11 November 2026 Our ref: OTH - 758193510

Northern Territory Environmental Protection Authority
Level 1, 16 Parap Road
Parap NT 0820
by email: eia.ntepa@nt.gov.au

Dear colleagues,

Comment by the Northern Land Council in relation to the Darwin Port Maintenance Dredging Campaign by Landbridge Port Pty Ltd

1. Introduction

1.1. The Northern Land Council (the ***NLC***) refers to the invitation for public comment issued by the Northern Territory Environment Protection Authority (***NT EPA***) in relation to the referral for standard assessment of the Darwin Port Maintenance Dredging Campaign (the ***Referral***), submitted by Landbridge Port Pty Ltd, in its capacity as trustee for the Landbridge Darwin Port Lessee Trust (the ***Proponent***).[1] The Referral concerns a proposed one off maintenance dredging campaign, including bed levelling activities, within Darwin Harbour (the ***Proposed Action***).

1.2. The NLC is a statutory authority established under s 21 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth). Its statutory functions include protecting the interests of Aboriginal Traditional Owners, including in relation to the protection of sacred sites. The traditional owners of the area subject of the Proposed Action are the Larrakia people.

1.3. The NLC has considered the information submitted by the Proponent, including the Referral submitted by Landbridge Port Pty Ltd and the Darwin Port Maintenance Dredging Works Referral Report.[2]

2. Significance of the Darwin Harbour

2.1. At the outset, the NLC considers it necessary to reiterate the fundamental importance of the Darwin Harbour as a cultural landscape of profound significance to Larrakia Traditional Owners.

2.2. The NT EPA is well acquainted with the significant cultural relationship between the Darwin Harbour and the Larrakia,[3] including through its consideration of previous referrals concerning development within the Darwin Harbour.[4] The NLC reiterates its previous comments that cultural significance of Darwin Harbour

[1] Attachment A - Referral form by Landbridge Port Pty Ltd (the **Referral**)
[2] The Referral; Attachment B - Darwin Port Maintenance Dredging Works Referral Report by AMA Maritime Consulting (the **Referral Report**).
[3] Attachment C - NT Environment Protection Authority, *Ecologically Sustainable Development in the Darwin Harbour Region* page 1.
[4] Attachment D – Archaeological & Heritage Assessment: Proposed Darwin Ship Lift Project by Earthsea Pty Ltd

must always inform, and be given due weight in, any determination by NT EPA's determination of the appropriate environmental assessment pathway for any proposals within the Darwin Harbour.

3. Scope of the Northern Land Council's comment

3.1. The NLC notes that given the limited timeframe for public comment, it has not had a sufficient opportunity to undertake comprehensive consultation with Larrakia Traditional Owners in relation to the Proposed Action. As such this comment must not be construed as an exhaustive account of the views or concerns of Larrakia Traditional Owners nor as limiting any further matters that may be identified through appropriate consultation.

3.2. Accordingly, this comment is directed principally to the NLC's concerns regarding the inconsistency between the Proponent's representations concerning consultation and its assessment of Aboriginal cultural values in the Referral and Referral Report.

4. Assessment of Aboriginal cultural values in the Referral Form and Referral Report

4.1. In the Referral, the Proponent represents that it has satisfied its general duties under s 43 of the *Environment Protection Act 2019* (NT), indicating by way of marked responses in the Referral that:

(a) consultation with affected communities, including Aboriginal communities, has been undertaken in a culturally appropriate manner;

(b) scientific and traditional knowledge concerning the natural and cultural values of potentially affected areas has been sought and documented; and,

(c) Aboriginal values and the rights and interests of Aboriginal communities have been addressed.[5]

4.2. Further in the Referral Report, the Proponent answers 'No' to the relevant culture and heritage screening questions stating that "[a]ll dredging and disposal will occur within the existing channels, berths and areas of seabed that have been subject to disturbance previously, therefore no impacts on underwater cultural heritage will occur."[6]

4.3. The above representations, and inconsistencies of such representations, give rise to concerns as to whether Aboriginal cultural values have been adequately identified, let alone meaningfully considered. In particular:

(a) the Proponent's assertion that it has satisfied its consultation related duties appears irreconcilable with its acknowledgment that no consultation with Aboriginal communities has occurred;[7]

[5] The Referral page 12.
[6] The Referral Report page 21.
[7] The Referral page 12.

(b) the Proponent appears to have relied primarily on desktop searches of National Native Title Tribunal records and Northern Territory sacred site and heritage registers to identify potential Aboriginal cultural values within the proposed impact areas. However, the Referral is absent of information regarding the scope and methodology of the searches undertaken including:

(i) the records and information considered;

(ii) the results and limitations of those searches; and

(iii) how such search results informed the Proponent's assessment of potential impacts.

4.4. The NLC acknowledges that, in 2018, the NT EPA considered a maintenance dredging program proposed to be undertaken in substantially the same locations and determined that the proposal did not warrant environmental impact assessment.[8] However, the associated Statement of Reasons contains limited consideration of Aboriginal cultural values, notwithstanding that Figure 2 identifies sacred sites within the Zone of Moderate Impact.[9] Further, it is unclear from the publicly available material whether, and to what extent, those sites were considered in the assessment.

4.5. In such circumstances, the previous assessment cannot be relied upon to resolve the concerns arising in relation to the Proposed Action. Nor does the fact that similar dredging activities have previously been undertaken establish that further seabed disturbance will not affect Aboriginal cultural values. In particular, the Proponent's assertion that "[a]ll dredging and disposal will occur within the existing channels, berths and areas of seabed that have been subject to disturbance previously" does not, of itself, support its conclusion that "therefore no impacts on underwater cultural heritage will occur" as previous physical disturbance does not establish the absence of impact of sacred sites nor does it subsequently remove the need to identify and assess the potential consequences of further disturbance for Larrakia sacred sites and other areas of cultural significance.

5. Further environmental assessment

5.1. Having regard to the matters outlined above, the NLC submits that the information contained in the Referral is insufficient to support a conclusion that the Proposed Action is unlikely to have significant impacts on Aboriginal cultural values and heritage.

5.2. Accordingly, the NLC submits that to address the concerns regarding the Proposed Action's impact on Aboriginal cultural values and sacred sites, the NT EPA must require:

(a) the Proponent to obtain an Authority Certificate for the Proposed Action pursuant to s 19B of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT); or,

[8] Attachment E - Statement of Reasons - Darwin Port Operations Pty Ltd - Darwin Port Maintenance Dredging by NT EPA (the **Statement of Reasons**).
[9] The Statement of Reasons page 4.

(b) an environmental impact assessment for the Proposed Action in accordance with s 55(5)(a) of the *Environment Protection Act 2019* (NT).

5.3. Should the NT EPA require any further information or clarification regarding the matters raised in this submission, please contact Chlarisse Bala on balach@nlc.org.au.

Yours sincerely,

Yuseph Deen
CEO
Northern Land Council