



## Memorandum

To Neville Osborne, Team Leader – Water & Energy, Major Infrastructure Assessment

cc.

From Petula Samios  
Director  
Heritage Branch  
Phone 02 9873 8500 Fax 02 9873 8599 Email petula.samios@planning.nsw.gov.au

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**Subject: Major Project 07\_1056 – Tillegra Dam, Dungog Local Government Area**

### Purpose

This memorandum responds to your prior memo dated 18 March 2010, received 23 March by the Heritage Branch of the Department of Planning. The Director-General's Environmental Assessment Requirements issued on 8 January 2009 for this project included the following pertaining to heritage:

- **Indigenous and Non-Indigenous Heritage** — the Environmental Assessment shall include an assessment that considers natural areas and places of Aboriginal, historic or archaeological significance. The assessment should include:
  - o statements of significance and an assessment of the impact of the proposal on the heritage significance of non-indigenous heritage items (including buildings, works, relics, gardens, landscapes, views, trees or places) in accordance with relevant guidelines published by the Heritage Council of NSW. Specific consideration should be given to Quart Pot/Munni Cemetery, Munni House, Mann's Hut and their management;
  - o an assessment of the Indigenous cultural heritage values that may be impacted by the project with details on subsurface archaeological investigations undertaken for potential archaeological deposits as well as addressing the information and consultation requirements of the draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation;
  - o consideration of wider heritage impacts in areas surrounding the project.

The Heritage Branch notes that quite extensive comment on draft documents was previously provided in regard to the Adequacy Review for the EA in August 2009. The conclusion from the Branch at that time was:

*Overall the EA reports have provided inadequate advice and recommendations for the future management and mitigation of works likely to arise from this project. The EA is not adequate for public exhibition.*

Despite this advice, the EA was subsequently put on exhibition in September 2009 with documents which still demonstrated departure from Heritage Council guidelines, terminology and from prior specific advice for this proposal provided to Hunter Water in December 2007.

The Heritage Branch notes that the Submissions Report has referred to the following five issues in regard to 'Contemporary Heritage' (itself not a recognised heritage term) on page 137:

- 1 **Adequacy of contemporary heritage investigations:** concern was expressed that the contemporary heritage assessment and discussion of potential contemporary heritage impacts was flawed, misleading

or inadequate. One submission expressed concern that the 'historical cultural landscape' had not been recognised and considered. (Section 5.6.1)

**2 Additional information and suggested technical corrections:** a number of submission provided additional detailed historical information and suggestions of historical technical corrections to the EA documentation. (Section 5.6.2)

**3 Cumulative impact and loss of heritage value of the landscape:** concern was expressed that the total impact on contemporary heritage due to inundation of the local area was unacceptable and that it would add to a cumulative loss of heritage in the region. Concern was also expressed that the heritage value of the local agricultural landscape would be lost if the dam was built. (Section 5.6.3)

**4 Munni Homestead complex:** Two submissions objected to the inundation or removal options proposed for Munni House. One of these submissions suggested that the relocation of a brick house would not be possible. The Dungog Shire Council submission suggested that elements of the house be retained within a completely new facility built in the region, instead of its relocation. Many submissions urged that further consideration of the costs associated with the movement of Munni House. (Section 5.6.4)

**5 Quart Pot/Munni Cemetery:** concern was expressed about the loss of local history associated with the inundation or relocation of the Quart Pot/Munni Cemetery and the lack of any related cost analysis. (Section 5.6.5)

The Heritage Branch notes that several of the concerns listed are similar to those raised in the Branch response to the EA adequacy review.

In relation to Point 1, the Submissions report has responded (Page 138) that *'the determination of significance was conducted using industry recognised procedures'*. Given the Branch's prior concerns as expressed in August 2009, the Branch does not agree with this statement.

For Point 2, the the Submissions report has responded (Page 138) that whilst acknowledging the additional information provided by some of the submissions that *'the suggested corrections do not materially alter the conclusions of the heritage impact assessment of the mitigation measures.'* The Branch does not agree, given that the Branch's prior assessment of August 2009 was that the EA documents were not adequate.

For Point 3, the Submissions Report has noted that the EA reports and working papers did not *'explicitly encompass historic landscape considerations'* and then concluded *'that the landscape did not stand out as a notable example'*.

For Point 4 (relocation of Munni House) the Submissions Report has provided considerable discussion of the Dungog Council request that the \$1.7 million costs might be better directed to other kinds of "offsets". Given that the relocation of Munni House was a specific Statement of Commitment in the EA the Heritage Branch would recommend that the proponent berequired to complete the comitment.

For Point 5, (relocation of the Munni Cemetery and other isolated burials) the Submissions Report (page 141) has noted that a range of mitigation measures have been incorpotated into the project's Statement of Commitments. The Heritage Branch remains concerned that the source document from the EA, The Cemetery Relocation Plan (working paper H) is not a particularly good document, hence the prior request of August 2009 to improve the document before the EA was put on public exhibition.

### **Review of the Statement of Commitments**

The Heritage Branch has also reviewed the Final Statement of Commitments (Section 10 of the Submissions Report pp217). The Branch is pleased to note that the Commitments for the project have been improved to provide more specific guidance. It is also noted that the final project commitments have been expanded and are now more in accordance with usual heritage practice. Nevertheless a number of commitments still seem to be avoiding best practice requirements. It is therefore desirable that the proponent be required to consult further with the

Heritage Branch in relation to key issues such as further archaeological investigations and the management of the relocation of the Quart Pot/Munni Cemetery.

### Recommendations

In the event that the project is approved, it is noted by the Heritage Branch that the SOC's only refer to providing 'summary' reports to the Branch (or Heritage Council) regarding several matters.

It is therefore recommended that the following Conditions of Approval should be considered by the Department:

#### Heritage

1. The Proponent shall prepare a Non-Indigenous Heritage Management Plan in consultation with the Heritage Council of NSW as part of the Construction Environmental Management Plan. 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. The name and experience of this consultant shall be submitted to the Director-General 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 sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
4. More detailed research and other investigations are to be undertaken for each identified heritage item which will be negatively affected by the proposal to address specific impacts arising from more detailed design development and to provide mitigation and management measures for those impacts.
5. Photographic and archival recording of all affected Heritage items, as identified in the specialist reports prepared as part of the Environmental Assessment 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 Branch, Department of Planning, and also to the Local Studies Library and the Local Historical Society in the Dungog Local Government area.
6. All affected historical archaeological sites of Local and State significance are to be subject to professional archaeological excavation and/or recording before construction works commence. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines for each site which is to be excavated. Those documents should be prepared in consultation with the Heritage Branch for the approval of the Director-General, Department of Planning.
7. A specific Archaeological Research Design and Works Methodology which conforms with the Heritage Council's *Guidelines for the Management of Skeletal Remains under the NSW Heritage Act, 1977* (published 1996) must be prepared for the relocation of the Quart Pot/Munni Cemetery. An Excavation Director must be nominated for the project and must demonstrate that they meet the requirements of the Heritage Council

Contracts/  
tenants

Costs

Timeline

- Excavation Director's Criteria. Those documents should be prepared in consultation with the Heritage Branch for the approval of the Director-General, Department of Planning.
8. After 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 Dungog 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 approved Research Design);
  - h/. Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, and statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types in the local area.
  - 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 memorandum will be of assistance to you.

For further contact please phone Dr Siobhan Lavelle on 9873 8546 or email: [siobhan.lavelle@planning.nsw.gov.au](mailto:siobhan.lavelle@planning.nsw.gov.au).

Yours sincerely



**Petula Samios**  
Director  
Heritage Branch

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