



DOC18/675217

Ms Luisa Maguire
DA Coordinator Key Sites and Industry Assessments
Department of Planning and Environment
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Dear Ms Maguire

Rushes Creek Poultry Production Farm (SSD 7704)

Thank you for your email of 5 September 2018 regarding the environmental assessment for the Rushes Creek Poultry Production Farm.

Biodiversity

Office of Environment and Heritage (OEH) recognises the efforts of the proponent to locate infrastructure in areas that have been previously disturbed so that the proposal largely avoids impacts to biodiversity. The total disturbance footprint will impact:

- 1.17 hectares of White Box grassy woodland derived native grassland
- 86.61 hectares of exotic pasture
- Ten to twelve isolated paddock trees

The biodiversity assessment has followed the Framework for Biodiversity Assessment in accordance with the NSW Biodiversity Offsets Policy for Major Projects.

The biodiversity credit report shows that a total of 29 credits are required to offset impacts on White Box grassy woodland - derived grassland (PCT 1383). No species credits were generated.

Due to the lease agreement with the current landowner, the proponent does not intend to provide a land-based offset.

A proposed strategy to fulfil offset obligations is provided in section 7.7 of the Biodiversity Assessment Report (BAR) for the project. The proponent's preference is to purchase like-for-like credits. If this is not successful, they intend to purchase 'variation credits'. If credits cannot be purchased, they intend to pay into the Biodiversity Conservation Fund or apply supplementary measures and calculate suitable monetary fund deposit.

As outlined in the BAR, if the decision is made to pay into the Biodiversity Conservation Fund, the proponent will need to obtain a 'credit equivalence' statement from OEH.

The offset actions and outcomes are to be documented in an addendum to the biodiversity offset strategy within twelve months of obtaining development consent.

OEH supports the intended biodiversity offset strategy as presented in section 7.7 of the BAR.

Aboriginal cultural heritage

Aboriginal consultation is adequate

The proponent has adequately undertaken Aboriginal consultation as per the prescribed method of the project SEARs. The proponent has also provided adequate opportunities for Aboriginal people registered in the project to participate in field survey of the project area. OEH note that there were no responses from the RAPs regarding requests about the social and cultural significance of the sites recorded during the field assessment.

Minimal harm to Aboriginal heritage

OEH accept the survey coverage undertaken of the project area and recognise that the results conclude a low density of Aboriginal objects consisting of isolated stone artefacts (17), stone artefact scatters (14) of very few artefacts, three Aboriginal scarred trees and single Aboriginal oven. Of important note is that the proposed project will impact only 5 isolated stone artefacts and 2 artefact scatters, BOS3 and BOS11, consisting of about 12 and 2 stone artefacts respectfully. The proposed mitigation action of collecting the artefacts post project approval further reduces the harm and is therefore supported.

Survey results show a predictable pattern of Aboriginal objects associated with water

OEH note that the survey identified that 30 of the 35 sites occur within 200 metres of water. This result will assist developing appropriate management strategies post project approval because it confirms the likely locations of any remaining Aboriginal objects not identified during the field survey.

Cultural heritage assessment plan

OEH expect that a Heritage Management Plan will be developed in partnership with the Registered Aboriginal Parties post project approval. OEH request that as part of the site management actions monitoring of the area designated BOS3 is included in case significant numbers of stone artefacts are revealed during the early phases of construction. The location of BOS3 has the potential to yield more artefacts associated with the creek. Alternatively, establish an appropriate buffer around the water feature based on the field survey results to reduce the risk of harm to Aboriginal objects.

Hearth Feature 'Bondah H1'. Eastings 269169 Northings 658 9145

OEH request that DPE consider conditioning the development consent to authorise an archaeological excavation of the feature described in the ACH assessment report as an Aboriginal hearth ('Bondah H1'). The feature was discovered during the ACH assessment field survey and is situated outside of the development footprint and in an area affected by land use disturbance. The feature is reported not to be at threat from the proposed project. OEH believe there is merit in excavating the feature to determine if it is an Aboriginal oven and if so whether *in-situ* charcoal remains beneath the cluster of stones for Radio Carbon – C14 Dating.

Aboriginal ovens are rarely found in the north west region of NSW. The results of the excavation may contribute to improving general knowledge about Aboriginal oven distribution and aide the identification of ovens in future projects. For example, approximately 50 features were claimed to be Aboriginal ovens during the Maules Creek Coal Project near Gunnedah but later rejected after archaeological test excavations revealed they were natural features. If confirmed as an Aboriginal oven, Bondah 1 H1 may also reveal chronological information of Aboriginal occupation for the region particularly for areas associated with the Namoi River.

Aboriginal ovens can be partially excavated because the procedure only requires a small charcoal sample for the C-14 analysis. The oven is then reconstructed to the same appearance pre-excavation. The harm of the operation is therefore considered minimal for the potential information it can provide. In time, the feature will erode, and the heat retainers displaced permanently removing any chance of securing chronological information.

OEH therefore believe the excavation of the oven offers greater research return for the expense incurred compared to the artefact analysis proposed as part of the broader management strategy (section 6 of ACH report). The costs involved in an archaeological analysis of the stone artefacts would be better spent on research that has potential for increasing knowledge for the region. OEH remain supportive of the RAPs collecting those stone artefacts at threat from the proposed development project and expect that the RAPs would also be consulted about the cultural appropriateness of excavating the Aboriginal oven feature.

Confirm the Aboriginal scarred trees if at threat from development

The Aboriginal cultural heritage assessment identified three Aboriginal scarred trees within the project easement but outside of the proposed footprint area. The descriptions provided in the ACH assessment report does not demonstrate conclusively that the scars are the result of traditional Aboriginal practice. OEH request that if the project foot print change in a manner that threatens the trees that they are further examined with reference to the OEH [manual for scarred tree recording \(DECC 2005\)](#).

If you have any queries, please contact Liz Mazzer, Conservation Planning Officer on 6883 5325 or liz.mazzer@environment.nsw.gov.au

Yours sincerely



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2 October 2018

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