

Smith, Gemma

From: Wightman, Brian (DPaC) <Brian.Wightman@dpac.tas.gov.au>
Sent: Wednesday, 12 June 2013 11:30 AM
To: Roussow, Nicole (DPaC)
Cc: McIntyre, Denise (DPaC)
Subject: FW: Aboriginal Heritage Council - PRIVATE AND CONFIDENTIAL
Attachments: AHC Letter to Minister - Arm End 12 June 2013.pdf

From: Pleonie, Voula (Heritage)
Sent: Wednesday, 12 June 2013 11:15 AM
To: Wightman, Brian (DPaC)
Cc: McIntyre, Denise (DPaC)
Subject: Aboriginal Heritage Council - PRIVATE AND CONFIDENTIAL

Good morning

Please find attached a letter to Minister Wightman from the Aboriginal Heritage Council , on Arm End.

Thank you.

Voula

voula

Interim Aboriginal Heritage Council

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Minister Brian Wightman
Minister for Environment, Parks and Heritage
Level 10 – 10 Murray Street
HOBART TAS 7000

Dear Minister Wightman

Re: Gellibrand Point Nature Recreation Area – Arm End

On 24 May 2013, the interim Aboriginal Heritage Council (AHC) held its monthly meeting. At this meeting, discussion was held in regards to the Gellibrand Point Nature Recreation Area Aboriginal Heritage site.

Council has previously written to you on 4th March 2013 raising concerns that we have over the proposed golf course and associated recreation and accommodation facilities at Arm End. Minister, we the Council, have not received a response from this letter, and therefore wish to reiterate the concerns and other recommendations of the Council.

Minister, you have advised Council that further archaeological sub-surface testing should be conducted so that you are provided with sufficient information to make an informed decision based on the level of Aboriginal heritage that exists at Arm End. This further investigation is to be conducted by the proponent Greg Ramsay's consultants. Council are fully aware that you have not indicated to the proponent that the project will defiantly proceed once the sub-surface investigation has been completed.

We, the Council strongly oppose any sub-surface testing which will result in the destruction of Aboriginal heritage at Arm End. There is already strong tangible evidence of Aboriginal occupation reported by CHMA in 2012 and Council have concerns that sub-surface investigations will impact sites of Aboriginal heritage significance.

We, the Council wish to advise and recommend the following in relation to Gellibrand Point Nature Recreation area:

1. Council strongly oppose any form of sub-surface testing at the site.
2. Council propose that should further investigation be necessary, that a patch burn be undertaken on areas not currently registered as TASI sites. This would enable greater surface visibility which would facilitate a further surface investigation so that a greater understanding of site distribution is gained in the area.
3. Council recommends that Gellibrand Point Nature Recreation area be registered on TASI as a 'Place' under the *Aboriginal Relics Act 1975*, Part 1, Section 2(3)(b):
For the purpose of this Act, but subject to the following provisions of this section, a relic is –

(b) any object, site, or *place* that bears signs of the activities of any such original inhabitants or their descendants (*emphasis added*).

This recommendation is consistent with the CHMA report that states "Arm End Reserve as an entire *Aboriginal cultural Landscape* [is] assessed as being a moderate to high significance" (*emphasis added* 2012:2). We, the Council, believe that the 29 registered sites contained within the Arm End landscape are not separable and therefore the land between these sites is also a relic

4. Council will strongly oppose any application to permit any interference with TASI sites at the Gellibrand Point Nature Recreational Area on the basis of the following:
 - The Council and the Aboriginal community consider this to be a highly significant cultural place or landscape and believe that it should be preserved for future generations of Aboriginal people and the broader Tasmania community, communities nationally and internationally.
 - The Council believe that serious consideration should given to changing the status of the area to ensure the important Aboriginal heritage is preserved out of respect of the original inhabitants and for future Tasmanians and therefore suggest reserving the site as a State Reserve.
 - The Council believe that the greater Tasmania Aboriginal community will also oppose the development.
 - The Council are very concerned that Aboriginal burials may be present on the point.
 - The Council believe that the development of this site will destroy and interfere with existing sites and that it is highly likely once the development begins that further sites will be discovered and subsequently disturbed or destroyed.
 - The Council believe that this site is so unique because of the rarity of such a cultural landscape in the greater Hobart area. Other cultural landscapes of a similar kind in the area have already been destroyed, increasing the rarity of the current site. Therefore to destroy one of the last remaining cultural landscapes of its kind in the Hobart area would cause major concerns to the Tasmanian Aboriginal Community.

We, the Council reiterate that we strongly oppose any development of the Gellibrand Point Nature Recreation Area.

Yours sincerely



Rocky Sainty
Chair
Interim Aboriginal Heritage Council

12 June 2013

Minister for Environment, Parks and Heritage

Level 10, 10 Murray Street, Hobart TAS 7000
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Email brian.wightman@parliament.tas.gov.au



Mr Rocky Sainty
Chair
Interim Aboriginal Heritage Council
GPO Box 771
HOBART TAS 7001

16 SEP 2013

Dear Mr. Sainty *Rocky*

Thank you for your letter dated 12 June 2013 regarding the Gellibrand Point Nature Recreation Area.

I appreciate the Council's concerns with subsurface archaeological excavations being carried out over the recreation area. For that reason I have sought advice from my Department about the possibility of the Parks and Wildlife Service undertaking a controlled burn as you requested in your letter. The Parks and Wildlife Service has agreed to organise a burn in early spring. This will allow for the proponent's consultant archaeologist to undertake further on ground assessment and minimise the need to disturb any Aboriginal heritage that may be in the subsurface soil structure.

I have been advised by the Director Aboriginal Heritage Tasmania that the Gellibrand Point Nature Recreation Area has been recorded on the Tasmanian Aboriginal Site Index as a "place that bears signs of activities of any such original inhabitants or their descendants" in accordance with the *Aboriginal Relics Act 1975*.

With regard to appropriate reservation status, having only recently been proclaimed, I have confidence that 'Nature Recreation Area' was the appropriate reserve status selected in light of the need to maintain and manage the heritage, natural and recreational values that were identified at this site.

To raise the status of the reserve beyond Nature Recreation Area, there would need to be clear evidence that heritage and/or natural values of significance have been discovered. I have asked the Parks and Wildlife Service to perform an assessment to identify if there has been a significant discovery of values since its proclamation. I would expect that the outcome of the archaeological assessment of the reserve would be provided to the Parks and Wildlife Service to assist with its values assessment.

I hope this response will go some way to easing the concerns of the Council. Please do not hesitate to contact me if you wish to discuss this issue further.

Yours sincerely

Brian Wightman/MP

MINISTER FOR ENVIRONMENT, PARKS AND HERITAGE

Smith, Gemma

From: Rocky Sainty <rockysainty@gmail.com>
Sent: Monday, 24 November 2014 10:16 PM
To: greg.hunt.mp@environment.gov.au
Cc: lara.giddings@parliament.tas.gov.au; nick.mckim@parliament.tas.gov.au;
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@bigpond.com; info@wilderness.org.au; vica.bayley@wilderness.org.au;
office@tarkine.org; bill.shorten.mp@aph.gov.au; Whittington, John (DPIPWE)
Subject: Commonwealth Intervention to protect the West Tasmania Aboriginal Cultural
Landscape and other matters pertaining to Tasmanian Aboriginal Heritage
Protection

Categories: TRIM - NFA

Dear Minister

The Interim Aboriginal Heritage Council (IAHC) was established by the previous Government in 2012 to provide the consolidated view to the Minister responsible for Aboriginal heritage issues, permit applications and proposals under the *Aboriginal Relics Act 1975*.

The IAHC is a non-statutory advisory body that represents the statewide Tasmanian Aboriginal community. The Council provides advice and recommendations to the State Government in order to protect Aboriginal heritage.

Not relevant

All attempts to develop new Aboriginal Heritage Legislation have failed since Jim Bacon was Premier of Tasmania. As a result, we are left with an outdated and offensive piece of legislation that protects nothing. On the other hand,

colonial heritage is given much better protection - decisions are made independent of government. It is concerning that the state government is yet to remedy this unacceptable situation.

As an example, we bring to your attention a proposal to develop a golf course at Gellibrand Point Nature Recreation Area in southern Tasmania. The record shows that there are 29 Aboriginal sites recorded on this headland. We would argue that it is one site - an extensive Aboriginal landscape. The development proposal was put to the state government, and although the decision makers were aware of the cultural values, the application was allowed to continue. This particular landscape is rare in that it is an intact headland on the south east side of the Derwent River. Most of these site types in south east Tasmania have been subject to heavy development. Gellibrand Point is a fully self-contained headland that could be managed for its cultural values for all Australians.

The IAHC does not consider the decision making process in this instance is neither robust nor transparent. The frustration with this project is that the Aboriginal community know that all the power sits with the state government. The IAHC have effectively been ignored, and as a result we feel there is no other option than to raise these issues at a Federal level.

Not relevant

In conclusion, it is important to note that our community does not oppose development for the sake of it. We continue to be bypassed and ignored in the decision making process. Is it any wonder that we are suspicious when it comes to projects such as these. Our heritage is vital to our health and well-being, and we cannot condone vandalism on such a grand scale. We implore you to provide our heritage with the same level of protection as colonial heritage.

Please see the following link to a short video regarding the Aboriginal Heritage on the west coast of Tasmania.

<https://www.youtube.com/watch?v=YoTlVlxtT-k>

Rocky Sainty

Chair

Interim Aboriginal Heritage Council

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Smith, Gemma

From: Finlay, Grant (Heritage)
Sent: Wednesday, 9 May 2018 2:13 PM
To: Petrusma, Jacquie (DPaC)
Cc: Kirkpatrick, Lara (DPaC)
Subject: Arm End Aboriginal Heritage Permit
Attachments: AHC to Minister Petrusma re Arm End.pdf

Dear Minister,

Attached is correspondence from the Aboriginal Heritage Council regarding the permit application for the Arm End Recreational Reserve.

Kind regards,

Grant Finlay
 Executive Officer - Aboriginal Heritage Council

Aboriginal Heritage Tasmania
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 Department of Primary Industries Parks, Water and Environment
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**Tasmanian Aboriginal
Heritage Council**



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9 / 5 / 2018

Hon. Jacquie Petrusma
Minister for Aboriginal Affairs
Hobart TAS 7000

Dear Minister,

Permit 71 Mary Ann's Island Pty Ltd – Arm End Public Recreational Reserve

The Aboriginal Heritage Council discussed the permit application for the Arm End Public Recreational Reserve at its meeting on 27 April 2018. The Council is strongly opposed to the application due to the extremely high significance of the Aboriginal cultural landscape.

The council's preference for the land is that it be managed appropriately by the Parks and Wildlife Service jointly with the Aboriginal community or the title returned to the Aboriginal community.

The Council invite you to meet with Council members at the Arm End site as soon as possible prior to your consideration of the permit.

The Council's Executive Officer can assist with arranging a mutually agreeable time.

Yours sincerely,

Rodney Dillon
Chairperson
Aboriginal Heritage Council

**Tasmanian Aboriginal
Heritage Council**



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8 / 6 / 2018

Hon. Jacquie Petrusma
Minister for Aboriginal Affairs
Hobart TAS 7000

Dear Minister,

Aboriginal Heritage Act 1975 – Section 14

Permit 71 Mary Ann's Island Pty Ltd – Arm End Public Recreational Reserve

Recently, the Aboriginal Heritage Council (AHC) considered permit application P71 Arm End, for the construction of a 'Golf Links' style public golf course on the Gellibrand Point Nature Recreation Area. The advice of the AHC is consistent with that of the previous Council, that is, the AHC is greatly concerned of the impact on Aboriginal heritage and cultural sites and does not support the application.

In addition to other documents and advice that you have received, the AHC observes, notes, and draws your attention to the following points:

Snapshot of the Golf Industry

The Australian Golf Industry Council reported in their last three annual reports, 'Golf Club Participation Report', that there has been a decline in Club Playing Members in Tasmania (2016 -0.8%, 2015 -0.5%, and 2014 -2.2%). As of 23rd May 2018, the 2017 report has not been made available.

Whilst the proposed development is for a public course i.e. requiring no membership and therefore less certainty, the 2016 report highlights the following metrics:

- The average club size in Australia is 237 members, with metropolitan clubs on average having more than three times the number of members as regional clubs.
- Two-thirds of clubs in Australia have less than 250 members, with 80% having less than 500 members.
- Club membership peaked in Australia in 1998 with approximately 500, 000 golfers, and since this time there has been a steady decline of 27%.

These statistics from Australia's peak golfing body illustrates a local and national decline in golfing.

(Source: http://www.golf.org.au/site/_content/document/00037437-source.pdf date accessed 13th April 2018)

Planning for Golf in Victoria – Discussion Paper

'Planning for golf in Victoria' is a discussion paper developed by the Department of Environment, Water, Land and Planning (DELWP), the Department of Health and Human

Services, and Golf Victoria, and was published in June 2017. While the final Recommendations Report has not been released, the discussion paper identifies five key challenges facing golf: participation, membership, supply and demand, land use, and governance.

The discussion paper makes a number of pertinent observations:

- "Since 2000 around over 10 new golf courses have been established as the centrepiece of high end residential developments in Victoria." Page 8
- "Many Victorian public and second tier private golf clubs are in financial difficulty. In 2012, Golf Victoria reported that almost half of metropolitan Melbourne clubs were experiencing financial stress. A number have needed to merge and some have closed. Unless declining membership is addressed, this is likely to continue. Clubs are now seeking new ways to attract participants and to increase their long term sustainability." Page 8
- "Residential developers have been attracted to golf clubs, which are often located in scenic, high-value areas. Many clubs experiencing financial difficulties have merged or closed, creating a surplus of land and golf facilities." Page 9
- The discussion paper identifies and draws parallels between America and Australia for three main reasons for declining membership, from a 2015 report in The Economist. They are time (increased family commitments), cost (increased financial stress on low to middle income earners) and difficulty (a rise in harder courses). Page 18
- "Of Australia's 1,600 affiliated golf clubs, approximately 430 employ managers and approximately 600 clubs are serviced by a PGA member. Over 1,000 clubs are managed by volunteers with no professional support. It is also noted that golf relies heavily on volunteers to service the game." Page 32

(Source: https://www.planning.vic.gov.au/_data/assets/pdf_file/0018/106029/Planning-for-Golf-in-Victoria-Discussion-Paper_FINAL-220617.pdf date accessed 13th April 2018)

Existing Golf Courses in Clarence Municipality

- There already exists 8 golf courses within the Clarence Municipality. They are Tasmania, Royal Hobart, Llanherne, Iron Pot, Rosny Park, Richmond, and Coal Valley, all of which are sited in the lower half of the Clarence Municipality.
- A public golf course already exists at South Arm, the Iron Pot Golf Course. It is situated approximately 7km to the south of the proposed development, on the road to Arm End, and is located behind the South Arm RSL Club.
- Three of the above courses (Tasmania, Royal Hobart, and Llanherne) are located within 4km of each other and excluding the Iron Pot Golf Course, they are the next closest golf courses to the proposed Arm End course. These three courses are considered to be within the top 5 courses within the greater Hobart area, with Tasmania and Royal Hobart being the top two. All of these courses cater for and compete at the upper end of the market in an environment of constant financial pressure [pers. coms.].

Threats to Aboriginal Heritage under the Proposal

The permit application and supplementary documentation (including Aboriginal Heritage Report), describe known Aboriginal heritage and detail those that will be destroyed, concealed, or avoided. The AHC considers that Gellibrand Point Nature Recreation Area is one large connected site and not a series of smaller individual sites.

Briefly, the AHC has the following concerns:

- Foremost, the AHC is concerned of the impact that the development will have on the Aboriginal heritage values of the Gellibrand Point Nature Recreation Area. Despite a history of timber removal and farming practices, the AHC considers the area to be of high value given the richness and intactness, location, geography, and history which includes early colonial contact with Aboriginal people in the area.
- The proponent describes in the application that the development is "... environmentally sustainable multi-purpose recreation space providing for walkers, cyclists, picnickers, golfers, families – anyone." The reality is however, that golfing will take precedent over other users of the space who will be required to 'give way to the paying customer', particularly when concerns of public safety are raised by the risks of being hit by wayward golf balls.
- During a site visit on Monday 9th April, the proponent when asked, hinted to AHC members present that there were thoughts for further developments in stages 2 and 3, but was reluctant to provide much detail. The proponents website <http://armend.com.au/category/news/> and Talking Point article in The Mercury "Teeing off on global golf mecca", April 12, 2016 <http://www.themercury.com.au/news/opinion/talking-point-teeing-off-on-global-golf-mecca/news-story/374a82048d3d9765479c36e2366aeae9>, (date accessed 13th April 2018), provide clues to what these might be and the associated environmental and social impacts. The AHC is concerned that the proposed development is the first stage of a larger plan for commercial development of the area, which will lead to additional permit applications in the future and the further loss and destruction of Aboriginal heritage sites.
- The Spotted Handfish is listed as being Critically Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC). Modelled distribution of the Spotted Handfish illustrates that one of three main "Species or species habitat known to occur with area" regions identified, occur in the waters around the western side of the Gellibrand Point Nature Recreation Area. http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=64418 and <http://www.environment.gov.au/biodiversity/threatened/species/pubs/64418-map.pdf>, date accessed 4th July 2018. This is relevant to note in regards to impacts that might arise with any proposed ferry service to the golf course.

Alternative Proposal

Arm End was bequeathed to the State of Tasmania to its people and is managed by Parks and Wildlife. The AHC views that there are a number of options available that are in keeping with the intent of the benefactor's bequest and would demonstrate the

government's commitment to 'Re-setting the relationship with Tasmanian Aboriginal people':

- The land could be handed back to the Aboriginal Community, or a joint management arrangement between Parks and Wildlife and a local community Aboriginal organisation.
- Under a land hand back or under joint management, an opportunity exists to establish a significant Aboriginal Visitor Centre and conduct tours to showcase and highlight Aboriginal culture, heritage, and way of life. Under such a proposal, access to the area could be provided to the wider community.
- As part of an Aboriginal Visitor Centre, the geography of the area makes it practical and feasible to erect a fence between Mitchells and Shelly Beach to exclude predatory animals such as cats from the Gellibrand Point Nature Recreation Area, and allow for the creation of a sanctuary of natural breeding habitats for rare and endangered species.
- The Swift Parrot is listed as being critically endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC). The natural shape of Arm End and its location, makes the area an ideal breeding area for the Swift Parrot, which is under increased pressure from land clearing and the conversion of land use into residential living.
- With an interest to work with Aboriginal people and to re-instate breeding areas for the Swift Parrot, it would be likely that NRM South would have a desire to be involved in helping to support such a project.

Summary and Conclusion

At the heart of the development proposal is access to cheap land for a group of developers to prosper. This is to the detriment of Aboriginal heritage of a large and highly significant site, which despite previous land management practices is largely intact. The significance of Arm End as a unique place was recognised by the Gellibrand Family, who declined to profit from this land and gifted it to the people of Tasmania.

The development proposal is likely to add increased pressure on existing golf courses, of which there are numerous within the area, and based on reported data, is likely to add increased financial pressure on existing courses. Do we really need another one when money could be invested elsewhere on a project to benefit the wider community?

Yours sincerely,



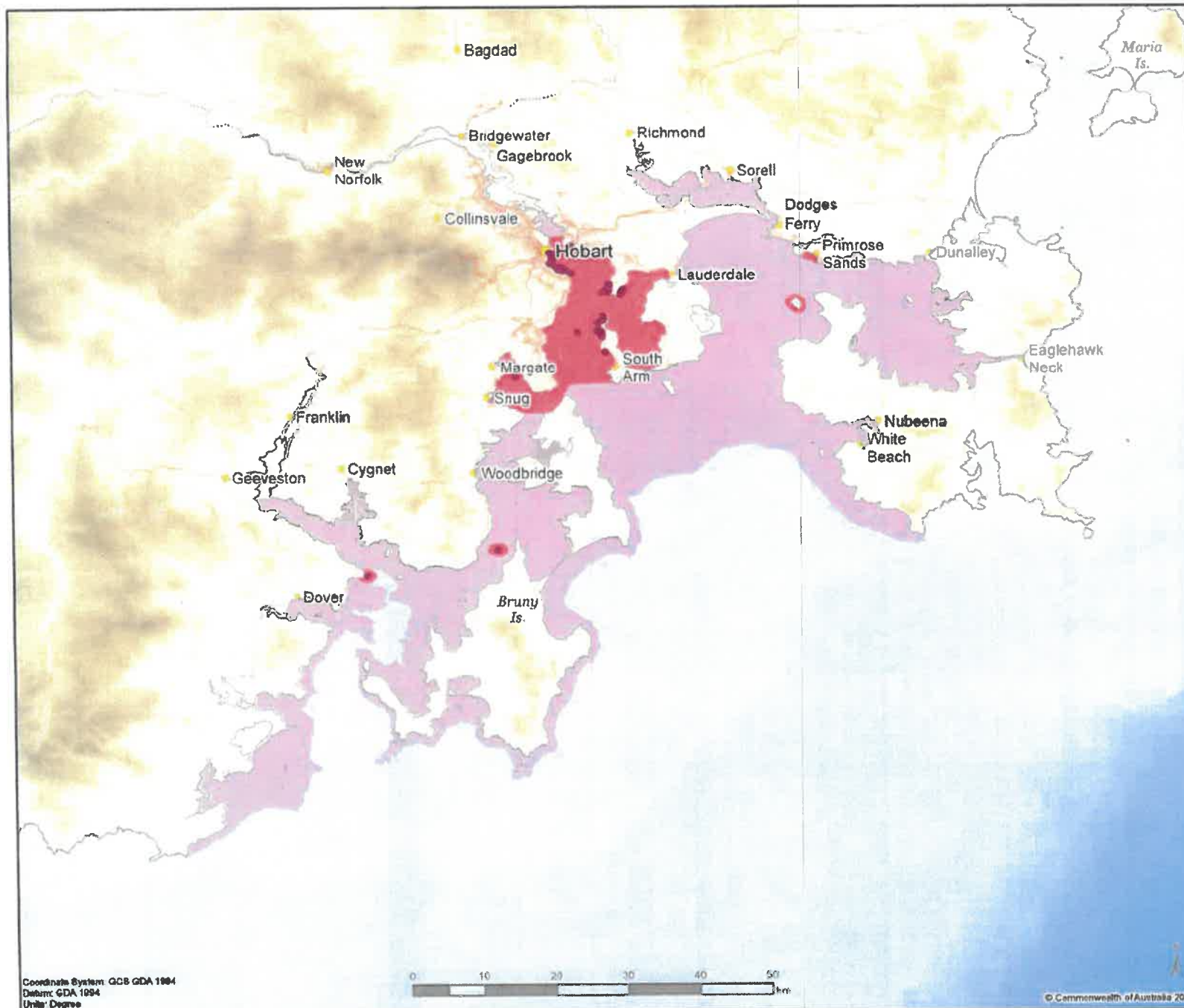
Rodney Dillon
Chairperson
Aboriginal Heritage Council

Modelled distribution of the Spotted Handfish (*Brachionichthys hirsutus*)

14

Species distribution

- Species or species habitat known to occur within area
- Species or species habitat likely to occur within area
- Species or species habitat may occur within area



Produced by: Environmental Resources Information Network;
Australian Government Department of the Environment.

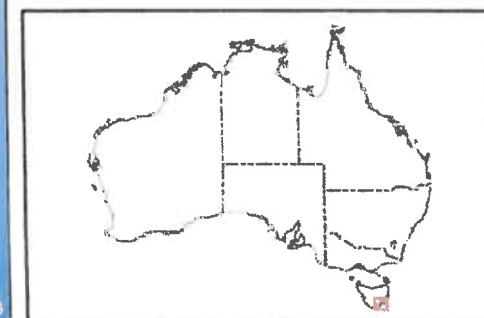
Contextual data source: Geoscience Australia (2006), Geodata
Topo 250K Topographic Data.

Other data sources:
Australian Government Department of the Environment (2014),
Species of National Environmental Significance Database.

Australian Government Department of the Environment (2012),
Collaborative Australian Protected Areas Database (CAPAD).

Indicative Map Only: This map has been compiled from datasets
with a range of geographic scales and quality. Species distributions
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presence of the species, or its habitat, at the location of interest.

Caveat: The information presented in this map has been provided
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Coordinate System: GCS GDA 1984
Datum: GDA 1984
Units: Degree

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01/09/2014