



Heritage Council
of New South Wales



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Ms Swati Sharma
Rail & Ports
Infrastructure Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Sharma,

RE: SSI – 10_0203 CAPITAL STRATEGIC DREDGING PROJECT – PUBLIC EXHIBITION OF THE ENVIRONMENTAL IMPACT STATEMENT

This letter has been prepared following review of the documents forming the Environmental Impact Statement for the above project. The review has been undertaken by Heritage staff on behalf of the NSW Heritage Council.

It is noted that the Director-General's Requirements (DGRs) issued for the project on 4 February 2011 included Aboriginal and Historic Heritage as a Key issue, requiring consideration of State and local heritage items, terrestrial and maritime archaeological issues.

Existing involvement in the project includes the following:

- On 3 April 2012, Mr Tim Smith, Deputy Director and Dr Brad Duncan, Maritime Archaeologist (Heritage Branch – HB) met with Andrew Wood (Newcastle Ports Corporation) and Chris Gilmore (GHD Consultants), to discuss the Newcastle Port Corporation's Environmental Assessment for the proposed Hunter River works. At this meeting, a number of issues were raised by the (then) Heritage Branch with regard to the project.
- On 24 August 2012 Mr Wood sent a summary of his recollections of the meeting to Dr Brad Duncan and a letter was subsequently sent to Mr Wood with a summary of points from that meeting.

Copies of this prior correspondence are enclosed for your information.

The updated EIS was exhibited for public comment in April-May 2013.

The EIS has still not addressed a number of points raised in previous correspondence. A detailed list of those points is enclosed with this letter and it is recommended that the Proponent be requested to address those issues in the RTS report.

Should the project be approved it is recommended that Conditions similar to the following should be imposed:

Heritage


1. The Proponent shall prepare a Non-Indigenous Heritage Management Plan in consultation with the Heritage Council of NSW to outline all heritage mitigation works. That document shall include details of all procedures to be implemented during the works in relation to non-Indigenous heritage items.
2. A specialist heritage manager or heritage consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience, commensurate with the scope of the Major Project works. This should include maritime archaeological experience. The name and experience of this consultant (or consultants) shall be submitted to the Director-General of Planning & Infrastructure and the Heritage Council of NSW for approval prior to commencement of works. The heritage consultant shall advise on the detail design resolution of new works, undertake on site heritage inductions, and shall inspect new works, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval for the Project. A report by the heritage consultant (illustrated by works' photographs) shall be submitted to the Director-General for approval within 6 months of the completion of the works which describes the work, any impacts/damage and corrective works carried out.
3. All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated heritage consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological terrestrial and maritime sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
4. Photographic and archival recording of any affected Heritage items, as identified in the specialist reports prepared as part of the Environmental Impact Statement for the project, is to be undertaken prior to the commencement of any construction activity. Recording is to be completed in accordance with the Guidelines issued by the Heritage Council of NSW. Copies of these photographic recordings should be made available to the Heritage Council, the Department of Planning & Infrastructure, and also to the Local Studies Library and the Local Historical Society in the relevant Local Government areas. Recording must also be completed of any items discovered as the project proceeds.
5. Any affected historical archaeological terrestrial and maritime sites of Local and State significance are to be subject to professional archaeological excavation and/or recording. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines for any site which is to be excavated. Those documents should be prepared for the approval of the Director-General, Department of Planning & Infrastructure and the Heritage Council of NSW or its Delegate.
6. Any nominated Excavation Director(s) for the project works must meet the Heritage Council endorsed Criteria for Excavation Directors and in particular must be able to demonstrate Criterion A.4 that: 'work under any approvals previously granted by the Heritage Council has been completed in accordance with the conditions of that approval and the final report has been submitted to the Heritage Council.'
7. If archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, the Local Studies Library

and the Local Historical Society in the Newcastle Local Government area. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The information within the final excavation report shall be required to include the following:

- a/. An executive summary of the archaeological programme;
- b/. Due credit to the client paying for the excavation, on the title page;
- c/. An accurate site location and site plan (with scale and north arrow);
- d/. Historical research, references, and bibliography;
- e/. Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f/. Nominated repository for the items;
- g/. Detailed response to research questions (at minimum those stated in the Department of Planning and Heritage Council approved Research Design);
- h/. Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site;
- i/. Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

I trust that the information in this letter will be of assistance to you.

Yours sincerely

 08 August 2013

Vincent Sicari
Conservation Manager
Heritage Division
Office of Environment and Heritage
Department of Premier and Cabinet
AS DELEGATE OF THE NSW HERITAGE COUNCIL

Enclosures: Detailed Comments and Previous letter dated 2012 to Newcastle Ports

DETAILED COMMENTS SSI – 10_0203

Environmental Assessment for Newcastle Ports Corporation Capital Dredging of the South Arm of the Hunter River (SSI – 10_0203)

The EIS Summary (Part 1) has still not addressed the following points raised in the Letter to Newcastle Ports Corporation on 12 October 2012:

***Issue 2:** The Heritage Branch (HB) noted the potential incremental loss of the Dyke 3 crane base sites, as they were part of a wider landscape of the port which was unique. Gradual incremental loss of the bases over time would have significant impact on the collection of bases as a maritime heritage site type showing the development of port technologies. The HB also expressed concern that photographic recording to archival standards of the underwater sections of cranes would be inadequate to establish a proper record of their construction, due to low visibility conditions.*

Agreed Outcome: The NPC stated that it was proposed that only the two proposed crane bases would be removed.

It was agreed by both parties that, as part of an agreement for their total demolition and removal as part of the project scope, that NPC would record the affected crane bases and McMyler Hoist to historical and engineering recording standards. This recording would include a full measured survey of the bases prior to their demolition and also include recording of the details of the interior of the crane base construction mechanism after they were partially demolished. A copy of the external recordings should be lodged with the Heritage Council library for review 28 days prior to demolition, and a copy of the interior details of both sites within 28 days following demolition. As the items are listed on the section 170 Heritage & Conservation Register of the entity, there is also a formal requirement to notify the Heritage Council before they are affected (section 170A(1), Heritage Act 1977 (NSW), fourteen days prior.

Points to Address

- Non-Indigenous Heritage Section (12.4.2 – p181) still only recommends an archaeological and engineering review (to archival standards) of the structures prior to demolition. The NPC agreed in their emails dated 24Aug2012 and 17 Sept 2012 that all recording of the Walsh Point underwater sites and Dykes Point Crane Bases and McMyler Hoist would be engineering and architecturally recorded (by engineering drawings and photographic records) before being removed.
- The current EIS recommends that “archival recording” will be undertaken of the remains of the crane bases and McMyler Hoist, and that this will consist of photographic recording to standard of the HB guidelines by a maritime archaeologist (p181). It also indicates that “an archaeological and engineering review to archival standards will be undertaken of the Crane Bases and McMyler Hoist structures and that copies of these plans will be submitted to the HB library after demolition.
- Greater clarification is needed here to ensure that these recordings are actual site plans undertaken to measured and scaled drawings to architectural and engineering standards (as agreed in HB letter to NPC and in NPC emails) and not limited to photographic recording only. This aspect is still unclear in the EIS. The letter from HB to NPC also specified that the results of the external recording

of these structures be submitted to the HB not less than 28 days prior to the proposed demolition of the sites. This aspect has not been addressed anywhere in the current EIS.

- These aspects should also be addressed and included in the Statement of Commitment section (S 17- p277-279)

Issue 3: *The HB noted that the former seawall at the Dykes site had not been identified as a potential maritime heritage site that could be retained in the archaeological record. Whilst noting the considerable change to this area through previous port development projects, it is a requirement that if any trace of the site was encountered during the project, then works should stop whilst the site is investigated by a suitably qualified maritime archaeologist.*

Agreed Outcome: *It was agreed that the NPC must include a clause in the revised EIS to that effect, namely; if any remains of the site are relocated during works, then work would stop whilst an assessment of significance is undertaken that might lead to appropriate mitigation measures/ recording of the site in consultation with the HB.*

Points to Address

- Non-Indigenous Heritage Section (12.4.2 – p181) does not mention the potential for remains of the former Dykes seawall may still exist in the area, or what measures should be instituted should remains of it be found.
- The Letter from HB to NPC stated that a clause should be inserted into the revised EIS to address the steps required if remains of this structure are relocated during the project.
- These aspects should also be addressed and included in the Statement of Commitment section (S 17- p277-279)

Issue 5: *HB has noted that the initial EA stated that it was planned for spoil to be pumped over or through the northern Newcastle Breakwater Training Wall, and that the EA did not consider the effect of this activity on the 14 located wrecks contained within the breakwater, or other wrecks known to exist in the Stockton Bight near Stockton Beach and Oyster Bank (in the area immediately north of the breakwater). The EA also has not considered the Commonwealth Historic Shipwrecks Act 1976 or the Heritage Act NSW 1977 (in regards to shipwrecks) in the Relevant Legislation section of the EA.*

Agreed Outcome: *NPC has advised the HB that the pumping of dredge spoil over the breakwater is no longer part of the proposal. Therefore, there is no potential impact to the identified shipwreck sites. It was instead planned that dredge spoil will now be broadcast over the area from the sea.*

NPC must include a statement and supporting documentation in the revised EIS:

- a) stating that dredge spoil will no longer be pumped over or through the northern breakwater wall; and*
- b) considering the effects (if any) of how broadcasting dredge spoil will impact historic shipwrecks known to exist in the Stockton Bight/ Beach area and if negative impacts are likely, then how these effects will be mitigated.*

The NPC must include the Commonwealth Historic Shipwrecks Act 1976 or the Heritage Act NSW 1977 (in regards to shipwrecks) in the Relevant Legislation section of the revised EIS.

Points to Address

- The Commonwealth Historic Shipwrecks Act 1976 has not been included under relevant legislation (S 7.1.- p60) or Legislation and Guidelines 9S 12.2.3 p 165). However, the possible requirement to consider this Act has been identified in regards to the possible use of beach renourishment and sand broadcasting (S 12.4.2 - p181 and S. 17 – p279). This act should be included in the former two sections mentioned

Issue 6: HB has noted that the underwater sites identified in the EA by side scan imagery in the vicinity of Kooragang Island/ Walsh Point had not been adequately identified or assessed; that due to the demonstrated presence of intact structures underwater, it was likely that there were also intact archaeological sites, deposits and relics in these areas. It was recommended that standard underwater archaeological inspection, documentation and assessment of these sites is required by a suitably qualified maritime archaeologist to consider the heritage significance and extent of these sites prior to proposed impacts. The results of this survey and assessment should then guide whether removal of the sites was appropriate. HB also expressed concern that photographic recording to archival standards of the underwater sites would be inadequate, due to low visibility conditions. HB advised that archaeological sites and deposits can be protected under s.139 of the Heritage Act NSW 1977 and permits for disturbance and removal may be required.

Agreed Outcome: The HB discussed at the meeting the potential for site removal pending additional survey and understanding of the sites' significance. NPC gave an undertaking to further fully investigate the site and undertake detailed archaeological recording, to include measured scaled drawings/ recordings to engineering standards of the structure.

It was agreed following the meeting that after archaeological inspection of these sites has been undertaken, that a Heritage Assessment determining their significance would be submitted to the HB no later than 28 days prior to any proposed demolition of the site(s). Dependent on the outcomes of the Heritage Assessment, the NPC may have to apply for a s.140 Permit under the Heritage Act (NSW) 1977 to disturb these sites.

NPC must include a statement and supporting documentation in the revised EIS considering the heritage significance of the Kooragang Island/ Walsh Point sites which have been identified using side scan sonar.

Points to Address

- The Methodology section (S 12.2.4 p166) and Archaeological Potential (S 12.2.8 – p175) section do not mention that underwater surveys by a qualified maritime archaeologist for a heritage assessment have been carried out (or were required) for the Walsh Point "Obstruction" sites.
- S12.3.2 (p179) indicates that these sites are "believed to be associated with the in water infrastructure associated with the boat building and engineering yard present at Walsh Point from 1914". It is clear from this statement that the sites have still not been inspected and positively identified.
- This inspection and heritage assessment are required to determine and confirm the identity and Heritage Significance of these sites.
- Non-Indigenous Heritage Section (12.4.2 – p181) still only recommends an archaeological and engineering review (to archival standards) of the structures prior to demolition. The NPC agreed in their emails dated 24Aug2012 and 17 Sept 2012 that all recording of the Walsh Point underwater sites and Dykes Point Crane Bases and McMyler Hoist would be engineering and architecturally recorded (by engineering drawings and photographic records) before being removed.
- The current EIS recommends that "archival recording' will be undertaken of the remains at Walsh Point, and that this will consist of photographic recording to standard of the HB guidelines by a maritime archaeologist (p181). It also indicates that "an archaeological an engineering review to archival standards will be undertaken at Walsh Point structures and that copies of these plans will be submitted to the HB library after demolition.

- Greater clarification is needed here to ensure that these recordings are actual site plans undertaken to measured and scaled drawings to architectural and engineering standards (as agreed in HB letter to NPC and in NPC emails) and not limited to photographic recording only. This aspect is still unclear in the EIS. All this recording should be undertaken/ supervised by a suitably qualified and experienced maritime archaeologist.
- Furthermore, the results of this work should guide to formulate a Heritage Assessment that would consider the significance and extent of the Walsh Point sites, which was then to be submitted to the HB not less than 28 days prior to the proposed demolition of the sites. This aspect has not been addressed anywhere in the current EIS.
- These aspects should also be included in the Statement of Commitment section (S 17- p2277-279)

Issue 8: *The EA does not currently consider whether the proposed dredging will have any potential effects in regards to increased currents and/or erosion on any historic maritime infrastructure in the Hunter River, and in particular, Macquarie Pier and the Dyke. The Heritage Branch has noted that the NPC are now deepening the berth by up to an extra metre (as per telephone conversation 24 August 2012)*

Agreed Outcome: *NPC have since advised that the increase in current velocity in these areas will be negligible and will not affect any sites. NPC must include a statement and supporting discussion in the revised EIS substantiating this finding.*

Points to Address

- No mention has been specifically made of any potential heritage impacts of current on downstream heritage sites (e.g. Macquarie Pier and the Dyke sea wall) - if indeed there are any. An appropriate statement should be made in the EIS regarding whether these sites will be affected.
- These aspects should also be addressed and included in the Statement of Commitment section (S 17- p2277-279) if necessary.

Additional Issues

- In the Statement of Commitment (S17 – p279 NIH5), the EIS states that should archaeological relics be discovered, a heritage expert should be consulted about appropriate archival; recording and if possible preservation.
 - If archaeological relics are discovered, then an archaeologist should be consulted, and if necessary, subsequently a conservator.
- Heritage is only briefly addressed under the Risks section (5.4 - p43) and the risk treatment is limited to a site visit and archival photographic recording;
- The EIS states that a Heritage Permit is not required under Part 4 as the project is a Part 5.1 project. However, assessment of heritage impacts is a Director General Requirement (S. 7.5 – p68)

Consent Conditions if the project is APPROVED have been provided with the letter.