



**Aboriginal Areas
Protection Authority**
protecting sacred sites across the territory

Heritage Council Northern Territory

Via email: heritagecouncil@nt.gov.au

Dear Heritage Council,

Proposed Heritage Declaration – the Sea Rights Yingapungapu

Thank you for your letter dated 3 May 2024 inviting us to make a submission in response to whether the Sea Rights Yingapungapu located at the Baniyala Homeland, Blue Mud Bay in northeast Arnhem Land should be permanently declared as a heritage place under the *Heritage Act 2011*.

The Aboriginal Areas Protection Authority (the Authority) is a statutory body established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (Sacred Sites Act) and is responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory. The protection of Aboriginal sacred sites is recognised by the Northern Territory Government and broader Territory community as an important element in the preservation of the Territory's cultural heritage for the benefit of all Territorians.

The Authority is supportive of declaring the Sea Rights Yingapungapu as a declared heritage place. The Department of Infrastructure, Planning and Logistics (DIPL) holds an Authority Certificate over the area (C2009/092). The Authority Certificate is based on consultation with custodians and provides clear conditions about what can and cannot be done in and around sacred sites.

In particular, the Certificate identifies a Restricted Works Area (RWA) within Lot 109A which encompasses the Sea Rights Yingapungapu. The condition in the Authority Certificate identifies that no works are to occur within the RWA as there is a recorded sacred site 6171-35 (two 'knowledge' trees, a ficus tree and a casuarina tree) located adjacent to the sand sculpture memorial. Mr Djambawa Marawilli, a custodian recognised in the community has requested that permission should be sought from him or his nominated representative before any works are to be undertaken, so that they can be considered on a case-by-case basis.

The Authority therefore recommends that the Heritage Council apply for an Authority Certificate in accordance with section 19B of the *Sacred Sites Act* prior to undertaking any activities in the subject area of Lot 109A.

This should not impact the heritage declaration.

Darwin

P: +61 (08) 8999 4365
F: +61 (08) 8999 4334
www.aapant.org.au
enquiries.aapa@nt.gov.au
4th Floor, R.C.G Centre
47 Mitchell Street DARWIN NT
GPO Box 1890, DARWIN NT 0801

Alice Springs

P: +61 (08) 8951 5023
F: +61 (08) 8951 7398
www.aapant.org.au
enquiries.aapa@nt.gov.au
1st Floor, NT House
44 Bath Street ALICE SPRINGS NT
All mail to Darwin GPO

If you have any queries, or require any further information please contact
Secretariat.AAPA@nt.gov.au

Yours sincerely,

Benedict Scambary

A handwritten signature in black ink, appearing to read 'Benedict Scambary', with a stylized, cursive script.

Chief Executive Officer
6 June 2024