

# Department of Natural Resources and Environment Tasmania

OFFICE OF THE SECRETARY

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Our ref: 21/3921.001  
Your ref: DOC/22/21842

Ann Cunningham  
Chairperson  
Development Assessment Panel  
Tasmanian Planning Commission

Via email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

## Referral of relevant representations – NEW BRIDGEWATER BRIDGE MAJOR PROJECT

Thank you for your letter dated 28 February 2022 forwarding the representations you received that relate to matters the Department of Natural Resources and Environment Tasmania (the Department) may have an interest in, in accordance with section 60ZZD(5)(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

As a participating regulator, the Department offers the following advice with reference to the representation you received from the Department of State Growth (the proponent).

The Department notes there is a suggested amendment that affects Aboriginal heritage. This change pertains to the terminology employed in Condition 67, specifically the addition of the term “relevant” to construction works.

The proposed definition of ‘relevant construction’ is, “*Construction activities, other than Low Impact Works...*” and that ‘Low Impact Works’ include drilling, coring, test pitting, establishment of laydown areas, property demolition and archaeological investigations. These activities may be low impact in the context of the overall project; however, under the project related *Aboriginal Heritage Act 1975*, they would constitute an offence, if undertaken within the bounds of a relic.

The Department also has concerns with the ambiguity of the proposed definition of ‘relevant construction’ when applied to this condition, and the onus this places upon the proponent to self-determine when Condition 67 should be enacted.

For these reasons, it is the Department’s position that the suggested change to Condition 67 provides neither best practice heritage management for Aboriginal heritage, nor any assurances for the proponent against inadvertent harm to known Aboriginal heritage.

The Department will await the outcome of the hearings being undertaken by the Panel to provide our final advice with regard to Conditions 62, 63 and 64.

If you have any questions on this matter, please contact Sonia Mellor, Policy Analyst, Strategic Projects and Policy Branch, Strategy and Business Services Division, on mobile: 0436 636 279 or via email at [sonia.mellor@nre.tas.gov.au](mailto:sonia.mellor@nre.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jason Jacobi  
**A/SECRETARY**

7 March 2021