

Submission on the referral

Verdant Minerals Ltd – Ammaroo Ammonium Phosphate Fertiliser Project

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

Government authority: Aboriginal Areas Protection Authority (the 'Authority').

Summary: The Authority strongly recommends Verdant Minerals Ltd (the 'applicant') obtain an Authority Certificate prior to undertaking any proposed works.

Section of Referral	Theme or issue	Comment
Risk and Impact Assessment Framework; page xvi	Aboriginal and Historic Cultural Heritage	<p>The applicant notes that “at the time of the Proposed Project Referral preparation, consultations with Traditional Owners, and Central Land Council (CLC) were ongoing, with the intent of concluding the Native Title Mining Agreement which also incorporates the process for attaining a sacred site clearance certificate from AAPA for the Proposed Project to conform with the Native Title Act and Sacred Sites Act.”</p> <p>The Authority issues Authority Certificates and does not issue “sacred sites clearance certificate(s)” as referenced above. Sacred site clearance certificates are issued by the CLC and are not legally enforceable for the purposes of the Sacred Sites Act. The Authority confirms that Authority Certificates can be issued based on an agreement between custodians and the applicant.</p> <p>The Authority recommends replacing references to, ‘sacred site clearance certificates’ in the context of conforming with the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT) (the ‘Sacred Sites Act’) to, ‘obtaining Authority Certificates’. Similar references have been made on pages ii, 14, 15, and 101.</p>
Approved Project and Proposed Project Footprints; Page 10	Project Footprint	<p>The Authority notes that there are sacred sites within the boundary of the Proposed Project foot print. The Authority strongly recommends the applicant obtain an Authority Certificate before commencing any proposed works.</p> <p>The Authority has assessed the spatial data provided by the applicant and notes that there is discrepancy between the subject land identified in their Authority Certificate application and the subject land provided as a part of the Proposed Project Referral. This is likely as a result of datum shift but will need to be confirmed with the applicant before their Authority Certificate application is finalised.</p>
6.3.1 Environmental Management Measures; page 42	Groundwater	<p><i>A long-term groundwater monitoring program will be implemented across the site as part of the environmental management plan.</i></p> <p>This needs to consider potentially groundwater dependent features off site within the modelled drawdown area.</p>

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11.2.1 Updated Groundwater Modelling; pages 74-75	Modelled drawdown area	<p>Sacred sites that are anticipated to be groundwater dependent are within the drawdown area both within the Proposed Project foot print and beyond.</p> <p>Appendix N states that the water table is generally between 30 m and 80 m below ground level so the sacred sites may relate to superficial aquifers, though drainage may be induced by extraction in the target aquifer. The applicant is requested to provide additional information on the groundwater extraction impacts as part of an application for an Authority Certificate.</p>
12.0.3 Potential Impacts and Mitigation Measures; page 82	Dust Management Plan HazMat Management Plan	A sacred site is situated close to the open pit margin and various facilities including tailings dam. The plans need to consider the protection of the sacred site as well as flora and fauna.
15.0.0; page 95	Social Impact Assessment	<p>The applicant identifies damage to sacred sites as a key social impact during construction and operation of the proposed project.</p> <p>The Authority confirms that there is significant risk to sacred sites located within and in the vicinity of the Proposed Project area.</p> <p>In 2017, the applicant applied for an Authority Certificate. The application has been placed in suspension pending the provision of a Native Title agreement between custodians and the applicant that appropriately contemplates the impact of the Proposed Project on affected sacred sites.</p> <p>The Authority strongly recommends the applicant obtains an Authority Certificate prior to undertaking any works. The Authority considers that if the applicant obtains and complies with an Authority Certificate issued for all proposed activities then the risk of potential impacts to cultural values associated with sacred sites will be appropriately mitigated.</p>
16.0; page 100	Previous Assessment and Impacts	The Approved EIS identified sacred sites within the subject area. However more sites have been identified in the Proposed Project area provided in the Variation document, including in close proximity of the open cut and tailings facility. The approved EIS did not identify sacred sites that may be groundwater dependent within the groundwater drawdown area. The Variation includes an approximate doubling of the volume of groundwater proposed to be extracted.
16.1; page 101	Proposed Project Potential Impacts	<p>The applicant references “exclusion zones” on pages 101 and xvi in respect of Aboriginal and historical cultural heritage. While it is unclear whether the exclusion zones are in place to protect sacred sites or Aboriginal heritage sites, please note that such measures do not indemnify the applicant against prosecution under the Sacred Sites Act in the event that the applicant damages a sacred site.</p> <p>The Authority strongly recommends the applicant obtain an Authority Certificate prior to undertaking any works within the subject land of the Proposed Project in order to mitigate potential impacts to sacred sites and to provide legal certainty to the applicant.</p>