



Local Government Association of the Northern Territory

LGANT Submission to **Review of Seabed Mining in the Northern Territory – Environmental Impacts and Management**

Via email to: **Upload to Consultation Hub**
9 November 2020

The Local Government Association of the Northern Territory (LGANT) welcomes the opportunity to provide a submission on the *Review of Seabed Mining in the Northern Territory – Environmental Impacts and Management*.

Whilst seabed mining does not appear to affect our members, the seventeen local government councils of the Northern Territory, we do have coastal councils that provide services to the communities of the lands of traditional owners. Further, if after the extraction of materials from the seabed they need to be transported by land then the construction, maintenance and replacement of infrastructure assets such as jetties, loading and storage facilities, roads and supporting infrastructure would attract costs and possible environmental concerns.

Moreover, LGANT is concerned that nowhere does it appear that local government councils will be consulted. Local government councils should be part of the consultation process.

LGANT is the voice of local government in the Northern Territory, representing all 17 municipal and regional councils, 63 local authorities, 66 remote communities with a physical council presence and 614 homelands with over 100 Aboriginal languages and dialects. We provide leadership, support, representation and advocacy on behalf of our member councils for the benefit of their communities. We provide leadership, support, representation and advocacy on behalf of our member councils for the benefit of their communities.

Local government makes a significant contribution to the Northern Territory economy as collectively councils employ around 3,000 Territorians, is the largest employer of Indigenous people in remote and regional areas, manage and control assets and infrastructure valued at \$2.57 billion, is responsible for over 13,000 kilometres of roads and receive and expend over \$505 million in the Northern Territory annually.

This submission has been developed to address some of the Key Findings and Conclusions contained in the paper.

Key Finding and Conclusion 1

Any seabed mining activity in the Northern Territory must occur within a transparent, robust regulatory and policy framework that promotes ecologically sustainable development and establishes clear expectations on industry. This framework should be supported by:

- **The declaration of marine environment protection ‘no go’ areas for areas with high biodiversity, economic, recreational and/or cultural value, and**

- **Documenting the appropriate and acceptable standards for seabed mining practices and environmental management.**

Developing appropriate and acceptable standards for seabed mining when the exact impacts of the practice are unknown appears to be premature. The International Seabed Authority has not finalised their regulations for the exploitation of marine minerals yet, let alone knowing what best practice currently is to compare what a Northern Territory framework would look like.

Consideration of how seabed mining can be regulated and monitored needs to be considered. The resources that would be needed to ensure that seabed mining activity is compliant is greater than for land-based mining activities.

Key Finding and Conclusion 2

The Northern Territory Government should consider declaring a ‘seabed mining’ activity trigger under the Environment Protection Act 2019 for all seabed exploration and mining activities so that referral to the NT EPA is required to determine whether environmental impact assessment is required.

Should the Territory Government allow seabed exploration to proceed the seabed mining activity trigger should be in the Act to allow comprehensive assessment of the proposal to take place.

Key Finding and Conclusion 4

Currently, the lack of adequate environmental information and knowledge about the existing condition of environmental values and potential impacts from seabed mining is a major barrier to the robust environmental impact assessment, approval and appropriate conditioning of seabed mining in the Northern Territory.

There is difficulty in applying known management measures to poorly understood marine environments. This contributes to uncertainty about the effectiveness of management and mitigation measures.

It will be important to communicate to proponents the considerable information requirements necessary for robust environmental impact assessment, including adequate baseline data that encompasses the substantial natural, temporal and spatial variation in marine and coastal environments.

Given the inability to predict the impacts of seabed mining with confidence the NT Government should not assess exploration permits until evidential data can be provided with applications.

The mining industry argues that minerals required in today’s world have limited reserves on land this is inaccurate. Total lithium reserves are around 17,000,000 tonnes with the largest producer of lithium in 2019 being Chile at 18,000 tonnes. [investingnews.com/daily/resource-investing/battery-metals-investing/lithium-investing/lithium-reserves-country/](https://www.investingnews.com/daily/resource-investing/battery-metals-investing/lithium-investing/lithium-reserves-country/) Additionally, [statista.com](https://www.statista.com) claims that only 77,000 tonnes of this material was produced last year. This then

allows existing land reserves of lithium to be exploited further before needing to consider seabed mining for the material. This would also allow technology to advance and explore other potential sources for material exploration such as landfill mining and repurposing of products.

Key Finding and Conclusion 6

Should seabed mining be approved, relevant approvals should require environmental monitoring that informs regulation of proposal-specific management targets, as well as evidence-based understanding of environmental impacts to support future impact assessment and regulation of the industry. Data should be available to the public.

This finding suggests that early exploration will be test pilots for future impact assessment of proposals for seabed mining without fully understanding what the fallout will be. Existing proposals approved by the Federal Government are in regions that form part of declared Marine Parks. These areas must continue to be protected from early mineral exploitation until it can be proved that existing marine habitats will not be impacted by the activity.

Key Finding and Conclusion 7

The NT EPA considers that the use of adaptive management would be highly problematic in managing the high levels of uncertainty and risk associated with the mitigation of potentially significant environmental impacts from seabed mining proposals. Any effective use of adaptive management would be limited in its application to clearly defined issues.

LGANT agrees with this finding.

Key Finding and Conclusion 8

The NT EPA considers that environmental offsets cannot currently be readily or easily applied to seabed mining proposals in NT coastal waters. The collection of pre-impact baseline data does not qualify as an environmental offset.

LGANT agrees with this finding.

Key Finding and Conclusion 9

Closure and rehabilitation are important considerations for the assessment, approval and management of seabed mining. In the absence of specific guidance, seabed mine closure and rehabilitation should follow the best practice principles of the International Marine Minerals Society Code for Environmental Management of Marine Mining, the International Council on Mining and Metals for Mine Closure, and the WA Guidelines for preparing Mine Closure plans.

Requirements to achieve environmental protection outcomes must include: extensive baseline information, appropriate financial assurance, progressive rehabilitation, agreed rehabilitation objectives, completion criteria and monitoring of rehabilitation objectives, completion criteria and monitoring of rehabilitation success. These requirements should be captured in specific closure and rehabilitation criteria and guidance developed by government with substantial industry and stakeholder input.

Effective rehabilitation and biological recovery are unlikely to be feasible where seabed mining removes or alters extensive areas of the seafloor or for seabed mining proposals greater than five years duration.

In 1989 a test trial involving the raking of an 11 square kilometres of seabed in the Pacific Ocean was undertaken to simulate the impacts of marine mining. The resultant plume of sediment was found to have buried the most of the test site smothering marine life in its wake. Thirty years later the area was visited, and it was discovered that the impacted area had not recovered, and some previous existing marine life had not returned.

In addition, the trial raking did not remove any minerals which would have made impacts more widespread <https://www.nature.com/articles/d41586-019-02242-y> In light of this it is unclear how carrying out seabed mining in Northern Territory waters can be confident in achieving effective rehabilitation and biological recovery under any circumstances even with regard to current standards and principles.

Key Finding and Conclusion 10

Independent expert groups can provide valuable advice to regulators and industry during the planning, assessment, operational and rehabilitation stages of seabed mining projects, should seabed mining proceed in the Northern Territory beyond a limited number of small-scale operations.

The cost of funding an expert advisory group would appropriately lie with the proponent with its scope and membership determined by the regulator in line with the ‘user pays’ principle.

LGANT agrees with this finding but would like to add that findings of expert advisory groups should be communicated openly with any communities affected by potential seabed mining activity.

Key Finding and Conclusion 11

The powers afforded by the Environment Protection Act 2019 to the Northern Territory Government and the NT EPA (section 6.1) provide a strong framework for community involvement in the environmental impact assessment and approvals process and ultimately environment protection.

Transparent, meaningful community engagement and consultation should commence early in project planning prior to the impact assessment and approvals process and extend to project implementation and closure.

The NT EPA conducts ongoing community consultation and engagement on policy and technical guidance, but there is still much to be done to address community concerns and strengthen community involvement and trust.

Further investigation of learnings from the Northern Territory (Hydraulic Fracturing Inquiry), national (NOPSEMA) and international (NZ and BMAPA) experiences will be valuable to guide the Northern Territory Government’s position, implementation and communication pathways.

Stakeholders identified for community engagement should be made available on the NT EPA website to enable stakeholders not identified, to request they be added to the list. This will ensure that interested parties can register for inclusion in public consultation. Community engagement also needs to be conducted in locations that are accessible to stakeholders and held at times that suit the needs of the majority.

Additional comments

The true economic impacts of seabed mining in the NT needs to be explored comprehensively and include the following estimates:

- How much income the NT Government may get from seabed mining in the short term.
- How much income derived from marine dependent sectors such as tourism and commercial fishing would be lost because of habitat loss.
- What are the potential ongoing administration costs to the NT Government as a result of assessment, compliance and enforcement. and
- What will happen to disturbed habitats if the exploration company declares bankruptcy as was the case in the Nautilus Solwara 1 Project in Papua New Guinea leaving their government with a loss of millions of dollars?

In line with much of the content contained in this report it is recommended that the moratorium on seabed mining not be lifted and must remain in place until such time that acceptable environmental outcomes from seabed mining is proven.

Thank you for taking the time to read this submission.

Yours faithfully

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Local Government Association of the Northern Territory