

9 May 2024

## Proposal

On behalf of the Traditional Owners and Custodians of the Middle Arm Sustainable Development Precinct.

### 1.1 Proposal Description

A proposal for Traditional Owner controlled delivery of all activities required for compliance with all obligations applying to DIPL and project proponents to ensure Indigenous Participation and Engagement in project design, assessments, approvals, conditions and implementation. This proposal is designed to ensure compliance with the proposed National Environmental Standard for Indigenous Participation and Engagement as referred to in the Australian Government's Nature Positive Plan. See

<https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>

*A National Environmental Standard for First Nations engagement and participation in decision-making will be developed as a priority. This will ensure that First Nations interests and cultural heritage are identified early and can be protected as projects are designed.*

*The government is also working with First Nations representatives to co-design new standalone First Nations cultural heritage protection laws. These will ensure that cultural heritage is identified and protected early, provide certainty for Traditional Owners and proponents, and prevent a repeat of the Juukan Gorge tragedy.*

## 1.2 Key Outcomes

- Early certainty about cultural heritage and related site attributes affecting what the acceptable and appropriate limits of development are at Middle Arm
- Robust cultural heritage assessment, approvals, conditions and management strategies
- Agreed process for Larrakia contribution and comment on the overarching environmental performance framework, on the rating proposals under the Infrastructure Sustainability Council of Australia's framework, on the environmental management strategies in the Strategic Environmental Assessment, on the final approved precinct plan and on the approval applications for project proponents and enabling infrastructure
- Streamlined approach to engagement with the right Traditional Owners with decision-making authority regarding free prior and informed consent to the proposed Strategic Environmental Assessment and for individual project approvals, where required, including consultation with the community and input into all other nominated regulatory and administrative requirements of the NT Environment Protection Authority
- Clear approach to management of social impacts including cumulative impacts on culture, environment and society as they affect Larrakia Traditional Owners

## 1.3 Key Outputs – subject to further detail to be provided by Government

1. Comprehensive cultural heritage protection and management program
  - a. On ground survey conducted by Traditional Owners Cultural Heritage Specialist with Traditional Owners
  - b. Detailed survey report with identification of archaeological sites, significance assessments, and recommendations for management and monitoring
  - c. Aboriginal Areas Protection Authority assessment and certificate
  - d. Cultural Heritage Management Framework for inclusion in precinct plan and guidance for all project proponents covering known limits of development, monitoring during construction works and future management requirements
2. Confidential review, comment and feedback on key design and approval documentation
  - a. Initial concept designs and environmental studies



- b. Draft Strategic Environmental Assessment during the detailed design phase and well prior to public exhibition period
  - c. Supplementary information in response to comments from public and NTEPA
  - d. DIPL approval applications for enabling infrastructure
  - e. Proponent approval applications to construct and operate
3. Participation and Engagement in Social and Economic Impact Strategies
- a. Agreed protocol for seeking Traditional Owner approvals, inviting Traditional Owner comment and conducting community consultations
  - b. Regular liaison forum for information exchange and joint communication strategy
  - c. Guidance documents for government and proponents for maximising Traditional Owner employment and business participation
4. Formal documentation
- a. Cultural Heritage Management Agreement
  - b. Engagement and Participation Framework – including agreed protocols and guidance documents
  - c. Compiling formal comments and contributions to meet formal assessment timelines and approvals deadlines
  - d. Correspondence as required

#### 1.4 Key Personnel – external to LDC

##### **Cultural Heritage Specialist :**

To be appointed, subject to Traditional Owner approval

Senior Archaeologist: TBA

Underwater Archaeological advisor : TBA

Assistant Archaeologist : TBA

Traditional Owner survey team : Rates as agreed

Senior Elder review and approval process : Costs as agreed

Detailed map of area is required to give an estimate of number of days for initial survey and report.

Ongoing advice will be required during the project for development of the cultural heritage management framework, data management and Traditional Owner support during construction.

**Environmental Assessments Specialist :**

TBC, subject to Traditional Owner approval

Lead consultant: TBA

Specialist advisors : As agreed

Traditional Owner monitoring team : as agreed

Detailed project documentation is required to give an estimate of number of days for initial review and feedback.

Ongoing advice will be required during the project for reviewing reports, monitoring and Traditional Owner support during construction.

**Legal Consultant - Cultural Heritage Management Framework, Environmental Approvals Framework, formal approvals correspondence :**

TBC, subject to Traditional Owner approval

Senior Lawyer: TBA

Assistant Lawyer : TBA

Approvals Framework/Sustainability Framework Advisor : TBA

Fees subject to annual or six monthly agreed scope of work and more detailed fee proposals.

Ongoing advice will be required during the project for reviewing compliance and implementation.