

Ms Prity Cleary  
Senior Planning Officer  
Social and Infrastructure Assessments  
Department of Planning, Industry & Environment

By email: [prity.cleary@planning.nsw.gov.au](mailto:prity.cleary@planning.nsw.gov.au)

Dear Ms Cleary,

**Notice of Exhibition of EIS for Westmead Catholic Community Education Campus, 2 Darcy Road, Westmead– SSD 10383**

Thank you for your referral which was received by Heritage NSW on 31 March 2020 inviting comments from the Heritage Council of NSW on the *Environmental Impact Statement* (EIS) prepared for the above State Significant Development (SSD) proposal.

The proposed development involves:

- A primary school with capacity for c. 1,680 students, to provide expanded facilities for the existing Mother Teresa Primary School on the site and to replace the existing Sacred Heart Primary School at Ralph Street;
- A new parish church;
- A Catholic early learning centre (fit-out within an existing building);
- Landscaping.

The following reports were considered in our assessment:

- *Environmental Impact Statement. 2 Darcy Road, Westmead: Westmead Catholic Community State Significant Development* (Ethos Urban, 2020);
- *Westmead Catholic Community: Statement of Heritage Impact* (Comber Consultants, 2020).

It is noted that part of 'Section 9. Heritage' of the Secretary's Environmental Assessment Requirements (SEARS), issued on 22 November 2019, which involved the preparation of a *Statement of Heritage Impact* (SOHI) has been met.

As delegate of the Heritage Council of NSW, I provide the following comments on the archaeological heritage content of the EIS:

- EIS: *Section 2.2.5 Heritage and Archaeology*. Provides a concise overview of heritage and archaeology.
- EIS: *Section 5.6 Heritage*. Provides succinct information on nearby locally listed heritage items and potential impacts on views and vistas. However, there is no comprehensive discussion of the potential, impact and management of historical archaeology at the site. The recommendations for managing historical archaeology discussed in the SOHI are not included.
- EIS: *Section 5.7 Aboriginal Heritage*. An overall informative summation. The final bullet point recommends an historical archaeological assessment is produced prior to

commencement of the proposal, however historical assessments do not evaluate Aboriginal archaeology or heritage (and see comments below).

- *Table, page 80.* The 'Potential Environmental Impact' column for Item 'Heritage and Archaeology' contains two relevant points however it does not list historical archaeology.

I also note the following errors in Appendix Q - *Westmead Catholic Community: Statement of Heritage Impact* (Comber Consultants, February 2020):

- The SOHI in Section 2.3 incorrectly quotes an older version of the *Environmental Planning & Assessment Act* with reference to Section 89J. The Act has been amended.
- The SOHI in Section 4.2 Criterion (e) states the area has archaeological potential but does not state whether 'relics' in the land would be of State or local significance. Similarly, Section 4.3 does not specify whether the significance of the site is assessed to be State or local. For subsequent comments by Heritage NSW, it has been assumed the potential historical archaeology is of local significance.
- Section 6.2 of the SOHI refers to the need to undertake an archaeological assessment and apply for a permit under the *Heritage Act 1977* for testing and possibly salvage of 'relics'. A permit is not required as the provisions of the *Heritage Act* are suspended by the SSD.

As Delegate of the NSW Heritage Council I also note that an archaeological testing program to clarify the archaeological potential of the site could have been undertaken while the Environmental Impact Statement (EIS) was in preparation, in order to best inform the impacts that are discussed in the EIS. Reference is made to State Significant Development (SSD), Section 4.41, subsection 3 of the *Environmental Planning and Assessment Act 1979*, where:

*"A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development."*

In addition, Section 9.0 of the issued SEARS required that;

*If the SOHI identifies impact on potential historical archaeology, an historical archaeological assessment should be prepared by a suitably qualified archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines 'Archaeological Assessment' 1996 and 'Assessing Significance for Historical Archaeological Sites and Relics' 2009. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage programme.*

This requirement of the SEARS has not been met by the currently submitted documents which, although impact on historical archaeology has been identified, have not then provided an Archaeological Research Design and Excavation Methodology.

The following Conditions are recommended to manage historical archaeology if the proposal is approved:

1. Before excavation that may disturb archaeological 'relics', the Proponent must nominate a suitably qualified Excavation Director who complies with the Heritage Council of

NSW's Criteria for Assessment of Excavation Directors (2019) to oversee and advise on matters associated with historic archaeology and advise the Department of Planning, Infrastructure & Environment (DPIE) and Heritage NSW. The Excavation Director must be present to oversee the excavation and advise on archaeological issues. The Excavation Director must be given the authority to advise on the duration and extent of oversight required to ensure that archaeological 'relics' are recorded to an adequate standard.

2. Before any excavation at the site an Archaeological Assessment, Research Design and Excavation Methodology is also to be prepared to guide any proposed excavations. This is to be provided to the Department and to Heritage NSW to confirm adequacy of the proposed methods.

3. A final archaeological report must be submitted to the Heritage Council of NSW within one year of the completion of archaeological excavation on the project.

4. The Proponent must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the Archaeological Assessment prepared for the project are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with s.146 of the *Heritage Act 1977*. Additional assessment and approval from DPIE may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

If you have any questions regarding the above advice, please contact Dr Hana Lewis, Senior Historical Archaeologist, Specialist Services at Heritage NSW on (02) 9895 6521 or [hana.lewis@environment.nsw.gov.au](mailto:hana.lewis@environment.nsw.gov.au).

Yours sincerely



20 April 2020

**Dr Siobhan Lavelle OAM**

Senior Team Leader

Specialist Services, Heritage NSW

Department of Premier and Cabinet

**As Delegate of the Heritage Council of NSW**