



Heritage Council

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Major Projects Assessment
GPO Box 39
SYDNEY NSW 2001

Attention: Diane Sarkies

Dear Ms Sarkies

RE: STATE SIGNIFICANT INFRASTRUCTURE – NORTH WEST RAIL LINK (SSI- 5414) - REQUEST FOR COMMENT ON ENVIRONMENTAL IMPACT STATEMENT

I refer to your letter requesting the NSW Heritage Council's comments in relation to the draft North West Rail Link (NWRL) EIS, pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979* (as amended).

The NWRL comprises an electrified railway with services operating between Chatswood and Tallawong Road, Rouse Hill extending the rail network to north west Sydney. It would include the construction of a two track alignment from Epping to Rouse Hill, 23km in length with eight new stations and associated services. Stations are planned at Cherrybrook, Castle Hill, Showground, Norwest, Bella Vista, Kellyville, Rouse Hill and Cudgegong Road. A stabling facility is proposed beyond the Cudgegong Road station site in an area known as Tallawong Road.

Section 11 of the EIS (dated October 2012) and Technical Paper 4 (dated March 2012) specifically deal with European Cultural Heritage issues.

The European Heritage Report (EHR) and EIS make recommendations regarding potential heritage impacts associated with the various construction sites. A number of these are considered acceptable in both documents. The following comments relate to those sites/impacts that are considered to have not been adequately addressed.

Epping Services Facility (Site 1) - Bushland

The EHR identifies the remnant native forest located along Beecroft Road as being of local significance and states that the works will have a *major adverse impact* on the bushland. The EIS refers back to the original Major Civil Construction Works EIS (EIS 1) for this project noting that document identified all construction impacts. EIS 1 contained a mitigation measure that was *to rehabilitate removed areas of bushland following completion of construction works*. No explanation is provided as to why this recommendation was not included in the EIS prepared for the Stations and Infrastructure.

Epping Services Facility (Site 1) – Causeway over Devlin's Creek

Page 15 of the EHR notes that the convict built Stone Causeway over Devlin's Creek *will not be affected by the works* but in the next sentence says *there is the possibility of indirect impacts on the causeway from erosion and sedimentation associated with the construction works*. These two statements are contradictory but it appears that the author of the EHR has chosen to support the latter statement as Table 4.2 says that no mitigation measures are necessary for the causeway.

Cherrybrook Station (4) – Archaeology on Franklin Road

Page 71 of the EHR states that in order to determine any required mitigation this site requires further assessment/research to determine its archaeological potential/significance as there will be a *moderate adverse impact*. Page 11-6 of the EIS states that *no impact on archaeological remains is anticipated*. This is the complete opposite conclusion to that identified in the EHR with no reasons given as to how this conclusion has been reached. It does not appear that the further archaeological research recommended has been undertaken.

Castle Hill Station (5) – Arthur Whitling Park Tramways

Page 71 of the EHR states that the removal of any surviving tramways would be mitigated by archaeological monitoring and recording. Page 11-6 of the EIS states that *no impacts on potential archaeological remains are anticipated*. It is not known how the EIS could make this conclusion when the location and/or presence of the potential archaeology is not known.

Showground Station (6) – House sites off Carrington Road

The EHR states that this archaeological site should have further assessment undertaken; see notes relating to archaeology on Franklin Road and Point 3 under 'Comments' below.

Kellyville Station (11) – Archaeological Site

The EHR states that this archaeological site should have further assessment undertaken; see notes relating to archaeology on Franklin Road and Point 3 under 'Comments' below.

Old Windsor Road to White Hart Drive (13) – former Swan Inn

The EHR states that the archaeological remains of the former Swan Inn will be adversely impacted and that further assessment of this site is required. Based on those results, archaeological excavation, recording and the development of an interpretation strategy may be required at this site. See notes relating to archaeology on Franklin Road and Point 3 under 'Comments relating to content' below.

Comments

1. The proponent has not produced an EIS that comprehensively addresses the impacts associated with the current stage of works and is relying on the earlier document. The recommendations of the earlier document should be carried through into the current EIS. It is not considered appropriate that the proponent has ignored some of the earlier proposed mitigation measures.
2. Due to the importance of the convict built Devlin's Creek causeway there should have been some specific assessment of the potential impacts and some attempt to identify site specific measures to be undertaken. In the absence of these it must be assumed that the causeway will be impacted and that mitigation is required to be undertaken.
3. It is considered a weakness of the Stage 2 EIS that rather than actually undertaking the recommended archaeological assessments it states that they should be done before commencement of construction. Any further assessment identified in the Stage 1 EIS and EHR should have been undertaken as a part of the Stage 2 EIS.
4. Although the presence of the tramways at Arthur Whitling Park is not definite the EIS should include mitigation/procedures to be followed should they be identified; the blanket statement that there will be no impacts is unsupported.
5. The Mitigation Measures in Table 11.4 omits EH15 from EIS 1 that requires archaeological monitoring, recording and potential interpretation of any surviving Parramatta to Castle Hill tramways associated with Site 5; this recommendation should be included in the Stage 2 EIS.

6. The framework for the CEMP relating to heritage contains broad statements about how heritage will be managed and the heritage management objectives to be included in the CEMP; these principles are generally appropriate.
7. Section 11.6 states that should any unexpected archaeological objects be located stop-work procedures would be implemented and the Heritage Branch of OEH notified. This commitment is also contained within the framework for the CEMP and is considered positive.
8. Table 11.1 of the EIS states that a number of items from the Statement of Commitments have been met as follows:
 - Additional research would be undertaken to determine the history and potential heritage significance of the sites identified in Castle Hill.
 - Site-specific archaeological assessments would be undertaken for the two archaeological sites identified along Old Windsor Road and Windsor Road.
 - A view analysis would be undertaken to and from Rouse Hill House and its estate and the Glenhope property. If required appropriate mitigation measures would be identified.

Nevertheless, the EIS does not include them. Although an undertaking to complete the archaeological assessment has been made there has been no undertaking to complete the view analysis and meet this commitment.

9. Many of the Mitigation Measures include the term 'if feasible' when referring to the reinstatement of vegetation. Since the documentation does not identify how it defines 'reasonable' this creates a situation where no mitigation is committed to and none may occur if the proponent does not consider reinstatement of removed bushland a 'reasonable action'.
10. A majority of the issues with the EIS involve the fact that the recommended further studies have not been undertaken. This has arisen because the proponent has re-issued the European Heritage Report undertaken for Stage 1 of this project. Although it is understood that much of the information is going to be the same or similar the re-issuing of the Stage 1 information is considered a weakness of the EIS.

Recommendations

1. A condition of consent should be included to ensure that the rehabilitation of removed bushland associated with works to Site 1 be undertaken. The CEMP should make a specific commitment to undertake this rehabilitation.
2. A condition of consent should be included to ensure the proponent identifies specific mitigation to ensure that the Devlin's Creek causeway is not impacted by construction works. This must include flagging the site, installation of sediment control barriers and the implementation of a monitoring regime. The CEMP must make a commitment to undertake these measures.
3. A condition of consent should be included to ensure that all the further archaeological assessments recommended in the EHR are undertaken. An additional condition should be included to state that the results of these assessments and identified mitigation must be assessed and endorsed by the Department prior to construction commencing.
4. A condition of consent should be included requiring that site specific measures be identified for the potential discovery of tramways beneath Arthur Whitling Park. These measures must include stop-work procedures and the level of archaeological monitoring and recording that is to be undertaken.



5. The Mitigation Measures in Table 11.4 must be included in the CEMP for this project with Mitigation Measure EH15 from EIS 1, requiring archaeological monitoring, recording and potential interpretation of any surviving Parramatta to Castle Hill tramways associated with Site 5, also included.
6. A condition of consent should be included to ensure that commitments 30, 31 and 32 in the Statement of Commitments are met.
7. The conditions of consent should require that any Mitigation Measures that include the term 'where feasible' should be modified to remove these words. This would ensure that regeneration/replanting is to be undertaken at all sites and place the onus on the proponent to argue why it would not be reasonable/feasible on a site by site basis.
8. A condition of consent should be included that ensures that all the recommendations outlined in Sections 10.1, 10.2 and 10.3 of the CEMP framework are included in the final CEMP.

The Heritage Council provided comment on the draft EIS in October 2012 in which it was noted that it was considered that the Stage 2 EIS was *not sufficiently advanced to be publically exhibited*.

This conclusion was based mostly on the fact that a number of the further recommended studies and assessments had not been undertaken and it did not adequately address the DGRs.

As these issues have still not been addressed the current EIS is not considered to be a sufficiently adequate document as it continues to state that further assessment will be undertaken at a future stage. If approval is issued without these assessments then it is unclear as to when the proponent will undertake these assessments. The missing studies make it difficult for the Heritage Council to fully assess the potential impacts of this project.

If the Department chooses to issue approval it is recommended that the above proposed conditions be applied.

The Heritage Branch would be happy to review any further documentation that may address any likely heritage impacts. If you have any further enquiries regarding this matter, please contact Vincent Sicari at the Heritage Branch on (02) 9873 8556.

Yours sincerely

Petula Samios 19/11/12
Director, Heritage
Office of Environment and Heritage
AS DELEGATE OF THE NSW HERITAGE COUNCIL