



NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

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Northern Territory Environment Protection Authority
Level 1, Arnhemica House
16 Parap Road
Parap NT 0820

By email: eia.ntepa@nt.gov.au

Dear Sir / Madam

Submission in relation to ML 33874 – Lei Lithium Project

1. We refer to the Environment Protection Authority's (EPA's) email dated 7 January 2025 granting an extension for the Northern Land Council (NLC) to make submissions in relation to the **Referral** by Lithium Plus Minerals Ltd for the Lei Lithium **Project**.
2. The NLC notes there is no registered native title claim, or determination of native title, in relation to the Project area. Nor is the Project situated on Aboriginal Land for the purposes of the *Aboriginal Land Rights Act 1983 (Cth) (ALRA)*.
3. Notwithstanding the above, the relevant traditional owners, and common law native title holders, for the Project area are the Larrakia people. The Larrakia people are also the custodians of sacred sites for the Project area within the meaning of section 3 of the *Northern Territory Aboriginal Sacred Sites Act 1989 (NT) (Sacred Sites Act)*.
4. Given the limited timeframe allowed for public submissions, and the Christmas shutdown period, the NLC has been unable to properly consult with Larrakia to make submissions on their behalf.
5. The NLC accordingly makes these submissions pursuant to its function under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* to assist Aboriginal people to protect sacred sites.
6. The NLC notes the following environmental concerns with the Project.

Impacts on Aboriginal culture and heritage

7. Lithium Plus' Referral indicates that the Project will involve a total disturbance footprint of <100 ha and recovery of 3.10 Mt of high grade spodumene ore via underground mining methods. Construction of the Project will involve:
 - a. vegetation clearing and topsoil stripping;
 - b. the sealing of mine roads;
 - c. construction of water storage facilities, drainage lines and sediment basins; and
 - d. excavation.
8. The mine's high impact construction and operations will cause inevitable destruction to Aboriginal culture and heritage. The NLC urges the EPA to take a robust approach to the environmental impact assessment process by ensuring the participation of the Larrakia people in planning and designing prevention and mitigation strategies.

Consultation with traditional owners

9. The NLC encourages Lithium Plus to meaningfully engage with traditional owners in relation to cultural protocols, identification and protection of sacred sites, and the protection of nearby rivers, sea/harbour, aquatic and land animals, trees, insects and traditional foods in the area.
10. Part 3.1 of the Referral outlines "early stakeholder engagement undertaken" with Larrakia stakeholders in preparation of the Referral and Application. However, Larrakia Nation Aboriginal Corporation advises that Lithium Plus have not contacted them. The NLC therefore queries the extent and quality of Lithium Plus' alleged consultation process. Some Larrakia were not even aware of the proposed mine and Lithium Plus' mineral lease application.
11. The Larrakia people are a large and diverse group and there are Larrakia stakeholder groups that are not mentioned in Lithium Plus' stakeholders list. Lithium Plus should ensure more stakeholder groups are contacted in addition to those mentioned in part 3.1 of Lithium Plus' Referral.

Sacred Sites

12. The Referral materials indicate that Lithium Plus intends to apply for an Authority Certificate under the Sacred Sites Act. As the Project area has not been extensively researched, consultation and information gathering through the Authority Certificate process is critical to the protection of Aboriginal cultural values. The environment impact assessment for the Project should not be concluded until an Authority Certificate has been obtained.

Cultural heritage

13. Lithium Plus' Referral at p 38 indicates that it intends to prepare a Cultural Heritage Management Plan (**CHMP**) under the *Heritage Act 2011* (NT). Lithium Plus' Stakeholder Engagement Plan at p 24 indicates that Lithium Plus has contacted the Heritage Branch with respect to the Project, and that the Heritage Branch "have recommended further investigations of the project area to determine if any undetected heritage sites exist and recommend (if required) measures to mitigate impacts of proposed works".
14. However, Lithium Plus' Referral documents do not indicate any intention by Lithium Plus to conduct a cultural heritage survey or cultural heritage assessment. Rather, the 'Approach' specified in the Stakeholder Engagement Plan at p 24 only states that Lithium Plus intends to "make enquiries to the Heritage Branch" and to "engage an archaeological consultant to make recommendations".
15. The NLC urges the EPA to require proper cultural heritage due diligence as part of its environmental approval, including a heritage survey and cultural heritage assessment.

Impact on surface and ground water

16. Aboriginal cultural values include healthy watercourses and surface and ground water. The Project area lies within the catchment of the Charlotte River and underlying Burrell Creek Groundwater system. The Referral materials indicate that, at its closest point, the Charlotte River is located 300 metres to the south-west of the proposed area of the Project. The NLC notes that a proposed buffer zone between the Lei deposit and the Charlotte River.
17. In order to ensure healthy water systems, and the preservation of potential sacred sites linked to surface or ground water in or around the proposed area of the Project, the NLC is particularly concerned about the potential for acid metalliferous drainage, contamination of the Charlotte River from acid sulphate soil exposure, and the potential for saline intrusion. These risks require robust mitigation measures to avoid harm to the quality of surface and ground water, and ecosystems and sacred sites, connected to the Project area.
18. Please direct any queries you have in relation to this matter to Winnie Chen at chenwi@nlc.org.au.

Yours sincerely



Yusepf Deen
Chief Executive Office
Northern Land Council