incidentally related to first settlement themes. The landscape that would be affected is not rare and although the changes proposed to be made to it are substantial and could be considered a threat to it, if considered in isolation, similar areas are numerous. The site does not exceed the threshold to qualify under criterion (f) as rare or uncommon.*

The errors and assumptions in the above quotation go to the underlying quality and purpose of the *Amended Rocky Hill Historic Heritage Assessment*. It is doubtful if a statement of that type could be more contrived and incorrect. The pertinent issues raised by this brief comment follow.

- **First sentence.** The landscape forms part of the whole and is significant for that reason. However, within that area it is distinct in demonstrating the unique geological qualities of the northern end of the Valley; these qualities are not widespread throughout the Valley.
- **Second sentence.** All landscapes develop over time, the issue is whether the original qualities, functions and setting are still identifiable, and in this instance the answer must be that they are. The phrase ‘... is considered to be only incidentally related to first settlement themes’ lacks detail and is obscure in its meaning.
- **Third sentence.** This is obscure and misleading. The landscape in its total form and qualities is rare and visibly so to the informed observer; similar areas are not numerous if considered in their environmental detail. Even if they do exist, heritage assessment guidelines provide that the existence of other similar examples should not diminish the significance of an item. An important statement in this sentence is the acknowledgement that the changes will be substantial and a threat to the landscape.
- **Fourth sentence.** This claims that the site does not exceed the threshold for criterion (f) but provides no supportive reasons or explanation and does not detail the claimed ‘threshold’.

Importantly, the above quotation from page 12-55 honestly acknowledges that *‘the changes proposed to be made to it are substantial and could be considered a threat to it’*. The Assessment continues in a confused and contradictory manner when it claims at page 12-57 that;

*The landscape is agreed to be of aesthetic significance, but the views affected are not agreed to be heritage views. This is not of great importance, since the need to return the Site to the highest quality possible and with a landform and use compatible with the existing use and adjacent development pattern is required in either case.*

It is difficult to understand how the views can be considered to have aesthetic significance but could be so readily determined to not be heritage views. The claim that this is ‘not of

great importance since (because?) the need to return the site to the highest quality possible...’ is unclear in its meaning and its intended result.

## **1.5 Conclusion**

The *Amended Rocky Hill Historic Heritage Assessment* submission fails to correctly interpret and apply the relevant assessment criteria. It is clear that the Assessment’s sole purpose is to support the proposed development and that a fuller understanding of the Valley’s heritage qualities and the application of correct assessment procedures would have resulted in a substantially different document.

The conclusion is that the Amended Rocky Hill Project will be situated in a highly significant part of the Valley, that it will impact on the Valley’s heritage significance under all of the assessment criteria and that its impact under some of those criteria will be substantial. It follows from this and the extreme difficulty in modifying the project’s impact that development consent should be refused.

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## **SECTION 2**

### **REVIEW OF THE APPLICANT'S PART 12 HISTORIC HERITAGE ASSESSMENT,**

#### **EXECUTIVE SUMMARY, PAGES 12 – 9 TO 12 - 26 With brief preliminary comment concerning the Visual Impacts Assessment**

##### **2.1 Preliminary comment – Part 3 Visual Impacts Assessment**

This critique considers that the Applicant's Historic Heritage Assessment has been purposefully prepared to reduce and obscure the qualities that bestow the subject landscape with its high level of heritage significance.

The most obvious distortion of the area's heritage significance by the Applicant's Historic Heritage Assessment is the refusal to acknowledge visual significance as a legitimate quality of heritage significance. This has resulted in the assessment of visual impact being removed to a separate document where it is dealt with in a manner that not only fails to acknowledge visual significance but is intended to obscure the impact the proposed development will have on that significance. The selection of key viewing points and key visual receptors within the subject area has been undertaken expressly to diminish the project's visual impact. The position remains at all times that the visual impact should have been described in the historic heritage assessment even if a separate assessment had been undertaken.

This document has therefore avoided entering into a detailed critique of the Visual Impacts Assessment but relies instead on its absence from the Historic Heritage Assessment and the acknowledgements made in the Historic Heritage Assessment that the visual impacts will be significant.

The following comments provide a brief critique of the assessments made in the Executive Summary provided at the beginning of the Historic Heritage Assessment commencing page 12 – 9. The page numbers, numbered parts and lettered sub parts used in the following review correspond to the numbering in that section.

##### **2.2 Review of the Historic Heritage Assessment Executive Summary, Pages 12 – 9 to 12 - 26**

A point by point review of the Executive Summary of the Historic Heritage Assessment follows, some matters raised are comparatively unimportant but others are of major concern. Brief comments have been made to address the matters of major concern.

###### **Page 12-9**

###### **Points 1. to 4.**

No comment is made here – points 1 to 4 are preliminary only.

###### **Point 5.**

Point 5 claims the predominant issues are shown to be potential impacts on intangible and cultural values, rather than listed, classified or potential individual items, sites or curtilages.

This is incorrect, there will be impacts on scenic qualities and landscape, and on some supporting buildings.

**Point 6.**

Point 6, sub-points a. to n. provide a historical overview of the Valley. A number of matters can be raised in relation to claims within this part but in the interests of brevity, comment is restricted to the following sub-points.

**Page 12-10**

**Point 6. k.**

Point 6.k claims there is no remaining evidence of the Australian Agricultural Company's occupation of the Valley. This is an empty claim because all landscapes develop progressively, the issue is whether the original landscape can be identified and the answer based on the physical form of the landscape and its current use is a resounding yes. **It is important to understand that the point 6.k claim is central to the Historic Heritage Assessment's dismissal of the heritage significance of the northern end of the valley.**

**Point 6. l**

Point 6.l claims that later land use themes are identifiable. This critique agrees with that comment but notes two important matters. First, the themes mentioned (dairying, timber and tourism) have contributed to the Valley's historical character and contribute to its heritage significance in their own right. Their impact is consistent with the impact of the AACo's pastoral use and the continuing use of the pastoral lands for grazing purposes is consistent with the Valley's heritage significance.

**Point 6.n.**

Point 6.n claims mining (along with tourism and cultural development) have played a role in shaping the heritage fabric, but **mining has not played a part. This is an incorrect statement intended to justify the proposed mining development.** Mining is and always will be visually intrusive as well as impacting adversely in other ways on the Valley's rural and residential uses. The Valley has managed to accept some mining development because of its scale and placement (though not without some adverse consequences) but the proposed development will have a major adverse impact because of its prominent location in the highly visible and sensitive *Vale of Gloucester*.

**Point 7. a. to e.**

Point 7 a. to e. attempts to dismiss the Valley's heritage significance by confining significance to identified structures. The Valley has long been recognised as having a high level of heritage significance for historical, scenic and geological reasons among others, see *Section 3 Assessing the Valley's Heritage Significance* in this critique.

This critique acknowledges that the Valley's heritage significance has not been formally listed but notes that absence of formal listing does not negate an item's heritage significance and that it is the duty of the applicant/developer to identify all heritage items whether listed or not. **The Part 12: Historic Heritage Assessment is required to give due weight to these items but fails to do so.** Whether they are formally listed is not the issue, it is a matter of identifying, interpreting and considering the item's heritage significance.

**Page 12 - 11**

**Point 8. a. and b.**

Point 8 Non Statutory items acknowledges that the Site is part of the area identified and listed in the Register of the National Trust of Australia (NSW) and in the Register of the National Estate Database as an Indicative Place.

**Point 9. a. to c.**

Point 9 a. to c. Assessing the Stroud-Gloucester Valley as a Potential Heritage Landscape (see Section 4) attempts to negate the Valley's heritage significance.

**a.** Sub-point a. separates the area north of Stroud Road from the Stroud area in order to diminish or remove the northern area's historical association significance as part of the AACo settlement. The two areas are part of the one larger valley and their history is integrally connected. The two areas are now in the same local government area, the areas' different local government control has been used in the past to distinguish and separate the areas but that must now cease. The greater area's shared geology, agricultural use, tourism and scenery must now be acknowledged.

**b.** The claim under sub-point b. is evasive and dismissive. All settlement patterns are similar in seeking desirable features such as arable land, transport access and essential qualities such as water, but settlements differ in the way these requirements are met and the settlement characteristics that result. The comment under b. is intended to obscure and dismiss the factors that have shaped the settlement of the Valley.

**c.** The purpose of c. is unclear and can only be interpreted as intended to overpower and dismiss the area's heritage significance. The reasons for stating that Gloucester-Barrington River and Mograni Creek valleys are outside the Gloucester Basin is unclear and would be considered incorrect by any reasonable assessment of the subject area. It can be interpreted only as indicating a lack of clarity on the part of the writer as to the area being assessed, its natural boundaries and its significance within the broader subject area.

**Point 10.**

Point 10 attempts to diminish the importance of the National Trust of Australia assessment. The comment under point 10 is clearly incorrect and can be interpreted only as being intended to mislead. The National Trust does use a system that parallels the seven point analysis expected under the NSW Heritage System. The work of the National Trust system was influential in the formation of the NSW Heritage System.

**Point 11. a.**

The Point 11.a. claims that the BGSPA uses an alternative system of assessment is completely incorrect, the statement prepared by the BGSPA was prepared by a qualified heritage consultant approved by and working professionally within the NSW Heritage Advisors system. The methods used were consistent with the NSW Heritage Manual at all times. It is important to understand that the BGSPA document was not directed solely to NSW heritage assessment procedures but was intentionally of sufficient breadth to be relevant to bodies such as the National Trust, historical societies and other assessment bodies.

**The only interpretation that can be placed on the above claim is that the outcomes of the BGSPA assessment are so inconsistent with the project's purpose driven assessment**



**that fabricating means to dismiss the BGSPA assessment is the only option available.**

The claim that the State and National levels have not been justified is intentionally misleading. The BGSPA assessment does not set out to justify levels of State or National significance, that is not reasonably the purpose of the BGSPA document but is more reasonably the purpose of further specialist assessment. The BGSPA assessment presents the initial position that such assessment is both justified and necessary, the Richard Lamb assessment fails to either negate or develop that concept in any way whatsoever.

#### **Point 12.**

The comment at Point 12 is confused in its direction. It says a Statement of Heritage Significance has been prepared by Richard Lamb and Associates (see Section 4.1.3) *‘as required by the Heritage Manual and the DGRs, notwithstanding the Site is not considered to be a heritage item, because the impacts of the amended Project would be on values which are not confined to individual sites’*.

This statement is confused in its purpose and reveals two major matters that emphasise the lack of integrity of the entire Historic Heritage Assessment. The statement *‘notwithstanding the Site is not considered to be a heritage item’* is by any assessment standards incorrect. The site is considered to be a heritage item and has been assessed as such by a number of expert bodies and practitioners. These assessments were not followed to their logical conclusion for the simple reason that there was no system in place to ensure that it was done.

The comment continues at 12.a. *‘The SHS acknowledges the scenic significance of the landscape of which the Site is part and does not contest the local cultural values claimed for it by the NTANSW or the BGSPA’*. The intended meaning and purpose of this statement is difficult to grasp. Scenic significance is recognised heritage significance under heritage assessment criteria and the above acknowledgement that it has ‘local’ significance is sufficient to justify that the site has heritage significance even though ‘local’ is a substantial understatement.

It is not intended to undertake a detailed assessment of the site’s heritage significance at this point. However, it is relevant to note that the geological significance of the valley’s intense lateral folding, the historical significance of the Australian Agricultural Company’s role in establishing Australia’s wool industry and the valley’s special scenic qualities attribute it with a high level of heritage significance.

#### **Page 12 - 12**

#### **13. Assessment under the criteria**

##### **Overview of the assessment**

The assessment attempts to isolate the northern end of the Stroud-Gloucester Valley (the mine site and surrounding area) from the Stroud-Booral end and from the valley generally.

The Historic Heritage Assessment then proceeds with assessment of the Valley’s heritage significance in a manner that is clearly intended to support the proposed development. The official explanations of the heritage criteria have been added by the writer for reference.

##### **Criterion (a) Historical significance**

*‘An item is important in the course, or pattern, of NSW’s cultural or natural history (State significance)’*

*OR An item is important in the course, or pattern, of the area's cultural or natural history (local significance).'*

This critique considers that the Part 12 Historic Heritage Assessment does not adequately assess the Valley's significance under Criterion a. The Assessment provides some concession to the Valley's heritage significance by acknowledging the matters raised in the initial BGAP Alliance submission;

- . the contribution of large scale rural companies such as the AACo;
- . the importance of the settings of the two company towns of Booral and Stroud;
- . the influence of the AACo in the first settlement period to approximately 1860.

It acknowledges the 'moderate' 'local' significance under Criterion (a) because it demonstrates the influence of historical themes and development after first settlement.

This critique agrees with the general substance of the Part 12 Historic Heritage Assessment except in regard to the significance of the AACo and large scale pastoral development to the history of New South Wales and Australia generally. This critique considers that the significance under Criterion (a) should be described as 'high' when due consideration is given to all aspects of the AACo's operations. This critique further considers that the terms 'moderate' and 'local' are used by the Assessment to downgrade the Valley's significance.

#### **Criterion (b) Historical association significance**

*An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (State significance; OR An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance).*

The Part 12 Historic Heritage Assessment addresses the Valley's significance under four subheadings. By an initial reading this appears to adequately address the Valley's significance but further consideration shows that, consistent with the Assessment's general direction, it fails to properly acknowledge the Valley's historical significance.

This critique generally accepts the comments made under a. to c. although the AACo's Gloucester Cottage was not acknowledged under point a., which attempts to limit the AACo's built relationship to the Booral-Stroud area. However, the Assessment appears to be confused and lack understanding of the development of rural landscapes in its comments under Criterion (b), point d.

It is unreasonable to expect the Valley's landscape to bear close visual similarity to its initial AACo landscape. Such similarity would involve the presence of remaining stumps, ringbarked trees, assorted debris, improvised structures and lack of transport facilities.

A rural landscape can be considered only in its developed form; it is this in relation to its original form and its subsequent development that determines its significance. While it is acknowledged that modern development exists in much of the Valley, the wide grazing valley set between the lateral boundary hills and crags that were formed by the Valley's intense lateral folding is still readily identifiable as the pioneer AACo landscape.

This critique considers that the Valley still evidences its special association with the settlement, life and work of the Australian Agricultural Company.

### **Criterion (c) Aesthetic significance**

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (State significance); OR An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area (local significance).*

The Part 12 Historic Heritage Assessment substantially follows the 2013 BGSP Alliance submission in acknowledging;

a. The Gloucester Basin has moderate to high aesthetic quality as a result of the distinctive geological formation and the scenic rural valley floor.

b. The Gloucester Bucketts have high aesthetic significance and landmark qualities, are an important tourist quality and have been a major inspiration for artistic achievement.

c. The southern section between Booral and Stroud is of high local aesthetic significance.

This critique can draw some differences with the Executive Summary at Criterion (c ) in that the aesthetic values at the northern end of the valley are clearly of high significance and should not be read down by assessing them as being of 'moderate to high' value. This critique also considers that the aesthetic values of landscape and built areas at the southern end of the valley is of higher than local significance.

However, even allowing for the values to be understated to an extent, the Historic Heritage Assessment Executive Summary attributes the Valley and the subject site with a high level of aesthetic significance. This is inconsistent with the direction and conclusions of the document generally and is difficult to reconcile with the document. It gives the impression that different parts of the document have been prepared by different practitioners working to different standards and different assessment criteria.

## **Page 12 - 13**

### **Criterion (d) Social significance**

*An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (State significance) Or An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons (local significance).*

The Part 12 Historic Heritage Assessment makes no comments of substance under this Criterion except for the brief comment under this point that the Valley has significance to 'the social group identified by the BGSPA at the local level'. However, a balanced assessment under this criterion requires consideration of whether there is a 'special association with community or cultural group'. The purpose and meaning of the 'social group identified by the BGSPA at the local level' is unclear; no attempt has been made by the BGSPA to claim any special significance to its members under this criterion.

So what does this statement mean and what is its purpose? Had the Assessment genuinely intended to consider significance under this criterion it would have acknowledged the area's past and present significance to Aboriginal people, residents and groups. It is noted that Part 11 considers Aboriginal Cultural Assessment but this critique considers that an assessment of the area's past and present significance to Aboriginal people and groups, as distinct from an

archaeological assessment, is required under this criterion, even if in summary and with reference to the specialist assessment.

**Criterion (e) Technical/Research significance**

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (State significance) OR An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).*

The Part 12 Historic Heritage Assessment acknowledges that the Valley is of high significance geologically but its attempt to restrict that significance to the local level is puzzling. While it is possible for a geological quality or feature to be considered significant at the local level only, major geological features will be of broader significance. The geology of the Gloucester Syncline is of high geological significance, a quality that underlies its scientific significance.

**Criterion (f) Rarity**

*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (State significance); OR An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).*

The comment that 'The Valley is of little significance on Criterion (h) as it provides little evidence of the early landscape' is unclear and seems confused although the reference to 'Criterion (h)' is assumed to be a misprint only.

The further comment that subsequent changes have created a common pastoral landscape appearance that is not rare or endangered and that similar landscapes are numerous is not supported on consideration of all factors. The complex, folded geology and scenic qualities are rare when due regard is given to all of their qualities. While it is acknowledged that substantial change would be required to erode this quality, coal mining projects are of the scale that inflicts that level of impact.

**Criterion (g) Representativeness**

*An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; (State significance)  
OR An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places; or cultural or natural environments (local significance).*

The Historic Heritage Assessment notes at a. that the valley is of high local significance for its ability to demonstrate in the villages of Booral and Stroud a class of early colonial places granted to an agricultural company for private exploitation. This should more reasonably be of State significance because of the importance of the AACo and its agricultural/pastoral activity in NSW. The Historic Heritage Assessment notes at b. Stroud's high significance at State level.

The deficiency in the Historic Heritage Assessment is its failure to note the significance of the entire valley under Criterion (g). The northern section of the Valley has significance historically in its own right and as part of the greater valley. In the latter regard it creates an unnatural process to remove the northern section from the valley for the purpose of denying its significance under Criterion (g).

The northern end of the Valley is important in demonstrating the principle geological

characteristics of a folded valley with subsequent volcanic action. This high level of natural significance under criterion (g) provides the outstanding visual setting for the Valley's significance under the other criteria to be fully appreciated. The natural-geological setting of the Gloucester Bucketts and the Mograni Range at the northern end of the Valley form outstanding and rare visual qualities for the Gloucester township and surrounding rural lands. The Historic Heritage Assessment's failure to acknowledge this significance at local, State and possibly National level is a major shortcoming.

#### **14. Statement of Heritage Impact, commencing page 12-13.**

This section commences by claiming that a Statement of Heritage Impact was prepared using the NSW Heritage Manual guidelines and that a summary of the Statement follows.

However, that summary demonstrates the selective, biased and obstructive qualities of the Historic Heritage Assessment. The Assessment findings are addressed immediately below.

a. The Assessment states that the 'amended project would not make any physical change to identified heritage items, sites, curtilages or views of or between heritage items' is unfounded and borders on the absurd. In this regard it has been shown that the Assessment not only fails to acknowledge the Valley's scenic, heritage, geological, historical and social qualities but attempts to obscure these qualities as means of obscuring the project's impact.

The acknowledgement on page 12-55, 4<sup>th</sup> paragraph that '**...the changes proposed to be made to it [the landscape] are substantial and could be considered a threat to it...**' provide clear evidence of the impact of the proposed development. It underscores the reasons for the applicant's distorted heritage assessment and the applicant's perceived need to remove scenic impact from the matters to be considered.

b. This section acknowledges that the development will have impacts on the quality of the landscape 'for a period of 16-20 years'. This is a lengthy period in itself but considering all the circumstances is a gross understatement considering the nature of the project and long term impact inflicted by such projects elsewhere. **It is most unlikely that the site could ever be returned to its present form having regard to the history of such projects and the site rehabilitation methods used,**

c. This section is again directed to dismissing the Valley's highly significant landscape and visual qualities by concentration on buildings in Booral-Stroud, rather than addressing the visual issues of the subject site.

d. This section again concentrates on dismissing the site's setting, scenic significance and heritage significance by the repeated claims that the site has no significant relationship to the AACo and that its current appearance is 'only incidental' to first settlement themes. This is at best nonsense and simply cannot be supported despite the attempt to do so in the main body of the Assessment.

e. The statement under this point displays a gross lack of understanding about heritage significance and the recommended assessment procedures. The statement is fundamentally flawed and should be dismissed on two major grounds.

It commences by acknowledging 'that the changes to be made to it are substantial and could be considered a threat to it' and that the site does not exceed the threshold to qualify under

criterion (f) as rare or uncommon. It should be borne in mind that the site does not have to meet the required threshold under every criterion applicable to NSW heritage assessment, it is required to meet the required threshold under only one criterion.

In this regard the project site could be attributed with heritage significance under criterion (a), criterion (b), criterion (c), criterion (e) and possibly also criterion (d).

**f.** The claim that the site is separated from the Booral Stroud area physically and visually and that the ability of Booral and Stroud to demonstrate the historical significance of the Valley will not be diminished cannot be supported on the evidence. At first consideration the valley should be considered in its entirety, not viewed selectively so that an argued lesser impact on other parts of the Valley cannot be used to diminish the impact on the subject area. Visually the Valley is one continuous landscape, the distinction between the north and south flowing sections is barely discernable to even the astute observer. **The Valley should be considered as the integral landscape that it is.**

Despite this, the principal matter for consideration is the impact of the proposed development on the heritage significance of its location and the highly scenic and significant northern section of the Valley.

**g.** The claim that *'The site can be interpreted with regard to post-first settlement historical themes but the effects of these on the landscape are generic..'* is so vague as to be meaningless. If its purpose is to disregard some areas of significance because other areas of significance exist, whether similar or not, it is contrary to heritage assessment guidelines and should be dismissed as being the evasive statement that it is.

**h.** The statement *'It has been acknowledged that the scenic quality and character of the landscape and character of the area is of importance both in a general sense and to tourism, the interests of which includes heritage sites and places'* must be interpreted as acknowledging the Valley's scenic – heritage qualities. This is inconsistent with the purpose of the Historic Heritage Assessment which is to deny the Valley's scenic heritage qualities as a matter to be considered. (As noted the scenic qualities of the landscape have heritage significance under criteria (c) and (g) and in a less direct manner under the other criteria.)

**i.** The statement that the quality of the landscape in which the site is situated is acknowledged in Appendix 3 as having moderate to high scenic quality and high sensitivity to the views affected by the amended project cannot be reconciled with the purposes and general argument of the Historic Heritage Assessment. **The situation created by this inconsistency is impossible to reconcile.**

**j.** The comments in this section again acknowledge the aesthetic significance of the setting and the long standing appreciation of the scenic qualities. Again, this statement cannot be reconciled with the conclusions presented in the Historic Heritage Assessment.

**k.** The comments that there will be impacts on the aesthetic values *'part of the landscape in the general vicinity of, but not of the same view compositions as the Gloucester Bucketts or views from the Gloucester township'* is incorrect. The scenic impacts created by the proposed development will be highly visible in the general viewing corridors from general viewing points in both the immediate area and the broader area.

**l.** The claim made under this point is confused and goes to the deficiency of the Historic Heritage Assessment. The Assessment considers that the scenic significance of the setting cannot be denied and that the project will have a significant adverse impact on that significance. These two conclusions are undeniable, whether considered by casual observation or by professional assessment; the issue that therefore confronts this pro-mining assessment is that the conclusions must be overridden if the project is to be justified. **The Historic Heritage Assessment attempts this by refusing to acknowledge that the area's and the setting's scenic significance is an important element of its heritage significance.**

**m.** The function and purpose of the Historic Heritage Assessment is well illustrated by the comment under this point; *'In effect, the only impacts that could be interpreted as heritage impacts, because there are no tangible items affected, are on the scenic quality and character, i.e. visual impacts'*.

This is not true in its underlying premise that no heritage structures are affected but the issue raised in this critique is that the Historic Heritage Assessment again attempts to dismiss the area's recognised scenic significance because dismissing that significance is a fundamental requirement of the Assessment's purpose.

**n.** The purpose of the above approach becomes apparent at this point by the claim that *'The proposed mitigation and management measures for heritage impacts are therefore the same as those proposed for the control and management of visual impacts, since (because?) the issues coincide.'*

This is confused. The Historic Heritage Assessment acknowledges the scenic significance but fails to attach the required weight to that significance and denies there are individual items of significance in the subject area. The issues do not 'coincide' and this can be considered to serve only one purpose; to dismiss the considerable adverse impacts that the mine will have on the Valley's visual heritage qualities and therefore on its heritage significance.

Issues of visual impact will differ according to the setting, the distance involved, the surrounding visual qualities, the nature and height of the viewing point and many other considerations. For example, screening of one type or another may be suitable for localised close proximity visual control but may provide little or no benefit for overall viewing of major works and major scenic impacts over broader viewing areas.

**o.** The comment under o. continues in the same misleading manner when it claims *'The mitigations measures and contingency management procedures are described in detail in Appendix 3. It is considered that these are appropriate conservation policies for impact mitigation, since the management of visual impacts and minimisation of impacts on heritage values are essentially the same in this case'*.

Appendix 3 does not satisfactorily address these matters.

## SECTION 3

### THE VALLEY'S HERITAGE SIGNIFICANCE

(Overview assessment by Garry Smith for Groundswell Gloucester)

#### 3.1 The subject area and *The Vale of Gloucester*

The pro-mining interests have at various times attempted to create confusion regarding the terms in use; the Stroud-Gloucester Valley, the Vale of Gloucester, The Valley, the Gloucester Syncline and the Gloucester Trough being the main terms used.

For the purposes of this critique the Stroud-Gloucester Valley is noted as being the term for the entire geological formation extending from near Booral in the south to near Barrington in the north. It includes the Gloucester township and the proposed Rocky Hill coal mine site. The term 'The Valley' is used in this critique to describe the northern section of the Stroud-Gloucester Valley, which is the subject area for the Amended Rocky Hill Coal Project and corresponds to the area historically known as *The Vale of Gloucester*. The several claims that the areas do not exactly correspond is of no consequences because any possible differences relate only to the northern extremity, which is situated outside the area being considered.

The scenic and geological qualities of the Vale of Gloucester drew praise from the time of its first European exploration and continue to draw praise today. The Vale has been described in glowing terms because of its scenic and heritage qualities and although there have been initiatives to have this significance acknowledged at State and Federal level, the nominations and assessments were not taken to their logical conclusion.

#### 3.2 The Vale's recognised heritage significance

The Vale's scenery drew comment on its first sighting by Robert Dawson in his exploration of November 1826. Dawson's description of the setting for the town of Gloucester is still clearly recognisable today.

It was with some impatience that I approached the high and rocky peaks which were elevated above the forest, like monuments in the wilderness, and which formed so remarkable a picture in this part of the colony. ... The country as we advanced became gradually more even and fertile, till at length we became upon a beautiful and rich flat of considerable extent...

Gloucester Shire Council recognised the valley's significance in the commemorative publication *The Vale of Gloucester*, 1953. The Vale of Gloucester was among the first cultural landscapes to be formally identified in Australia when it was listed by the National Trust of Australia (NSW) in 1975 and nominated for entry on the Register of the National Estate in 1976.

The following list provides an overview of the Valley's heritage assessments to date.

- the Gloucester Shire Council's commemorative publication *The Vale of Gloucester*, Eve Keane, Gloucester Shire Council, 1953;
- the National Trust of Australia (NSW) listing 1975;
- the nomination to the Register of the National Estate 1976;
- the National Trust of Australia (NSW) revised listing 1981;



- provision of the Environment Protection (Scenic) Zone in the Gloucester LEP 2000;
- the National Trust of Australia revised listing 2009;
- nomination to the National Heritage List 2010, 2012;
- Publication of *The Stroud-Gloucester Valley: A Heritage Landscape Under Threat*, BGSP Alliance Inc., 2009; revised 2015, 2016.

### **3.3 Summary of the Valley's heritage significance under the NSW Heritage Office criteria.**

It is important to note that the Amended Rocky Hill Coal Project assessment attempts to split the Stroud-Gloucester into the northern and southern sections so that the site area can be separated from greater valley and be read down in regard to its significance. This critique notes that the Stroud-Gloucester Valley should be considered in its entirety if a full understanding of its heritage significance is to be gained but also notes that the northern end has a high level of significance in its own right for historical, geological and scenic reasons.

The following summary is directed principally to the northern end of the Stroud-Gloucester Valley (referred to as the Valley) in order to address the proposed Rocky Hill mine but makes reference to the entire valley as is appropriate. The term 'item' should therefore be read as meaning the northern end of the valley, including the proposed mine in its setting and those parts of the valley that are within the visual-social-spatial scope of the mine and its setting. This procedure is consistent with heritage landscape assessment practice. The following brief summary of heritage significance draws on established and accepted heritage assessments.

The following assessments are intended to provide only brief overviews of the area's complex significance. It is important to note that significance under only one criterion is required to meet heritage assessment guidelines.

#### **Criterion (a) Historical significance**

*An item is important in the course, or pattern, of NSW's cultural or natural history (State significance) OR An item is important in the course, or pattern, of the area's cultural or natural history (local significance).'*

The Valley has a high level of historical significance relating to its role in the formation of and initial settlement by the Australian Agricultural Company and, although the Gloucester venture was unsuccessful, in the formation of the Australian pastoral industry. The Valley is of outstanding significance geologically in relation to its formation by intense lateral folding and subsequent volcanic action, and is bordered by the geologically significant Gloucester Bucketts and Mograni Range. The Gloucester Bucketts have special significance to the Aboriginal population for cultural and spiritual reasons and to the subsequent European settlement for aesthetic and geological reasons.

#### **Criterion (b) Historical association significance**

*An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (State significance); OR An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance).*

The Valley has special association with the Australian Agricultural Company and from that, with the beginnings of the Australian pastoral industry.

### **Criterion (c) Aesthetic significance**

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (State significance); OR An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area (local significance).*

The Stroud-Gloucester Valley is acknowledged for its visual qualities, these qualities underpin the Valley's development, its present tourism qualities, its new-settlement appeal and its economic base. A number of views throughout the Stroud-Gloucester Valley have landmark significance but this quality is nowhere better exemplified than by the highly scenic northern end of the valley set between the Gloucester Bucketts and the Mograni Range. It is doubtful if any town in Australia has a more picturesque setting and more dramatic backdrop.

### **Criterion (d) Social significance**

*An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (State significance) Or An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons (local significance).*

As noted under criterion (a) the Gloucester Bucketts and surrounding parts of the Valley have social significance to the valley's Aboriginal people for ancestral-spiritual reasons and to the non-indigenous population for aesthetic 'identity of place' reasons. This significance should not be seen as limited to the geological formation itself but to the Bucketts and the valley in their total setting, and specifically including the setting.

### **Criterion (e) Technical research significance**

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (State significance) OR An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).*

The subject site and area within the northern end of the Valley has the potential to yield further scientific information about the geological formation of the Stroud-Gloucester Valley and the Scone Plate/Eastern Myall Block as well as archaeological information about past Aboriginal occupation.

### **Criterion (f) Rarity**

*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (State significance); OR An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).*

The Stroud-Gloucester Valley is a rare geological formation both in its geological complexity and in its ability to visually demonstrate these geological qualities. The repeated rhetoric used by the Part 12 Historic Heritage Assessment to derogate the Valley's geological significance forms an underlying and serious deficiency in the Assessment.

### **Criterion (g) Representativeness**

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places; or
- cultural or natural environments

(State significance): OR

An item is important in demonstrating the principal characteristics of a class of the area's

- cultural or natural places; or
- cultural or natural environments (local significance).

The Stroud-Gloucester Valley in its entirety and particularly in the northern end of the Valley (including the proposed site) demonstrates in a visually graphic manner the geological characteristics of a complex landscape formed by intensive lateral folding and volcanic action. Despite the unjustified dismissive claims made by the proponents in the Part 12 Historic Heritage Assessment, the Valley's settlement, function and development are readily demonstrated by its physical features and current form. This area of significance can be more fully described when its significance under the other criteria is fully acknowledged instead of being read down or denied to satisfy high impact mining development.

### **3.4 Conclusion**

The conclusion is that the assessment under the NSW heritage assessment criteria shows that the Amended Rocky Hill Project will have an adverse impact on the heritage qualities of the entire Stroud-Gloucester Valley and a severe impact on the highly significant and highly scenic northern end of the Valley.

This impact will occur over all heritage assessment criteria but will be particularly severe on criterion (a) historic significance and criterion (c) aesthetic significance. By comparison with other similar developments it can be seen that the proposed mitigation measures will fall substantially short of satisfactorily mitigating that impact.

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No further comment