

Southern Technical Reference Group (TRG) for meeting with us on the 5th
September 2019 - Aboriginal Heritage Review

Dear Simon

I thank you on behalf of the Southern Technical Reference Group (TRG) for meeting with us on the 5th September 2019. All participants found the session productive and very informative. We hope you found the meeting of equal value.

I have compiled the notes and points of discussion from the meeting. These can be considered the minutes of the meeting. We would like to forward these comments to you in furthering your next steps in the Statutory Review.

Apologies for not providing this to you sooner.

The following are the dot points:

- The Southern Technical Reference Group (TRG) met with Steve Gall and Simon Wilcox to discuss the Statutory Review of the *Aboriginal Heritage Act 1975* on the 5th September 2019 at the Hobart City Council Chambers.
- The TRG consists of planners, strategic planners, planning managers and senior planners from all 12 Southern Councils. The TRG discuss and provide advice (and drafts) of a technical nature to state planning bodies, LGAT, and to one another on the Interim Planning Schemes, State Planning Scheme and Local Provisions Schedule and regional planning work. The TRG provides a forum for senior planning personnel and is a means of achieving a consistent approach to planning matters.
- In attendance at the meeting:
 - Steve Gall and Simon Wilcox, AHT
 - David Cundall, Southern Midlands Council and Central Highlands Council
 - David Allingham, Brighton Council
 - Trent Henderson, Morgwn Hyde, Joanne Hickman, Huon Valley Council
 - James McIlhenny, Hobart City Council
 - Lyndal Byrne, Glenorchy City Council
 - Linda Graham, Derwent Valley Council
 - Dan Ford, Clarence City Council
- The TRG discussed and agreed on the following:
 - Aboriginal heritage sites and areas should be mapped and data made available to the Planning Authorities; and
 - Greater resources should be used to map Aboriginal Heritage sites and areas to reduce impost on developers needing to undertake detailed studies to determine the presence of Aboriginal Heritage or determine the significance of the site/area/item
 - TRG discussed the merits of the Victorian model of zoning/identifying areas of having low, medium or high levels of significance or sensitivities to development; AND
 - TRG discussed there needs to be some “sensibilities” in creating any statutory type overlay - in that zones such as Inner Residential Zones, General Residential Zones are subject to regular works and development and are otherwise highly disturbed and modified environments. Much of the works and development that takes places in these zones do not require statutory pre-approvals.

- The scope of the statutory review could be expanded to either work with the Resource Management and Planning System (RMPS) or potentially be brought under or in conformity with the RMPS
- TRG recognise that consideration of Aboriginal Heritage is a fundamental component in any site selection in the planning and design phase of a project
- TRG agreed that seeking approvals from AHT for the removal, disturbance or otherwise interference with site/item post Development Approvals (Planning Permit, Building Permits, Dam Permit or otherwise) is often too late – recognising that significant resources have already been expended in the site selection, planning, procurement and design phase of a project. Developers should be factoring in Aboriginal Heritage prior to seeking Development Approval from Council.
- Bringing the consideration of Aboriginal Heritage into the RMPS would have a positive flow on effect:
 - Elevate the importance of respecting and considering Aboriginal Heritage in works and development – like other culturally significant sites, high natural values, or other sites where sustainability should be a factor in undertaking works
 - Bolster resources to AHT to undertake mapping and data collection
 - Greater certainty for developers, Councils, Service providers and the like to confirm at what stage of a project Aboriginal Heritage *should* be considered
 - Overall shift in thinking and moving away from the early intentions of the 1975 Act to prevent interference and removal of aboriginal “relics” to sustainability and respectfulness
 - Better understanding of Tasmania’s history, people and culture
- For the time being there is merit to further resources being provided to engaging Aboriginal Heritage Practitioners to assist Council, developers, service providers and the like in identifying and managing heritage sites prior to works commencing. This could be undertaken through a resource sharing model between Councils.
- TRG agree that greater education by State Government, Advocacy groups, interest groups or even Council are a valuable tool.
- TRG welcome further discussions with AHT
- Encourage the referral of draft planning scheme amendments seeking to rezone non-urban land to a residential zone to AHT [S40FA Notice to certain agencies and Schedule 6(3), former provisions, of LUPPA requires notice to be given to state agencies or state authorities of exhibition of the draft amendment ie AFTER the work has been done]

I or David Allingham can discuss these matters further or pass on any feedback you may have to the TRG.

Kind Regards

David Cundall
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 Southern Midlands Council