

Submission on the referral

Department of Infrastructure, Planning and Logistics – Melville Island Road Upgrades

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

Government authority: Aboriginal Areas Protection Authority (AAPA / the Authority)

Section of Referral	Theme or issue	Comment
4.	Regulatory framework - sacred sites	<p>Table 8 lists the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (Sacred Sites Act) and states that ‘AAPA approvals have been granted for road and gravel pit areas’.</p> <p>The Authority notes that it does not issue approvals for any activity under the Sacred Sites Act. An Authority Certificate issued by the Authority in accordance with the Sacred Sites Act provides legal protection to the recipient in relation to potential damage to sacred sites, as long as the works are conducted in accordance with the certificates. Additionally, an Authority Certificate:</p> <ul style="list-style-type: none"> • generally means that all sacred sites have been identified within, and in the vicinity of, the Subject Land of the certificate • may contain conditions for the protection of identified sacred sites in relation to the proposed works defined by the applicant and included on the certificate • if complied with, minimises the risk of any significant impact to cultural values of sacred sites • does not address cultural values beyond sacred sites. <p>The Authority has issued two Authority Certificates that relate to the works proposed in the referral, as discussed below.</p>
5.12	Existing environment - sacred sites	<p>The referral lists relevant AAPA certificates in Table 19:</p> <ul style="list-style-type: none"> • C2013/103 – four extractive areas; no relevant conditions • C2016/124 – road realignment & upgrade; no work or damage in two restricted work areas. <p>The Authority confirms that these Authority Certificates have been issued to predecessors of the current Department of Infrastructure, Planning and Logistics (DIPL) and broadly appear to be consistent with the proposed works outlined in the referral. Both certificates remain valid unless the proposed works were not commenced within 24 months of the issue of the certificate (as per condition 3 of each certificate). The two restricted work areas in C2016/124 are outside of the project area as defined in the referral.</p> <p>The referral states that ‘new AAPA certificates will be obtained in the event selected gravel pit areas fall outside the existing AAPA certificate boundaries’.</p> <p>Based on a review of maps in the referral, the Authority notes that none of the gravel pits featured in the proposal appear to fall outside of the Authority Certificates listed above. However, the western end of the project area for proposed road upgrades and</p>

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		<p>realignment (west of Gravel Pit TIFP10 shown in Figure 1) is not covered by any Authority Certificate issued to DIPL or its predecessors, as shown in Figure A below.</p> <p><i>Figure A: Snapshot showing the western end of the project area in blue and Subject Land boundary of Authority Certificate C2016/124 in red.</i></p>  <p>The Authority recommends that DIPL apply for a new Authority Certificate for any works that fall outside the Subject Land of the certificates listed above.</p> <p>The referral states that the 'Tiwi Land Council advised of a newly identified site of cultural significance for yellow ochre collection' and that the 'preferred road alignment' detailed in the referral has been developed to avoid disturbance to this site. The referral also states that this site is in the 'process of being registered through AAPA'. The Authority notes that it has no record of this site.</p>
7.3.3	Potential impacts and management –sacred sites	<p>The referral states that the risk to known sacred sites is reduced by adhering to all conditions of Authority Certificates and avoiding the yellow ochre site discussed above. The Authority agrees with this assessment in relation to Authority Certificates. The Authority cannot comment on the appropriateness of the avoidance of the yellow ochre site as it has no information about this site.</p>