

Consultation Report - Draft Review of Seabed Mining in the Northern Territory

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1. Introduction

The Northern Territory Environment Protection Authority (NT EPA) publicly released its draft *Review of Seabed Mining in the Northern Territory – Environmental Impacts and Management* (the Draft Report) on 29 September 2020. Interested persons were invited to make a submission, with the submission period closing on 9 November 2020.

1184 submissions were received. 1061 of these submissions were public form submissions based on a campaign response (of which 657 were Territory based submissions), 105 public submissions were received through the NT EPA online comment portal, and 19 submissions were received from organisations.

This paper provides an overview and summary of the feedback received in response to the Draft Report and describes how the feedback has been considered by the NT EPA when preparing its Final Report. It has been developed to provide stakeholders and the community with a broad understanding of the submissions received during the public consultation process and how these have informed the NT EPA's Final Report. This paper does not address individual submissions in detail; however, copies of all submissions received in response to the Draft Report, and this paper, will be provided to the Minister for Environment when the NT EPA forwards its Final Report.

The numbers of submissions received are a clear indication of the commitment of the Northern Territory (NT), Australian and global community to sustainable development and the importance placed upon evidence-based Government policy development and decision making. While a clear majority of submissions were part of a campaign response or represented a few lines of opinion about the activity of seabed mining (rather than a direct comment on any element of the Draft Report) the NT EPA considers these submissions to be an important contributor to the public conversation on the Draft Report.

2. Topics and themes

The feedback received by the NT EPA falls into the following categories:

1. The Moratorium
 - Support to keep the moratorium in place and/ or ban seabed mining based upon the information presented in the Draft Report.
 - Support for the lifting of the moratorium based upon the argument that it is contrary to an evidence- and risk- based approach to environmental impact assessment and approval processes.
2. Responses to the key findings contained in the Draft Report.
3. Other issues with the Draft Report and/ or the process in its development.

3. The Moratorium

All submissions focussed on the question of the Moratorium and whether it should remain or be lifted or lead to a permanent ban on seabed mining in the NT. Submissions presented their reasons and commentary in support of lifting the moratorium or arguing for it to remain in place or for seabed mining to be permanently banned.

A number of submissions challenged how the NT EPA presented its key findings and conclusions in the Draft Report seeking stronger language around the potential, or not, for seabed mining to be satisfactorily managed in the NT. One submission criticised the presentation of the key findings and conclusions arguing that they are based on the premise of “if seabed mining was allowed to occur”. The submission argues that the NT EPA should provide recommendations (not key findings) based on the evidence in the Draft Report. Another submission stated that the NT EPA should be providing a recommendation on the status of the moratorium.

The NT EPA response

The question of whether a Moratorium remains in place or is lifted, or whether seabed mining becomes a permissible activity in the NT is the responsibility of the NT Government.

In establishing the moratorium in 2012 the NT Government requested the NT EPA to review and advise on the actual and potential impacts arising from seabed mining and the management of these impacts. The NT EPA was requested to consider the following:

- *identify the appropriate standards for acceptance by the Territory which will adequately address the needs of the community in respect of industry “best practice”, protection of the environment, protection of social and cultural impacts, mitigation strategies and community involvement*
- *permit the development of regulations, guidelines, or both, for the assessment of applications (received but not assessed due to the Moratorium and future applications) to ensure consistency of assessment procedures and appropriate determinations, taking into account the relevant factors*
- *the review will:*
 - *examine practices adopted or applied in seabed mining both internationally and within Australia, and identify which of these are considered as environmentally best practice*
 - *identify the likely impacts of seabed mining on the environment and other resources, including identification of impacts which have occurred as a result of, or in association with, seabed mining*
 - *examine the mitigation strategies that have or could be used to manage the impacts of sea based exploration and seabed mining on the environment and other resources.*

The Draft Report was prepared in response to the request and provides the information necessary for the NT Government to make an evidence-based decision about seabed mining in the NT.

The NT EPA will include copies of the submissions with its Final Report to the NT Government to ensure public and stakeholder feedback informs Government’s consideration.

3.1. Support for maintaining the moratorium/ banning seabed mining

Overwhelmingly, the bulk of submissions argued against lifting the moratorium and/ or sought for seabed mining to be banned in the Northern Territory, drawing on the information presented in the Draft Report, as follows:

- The significant environmental, cultural, economic and social values of the Territory’s marine environment.
- The potential impacts of seabed mining to the ecological integrity and health of the northern marine environment, commercial and recreational fishing, tourism, and cultural connection of Aboriginal people to sea and land.

- The knowledge gaps surrounding the values of the Territory's marine environment and the limited scientific understanding around the numerous potential pathways for both direct and indirect impacts on the range of marine values.
- The knowledge gaps acting as a barrier to robust environmental impact assessment and effective management and mitigation.

The environmental value of the Territory's marine environment was an issue raised by most submissions (including the individual submissions from organisations). Many submissions argued that the potential economic benefit of the seabed mining industry in the NT does not outweigh the resulting impacts to the environmental values of the marine environment and the ecosystem services it provides. Most of these submissions recognised the interconnectedness and interdependence between the environmental, cultural, economic and social values provided by the marine environment, arguing that a significant impact on the biophysical environment will have flow on impacts to the other values.

The NT EPA response

The main arguments, made in the submissions, for retaining the moratorium or banning seabed mining are drawn from the information included in the NT EPA's Draft Report. The NT EPA understands that there is an expectation for the Final Report to provide a definitive recommendation on keeping or lifting the moratorium; however, this was not the advice sought from the NT EPA. The decision on the permissibility of seabed mining rightly sits with the NT Government.

The NT EPA will include copies of the submissions with its Final Report to the NT Government to ensure public and stakeholder feedback informs Government's consideration.

3.2. Support for lifting the moratorium

Five submissions supported the lifting of the moratorium and the ability to allow seabed mining to occur in the NT, arguing:

- The moratorium undercuts the legitimacy of an evidence- and risk- based approach to resource development and regulation.
- The *Environment Protection Act 2019* (EP Act), provides a robust and comprehensive environmental impact assessment process, inclusive of community involvement, to guide sound decision-making by the government.
- Appropriate standards, limits and principles to support seabed resource development, monitoring and regulation can be drawn from international and national bodies.
- The resources are necessary for the growth of the NT.

The NT EPA response

The decision on the permissibility of seabed mining rightly sits with the NT Government.

The NT EPA will include copies of the submissions with its Final Report to the NT Government to ensure public and stakeholder feedback informs Government's consideration.

4. Feedback on Key Findings and Conclusions

4.1. Key finding 1 – Regulatory framework

The first key finding in the Draft Report stated:

Any seabed mining activity in the NT must occur within a transparent, robust regulatory and policy framework that promotes ecologically sustainable development and establishes clear expectation 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.*

A number of the submissions questioned the adequacy of mining laws and regulations to manage seabed mining. Reference was made to the findings of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory on regulatory frameworks for the resource sector arguing its relevance to seabed mining. It was suggested that this be addressed in the NT EPA’s Final Report.

Many submissions noted the regulatory reforms completed by the NT Government and the introduction of the EP Act. A number of the submissions that supported the lifting of the Moratorium argued that the new environmental impact assessment process provided the regulatory rigour to enable seabed mining in the NT.

Other submissions argued against the reliance on the EP Act and the role of the NT EPA under the Act with one submission referencing examples of poor decisions made in the NT. The exclusion of third-party merits appeal and broad open standing provisions in the EP Act added to the concerns raised against the reliance on the Act.

There was also concern with Government’s record of project development, assessment and implementation, and the perceived differing agendas between government agencies. A submission provided examples where environmental concerns raised by NT EPA or the Department of Environment, Parks and Water Security were ignored by the approving agency. It was argued that in addition to a transparent, robust regulatory and policy framework a cultural shift across government agencies would also be required.

A number of the submissions provided commentary on establishing ‘no go’ zones. A small number spoke to the process behind establishing the zones, particularly ensuring the process was supported by good data and undertaken in a transparent and fair way (involving the community). A submission argued against using the powers of the EP Act to establish the recommended ‘no go’ zones because the responsibility to establish and revoke environment protection areas sits with the Minister for Environment, rather than requiring a parliamentary decision. It was argued that this lessened the security of the protection required.

One of the submissions stated that the priority for developing standards was establishing a clear requirement of the level of detail for baseline studies. Another submission questioned how standards were to be developed when the impacts of seabed mining are unknown. It was argued that the International Seabed Authority was yet to finalise its regulations and accordingly best practice for the NT could not be determined.

A submission suggested that resourcing for the regulation and monitoring of seabed mining needs consideration as it would be greater than for land-based activities.

A submission suggested a rewording of the key finding to take away the premise of 'if seabed mining is to occur'. It also recommended that a provision be added to ensure adequate baseline knowledge of cultural and environmental values supports the regulatory and policy framework.

The NT EPA response

The NT EPA has included additional information in its Final Report to strengthen its advice on the regulatory and policy environment that would be required in the event that the Government determined to allow seabed mining in the NT. The additional information added to the Final Report advises on:

- *improving transparency of decision-making*
- *the need for clear criteria, informed by adequate baseline information and stakeholder engagement, to support identifying potential 'no go' zones*
- *the types of policy and technical guidance and standards that would be necessary to support a regulatory and policy framework for the seabed mining industry*
- *the resourcing implications to develop appropriate guidance material and support a robust regulatory framework for the seabed mining industry.*

The NT EPA notes that the examples provided in the submission to argue against the reliance on the EP Act all pre-date the Act and the current environmental impact assessment and approval process. The current process provides for an environmental approval to be issued by the Minister for Environment, based upon recommendations of the NT EPA, meaning that significant environmental issues relating to a proposal are now subject to conditioning through an environmental approval and are no longer required to be addressed by another agency approval under separate legislation.

Key finding 1 has been updated and is provided as a key consideration for the NT Government when deciding the permissibility of seabed mining in the NT. How it is addressed will be the responsibility of the NT Government.

4.2. Key finding 2 – Activity trigger

The second key finding in the Draft Report stated:

The NT 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.

Generally, submissions that provided comment on this key finding supported its intent.

The NT EPA response

The permissibility of seabed mining in the NT is a decision for the NT Government. The key finding is included in the event that Government lifts the moratorium and allows seabed mining activity within the NT, subject to the normal environmental assessment and approval processes.

The finding has the intent of ensuring that the community and the seabed mining industry have certainty that all seabed mining activities (defined by the trigger) are to be referred to the NT EPA.

4.3. Key finding 3 – Risk categorisation of seabed mining activities

The Draft Report provided a classification system designed to communicate the potential for significant impact from individual proposals. The third key finding in the Draft Report stated:

Seabed mining activities can be broadly categorised into three classes, based on their potential for significant environmental impact:

- *manageable impacts*
- *uncertain impacts*
- *unacceptable impacts*

The concept of different risk categories was recognised as being a sound approach; however, a number of submissions argued that the unresolved issues noted in the Draft Report meant that it would be difficult to apply the three classes beyond ‘unacceptable’. Another submission recommended a much clearer and objective definition of the three classes and referred the NT to the Western Australia Environment Protection Authority (WA EPA) guidance for marine dredging proposals as it provides for different ‘zones of impact’.

The NT EPA response

The EP Act provides a clear definition of ‘significant impact’. In respect to seabed mining the NT EPA included in its Draft Report the elements of an individual proposal that would influence its potential to have significant impact. The Draft Report categorised the interplay of the different elements that contribute to the potential for significant impact into classes for the purpose of communicating the potential for a robust environmental impact assessment to be applied to seabed mining.

The Final Report makes it clear that if the indicative classes are to be adopted outside of the Report they would require the development of supporting guidance.

The Final Report differentiates between the outcome-based classes of key finding 3 and the spatial representation of zones of influence for impact assessment and impact management as per the WA EPA guidance.

4.4. Key finding 4 – Information requirements

The fourth key finding in the Draft Report stated:

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

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 the robust environmental impact assessment, including adequate baseline data that encompasses the substantial natural, temporal and spatial variation in marine and coastal environments.

Most of the submissions viewed key finding 4 as a reason for the Moratorium to remain in place, or for seabed mining to be banned in the NT. It was suggested that this finding would make it very difficult to apply the EP Act and Environment Protection Regulations 2020 to seabed mining. It was also argued that the NT EPA’s responsibility to implement its statutory functions and duties, as spelt out in its 2020-22

Statement of Intent, would likely be compromised in relation to seabed mining by the lack of adequate environmental information.

One of the submissions supporting seabed mining argued that there has been significant progress in the industry in predicting and understanding impacts and recommended the NT Government could draw on this information to develop standards for information provision and environmental impact assessment.

Another submission supporting seabed mining in the NT suggested this finding was an example of the Draft Report presenting a negative bias against the industry. It claimed that this finding would not apply to all seabed mining in all locations. The submission also stated that proponents should be required to provide minimum appropriate information to guide decision making and that projects can still proceed in the absence of perfect data.

The NT EPA response

The NT EPA has provided this finding in its Final Report as advice to the NT Government on the current adequacy and ability of the environmental impact assessment process to support seabed mining in the absence of sufficient baseline data.

This finding speaks to the data requirements needed to support a robust proposal-based environmental impact assessment process, which will be site-specific and dependent on the nature of the proposal. The NT EPA has clarified in its Final Report that there has been significant progress in the dredging and seabed mining industry in relation to plume models, habitat characterisation, trigger levels etc.; however, it also notes that there is limited site-specific information available to support prediction and modelling efforts when undertaking a proposal-based environmental impact assessment in the NT context.

The NT EPA reiterates the key message that environmental impact assessment needs to be supported by adequate, not perfect, data. Accordingly, in the event that the NT Government determines that seabed mining is a potentially permissible activity for the NT, proponents need to understand what this means for a potential proposal in the current absence of adequate environmental information and knowledge.

4.5. Key finding 5 – Centralised data repository

The fifth key finding of the Draft Report referred to the collection of adequate data and identified that this was needed at a regional scale requiring coordination between industry, government, research institutes and other stakeholders. The finding argued that establishment of a government managed and resourced central data repository is essential to support the environmental impact assessment and regulation of seabed mining in the event the NT Government determines to lift the Moratorium.

The submissions that provided comment on key finding five supported the finding. One submission recommended this approach be supported by published standard methodologies to ensure data was in a consistent form for collation. Another submission suggested that it be a part of a national environmental data and monitoring program.

The NT EPA response

The NT EPA included this finding in recognition of the complex information requirements necessary to assess and manage seabed mining, community expectations and meeting best practice environmental protection outcomes. The purpose of the key finding is to promote a collaborative approach to data collection and information management so that with time, information and knowledge data gaps would be addressed and uncertainty around effective mitigation of impacts would be reduced.

4.6. Key finding 6 – Environmental monitoring

The sixth key finding of the Draft Report stated:

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.

The submissions that provided comment on key finding six supported its intent (although one submission questioned the wording of the opening caveat to the finding). It was recommended that standard methodologies for data collection, monitoring and reporting be developed. One submission supporting seabed mining suggested that the NT Government may also consider prescribing independent review/audit of monitoring data on an annual basis as well as the delivery by proponents of 3-yearly trend reports as an opportunity for increasing understanding of medium-term impacts.

The NT EPA response

The NT EPA included this finding to make it clear that the regulatory oversight of a proposal-based environmental impact assessment does not cease with the issue of an environmental approval. When making a decision on the Moratorium the NT Government needs to consider the implications of ongoing environmental monitoring.

The NT EPA has amended its Final Report to include additional material in the form of schematics which show the importance of monitoring to inform predictive and regulatory confidence in impact management and the best practice, dual purpose approach to environmental monitoring. Key finding 6 has been updated to include the public availability and regular review of baseline data, monitoring data and compliance reporting for projects.

4.7. Key finding 7 – Adaptive management

The seventh key finding of the Draft Report identified that adaptive management would be highly problematic and its effective use would be limited to clearly defined issues.

A small number of submissions provided comment on this key finding of which only one disagreed.

NT EPA response

The NT EPA has published guidance on adaptive management that defines the conditions required for an adaptive management approach to be considered for development in the NT.

In the context of seabed mining in NT coastal waters, the NT EPA is of the view that the use of adaptive management would be highly problematic in managing the high levels of uncertainty and risk currently associated with seabed mining.

4.8. Key finding 8 – Environmental offsets

The eighth key finding of the Draft Report stated that the NT EPA considers that environmental offsets cannot be applied to seabed mining proposals.

The submissions that provided comment on this finding agreed.

4.9. Key finding 9 – Closure and rehabilitation

The ninth key finding of the Draft Report referred to closure and rehabilitation, stating that the requirements of achieving environmental protection outcomes include rehabilitation, achieving completion criteria and monitoring rehabilitation success. The finding also stated:

Effective rehabilitation and biological recovery is 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.

Many submissions responded to this finding with most questioning the ability to effectively rehabilitate after the mining activity, particularly for mining of hard substrate environments, and used this argument as support for the NT Government keeping the Moratorium in place.

One submission argued that mine rehabilitation in terrestrial systems and land-based aquatic or semi-aquatic environments have demonstrated the difficulty of rehabilitating areas subject to mining activity and accordingly caution needs to be applied for seabed mining activities. Another submission argued that closure requirements needed to be evidence- and risk- based (further arguing that not all seabed mining activities would require rehabilitation).

A number of submissions provided evidence of the impacting nature of seabed mining from exploration to extraction to demonstrate the ineffectiveness of rehabilitation. A submission raised concern of the continued trajectory of decline in marine biodiversity at a national level and argued that the problematic nature of rehabilitation supported their argument that the Moratorium should not be lifted.

A submission also put forward that cultural values impacted by seabed mining may not be amenable to rehabilitation, arguing that once disturbed or damaged these values may be lost forever.

One organisation argued that not all seabed mining activities would require rehabilitation stating that it would depend on the type of marine environment subject to the mining activity. The submission suggested that in some marine environments (of low biodiversity value) impacts may be insignificant (and therefore not warrant rehabilitation) or natural processes may bring a site back to pre-mining conditions. The submission stated the requirement/ ability to rehabilitate and meet closure criteria needed to be evidence- and risk- based.

Another submission agreed with the key finding, recognising that different seabed mineral targets would have varying degrees of rehabilitation potential. This submission recommended that the NT Government consider setting rehabilitation objectives for different mineral resource categories, allowing proponents to understand what would be required of a potential seabed mining proposal.

The NT EPA response

The permissibility of seabed mining in the NT is a decision for the NT Government.

Key finding 9 recognises the importance of rehabilitation and closure planning based on extensive baseline information supported by appropriate financial assurance, progressive rehabilitation where possible and agreed rehabilitation objectives, criteria and monitoring. This finding is included in the Final Report to ensure the matter of effective rehabilitation and closure planning and associated policy and guidance is considered by the NT Government when making a decision about the status of the Moratorium.

4.10. Key finding 10 – Independent expert advisory groups

The tenth key finding of the Draft Report acknowledged the valuable role of independent experts and stated the cost of an expert advisory group would sit with a proponent.

Generally submissions agreed with this finding. It was recognised as an important means to assure the community that potential impacts and risks were being appropriately identified and assessed as well as providing assurance that proposed management, mitigation or rehabilitation approaches would be examined for their effectiveness. One submission recommended Aboriginal representation on expert panels. Another submission referred the NT EPA to examples of where this type of approach is already occurring.

An industry submission disagreed that a proponent should bear the cost of independent advice, arguing that this cost should be borne by the NT Government as the body seeking to attract development to the NT.

NT EPA response

The key finding referred to independent advisory groups to assist proponents, regulators and industry when managing individual seabed mining proposals to achieve acceptable environmental outcomes (rather than government processes of developing and delivering government policy, guidance and regulation).

It should be noted that the EP Act provides for the use of independent experts during the environmental impact assessment process at the cost of the proponent.

4.11. Key finding 11 – Community consultation

The eleventh key finding of the Draft Report identified the importance of community consultation and involvement during project planning, environmental impact assessment, project implementation, rehabilitation and closure as well as the process of developing policy and technical guidance. The key finding recognised that there is “still much to be done to address community concerns and strengthen community involvement and trust”.

The number of submissions received (inclusive and exclusive of the form responses) demonstrates the community interest and concern about seabed mining in the NT.

Land Councils and Aboriginal groups, environmental groups, commercial and recreational fishers, a tourism operator, marine scientists and members of the public have lodged submissions in response to the Draft Report voicing concern about seabed mining in the NT. Opposition to seabed mining has been embedded in the Laynhapuy Indigenous Protected Area (IPA), Anindilyakwa IPA and Limmen Bight Marine Park management plans. The Northern Land Council stated its firm opposition to seabed exploration and mining and recommends that the Moratorium remain in perpetuity. The Anindilyakwa Land Council states that Aboriginal people see no separation between culture and the environment and there are no boundaries of ownership between land and sea country. It argues for the concerns of Aboriginal people to be respected. The NT Amateur Fishermen’s Association recommends a permanent moratorium on all seabed mining in the acknowledgement of the unacceptable risks to existing values of the marine environment. Commercial fishing and prawn industry representatives oppose seabed mining in the NT due to the significant information gaps and risks posed to the environment. The tourist operator argued that the ecotourism lifeblood will be drained from the region if seabed mining is allowed in the NT. Marine science organisations raised the issue of data deficiency, the lack of knowledge on marine biological communities and how different locations are connected. Environmental organisation submissions oppose the lifting of

the Moratorium based on the evidence provided by the Draft Report and the lack of a social licence for the industry.

All of the submissions received in support of seabed mining activity in the NT were provided by the mineral resource sector.

The NT EPA response

The NT EPA acknowledges these submissions made through its consultation process and will forward all submissions to the NT Government with its Final Report to ensure public and stakeholder feedback informs the Government's consideration.

The Final Report and all submissions (with the exception of those that were requested to be kept confidential) are published on the NT EPA's website.

5. Other feedback

5.1. Need and benefit of seabed mining in the NT

Many submissions questioned the economic benefits of seabed mining in the NT, particularly in respect to the benefits already provided by an intact marine environment. Submissions questioned whether the economic benefit of seabed mining outweighed the biophysical, cultural, economic and social values already provided by marine ecosystems.

One submission questioned whether the need for seabed mining has been demonstrated and challenged whether there was evidence that the minerals being sought were not available in a land-based environment.

Another submission argued that base materials are required to support building and infrastructure development and therefore the extraction of seabed resources needs to be supported to meet this need.

The NT EPA Response

The NT EPA recognises there are many contributing factors that will need to be considered by the NT Government when it makes a decision on the Moratorium. The Final Report has been prepared in response to the Northern Territory Government's request for advice (as set out in Terms of Reference) on the actual and potential impacts arising from seabed mining and the management of these impacts.

The NT EPA will forward all submissions to the NT Government with its Final Report to ensure public and stakeholder feedback informs the Government's consideration.

5.2. Additional information

A number of submissions stated that the Draft Report did not provide adequate information and assessment in respect to other industries, such as tourism and commercial and recreational fishing, which are dependent upon the marine environment.

One submission questioned the current interest in seabed mining in the NT stating that when discussing the scale of seabed mining operations it would be helpful for the Final Report to indicate the current applications for seabed mining and their coverage. It was also suggested that the Final Report should provide information on the companies that have made the applications and the minerals being targeted (stating that the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory took this approach).

It was also recommended that the Final Report needed to draw more on the detail provided in Appendix 5 of the Draft Report and give more detail and prominence on the impacts of seabed mining on Aboriginal communities.

It was argued that land-based infrastructure supporting seabed mining also has impacts, particularly for remote country and that consideration of land-based impacts should be included in the Final Report.

The NT EPA Response

The NT EPA has added further information to its Final Report, drawing on information provided in the technical appendices and recent publications, some of which were provided through the NT EPA's consultation. The Final Report has included more information about tourism, commercial and recreational fishing as well as social and cultural impacts. The consideration of land-based infrastructure has been clarified in the Final Report.

5.3. Inclusion of the intertidal zone

One submission stated there was inconsistency on whether the review included the intertidal zone, stating that it was included in the 2012 Interim Report but excluded in the Draft Report.

The NT EPA response

The NT EPA review includes discussion of impacts on the intertidal waters above the low water mark as they relate to environmental values of NT coastal waters, but specifically does not consider seabed mining in the intertidal zone. These areas provide essential ecological services to maintain the environmental values of NT coastal waters and in doing so form an integral component of this review. Consequently, for the purpose of this report, the term 'marine' should be read to apply to subtidal and intertidal areas and ecosystems.

6. Conclusion

The NT EPA thanks the community and all stakeholders who provided a response to its 'Draft Report – Review of Seabed Mining in the Northern Territory, Environmental Impacts and Management'. The NT EPA has made a number of changes in its Final Report as a consequence of the feedback provided in the submissions.

The contribution of the community and stakeholders ensures that the NT Government will receive balanced and rigorous advice to guide the important decision on seabed mining in the NT.