



Planning and
Environmental
Consulting

17 Carlotta Street
Greenwich NSW 2065
ABN 81614383952

17 May 2020

Ref: 201819_007 RC Condition B33(e)

Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Sally Munk (*sent via email to sally.munk@planning.nsw.gov.au*)

Dear Sally,

Rushes Creek Poultry Production Farm SSD 7704 – Condition B33(e)

ProTen Tamworth Pty Limited (ProTen) was granted Development Consent SSD 7704 from the Department of Planning, Industry and Environment (DPIE) (as delegate for the Minister for Planning and Public Spaces) on 16 April 2020 to construct and operate an intensive poultry broiler production farm within a rural area known as Rushes Creek in the Tamworth Regional Local Government Area.

Condition B33 of SSD 7704 requires an Aboriginal Cultural Heritage Management Plan (ACHMP) to be prepared for the development in consultation with the Registered Aboriginal Parties (RAPs) and Heritage NSW for approval by the Planning Secretary. In accordance with the attached letter from DPIE dated 14 May 2021, the ACHMP prepared by OzArk Environment & Heritage (OzArk) and dated 4 May 2021 has been approved by the Secretary. A copy of the approved ACHMP accompanies this letter.

Condition B33(e) requested that the ACHMP:

include a program of excavation and reporting of the feature known as Bondah H1, in consultation with the Registered Aboriginal Parties and ESS.

Bondah-H1 is a hearth located in the north of the Development Site (see Figure 4-1 of the ACHMP) approximately 455 m from the nearest development impact - a water pipeline and powerline. Consultation was undertaken with the RAPs to determine whether they supported the excavation of the hearth for dating purposes. As part of the draft ACHMP, which was distributed to RAPs for their review, a proposed methodology was included for the excavation and reconstruction of the hearth following retrieval of a suitable sample for dating. The majority of the RAPs who provided feedback regarding the excavation of Bondah-H1 stated that they did not support the excavation of the site (see Section 3.2.2.1 and Table 3-1 of the ACHMP). As such, excavation of the hearth was not included in the ACHMP and Heritage NSW supported this decision – see the attached letter from Heritage NSW dated 4 May 2021.

On this basis, ProTen is seeking to remove condition B33(e) from Development Consent SSD 7704. Given that Bondah-H1 is approximately 455 m from the nearest development impact and is at no risk of impact from the construction and operation of the poultry farm, the management strategy for the hearth in the approved ACHMP is simply avoidance (i.e. no management required).

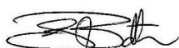
We ask that this amendment be included as part of the section 4.55(1A) modification application (SSD-7704-Mod 1) submitted with DPIE on 11 May 2020 seeking to allow an alternative remediation strategy and remediation timing for an area of arsenic impacted soil.

Please do not hesitate to contact the undersigned for additional information or to discuss this request.

We thank the Department in advance and look forward to receiving the modified development consent at the earliest opportunity.

Yours sincerely

EME Advisory



Eryn Bath

Principal Consultant

eryn@emeadvisory.com / 0427 024739

enclosure(s)

Mr Bill Williams
Chief Executive Officer
ProTen Pty Ltd
PO Box 1746
NORTH SYDNEY NSW 2060

14/05/2021

Dear Mr Williams

**Rushers Creek Poultry Production Farm (SSD-7704)
Aboriginal Cultural Heritage Management Plan – Condition B33**

I refer to the Aboriginal Cultural Heritage Management Plan (ACHMP) which was submitted in accordance with Condition B33 of Schedule 2 of the consent for the Rushers Creek Poultry Production Farm (SSD-7704).

The Department has carefully reviewed the document and is satisfied that it addresses the requirements of Conditions B33.

Accordingly, the Planning Secretary has approved the ACHMP (Revision 3.0, dated 4 May 2021). Please ensure that the approved plan is placed on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact David Koppers on 9373 2869 or at david.koppers@planning.nsw.gov.au.

Yours sincerely



Joanna Bakopanos
A/Director
Industry Assessments

As nominee of the Planning Secretary



Our ref: DOC21/169400
Senders ref: email 08/03/2021

Industry Assessments
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Attention: Ms Sally Munk

Dear Ms Munk

RE: Rushes Creek Poultry Farm SSD-7704 – Draft Aboriginal Cultural Heritage Management Plan (ACHMP)

I am writing to provide advice with regard to the proposed Rushes Creek Poultry Farm draft ACHMP.

Heritage NSW has reviewed the draft ACHMP and concurs with the findings and recommendations contained therein.

We note the changed management proposal for Aboriginal hearth site "Bondah-H1". We note that the site lies outside of the proposed impact footprint for the project and that the majority of Aboriginal stakeholders preferred that no excavation of the site occur. Based on these reasons Heritage NSW supports the decision not to excavate site "Bondah-H1"

If you have any questions about this advice, please do not hesitate to contact Mr Roger Mehr, Archaeologist, roger.mehr@environment.nsw.gov.au or 0459075354.

Yours sincerely

Dr Samantha Higgs
Senior Team Leader - Aboriginal Cultural Heritage Regulation - North
Heritage NSW

Date: 4 May 2021