

Assessment Requirement Notice - Bell Bay Wind Farm Project Proposal

Part One – DPAC (Aboriginal Heritage Tasmania) - Assessment Requirement Notice as a Relevant Regulator under the Land Use Planning and Approvals Act 1993 (the Act)

Justification for issuing an assessment requirement notice under Section 60ZA of the Act:

As stated in the Tasmanian Planning Commission's referral of the Bell Bay Wind Farm Project to the Department of Premier and Cabinet (DPAC);

"For the purposes of the major project, this organisation is a relevant regulator for the purposes of the *Aboriginal Heritage Act 1975*."

Matters to be addressed in the Assessment Criteria for the Major Project Impact Statement for the Bell Bay Wind Farm Project.

In order to satisfy section 60 (6) of the Act which specifies that the assessment criteria must be relevant to the regulator's final advice that it would give under section 60ZZF (1) in relation to the Bell Bay Wind Farm Project, Aboriginal Heritage Tasmania requests that the Major Project Impact Statement (MPIS) addresses the matters outlined below.

For the purposes of assessment of the Bell Bay Wind Farm Project, the development footprint for the Project is defined within the Major Project Proposal as the Project Site (the Land), as shown in Figures 1 and 2 of the Major Project Proposal.

Aboriginal Relics under the *Aboriginal Heritage Act 1975*

For the purposes of the *Aboriginal Heritage Act 1975* (the Act) Aboriginal heritage may be:

- (a) any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants, which is of significance to the Aboriginal people of Tasmania; or
- (b) any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants, which is of significance to the Aboriginal people of Tasmania; or
- (c) the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in—
 - (i) any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or
 - (ii) a marked grave in any other land.

The Project Site is located on the northern coastline of Tasmania and traverses a variety of landform units ranging from the coastal dune systems and hinterland of the Five Mile Bluff area, to the low hills and undulating inland plains of the Tamar Estuary Catchment and the Curries River catchment areas. The Aboriginal Heritage Register (AHR) currently contains 26 Aboriginal heritage registrations across the Project Site including shell middens (best described as cultural living places), isolated artefacts and artefact scatters. Owing to the diversity of landforms, the Project Site contains a corresponding diversity of Aboriginal heritage sites and places. These bear witness to a landscape that has evolved over millennia, and Tasmanian Aboriginal people's intimate knowledge of and connection to it.

Five Mile Bluff and its surrounding expansive hinterland plains is considered a culturally rich and conducive landscape, due to the recorded presence of Aboriginal cultural heritage, and the increased likelihood of additional unrecorded Aboriginal heritage values being present. There are a number of landforms within the Project Site that are considered particularly conducive to Aboriginal heritage. These include the coastal and hinterland dune systems, semi-permanent water courses such as Cimitero Creek, British Creek and Curries Rivulet, and a series of wetlands which would have once been the focus of traditional practices.

Within the remainder of the Project Site, Aboriginal heritage is known to occur across a range of landforms, and there remains the potential for additional Aboriginal heritage values to be present. The Tamar River catchment is known to be particularly rich, with complex cultural values present. Despite varying degrees of prior disturbance relating to historic and more recent land use, this southern portion of the Project Site nevertheless is known to contain Aboriginal heritage of notable size and complexity, particularly in the vicinity of Bell Bay.

The recorded Aboriginal heritage values present within the Project area are therefore representative of a wider cultural landscape bearing the physical signs of the past activities and traditional practices of the North Midlands Nation.

Records indicate the Project Site has not been comprehensively assessed. Accordingly, the 26 currently registered Aboriginal heritage sites are not believed to reflect the full potential scope and scale of Aboriginal heritage present. It is expected that further detailed landscape modelling and survey assessments would reveal many more Aboriginal heritage sites within this region. It is therefore Aboriginal Heritage Tasmania's view that the Major Project has the potential for significant impact on the region's cultural heritage values (both environmental and social). If the Major Project will have any impacts on Aboriginal heritage, approvals in accordance with the *Aboriginal Heritage Act 1975* will be required.

A comprehensive Aboriginal heritage assessment is necessary to identify how the proposed project and related infrastructure will impact on Aboriginal heritage and to offer avoidance, mitigation, and management advice. This assessment must be undertaken jointly by a consulting Archaeologist and Aboriginal Heritage Officer.

This cultural heritage assessment and consultation process is anticipated to be lengthy and complex, requiring multiple levels of assessment as the project progresses to more defined infrastructure siting; including desktop reviews, on-ground assessment surveys (including micro-siting of infrastructure), and potentially sub-surface investigation conducted by Aboriginal heritage consultants. These assessments can take many months or years, and require extensive consultation with the Aboriginal community, as well as between the proponent, the heritage consultants and regulator.

To ensure that the Aboriginal heritage assessment/s and Major Project Impact Statement adequately identify and define all potential impacts or mitigation strategies for Aboriginal heritage, assessments must meet the minimum requirements for survey, recording and reporting as laid out in the *Aboriginal Heritage Standards and Procedures (AHT, May 2024)*.

The Standards and Procedures are an Adopted document issued by the Minister under section 21A *Aboriginal Heritage Act 1975* - Guidelines. The Standards and Procedures provide information on compliance with *Aboriginal Heritage Act 1975* as well as requirements for consultation and engagement with Aboriginal people.

The Standards and Procedures can be found at:

<https://www.aboriginalheritage.tas.gov.au/Documents/Aboriginal%20Heritage%20Standards%20and%20Procedures.pdf>

The Assessment Criteria must include:

- An assessment of Aboriginal heritage (relics) occurring within the Project Site, based on the results of detailed on-ground assessments and consultation with the Aboriginal community;
- Mapping of all Aboriginal heritage sites and potential areas of sensitivity, overlaid with the proposed project footprint;
- A detailed assessment of proposed impacts to Aboriginal heritage, including measures to avoid or mitigate impacts;
- Evidence of Aboriginal community consultation commensurate to the scale and scope of the project, the outcomes of that consultation and discussion of how any concerns will be addressed.

*Part Two - Relevant State Service Agency – DPAC (Aboriginal Heritage Tasmania) -
Request for Additional Assessment Criteria under Section 60ZJ of the Land Use Planning
and Approvals Act 1993 (the Act)*

Justification for requesting additional assessment criteria under Section 60ZJ(1)(e) of the Act:

In accordance with Section 60ZJ(1)(e) of the Act, DPAC recommends further assessment criteria to be addressed in the Major Project Impact Statement (MPIS). Please note that these matters are not part of DPACs' section 60ZA notice as a relevant regulator.

Additional criteria to be included in the Major Project Impact Statement for the Bell Bay Wind Farm Project

The following assessment criteria are requested for inclusion in the MPIS to enable DPAC as a relevant State Service Agency to assess and provide specialist advice regarding impacts to Aboriginal values from the Bell Bay Wind Farm Project.

Cultural Heritage Values

While the Project Site has been subject to varying degrees of disturbance as a result of farming practices and other developments, it nevertheless retains its sense of connection to the traditional lifeways and practices of the Northern Midland Nation. This is most immediately reflected by the recorded Aboriginal heritage sites; however, the broader cultural values of the Project Site are not fully understood. The Project Site is considered to be of significance to the Tasmanian Aboriginal community, and it is expected that the Bell Bay Wind Farm Major Project will draw broad attention from within the Aboriginal community.

Accordingly, DPAC recommends that the MPIS includes a cultural values assessment which extends beyond the tangible Aboriginal heritage values defined by the *Aboriginal Heritage Act 1975* to consider landscape and intangible heritage values for the Project Site. The Assessment Criteria could include, as a minimum:

- Identification and consideration of any potential impacts of the use and development of the Project Site to the ongoing connectivity between Aboriginal people and areas of cultural significance.
- Consideration of any and all measures that would avoid, minimise, remedy or mitigate potential impacts;

- Evidence of Aboriginal community consultation commensurate to the scale and scope of the Project. This includes Aboriginal community advice on the significance of the cultural values, the outcomes of the consultation process, and a discussion of how any concerns will be addressed.

To support a comprehensive assessment of Aboriginal cultural values and potential impacts, DPAC refers to the Australian Institute of Aboriginal and Torres Strait Islander Studies' (AIATSIS) *Principles for engagement in project concerning Aboriginal and Torres Strait Islander peoples*. And for projects that specifically fall under the EPBC Act, the *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* produced by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) – noting that proponents of non-EPBC projects may also find value in this document.