

Submission on the referral

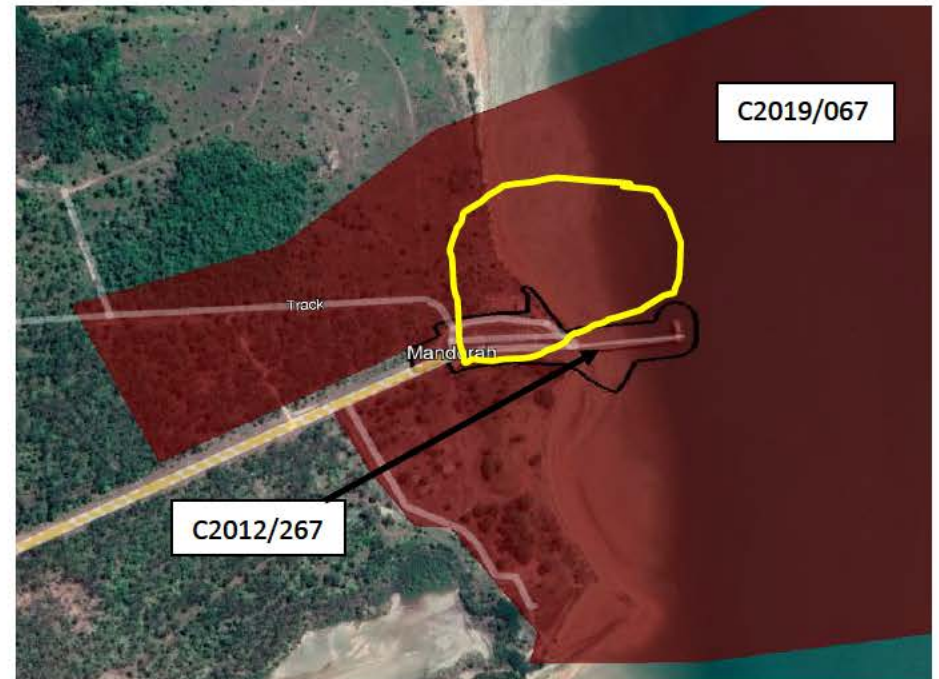
Department of Infrastructure, Planning and Logistics – Mandorah Marine Facilities

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

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

Summary: The Authority considers there is potential for this project to cause indirect impacts to sacred sites due to altered coastal processes and that these have not been addressed in the referral. These should be addressed by DIPL engaging directly with the Authority, and will likely require an application for a varied Authority Certificate.

Section of Referral	Theme or issue	Comment
Exec summary		The referral acknowledges that there is potential for significant impacts to Aboriginal sacred sites during construction and states that this potential for impact will be avoided by restricting access to sacred sites. The Authority considers this is appropriate for addressing potential direct impacts but not for addressing indirect impacts discussed further below.
Section 5.14	Existing environment – Cultural Heritage	The referral states that DIPL has received an Authority Certificate from AAPA for works associated with the project and this includes two restricted work areas (RWAs) to protect known Aboriginal sacred sites. The Authority confirms that it has issued two relevant Authority Certificates to DIPL (including its predecessor), shown in red, that cover the area of proposed works, roughly shown in yellow in accordance with figure 1-1 of the referral: • C2019/067, explicitly relating to road works, car park, a new ferry pontoon or jetty, and earth and rock groynes (i.e. breakwaters). It doesn't explicitly address a new boat ramp or a passenger terminal. • C2012/267 for the existing car park and jetty.



		The referral states that project has been constrained so that no works will occur in the RWAs to the south of the proposed works area. It also acknowledges that recorded and registered sacred sites exist more than 500m north of the project site. The Authority clarifies that the sacred site to the north is about 250 to 300m distant from the proposed works area. The Authority considers that avoiding RWAs is appropriate for avoiding direct impacts on sacred sites, but that this does not address potential indirect impacts to sacred sites both north and south of the works area due to indirect impacts associated with altered coastal processes. This is further addressed below.
Sections 9.5.2 and 9.5.4	Environmental Impact and Risk Assessment – Coastal Processes	The referral acknowledges that the installation of breakwaters (shown at right in black dashed lines; extract of Figure 9-2 of referral) will interrupt nearshore hydrodynamics, waves and sediment transport, altering erosion and accretion patterns either side of the facility. This is expected to result in accretion of the shoreline to the north of the facility (blue on map at right) and erosion of the shoreline to the south of the facility (red on map at right). [REDACTED] [REDACTED] [REDACTED] [REDACTED] In addition, the accretion of sediments to the north of the breakwaters could constitute damage to the recorded sacred site to the north of the project area. These potentially significant impacts were not addressed in the issuing of Authority Certificate C2019/067 as the application for it did not include any information about these altered coastal processes. Section 9.2.6 of the referral clarifies that the shoreline changes discussed above are difficult to predict with certainty. The referral recommends shoreline monitoring and then subsequent 'sediment bypassing' (sand movement) if required. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]



Section 9.11.5	Environmental Impact and Risk Assessment – Culture and Heritage	The referral states that strict avoidance of the RWAs will minimise the risk of impact to sacred sites. As noted above, the Authority considers this is appropriate for avoiding direct impacts. This section of the referral also notes potential for the sacred site north of the project area to be indirectly impacted by dredging and disposal actions. It states that sedimentation at this site has been modelled as minimal (less than 2.5mm) and predicted changes to the suspended sediment concentration in the vicinity of the sacred site is expected to be isolated and temporary (i.e. during outgoing tide). It therefore concludes that the risk to known sacred sites associated with dredging and disposal actions is considered to be low. The Authority considers that this conclusion seems appropriate. This section of the referral did not address the additional risk of indirect impact to sacred sites associated with altered coastal processes and associated mitigation measures discussed above. The Authority considers that this poses a risk of [REDACTED] impact and that the appropriate mechanism to address this risk is for DIPL to engage directly with the Authority-[REDACTED] [REDACTED]
Table 9-11	Environmental impact and risk assessment – culture and heritage	The table lists the potential impact of damage or contamination and sites to the south of the project area during construction activities, with an inherent risk rating of medium. The listed management/mitigation measure is 'response and reporting procedures should a site or object be encountered', making the residual risk low. The Authority considers that this measure would not effectively lower the risk of impact to the sacred sites. Firstly, the sacred site locations are explicitly shown on Authority Certificate C2019/067 so their location is already known and new sites are unlikely to be 'encountered'. Secondly, if contamination did occur in the vicinity of a sacred site it may immediately cause damage which may not be rectified through reporting. The referral has not addressed how potential contamination of this area would be avoided. This issue could be addressed through obtaining further information from DIPL or in a condition on an environmental approval.