

# Comments on Referral

## Groote Eylandt Mining Company – J Quarry Haul Road Realignment Project

### Preamble

The Aboriginal Areas Protection Authority (the Authority) is a statutory body established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) (Sacred Sites Act) and is responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory. The Sacred Sites Act stems from section 73(1)(a) of the *Aboriginal Land Rights (Northern Territory) Act (1976)* (ALRA) which establishes both the legislative basis for the protection of sacred sites and the powers of the Northern Territory Government to establish a body to administer that protection. The protection of Aboriginal sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage for the benefit of all Territorians. The Authority seeks to strike a balance between the protection of sacred sites and development in the Northern Territory.

### General questions

Question	Response from the Authority
1. Does the proposed action have the potential to have a significant impact on the environment (social, cultural, physical, biological, and economic)?	<p>There are sacred sites in the vicinity of the Proposal, so the Authority considers that there is potential for impacts to cultural values associated with these sites.</p> <p>Generally in the NT, the appropriate mechanism for addressing potential impacts to sacred sites is for the Proponent to obtain a relevant Authority Certificate/s issued by the Authority in accordance with the Sacred Sites Act. The Authority considers that if the Proponent obtains and complies with Authority Certificate/s over the whole Proposal area, it would give some certainty that:</p> <ul style="list-style-type: none"> <li>• the potential for significant impacts to sacred sites would be minimal and</li> <li>• the NT EPA's environmental objective for Culture and heritage, in relation to sacred sites, would be met.</li> </ul> <p>The Authority has not received an application for an Authority Certificate for the works included in this Proposal.</p>
2. Does the referral address the relevant NT EPA environmental factors and objectives that could potentially be significantly impacted, and the specific significant impact/s?	<p>The factor relating to the Authority's interests is Culture and heritage. This has been addressed in the referral (particularly in section 7).</p> <p>The referral states that GEMCO has undertaken extensive consultation and technical research to design the Proposal so as to avoid and mitigate impacts to both the biophysical and cultural</p>

**Proponent – Proposal – Document name**

<b>Question</b>	<b>Response from the Authority</b>
	<p>environment, and that his culminated in a formal agreement, under the ALRA, between GEMCO and the Anindiliyakwa Land Council (ALC) (on behalf of traditional owners) for the Proposal. The agreement includes conditions under which the Proposal activities may be undertaken.</p> <p>Based on the information provided in the referral, the Authority is unable to assess the appropriateness of avoidance and mitigation measures for protecting sacred sites and their cultural values. This would be considered as part of assessing an application for an Authority Certificate.</p> <p>The Authority recommends that GEMCO apply for an Authority Certificate to cover the proposed works.</p>
3. Do you consider additional information is required?	No, not as part of the referral. More information is required as part of an application for an Authority Certificate.
4. If you feel that the referral has adequately addressed your concerns or issues, are there any management conditions you would suggest including in an environmental approval (if approved)? If so, provide details and reasoning.	If an environmental approval is to be issued, the Authority suggests the NT EPA considers drafting a recommendation to conduct all works in accordance with a valid Authority Certificate that covers all works involved in this Proposal.