

From: Ryan Crough-Heaton <Ryan.Crough-Heaton@nt.gov.au> **On Behalf Of** Heritage Branch
Sent: Wednesday, September 11, 2024 9:38 AM
To: Deb Houlahan <deb.houlahan@ela.space>
Cc: Sarah Hubbard <Sarah.Hubbard@nt.gov.au>
Subject: RE: Request for information

Good morning Deb,

Thank you kindly for your detailed response. Please find the relevant Heritage Branch below. Please note there are additional comments at the end of the advice.

I will discuss some suitable dates and times with our Director to have a meeting with your team and send you a separate email shortly. We can appreciate your desire for expediency, and will try and accommodate the request as quickly as we can.

This initial advice is provided following a request for information from the Heritage Branch.

The Heritage Branch administers the *Heritage Act 2011* which protects all Aboriginal and Macassan archaeological sites and all declared and provisionally declared heritage places.

For requests related to sacred sites, contact the Aboriginal Areas Protection Authority <https://www.aapant.org.au>.

Work details

Name of proponent (company or department)	Equatorial Launch Australia
Contact person (name and title)	Deb Houlahan
Email address	deb.houlahan@ela.space
Date enquiry received	06 September 2024
Location of work	East Arnhem Land
Brief description of work as provided	Land clearing and groundworks for the creation of launch pads, roads, buildings, bunds, ponds, and spillways.
Date of Heritage Branch response	11 September 2024
Our reference	HCD2024/00123

The context of Heritage Branch advice

The Northern Territory Government's Heritage Branch administers the *Heritage Act 2011* and provides authoritative advice about obligations under the *Heritage Act 2011*, including steps to take to manage the impact of proposed work on [Aboriginal and Macassan archaeological places and objects](#)

It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to an Aboriginal or Macassan archaeological place or object.

Relevant parts of the Northern Territory's *Heritage Act 2011*

Under the Northern Territory's *Heritage Act 2011* (the Act):

1. All provisionally declared and declared heritage places and objects are protected under the Act;
2. All Aboriginal or Macassan archaeological places and objects are automatically protected - [this includes places and objects not previously recorded](#);
3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;
5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast;
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

Conditions of advice

1. This advice is based on the description of the work provided to the Heritage Branch. If the work expands or changes significantly seek further advice.
2. In preparing this advice, the Heritage Branch has referred to an archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the Northern Territory. However, the database only includes information about known archaeological places. The fact that there are no known archaeological places recorded may be because no archaeological surveys have been conducted in that particular area, and is not necessarily an indication they do not exist.

Actions

The following actions have been taken in relation to the enquiry.

- A search of the Northern Territory Heritage Register;

- A search for known archaeological places located within the subject site on the Heritage Branch archaeological database;
- A search for known archaeological places located within the proximity of the subject site on the Heritage Branch archaeological database;
- The extent of pre-existing ground disturbance;
- The scale and nature of the work proposed (major, moderate or minor);
- Areas identified as being excluded from the work footprint e.g. riparian buffers; and
- An assessment of the likelihood of unrecorded archaeological places existing within the subject site, based on landscape features, known archaeological places in the vicinity, and other predictive tools.

Advice for Aboriginal or Macassan archaeological places and objects

The search has found that there are no known Aboriginal or Macassan archaeological places and objects within the subject site. However, the likelihood of possible unrecorded Aboriginal or Macassan archaeological places has been assessed as **possible**. The extent of pre-existing disturbance and the nature of the work itself has also been considered. The Heritage Branch recommends that an archaeological survey and cultural heritage management plan are required to identify and mitigate the impact to Aboriginal or Macassan archaeological places and objects.

1. The Heritage Branch can provide a list of qualified archaeologists on request.
2. The Heritage Branch can provide advice in regard to the scope of the survey and plan on request.
3. The Heritage Branch must receive a copy of the final report for our records.

Advice for declared or Provisionally Declared heritage places and objects

The search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subject area.

Further comments

Further information can also be found on our website:

<https://nt.gov.au/property/building/heritage-properties/heritage-properties-building-works-and-development>
[Aboriginal heritage information | NT.GOV.AU](#)

Additional comments

The Heritage Branch advises that very little archaeological surveying has occurred within the project region and virtually none within the project footprint, so current understanding of the archaeological record in this region is limited. However, there are known archaeological places and objects within 2-3km of the launch pad footprint. As a result, the Heritage Branch strongly recommends undertaking archaeological surveys within the areas to be cleared or disturbed before these works proceed. Considering the strength of the relationship between ELA and the local community, the Branch further recommends the employment of professionally supported cultural monitors during the groundworks phase (down to 1m depth) to oversee and implement the ELA stop work procedure for unexpected subsurface finds. The Heritage Branch would be happy to develop an appropriate scope of works and stop work procedures with ELA that meets archaeological good practice standards. Please let us know if this would be of interest.

Best regards,

Ryan Crough-Heaton

Senior Heritage Officer

Heritage Branch – Community Participation and Inclusion

Territory Families, Housing and Communities

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I acknowledge Aboriginal people as the Traditional Owners of the country I work on, and their connection to land and community. I pay my respect to all Traditional Owners, and to the Elders both past and present.