



**NORTHERN
LAND COUNCIL**

**Submission to the Northern Territory Environment Protection
Authority on
Equatorial Launch Phase 2 Expansion of the Arnhem Space Centre:
Supplementary Environment Report**

August 2024

1. Introduction

This submission provides a brief response to the Northern Territory Environment Protection Authority (**NT EPA**) on the Supplementary Environmental Report about the Equatorial Launch Australia Pty Ltd (**ELA**) proposed Phase 2 Expansion of the Arnhem **Space Centre (NT EPA Report)**.

2. About the Northern Land Council

The Northern Land Council (**NLC**) is a Commonwealth Statutory Authority established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**). Its functions include to:

- a) ascertain and express the wishes and opinions of Aboriginal people living in the area of the NLC about the management of Aboriginal land
- b) protect the interests of traditional Aboriginal owners and other Aboriginal people interested in Aboriginal land
- c) assist Aboriginal people to:
 - take measures to protect sacred sites
 - carry out commercial activities
- d) consult with traditional Aboriginal owners and other Aboriginals people interested in Aboriginal land about any proposals that relate to the use of that land.

3. Basis of this submission

The NLC hasn't consulted with traditional Aboriginal owners or other Aboriginal people interested in Aboriginal land that would be affected by the proposed expansion about the NT EPA Report. As such, the NLC capacity to provide a submission that is directly informed by the express wishes and opinions of these people and groups is limited at this time.

Instead, this submission is informed by the NLC's experience consulting with Aboriginal people across our region.

4. Consultations under the Land Rights Act

Consultations by the NLC with Aboriginal people about the proposal are expected to take place over the coming months as part of the NLC's function to consult about proposals that relate to the use of Aboriginal land.

This is because the Space Centre is located on the Arnhem Land Aboriginal **Land Trust**. This location is enabled by a grant of an interest in Aboriginal land under s 19 of the Land Rights Act from the Land Trust to the head lease holder, the Gumatj Corporation Ltd (the **lease**). Gumatj Corporation Ltd then sublease the land to ELA.

To develop the Space Centre, the lease area must be expanded. This would require the Land Trust to grant another interest in land, via a variation to the existing lease. Before the NLC could vary the lease, the Land Rights Act necessitates that the NLC must be satisfied of certain things, including that:

- a) the traditional Aboriginal owners for the proposed lease area understand the nature and purpose of the proposed grant and, as a group, consent to it
- b) any Aboriginal community or group what may be affected by the proposed grant has been consulted and has had an adequate opportunity to express their view to the NLC

- c) the terms of the grant are reasonable.¹

5. Concerns that might be raised

Based on our considerable experience consulting Aboriginal people about proposed development projects on Aboriginal land, the NLC expects that there will be concerns raised about environmental impacts caused by the expansion of the Space Centre.

The types of concerns that Aboriginal people might have about the proposed expansion of the Space Centre include:

- a) impacts of land clearing activities on flora, fauna and culture
- b) level of noise, vibration and other pollution
- c) risk of injury or damage from the launch of rockets and other space vehicles. This includes injury to persons or damage to property or sacred sites from falling debris, or exploding or misdirected rockets. Fallen debris or objects may also cause bush fires
- d) risks from the transfer and storage of hazardous equipment and materials such as explosive chemicals, and liquid and solid propellants.

To ensure that any environmental impacts from scheduled and non-scheduled debris impacts can be managed as best as possible, the NLC suggests that the preparedness, availability and capability of emergency responders in the region is assessed and considered by the ELA and NT EPA.

Although the NT EPA Report acknowledges the possibility of launch failures, it doesn't adequately address the risks which occur when an object partially loaded with high energy propellants impacts the ground causing an explosion and intense fire.

Whilst the NLC understands that launch failures are a normal part of operations at space launch facilities, Aboriginal people and other members of the public should be able to feel confident that failures are anticipated and preparations are made to safely deal with such incidents. To support this outcome, additional information and procedures should be developed to deal with the risk of launch failures.

Recommendations:

- a) *ELA should expand the Supplementary Environmental Report Appendices 1, 4 and 5 to define the procedures and facilities required to handle launch failures where the environmental impacts are probably greater than for "scheduled" debris impacts*
- b) *ELA, NT EPA and other relevant government agencies should assess the capabilities of local emergency responders to support the Space Centre in all operations, from transportation to facility operations and to post-launch conditions, in order to determine what steps are necessary to extend the capabilities of emergency responders as necessary.*

6. Sacred Site Authority Certificates

This section discusses the importance of ELA obtaining Authority Certificates from the Aboriginal Areas Protection Authority (AAPA).

The NLC anticipates that concerns will be raised by Aboriginal people about the risks to sacred sites that may flow from the proposed expansion. This includes:

¹ *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) s 19(5).*

- damage from falling debris, exploding or misdirected rockets
- bush fires that might start from fallen debris and objects, or the transport and storage of hazardous or explosive materials.

Recommendation:

ELA should be required to obtain a sacred sites Authority Certificate from the AAPA in advance for both the:

- a) expansion of the launch facility*
- b) projected “drop zones” for at least every launch where there is a reasonable expectation that debris or other objects might fall to Earth, which includes via the chance of some failure or error.*

For the avoidance of doubt, the NLC considers that a certificate should be obtained for launches even if the ELA doesn't intend to recover the object that falls to Earth.

Obtaining an Authority Certificate from the AAPA for drop zones in advance of launches may limit risks to sacred sites in the Northern Territory. Steps to limit the risk may include adjusting the proposed trajectory to avoid restricted areas.

It's possible that object may fall within the region of the Central Land Council (CLC). This submission doesn't purport to make any comment on behalf of the CLC.

The NLC suspects that a balance may need to be struck when it comes to the ELA submitting either:

- a very broad drop zone that allows for more error
- a narrow drop zone that can be more quickly assessed by the AAPA but allows for less error.

Recommendation

A careful approach must be taken by ELA and AAPA to delineating broad projected drop zones so that Authority Certificates will always cover the area where debris or other objects fall.

7. Value in Robust Regulation

This section discusses the importance of there being strong oversight of the proposed expansion of the Space Centre by regulators including the NT EPA, Aboriginal Areas Protection Authority (AAPA), Australian Space Agency (ASA), Northern Territory Government (NTG).

Generally speaking, a robust regulatory system supports the NLC to:

- a) process applications for land use agreements under the Land Rights Act by assisting the NLC to:
 - make well informed assessments about the reasonableness of proposals for the use of Aboriginal land. Ideally, the NLC should be able to rely on regulators to approve only reasonable, safe and ecologically sustainable proposals
 - discuss and possibly mitigate concerns raised by Aboriginal people about the potential adverse impacts of proposed developments on Aboriginal land
- b) manage existing uses of Aboriginal land. Ideally, the regulators will enforce laws and regulations so that developments remain compliant with best practice standards.

NT EPA

The NLC relies heavily on assessments by the NT EPA about environmental impact to confidently perform its role under the Land Rights Act.

A robust assessment by the NT EPA that holds the proposed expansion to a high standard of ecological sustainability can:

- a) limit impact on the environment, persons and sacred sites
- b) ensure projects are safe and ecologically sustainable
- c) mitigate concerns about environmental impacts
- d) promote confidence amongst Aboriginal people who may be affected by the proposal
- e) provide comfort to NLC council members who consider land use proposals.

ASA – Safety of launch facility and launches

The NLC understands that prior to the building of the launch facility and the launching of each object, the ELA must obtain a launch permit from the ASA.

The **NLC recommends** that the ASA apply a high standard to the granting and enforcing of launch facility permits and launch permits. This will ensure that the project is safest and risks are managed.

The presence of a strict regulator assists the NLC to consider the reasonableness of the proposed project and mitigate concerns raised by Aboriginal people.

NTG – regulation of the safe storage and transport of hazardous chemicals

The proposed expansion of the Space Centre will necessarily require the transport and storage of hazardous chemicals.

The **NLC recommends** that the relevant NTG regulators apply a strict standard to enforcing regulations on the Space Centre and ensuring that relevant regulations are based on best practice approaches to the safe transport and storage of hazardous chemicals.

8. Conclusion

The NLC submits that the NT EPA should ensure that the recommendations at parts 5 and 6 will be implemented before it makes a recommendation about environmental approval for the proposed expansion of the Space Centre.