

Submission on the referral

Aurizon Operations Ltd – Berrimah Freight Terminal Expansion Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Heritage Branch

Summary: <Guidance notes: Delete the grey text prior to sending your submission – comments should be in black text. In the case there are a lot of detailed comments below, provide a brief dot point summary of the key matters – otherwise delete this summary section>

Section of Referral	Theme or issue	Comment
Executive Summary	People, Culture and Heritage	<ul style="list-style-type: none"> Potential impact is the destruction of Aboriginal or Macassan archaeological sites and mitigations mentioned in appendices should be referred to as well as unexpected finds protocols and contacting the Heritage Branch
Appendix P Social Impact Assessment 4.2 & 5.1.1	social impacts, Aboriginal Cultural Heritage Assessment	<ul style="list-style-type: none"> The scope of the Aboriginal Cultural Heritage Assessment needs to be understood to determine whether it is appropriate mitigation for all Aboriginal and Macassan archaeological places and object protected by the <i>Heritage Act 2011</i> (the Act) The scope for the pre-clearance heritage survey likewise needs to be understood
	social impacts, Assessment of impacts and proposed mitigation measures Table pg A-1	<ul style="list-style-type: none"> Impact on all Aboriginal and Macassan archaeological places and object protected by the Act not refenced
	social impacts, Assessment of impacts	<ul style="list-style-type: none"> Impact on WWII historical sites not referred to as identified in 22/08/23 correspondence

Environmental impact assessment under the Environment Protection Act 2019

	and proposed mitigation measures Table, Historical community values pg A-2	
Appendix P Social Impact Assessment Stake holder engagement log	social impacts, heritage branch advice mis-interpreted	<ul style="list-style-type: none"> • Correspondence provided to proponent 22/08/23 was in relation to a general due diligence check of the area. The advice can not be used for mitigation of impact of proposed works or activities as limited project detail was made available • Proponent advised WWII Heritage within area that will need to be addressed • Proponent advised future works or activities may be required to identify and mitigate impact on Aboriginal or Macassan archaeological sites (including potential sites)
Environmental Referral	4.2.5 Table 7 Pg 26	<ul style="list-style-type: none"> • All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded • There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects under the Act
Environmental Referral	4.3 Table 8 Relevant Policies and Guidelines, Heritage, Northern territory Heritage register (NTG, 2023b) Pg 35	<p>The Northern Territory Heritage Register is a register of declared heritage places and objects as well as those which have been nominated to the register.</p> <p>The Heritage Branch also maintains an archaeological database which includes information about known Aboriginal and Macassan archaeological places and objects in the Northern Territory which are automatically protected by the Act.</p>
Environmental Referral	5.12 Historic and Cultural Values	There is a broader WWII history in this area. Please refer to the Heritage Branch.

Environmental impact assessment under the *Environment Protection Act 2019*

Environmental Referral	13.2.1	The proponent also requested a search of the Heritage Branch's archaeological database to determine the presence of known Aboriginal and Macassan archaeological places and objects. (This is important to differentiate from the Heritage Register as the Heritage Register is publicly available and does not clearly demonstrate that the project has undertaken a heritage search with the Heritage branch)
Environmental Referral	13.2.4	Pre-clearance heritage survey scope of works should be reviewed.
	17.3.11	<ul style="list-style-type: none">• Define Aboriginal and Macassan places and Object protected by the Act• Mitigation – refer to previous comments around scope of works• Corrective actions – Need to include a stop work policy & identify that sites protected by the Act are subject to an application to carry out works procedure if there is any proposed impact• Reporting – the Heritage Branch and the AAPA should also be contacted in the event of human remains as they may be protected by heritage/sacred site legislation