

Submission on the referral

Groote Holdings Aboriginal Corporation - Little Paradise Development

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

Government authority: Heritage Branch – Territory Families, Housing and Communities.

Summary: No archaeological survey of the project area has been undertaken, despite recommendations to do so. The Heritage Branch do not consider the EMP fit for purpose and it does not meet obligations under the *Heritage Act 2011*.

Section of Referral	Theme or issue	Comment
Main report	EMP is not fit for purpose	<ul style="list-style-type: none"> On 12 April 2023, Senior Heritage Officer Sarah Hubbard responded to the Little Paradise development (PA2023/0059) through the Development Assessment Services (DAS). This response included a recommendation that an archaeological survey be undertaken to mitigate potential impacts to archaeological places and objects. No such archaeological survey has been undertaken, and the current EMP is not considered to address obligations under the <i>Heritage Act 2011</i>.
Main report – section 4.1.1, Table 4-1	Legislation definition is not correct	<ul style="list-style-type: none"> First sentence should read, ‘...provides for the protection and regulation...’. Last sentence should indicate that, ‘All nominated, provisionally declared, and declared sites on the Heritage Register are protected, as are all known and unknown Aboriginal and Macassan places and objects.’
Main report – section 5	Heritage Branch not consulted	<ul style="list-style-type: none"> It is unclear if the most recent advice submitted to DAS was given to the proponent as it is not mentioned or addressed in the EMP.
Main report – section 6.8 and 6.8.1	Work insufficient to address Heritage Branch concerns	<ul style="list-style-type: none"> A search of the NT Heritage Register and NT Heritage Branch database alone may not be sufficient to mitigate impacts to archaeological places and objects. An archaeological survey was recommended to address Heritage Branch concerns. An anthropological assessment of the project area does not address archaeological concerns within the zone of works, and does not meet the proponents obligations under the <i>Heritage Act 2011</i>.
Main report – section 6.8.3, Table 6-17	Risk management and stop work procedures insufficient	<ul style="list-style-type: none"> A stop work procedure for the discovery of archaeological places and objects is one control to minimise the risk of impact on undiscovered heritage. It is significantly less effective than the identification and management of archaeological places and objects before works commence and increases the risk of breaching the <i>Heritage Act 2011</i>. It should not be used as a substitute for undertaking an archaeological survey. By the proponent’s own assessment, a Moderate Residual Risk Rank is not reasonable for this project, as this may entail, “Complete removal of one or more Indigenous or Non-Indigenous archaeological sites on a specific landform within or outside the Project area AND/OR moderate short-term (1-2 yr)

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		<p>impacts to cultural values.” Addressing the concerns raised in this document should bring the overall Residual Risk Rank to low, and reduce the proponents risk of impacting archaeological sites and objects.</p> <ul style="list-style-type: none"> • Quote, “No-Go Zones shall be established prior to clearing activities of existing cultural heritage sites”. This reads as if cultural heritage sites are to be cleared. This is a breach of the <i>Heritage Act 2011</i> without an approved application to carry out works on a heritage place. • An appropriate series of stop work procedures needs to be developed for the project. These procedures need to detail the responses appropriate to the type of heritage (artefacts, skeletal remains, etc), as well as provide contact details for the relevant parties who need to be contacted (e.g. Heritage Branch, NT Police, etc). These procedures are designed to support the management of sites identified during archaeological surveying, not to be the primary method of discovery. • The Heritage Branch further advises that because this project has a marine footprint as well as terrestrial, the unexpected finds protocol must accommodate for underwater heritage sites and materials that may be discovered during works.
Main report – section 8.2.4.2, Table 8-9	Unreasonable assessment of potential for significant impacts	<ul style="list-style-type: none"> • It is not clear how the proponent has assessed there to be no potential for significant impacts to culture and heritage when there has not been any reasonable assessment of archaeological places and objects for the project.
Main report – section 8.3.1, Table 8-13	Cultural heritage sites only addresses intangible heritage	<ul style="list-style-type: none"> • Table mentions management actions for, ‘anthropology and cultural heritage surveys’ at multiple stages. These surveys are ethnographic assessments undertaken by an anthropologist, and do not address Heritage Branch concerns for archaeological places and objects. The findings of these surveys are summarised in Appendix N as a ‘Cultural Heritage Report’, but this report is not a substitute for an archaeological survey and report to meet obligations under the <i>Heritage Act 2011</i>.
Main report – section 9, table 9-1	Consultation with the Heritage Branch does not reflect the most recent advice provided to the proponent	<ul style="list-style-type: none"> • Quote, ‘GHAC has also consulted with the NTG Heritage Branch who have not raised concerns for potential heritage sites within the Project area.’ • The Heritage Branch notes that the scope of this project has changed multiple times over several years. The most recent advice provided for this project was on 12 April 2023 by Senior Heritage Officer Sarah Hubbard through the Development Assessment Services (DAS) (PA2023/0059). This response included a recommendation that an archaeological survey be undertaken to mitigate potential impacts to archaeological places and objects. No such archaeological survey has been undertaken, and the current EMP does not meet minimum obligations under the <i>Heritage Act 2011</i>. A copy of the letter submitted by the Heritage Branch can be provided for review.