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Dear Erin

Mudgee Hospital Redevelopment (SSD 9211) – EIS Exhibition

Thank you for the opportunity for the Office of Environment and Heritage (OEH) to comment on the exhibition of Mudgee Hospital Redevelopment's EIS.

The OEH notes Health Infrastructure has been granted a Biodiversity Development Assessment Report (BDAR) waiver for the development pursuant to Clause 7.9 of the *Biodiversity Conservation Act 2016* as it is not likely to have any significant impact on biodiversity values.

With regards to Aboriginal cultural heritage, OEH notes that the proponent has undertaken a due diligence assessment which was prepared by Cultural Heritage Management Australia (2018).

Under the *National Parks and Wildlife Act 1974*, a person has a defence to any prosecution alleging harm to an Aboriginal object if they show that they exercised due diligence to identify Aboriginal objects and reasonably decided that no Aboriginal object would be harmed. OEH therefore recommend the proponent retain records of the actions they took and the decisions they made in exercising due diligence.

Should you require further information regarding issues that are the responsibility of the OEH please contact Ellie Dean on 02 6883 5358 or ellie.dean@environment.nsw.gov.au.

Yours sincerely

PETER CHRISTIE
Director North West
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