

Referral form - Environment Protection Act 2019

PART A - Proponent details	
It is the proponent's responsibility to advise the NT EPA in writing, of changes to consultant and proponent contacts.	
Name of the proponent/s (legal entity)	Equatorial Launch Australia Pty Ltd
Proponent details	<p><i>Name:</i> Michael Jones <i>Position/responsibility:</i> Chairman and Group CEO <i>Physical address:</i> Suite 2.2, Stone and Chalk, Marnirni-Apinthi Building, Lot Fourteen, North Terrace, Adelaide SA 5000 <i>Postal address:</i> same as street address <i>Phone:</i> (08) 8246 5485 <i>Email:</i> launch@ela.space</p>
Proponent Trading Name if relevant	Equatorial Launch Australia Pty Ltd
Australian Business Number/s Australian Company Number/s	11 605 364 234 605 364 234
Provide a description of the organisational structure with respect to responsibility of the proposed action, environmental approvals, and implementation.	The ELA Chairman and Group CEO, is responsible for the conduct of the proposed action, attainment of all required environmental approvals, and implementation of all conditions of approval
Joint-venture partners (if applicable)	n/a

PART B - Outline of the proposal and location	
Outline of the Proposed action or strategic proposal (proposal)	
Title of the proposal	Phase 2 Expansion of the Arnhem Space Centre
Provide a brief summary (one or two paragraphs) of the proposal including the activity type/ industry/ duration.	<p>Equatorial Launch Australia (ELA) is seeking to conduct a planned Phase 2 expansion of the Arnhem Space Centre (ASC). The ASC is intended to be the pre-eminent multi-user, commercial space launch site in the southern hemisphere providing world-class equatorial spaceport services, supporting test, launch, and recovery of space vehicles and payloads flown to and from all space orbits.</p> <p>ELA has a 40-year lease (signed 2017) with Gumatj Corporation and the Northern Land Council for the site and intends to be a long-term partner for delivery of space launch services in the region.</p>

Location	
Provide location details as:	22730 CENTRAL ARNHEM RD , NHULUNBUY, 0880
a) street address, suburb	
b) tenement, lot/section numbers, town/hundred, NT Portion or pastoral lease numbers, as applicable	Portion 1646
c) the nearest town, recognisable feature, and distance and direction from that town/feature to the site of the proposed action.	Nhulunbuy (~20 km south) Gove Airport (~12 km south)
Name of the Local Government Area/s in which the proposal is located.	East Arnhem Regional Council
What is the land tenure type?	Freehold Aboriginal Land
Does the proponent have the legal (land) access required for the implementation of all aspects of the proposal?	<input type="checkbox"/> No If no, provide details of legal access authorisations /agreements / tenure is required and from whom. <input checked="" type="checkbox"/> Yes 12-year lease (with 28-year-further term-option) signed with Gumatj Corporation and the Northern Land Council
Is the land zoned under the NT Planning Scheme ?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, what is/are the zoning/s?
What is the current land use of the proposal site/s?	Part ASC and part rehabilitated mined land
What is the approximate distance (direct line) and direction to the closest human sensitive receptor? For example, residence, accommodation, hospital, school, homeland from the proposal.	Gove Airport (12 km north) Gulkula (Garma) Festival Site (2.8 km east)
Consultation	
Provide an overview of consultation undertaken specific to the proposal and potential environmental impacts.	ELA has consulted and continues to consult with the traditional owners through the Gumatj Corporation and the Northern Land Council regarding development and environmental matters. ELA has consulted and continues to consult with the NT Government on development, operational, and environmental matters.

<p>List the matters raised in consultation and identify how the proposal has been modified to respond to stakeholder feedback.</p>	<p>Will ELA to continue to meet required regulatory approvals, apply all necessary AS/NZ standards?</p> <ul style="list-style-type: none"> • ELA in progress with Australian Space Agency to re-scope the Launch Facility Licence to support wider Phase 2 to launch operations (wider range of vehicles, fuel types and trajectories) • ELA plans conform to all AS/NZ standards as required <p>Does ASC have environmental approval and will ELA continue to apply the principles of environmental protection and management, and implement environmental management plans to avoid or mitigate impact on significant environmental factors?</p> <ul style="list-style-type: none"> • Updated and detailed Air emissions analysis and climate risk review as well as lessons learned from NASA (air monitoring conducted), and feedback through consultations guided updated NT EPA Referral and EPBC Referrals, currently in progress <p>Will anything land on a Sacred Site?</p> <ul style="list-style-type: none"> • Protocols created as part of NASA launch campaign remain in place and are supported by TO groups <p>Will anything land on people / are we safe?</p> <ul style="list-style-type: none"> • Each launch must pass and conform to the public safety review of the Australian Space Agency regulatory review of Australian Launch Permit for each launch to proceed
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PART C – Referral type	
<p>What type of proposal is being referred?</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> proposed action <input type="checkbox"/> strategic proposal <input type="checkbox"/> proponent initiated EIS referral
<p>Provide a brief justification including the reasons why you consider the action may have a significant impact on the environment and is referred to the NT EPA.</p> <p>Refer to section 11 of the EP Act and the NT EPA's environmental factors and objectives.</p>	<p>Given the proposed expansion of the site and increased space launch operations, ELA is seeking a decision from the Minister for Environment on whether an environmental impact assessment is required for the proposal and, if so, which assessment method applies.</p> <p>The existing operation was assessed under the <i>Environmental Assessment Act 1982</i> where the decision was made that the “potential environmental impacts and risks of the proposed action are not so significant as to warrant environmental impact assessment by the NT EPA under provisions of the EA Act at the level of a Public Environmental Report or Environmental Impact Statement”.</p> <p>ELA has assessed its proposed activities against the the principles of environmental protection and management and against the 14 environmental factors and objectives</p>

	and considers that the environmental and social effects of activities conducted in association with Phase 2 of the ASC will not be significant and can be managed through an approved Environmental Management Plan (EMP).
Does the proposal involve an action that may be or is a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Through discussions with ASA, NT EPA and EPBC, ELA has also submitted a Referral to EPBC Act (referral for consideration of down range drop zones in Commonwealth waters and marine parks. ELA believes the impact to Matters of National Environmental Significance is not significant.</i>
Has the proposed action been referred?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the date referred and reference number (EPBC number)? Date: EPBC number: 01996
If referred, has a decision been made on whether the proposed action is a controlled action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, check the appropriate decision outcome and provide the decision in an attachment. <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action

PART D – Proponent referrer details and declaration
 *The referral form must include the declaration signed by the proponent, or where the proponent is an organisation or business, the Chief Executive Officer (CEO) or duly authorised delegate within the proponent company.

Who is referring this proposal?	<input type="checkbox"/> Proponent <input checked="" type="checkbox"/> Authorised representative within proponent entity
Does the proponent request that the NT EPA treat any part of the information in the referral as confidential under section 281(2) of the EP Act?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, provide an application in accordance with regulation 271 of the Environment Protection Regulations 2020 and submit the confidential information as a separate attachment

Referral declaration by proponent:

I, *Michael Jones* declare that I am authorised to refer this proposed action/strategic proposal on behalf of *Equatorial Launch Australia Pty Ltd.*, and further declare that:

- the attached environmental impact assessment documents have been prepared in accordance with the EP Act and EP Regulations; and
- the attached environmental impact assessment documents (including attachments) are true; and

PART D – Proponent referrer details and declaration

*The referral form must include the declaration signed by the proponent, or where the proponent is an organisation or business, the Chief Executive Officer (CEO) or duly authorised delegate within the proponent company.

- the attached environmental impact assessment documents do not provide false or misleading information and I know it is an offence to provide false and misleading information, noting the penalties under section 260 of the EP Act, and section 119 of the *Criminal Code Act 1983*; and
- the proponent fully understands that referral under the EP Act does not limit, in any way, the requirements of the proponent to ensure approvals under any other regulatory regime are applied for, and adhered to; and
- the proponent has fulfilled its general duty in accordance with section 43 of the EP Act.

Note: if the NT EPA determine that an environmental approval is required, the proponent will be requested to provide supporting documents during the assessment process such as details to support that the person is a fit and proper person to hold an environmental approval in accordance with section 62 of the EP Act

Name (print) Michael Jones		Signature* 	
Date: 19 September 2023			
Position	ELA Chairman and Group CEO	Organisation (if a business or organisation)	Equatorial Launch Australia Pty Ltd
Email	launch@ela.space		
Address	Suite 2.2, Stone and Chalk,	Marnirni-Apinthi Building, Lot Fourteen, North Terrace	
Adelaide		SA	5000

PART E – Nominated contact

Contact details for proponent contact (provide the details for the person who will be corresponding with the NT EPA on the proposal)	<p><i>Business name: Equatorial Launch Australia Pty Ltd</i></p> <p><i>Name of primary contact: Ben Tett</i></p> <p><i>Physical address: Suite 2.2, Stone and Chalk, Lot Fourteen, North Terrace, Adelaide, SA 5000</i></p> <p><i>Postal address: same as physical address</i></p> <p><i>Phone: 0466 634 104</i></p> <p><i>Email: launch@ela.space</i></p>
Contact details of consultant (if relevant, provide the details for the person who will be corresponding with the NT EPA on the proposal on behalf of the proponent)	<p><i>Business name: n/a</i></p> <p><i>Name of primary contact:</i></p> <p><i>Physical address:</i></p> <p><i>Postal address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>

Checklist 1 – Cross reference of matters addressed in the referral report (for more detail see Table 1 in section 3.3.1 and section 4 of the Referring a proposal to the NT EPA guidance)

Item	See Referral guidance for complete information requirements	Report section/page
<i>Publication statement</i>	Provide name and qualifications of relevant contributors to the referral.	s1.4, p3
<i>Executive summary</i>	Overview of the proposal, its potential for significant impact and key conclusions.	s1.3, p2
<i>Introduction</i>	Include a brief introduction to the proposal and the proponent (noting proponent details are also to be included in the referral form).	s1.1-1.2, p1
<i>Proposal description - Key components</i>	<p>Provide a clear and detailed description of the proposal, referencing maps and spatial information.</p> <p>Provide a key components summary table.</p> <p>Identify uncertainty / likely changes if particular elements of a proposal require further design at the time of referral.</p> <p>Provide an account of past, present and reasonably foreseeable future development, operations, or industries that are related the current proposal.</p>	s3.2, p7 s6, Table 12
<i>Proposal description - Location and regional context</i>	Location and regional context.	s3.1, p6
<i>Proposal description - Alternatives (options)</i>	<p>Describe any alternatives (location, timeframes, activities) considered or are under consideration in scoping and developing the proposal.</p> <p>Describe how the analysis of alternatives accounted for the <i>principles of environment protection and management</i> (Part 2 of the EP Act).</p> <p>Justification for the preferred/selected option.</p> <p>Describe any assumptions critical to your assessment.</p>	s3.1.3, p7 s3.1.3, p7
<i>Proposal description - Application of the:</i> – <i>Principles of environment protection and management</i> (Part 2) – <i>General duty of proponents</i> (s43)	<p>Discuss how the proposal accounts for the <i>principles of environment protection and management</i> (Part 2 of the EP Act) and the general duty of proponents provided for under section 43 of the EP Act:</p> <ul style="list-style-type: none"> • Principles of ecologically sustainable development • Environmental decision-making hierarchy • Waste management hierarchy. 	s4, Table 10
<i>Consultation</i> Refer to NT EPA Stakeholder Engagement guidance 2020	<p>The EP Act (section 3 and section 43) puts an obligation on the proponent to consult with stakeholders and the community in the development of the proposal.</p> <p>As an example, the referral should include:</p> <ul style="list-style-type: none"> • a description of stakeholder engagement and community consultation undertaken • an outline of the method and process of consultation with stakeholders • a summary of the key matters raised during consultation • any changes made as a result of consultation • the ongoing consultation, and options for feedback • whether the consultation has or has not been undertaken in accordance with NT EPA guidance on Stakeholder Engagement 2020 	s5, p28 and s5, Table 11

Item	See Referral guidance for complete information requirements	Report section/page
	<ul style="list-style-type: none"> whether the consultation has or hasn't been undertaken in accordance with the section 43 (EP Act) general duty of proponents (see Checklist 2). 	
<i>Strategic and statutory context</i>	Table discussing proposal specific legislation, policies, and guidelines that are and may be applicable to the proposal and the sequencing and status of those, is provided.	s2, p4
<i>Environmental Factors</i>	<p>The remaining sections below relate to information that describes the potential impacts of the proposal on the NT EPA's Environmental factors.</p> <p>Information requirements for each environmental factor identified by the pre-referral screening tool are provided (any technical studies and surveys included).</p>	
<i>Environmental Factors and objectives</i> Presence/absence of environmental values	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>The presence or absence of relevant environmental values and sensitivities are verified.</p> <p>Specify the source of information (e.g. desktop assessments, and/or field surveys, the methods used, dates, sources, and whether the approach is conducted in accordance with relevant regulatory and industry guideline.</p>	s6, Table 12, refers with subsequent s6 responses
<i>Environmental Factors and objectives</i> Potential impacts and consistency with relevant policy/guidance	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Assessment of potential impacts (positive, negative, direct, indirect, cumulative, short and long-term) of the proposal.</p> <p>Relevant policy and guidance described.</p> <p>Residual / remaining impact to the environmental factor described.</p>	s6, Table 12, refers with subsequent s6 responses
<i>Environmental Factors and objectives</i> Environment protection and management	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Describe in terms of management hierarchies:</p> <ul style="list-style-type: none"> measures proposed to avoid, mitigate or offset (if appropriate) effectiveness of proposed measures and the level of confidence of implementation whether the NT EPA's objective for the environmental factor is likely to be met. 	s6, Table 12, refers with subsequent s6 responses
<i>Environmental Factors and objectives</i> Cumulative impacts	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Describe potential cumulative impacts.</p>	s6, Table 12, refers with subsequent s6 responses

Checklist 2 – Consideration of the Proponent’s general duty (in accordance with section 43 of the EP Act)

Section 43 General duty	Done	Comment
The following principles of ecologically sustainable development must be taken into consideration in the design of the proposed action.		ELA acknowledges the requirements and all considerations are answered in Table 10, with particular references below
<ul style="list-style-type: none"> Decision-making principle 	✓	s4, p23, Table 10
<ul style="list-style-type: none"> Precautionary principle 	✓	s4, p23, Table 10
<ul style="list-style-type: none"> Principle of evidence-based decision-making 	✓	s4, p24, Table 10
<ul style="list-style-type: none"> Principle of intergenerational and intergenerational equity 	✓	s4, p24, Table 10
<ul style="list-style-type: none"> Principle of sustainable use 	✓	s4, p24, Table 10
<ul style="list-style-type: none"> Principle of conservation of biological diversity and ecological integrity 	✓	s4, p24, Table 10
<ul style="list-style-type: none"> Principle of improved valuation, pricing and incentive mechanisms 	✓	s4, p24, Table 10
The following management hierarchies must be taken into consideration in the design of the proposed action.		
<ul style="list-style-type: none"> Environmental decision-making hierarchy 	✓	s4, p25, Table 10
<ul style="list-style-type: none"> Waste management hierarchy 	✓	s4, p25, Table 10
Other section 43 considerations		
<ul style="list-style-type: none"> Have communities that may be affected by the proposed action been provided with information and opportunities for consultation? 	✓	s4, p26, Table 10
<ul style="list-style-type: none"> Has consultation with affected communities, including Aboriginal communities’ been undertaken in a culturally appropriate manner? 	✓	s4, p26, Table 10
<ul style="list-style-type: none"> Has community knowledge and understanding (including scientific and traditional knowledge and understanding) of the natural and cultural values of areas that may be impacted by the proposed action been sought and documented? 	✓	s4, p27, Table 10
<ul style="list-style-type: none"> Have Aboriginal values and the rights and interests of Aboriginal communities’ been addressed in relation to areas that may be impacted by the proposed action? 	✓	s4, p27, Table 10