



Office of
Environment
& Heritage

Your reference: 21/24576
Our reference: DOC16/529229
Contact: Peter Ewin
Ph: 02 6022 0606

Mr Peter Carson
Principal Environmental Planner
GHD Pty Ltd
Level 8, 180 Lonsdale Street
MELBOURNE VIC 3000

Dear Mr Carson

RE: Koondrook-Perricoota: Sandy Bridge Road archaeological due diligence assessment.

I refer to your email of 20 October 2016, to the Office of Environment and Heritage (OEH), seeking comment on the Aboriginal heritage due diligence assessment for the Koondrook-Perricoota Sandy Bridge Road produced by Navin Officer Heritage Consultants Pty Ltd (Navin Officer).

We have reviewed the document provided and offer the following comments on matters that should be considered within the Modification assessment (Further details are provided in **Attachment A**):

1. The entire activity area has been identified as a Potential Archaeological Deposit (PAD) and is registered on the Aboriginal Heritage Information Management System (AHIMS) as an Aboriginal Object (AHIMS # 16-4-0039).
2. Although the activity area will impact an object with subsurface potential there has been no subsurface testing, nor is there a recommendation for such a program.
3. The exact, nature extent and significance of the object cannot be determined without further assessment.

The assessment acknowledges, that the activity is exempt from requiring an Aboriginal Heritage Impact Permit (AHIP) as the original approval was granted under Part 3A of the *Environmental Planning and Assessment Act 1979*. We have also considered the original conditions of approval (August 2010) and the Cultural Heritage Management Plan (CHMP) prepared by Navin Officer for the project in 2009. While the CHMP provides clear guidance, including requirements for monitoring, for areas within the project footprint, it does not provide clear guidance on works at sites that have been identified as PADs. We do not believe that monitoring during the construction phase is a substitute for subsurface testing. The exact nature, extent and significance of the site cannot be known until a proper assessment of the object has been undertaken.

The avoidance of the probable Aboriginal modified tree (KPSBR ST1) is supported and clear methods to ensure it is not harmed accidentally should be incorporated into the modification assessment.

Should you wish to discuss these matters further please do not hesitate to contact me on 02 6022 0606, or at peter.ewin@environment.nsw.gov.au.

Yours sincerely

 3/11/16

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Enclosure: ATTACHMENT A – Technical review comments Koondrook-Perricoota Sandy Bridge Road due diligence assessment

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ATTACHMENT A – Technical review comments Koondrook-Perricoota Sandy Bridge Road due diligence assessment

OEH has undertaken a technical and regulatory review of the report provided for comment:

Maskell, J., J. Dibden and N. Hayes. 2016. 'Koondrook-Perricoota Sandy Bridge Road: Barham, NSW'. Unpublished report produced by Navin Officer Heritage Consultants for GHD Pty Ltd, Sydney.

The document identifies the entirety of the study area being a PAD (KPSBR PAD1), with the site being registered as such on the AHIMS. It also clearly states the location has potential subsurface deposits, with the Sandy Bridge activity area being similar to that of nearby Barbers, Cow and Calf Creek regulator locations where subsurface deposits were located (including burials) (Page 22). The Due Diligence study also recognises that no assessment of significance can be done of KPSBR PAD1, without further investigation (Page 24). The assessment also acknowledges that the bridge and road replacement activity will impact the PAD.

Normal archaeological assessment process in relation to a PAD being impacted by an activity is to undertake a program of subsurface testing to establish the nature, extent and significance of the site (an object shouldn't be impacted until it has been appropriately assessed). However the report makes no mention of subsurface testing, but rather recommends monitoring by RAPs during the construction phase and existing unanticipated finds protocols implemented if anything is located. Monitoring should not be used as a replacement for subsurface testing.

It would provide greater certainty to the project for the nature of the object to be established prior to the construction phase, as opposed to not knowing and running the risk of potential for stoppages whilst construction resources are on site.

Whilst it is recognised that Part 3A switches off the requirement for an AHIP, it does not switch off the requirement for proper assessment or any of the other mechanisms and instruments that may be required (impact reporting, Care Agreements, etc).

The proposed activity needs to undertake proper assessments as proposal will impact a known and registered site (AHIMS 16-4-0039). Assessment should be undertaken in accordance with the following policy documents:

Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (OEH 2010) www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf.

Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf.