

Submission on the referral

KTT Investment Pty Ltd – North One Hotel and Apartments

This submission is made under regulation 53 of the *Environment Protection Regulations 2020*

Government authority: Heritage Branch, Department of Territory Families, Housing and Communities

Summary: The Heritage Branch considers that further assessment is required in relation to the potential impact of the proposed development on:

- Views from the nearby Myilly Point Precinct, a declared heritage place; and
- Aboriginal traditional burials within the subject site

Section of Referral	Theme or issue	Comment
Main report – section 7.4	Visual amenity impacts	<p>The Referral Report refers to a Visual Impact Study (VIS) that states that existing vegetation along the escarpment and within the grounds of the properties at the Myilly Point Precinct “provides varying levels of screening of views”, and that “the scale, character and visual catchment of the proposal will result in a moderate impact overall”. The Referral Report concludes that the residual impact of proposed development will be a “moderate visual impact from some vantage points in the Myilly Point Heritage Precinct.”</p> <p>The Heritage Branch notes that the overall height of the proposed development is at least eight metres above the escarpment level. This has the potential to permanently block existing key views from the Myilly Point Precinct to the Harbour, and to significantly diminish the setting of the Precinct.</p> <p>The Branch suggests that this potentially represents a significant environmental impact, and questions whether it would be considered an acceptable impact.</p> <p>The Branch notes that the ‘Burra Charter’ has been adopted by every jurisdiction in Australia (including in the Northern Territory) as a guidance document for cultural heritage management. The Burra Charter states that the cultural significance of a place includes its setting. The setting means “the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character”. It goes on to say that the setting of a place includes views to and from the place.</p> <p>The existing views from the Myilly Point Precinct are important because the houses within the Precinct were built for high-ranking public servants in the 1930s, and the location of the houses was quite deliberate, intended to provide a good view of the Harbour and Mindil Beach, as well as providing access to cooling breezes.</p>

<p>Main report – section 7.5</p>	<p>Culture and Heritage</p>	<p>The Referral Report refers to an archaeological assessment that acknowledges that the subject site is of high cultural importance to Larrakia people, and that the Mindil Beach foreshore was used historically, well into the 1930s, as a burial ground by Larrakia people and other Aboriginal people. Proposed mitigation measures in response to the possible disturbance or destruction of Aboriginal traditional burial sites within the subject site include an archaeological monitoring program for any ground disturbance work, and the presence on site of a Larrakia representative to monitor excavation work.</p> <p>The Heritage Branch agrees that there is extensive evidence of Aboriginal traditional burials having occurred on Mindil Beach both before and after the arrival of Europeans, and notes that all such burials are automatically protected by the <i>Heritage Act 2011</i>.</p> <p>Furthermore, recent advice sought by the Heritage Branch suggests that disturbance of the subject site by natural forces such as erosion-recovery cycles has been minimal, and that despite a history of human disturbance within the subject site since European settlement, any burials that may be present will likely have remained intact.</p> <p>The Branch concludes that there is a reasonably high probability of Aboriginal traditional burials existing within the subject site. The Branch notes that the proposed development will potentially have a physical impact on such burials in two ways:</p> <ul style="list-style-type: none"> • directly, within the area proposed to be excavated for an underground car park; and • indirectly, by being crushed by heavy machinery undertaking compaction outside of that area. <p>The underground car park is well over 5,000 square metres in area and, according to advice received from the applicant, will be excavated to two metres below the existing ground level. This will directly impact burials.</p> <p>Furthermore, it is understood by the Branch that a large proportion of the site outside of this area will be filled to a level of about two metres above natural ground level, and that this would typically be achieved by layering and compacting of fill, and would involve heavy machinery rolling over each layer numerous times, with vibration, to obtain the required compaction. This has the potential to damage human remains below the surface.</p> <p>These impacts, which are not fully described in the Referral Report, will be permanent, and are considered by the Branch to potentially constitute a significant environmental impact, that at the very least requires further assessment. If numerous burials were disturbed, there would be serious questions as to whether this would be considered an acceptable impact.</p> <p>The Heritage Branch strongly recommends that the process of assessment includes a comprehensive archaeological investigation of the subject site, with the objective of determining the extent of Aboriginal traditional burials within the subject site, with the Scope of Work for the investigation to be prepared by the Heritage Branch.</p>
--	-------------------------------------	--