

Chapter 4
Approvals Pathway



This page has been left intentionally blank



Contents

Abbreviations	ii
4 Approvals Pathway	4-1
4.1 Proposal components	4-1
4.2 Approval process summary.....	4-4
4.3 Commonwealth approvals.....	4-8
4.4 Northern Territory approvals.....	4-15
4.5 Local government requirements.....	4-31
4.6 Relevant international legislation or agreements.....	4-31
4.7 Approval timeframes.....	4-34

LIST OF FIGURES

Figure 4-1 Approval process (environmental, tenements and Traditional Owners).....	4-6
Figure 4-2 Approval process (EIS).....	4-7
Figure 4-3 Environmental impact assessment process (NT EPA).....	4-35

LIST OF TABLES

Table 4-1 Mining operation approval process	4-3
Table 4-2 Waste storage and isolation approval process.....	4-3
Table 4-3 Commonwealth legislation, regulation and policies.....	4-11
Table 4-4 National policies and codes of practice.....	4-13
Table 4-5 Summary of Facility tenure and agreements to be reached for mining operations.....	4-19
Table 4-6 Summary of Facility tenure and agreements to be reached for waste management operations	4-20
Table 4-7 Required documents and parties involved.....	4-21
Table 4-8 Other relevant Northern Territory legislation	4-25
Table 4-9 Territory policies, guidelines, standards and codes of practice.....	4-28



ABBREVIATIONS

ALR	Aboriginal Land Rights Act
CLC	Central Land Council
DENR	Department of Environment and Natural Resources
DLPE	Department of Lands, Planning and Environment
DoEE	Department of Environment and Energy
DPIR	Department of Primary Industry and Resources
EAA	<i>Environmental Assessment Act</i>
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Authority
EPBC	<i>Environment Biodiversity Conservation Act</i>
ESM	Environmentally Sound Management
ILUA	Indigenous Land Use Agreement
MEA	Multilateral Environmental Agreement
MLA	Mining Lease Area
MMA	<i>Mining Management Act</i>
MNES	Matters of National Environmental Significance
MTA	<i>Minerals Title Act</i>
NEPM	National Environment Protection Measures
NGERS	National Greenhouse and Energy Reporting System
NT	Northern Territory
OECD	Organisation for Economic Co-operation and Development
POP	Persistent Organic Pollutant
UNEP	United National Environment Programme
WHS	Work Health and Safety
WMPC	Waste Management Pollution Control Act



4 APPROVALS PATHWAY

4.1 Proposal components

The Proposal comprises an underground rock salt mine and a storage and permanent isolation facility (the Chandler Facility), as well as a supporting rail siding and surface storage and transfer facility (the Apirnta Facility) and haul and access roads (the Chandler Haul Road and the Henbury Access Road). Construction, operation closure and rehabilitation require approval, regulation and licencing and encompass components detailed below.

4.1.1 Mining operation

- **Chandler Facility (Mine site)** – an area for the conduct of actual mining and all the infrastructure required to facilitate such mining, including processing facilities, power generation facilities, product storage facilities, workshops, offices, consumable storage facilities, accommodation and messing facilities, sediment detention basins and water bores.
- **Access to the Chandler Facility** – during construction from Maryvale Road including upgrade of existing pastoral access tracks to allow access of people and supplies to the mine. During operation from a private access road named the Henbury Access Road.
- **Apirnta Facility including a rail siding (minerals transit)** – an area adjacent to the Central Australian Railway line for the export of product salt.
- **Access to the Apirnta Facility (minerals transit)** – a road allowing the transport of mine product from the Chandler Facility to the Apirnta Facility. This road is named the Chandler Haul Road.

4.1.2 Waste storage operation

- **Waste storage site** – a surface area for the above ground temporary storage of waste and voids below ground the long term storage of waste and storage and retrieval of other material.
- **Access to Chandler Facility from Henbury Access Road** – a road to allow access of people and supplies to the Facility.
- **Apirnta Facility including a rail siding (waste transit)** – an area adjacent to the Central Australian Railway line for the receipt and temporary storage of waste materials.
- **Access to the Apirnta Facility (waste transit)** – a road allowing the transport of waste materials from the Apirnta Facility to the Chandler Facility. This road is named the Chandler Haul Road.

Additionally, the mine operation and the waste storage operation require consideration of:

- **Water requirements** – groundwater bore field.
- **Port operations** – salt transit and waste transit on the Adelaide to Darwin railway to or from licensed transfer station and storage areas.



4.1.3 Tenure requirements

The underground salt mining and mineral transport operations proposed by the proponent require mineral titles and access authorities granted under the *Minerals Titles Act (NT)* (MTA). The mining and mineral transport operations on the mineral titles and access authorities will also be regulated by authorisations under the *Mining Management Act (NT)* (MMA).

There are no other mineral titles in the MTA that provide rights to waste other than waste generated by a title holder from mining activities on their mineral titles. The right to store waste and other material does not extend to commercial storage operations. Similarly, the MMA cannot authorise activities where unrelated waste is brought from off-site onto the title holder's mineral titles. The right to conduct mining activities pursuant to the terms of a relevant mineral title therefore, does not include all rights necessary for the storage any type of unrelated waste.

The proponent's mining and mineral transport operation is separate at law from the waste storage operation – even if the mining operations and waste operations are co-located. Consequently, the proponent must procure tenure of the land necessary to conduct the waste storage operations. Tenure of the land through land titles is required to provide the proponent with the legal authority to access and use the land for the waste operations.

Without tenure of the land, the proponent has no right to access and use the land for the purpose of the waste operations. However, the proponent will have rights to access and use the land for mining activities under mineral titles.

Third party agreements are required, particularly from pastoralists and native title holders. These are being sought by the proponent through separate and confidential commercial negotiations.

A summary of tenure approvals required for both mining operations and waste storage and isolation operations is provided in Table 4-1 and in Table 4-2 respectively.



Table 4-1 Mining operation approval process

Facility	Tenure	Third parties	Process
Chandler Facility (mine site)	Mineral Lease Application 30612	Native Title Party Pastoralist	Native Title Act right to negotiate Minerals Title Act
Apirnta Facility (mineral transit)	Ancillary Mineral Lease (Section 40(1)(b)(ii) of MTA)	Native Title Party Pastoralist	Native Title Act right to negotiate Minerals Title Act
Chandler Haul Road (mineral transit)	Access Authority	Native Title Party Pastoralist	Native Title Act right to negotiate Minerals Title Act
Access to Chandler Facility from Maryvale Road	Access Authority	Native Title Party Pastoralist	Native Title Act right to negotiate Minerals Title Act

Table 4-2 Waste storage and isolation approval process

Facility	Tenure	Third parties	Process
Chandler Facility (mine site)	Crown lease term convertible to either freehold or a Crown Lease in Perpetuity	Native Title Party Pastoralist	<ul style="list-style-type: none"> Indigenous Land Use Agreement (ILUA) Surrender
Apirnta Facility (mineral transit)	Crown lease term convertible to either freehold or a Crown Lease in Perpetuity	Native Title Party Pastoralist	<ul style="list-style-type: none"> Indigenous Land Use Agreement (ILUA) Surrender
Chandler Haul Road (mineral transit)	Crown lease term convertible to either freehold or a Crown Lease in Perpetuity	Native Title Party Pastoralist	<ul style="list-style-type: none"> Indigenous Land Use Agreement (ILUA) Surrender
Access to Chandler Facility from Maryvale Road	Crown lease term convertible to either freehold or a Crown Lease in Perpetuity	Native Title Party Pastoralist	<ul style="list-style-type: none"> Indigenous Land Use Agreement (ILUA) Surrender

4.1.4 Existing interests and stakeholders

The proponents existing interests relating to the Proposal include the Maryvale and Henbury estates as well as all Native Title Parties. Key government and non-government organisations are also important stakeholders during pre-development, construction, operation, closure and rehabilitation of the Proposal.

- **Maryvale pastoral lease** (NT Portion 810 PPL 1063) – Maryvale underlays the proposed Chandler Facility. It also underlays the Chandler Haul Road and access from Maryvale Road. The pastoral lease includes water bodies within the boundaries of the pastoral lease, though the *Water Act (NT)* regulates watercourses.
- **Henbury pastoral lease** (NT Portion 657, PPL 1094) – Henbury underlays the proposed rail siding and Apirnta Facility, part of the Chandler Haul Road, and all of the Henbury Access Road. The



pastoral lease includes water bodies within the boundaries of the pastoral lease, though the *Water Act (NT)* regulates watercourses.

- **Native Title Parties** – the Native Title Parties are the Registered Native Title Claimants or the Registered Native Title Body Corporate. There is currently one registered Native Title Claim on the Maryvale pastoral lease and the Henbury pastoral lease. This has triggered the formal processes of the Commonwealth *Native Title Act 1993*. The Central Land Council (CLC) will lodge native title claims in response to notifications of the proposed grant of mining leases. In addition, the CLC may also lodge native title claims in relation to all areas affected by the Proposal's operations.
- **Department of Lands Planning and Environment (DPIR, NT Government)** – the department charged with administration of the *Crown Lands Act (NT)* from which the proponent seeks the grant of tenure.
- **Department of Primary Industry and Resources** – (DPIR, NT Government) – the department administering the MTA and MMA which will govern the mine operations.
- **Environment Protection Authority** – (NT EPA, NT Government) - the department administering the *Environmental Assessment Act (NT)* (EA Act) and the *Waste Management Pollution Control Act (NT)* (WMPC Act).
- **Genesee and Wyoming Australia** – operators of the Adelaide to Darwin Railway line and holders of sub-leases for the rail line and easement of land immediately adjacent to the rail infrastructure.

4.2 Approval process summary

Environmental desktop studies, field investigations and detailed analysis of environmental data for the EIS have occurred between 2013 and 2016. These studies have been necessary in order to address various sections of environmental legislation and regulations which are used to approve and/or licence the Proposal.

The Proposal will involve the proponent seeking approvals, licenses and permits from both the Commonwealth and NT Government. In summary, the key approval and licensing requirements for the Proposal fall under the administration of:

- The Australian Minister for the Environment under the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Environment Protection and Biodiversity Conservation Regulations 2000.
- The NT Minister for Mines and Energy under the provisions of MMA, specifically Section 82 of the MMA. The Mining Management Regulations (MN Regulations) are also relevant to the Proposal.
- The NT Minister for the Environment under the following legislation:
 - EA Act and Environmental Assessment Regulations (EA Regulations) and the Environmental Assessment Administrative Procedures.



- WMPC Act and Waste Management Pollution Control Regulations. The WMPC Act deals with the granting of any licences and/or permits for storage, transportation or discharge of material.

The Minister agreed that a single draft EIS and Supplementary EIS be prepared for the purposes of the above stated approvals processes. Figures 4-1 and 4-2 summarise the approvals process.

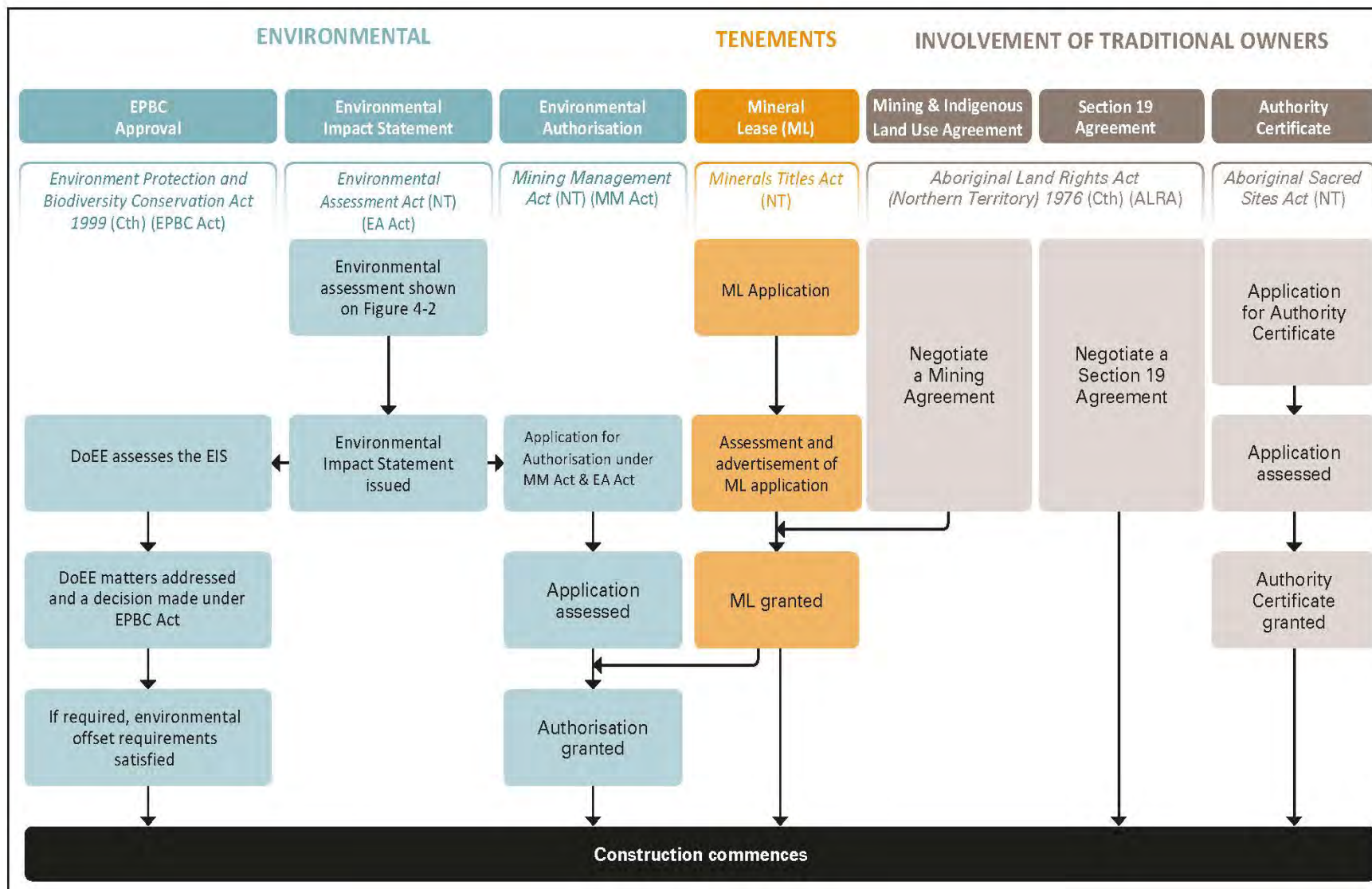


Figure 4-1 Approval process (environmental, tenements and Traditional Owners)

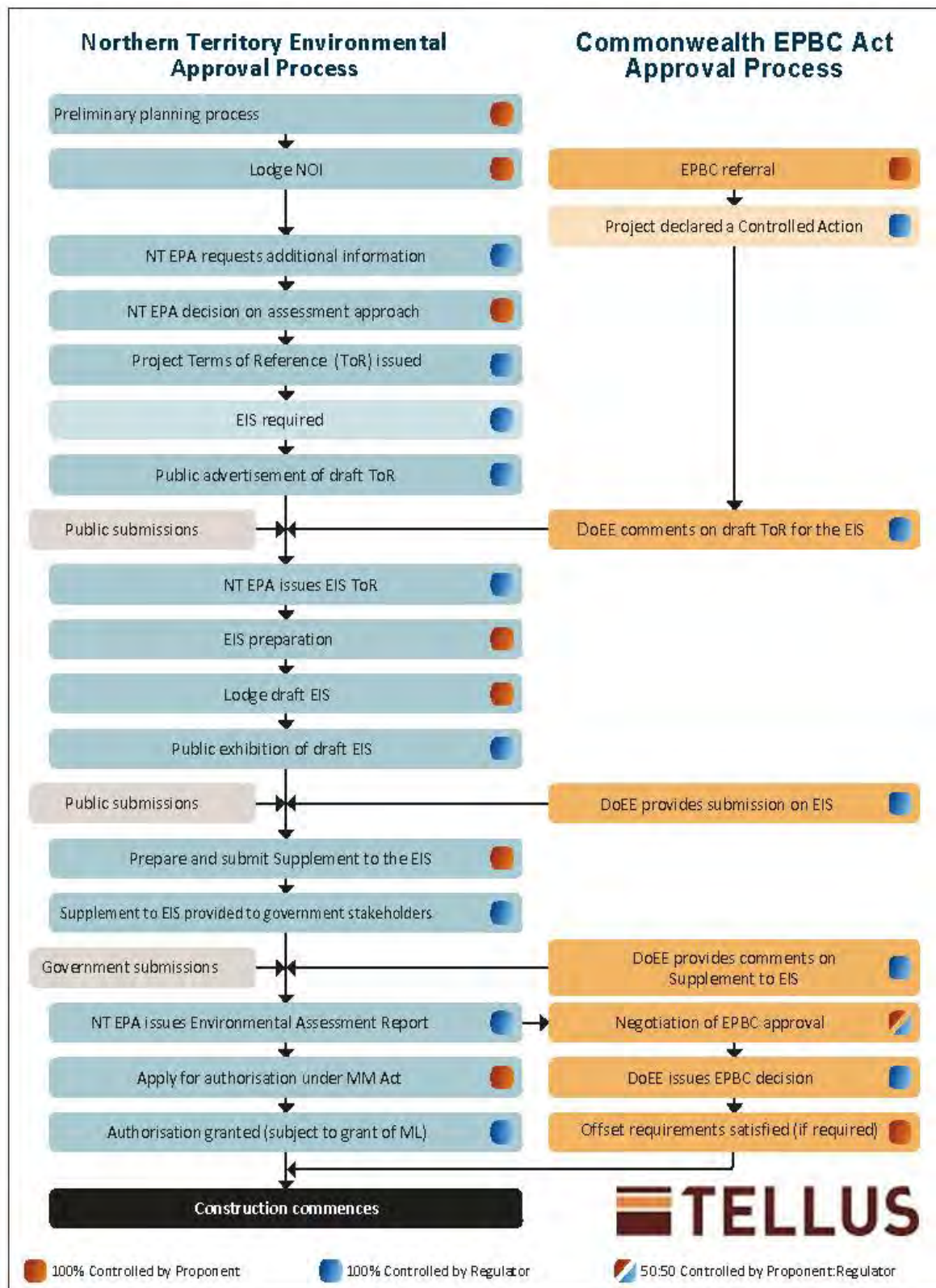


Figure 4-2 Approval process (EIS)



4.3 Commonwealth approvals

4.3.1 Approvals legislation

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection Biodiversity Conservation Act* (EPBC Act) facilitates national environmental assessment and approvals, protects biodiversity and integrates the management of important natural and cultural places. Under the provisions of the EPBC Act, actions that are likely to have a significant impact on a Matter of National Environmental Significance (MNES), are subject to a detailed assessment and approvals process.

The Proposal was referred to the DoEE in December 2012 due to the potential for the proposed action (the Proposal) to have a significant impact on Matters of National Environmental Significance (MNES). In February 2013, the DoEE determined that the proposed action was a controlled action and required assessment under the EPBC Act. In April 2016, the Proposal was varied and the DoEE was notified. Following review of the variation, the Federal Minister for the Environment determined the Proposal to be a 'controlled action' under the EPBC Act.

Of the seven MNES identified under the EPBC Act, one was identified as controlling provision for the Proposal. This was listed threatened species and communities (sections 18 and 18A). The potential impacts on this controlling provision is discussed in Chapter 7.

The bilateral agreement between the Australian Government and the NT allows a single EIS to be undertaken under the EA Act and the *Environmental Assessment and Administrative Procedures* and for each jurisdiction (the NT and Commonwealth) to consider the results from such assessment and suggest conditions (in the case of the NT) or impose conditions (in the case of the Commonwealth).

The matters to be addressed by an EIS under the EPBC Act are listed under Schedule 4 of the *Commonwealth Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).

Native Title Act 1993

The *Native Title Act 1993* provides for the recognition and protection of native title and contains processes for effecting native title claims. The *Native Title Act* also sets out processes by which native title rights are established, protected and compensation determined, in addition to facilitating Indigenous Land Use Agreements (ILUA's) between native title parties and other interest holders.

The proponent's MLA including its associated infrastructure is subject to the outcomes of a current application in this matter.



Aboriginal Land Rights (Northern Territory) Act 1976

The *Aboriginal Land Rights Act* (ALR Act) provides for the granting of Traditional Aboriginal Land in the NT for the benefit of Aboriginal people, and for other purposes.

Section 46 of ALR Act requires a proponent to enter into an agreement with the Central Land Council (CLC) (representing the Traditional Aboriginal Owners) before the mineral lease can be granted.

The agreement, under section 46, stipulates the parties must adhere to the terms and conditions to which the grant of the mineral lease will be subject and the minister has consented, in writing, to the grant of the mining interest. Such an agreement has been entered into with the CLC and negotiations in good faith continue.

Hazardous Waste (Regulation of Exports and Imports) Act 1989

The Commonwealth Government implements its Basel Convention responsibilities through the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*¹ (the “Hazardous Waste Act”), which regulates (via a permitting system) movement of hazardous wastes in and out of Australia.

The object of the Hazardous Waste Act is to:

“... regulate the export, import and transit of hazardous waste to ensure that exported, imported or transited waste is managed in an environmentally sound manner so that human beings and the environment, both within and outside Australia, are protected from the harmful effects of the waste.”

Key aspects to be considered are:

- The definition of ‘waste’ (Section 4, p.9 of *Hazardous Waste Act*).
- The definition of ‘disposal’ (Section 4, p.5 of *Hazardous Waste Act*).
- The definition of ‘hazardous waste’ (Section 4, p.5 of *Hazardous Waste Act*).
- The definition of environmentally sound management (ESM) (Section 4E, p.14 *Hazardous Waste Act*).
- Facilities within Australia that may provide management alternatives for the hazardous waste.

With regard to the last point, Section 17(5) (p.32) of the Hazardous Waste Act allows for a permit to be refused on the basis of the existence of a facility in Australia, if a waste’s management in such a facility is consistent with ESM and can be done “safely and efficiently”. Section 17(5) of the Hazardous Waste Act says, specifically:

“(5) The Minister may decide not to grant the permit if the permit sought is a Basel export permit and the Minister thinks that:

¹ <https://www.environment.gov.au/protection/hazardous-waste/about>



- (a) the hazardous waste could be disposed of safely and efficiently by using a facility in Australia; and*
- (aa) such a disposal would be consistent with the environmentally sound management of the waste; and*
- (b) having regard to the desirability of using facilities in Australia for the disposal of hazardous waste, the waste should be disposed of by using that facility rather than in accordance with the export proposals.”*

ESM is defined in the Act as:

“A reference in this Act to the environmentally sound management of hazardous waste is a reference to taking all practicable steps to ensure that the waste is managed in a manner that will protect human health, and the environment, against the adverse effects that may result from the waste.”

Both sections 17(5) and 4E are important in any export permit deliberations by the Australian Government once the Chandler facility is operational, as a strong case exists to argue that salt repository is both “safe and efficient” and consistent with “environmentally sound management”.

4.3.1 Other relevant legislation

Hazardous waste in Australia is regulated at the state/ territory level, addressing risks arising from generation, workplace health and safety, transport, treatment and disposal. Increasingly, the Commonwealth Government has taken an overarching role in coordination, consistency and prioritising areas of policy intervention at a national level, in concert with states and territories.

Prior to the commencement of construction and operation, a number of other approvals would be required for the Proposal. These approvals are listed in alphabetical order in Table 4-3. This list of approvals and legislative requirements is indicative of the types of approvals that may be required for the Proposal. It is a summary and not an exhaustive list.

4.3.2 Policies and codes of practice

National policies and codes of practice have been considered in assessing the Proposal. A summary, rather than an exhaustive list of these policies and codes of practice, is presented in Table 4-4.



Table 4-3 Commonwealth legislation, regulation and policies

Legislation	Purpose / objective	Relevance	Legislation requirements and approvals	Administering agency
<i>Australian Jobs Act 2013</i>	The main objective of this Act is to support the creation and retention of Australian jobs by (a) requiring Australian Industry Participation plans for major projects.	The Proposal must prepare an Industry Participation Plan that meets the requirements under the Act.	Australian Industry Participation Plan and Agreement under section 18, 19 or 20.	Commonwealth Government
<i>National Greenhouse and Energy Reporting Act 2007</i>	To establish a national framework for corporations to report greenhouse gas emissions, reduction, removals and offsets, and energy consumption and production.	The Proposal will report greenhouse gases emissions and offsets it may achieve over life of operations.	Requirement to report greenhouse gas emissions and energy production and consumption.	Department of Environment and Energy (DoEE)
<i>National Environment Protection Council Act 1994</i>	To ensure that people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise wherever they live; and that business decisions are not distorted and markets are not fragmented by variations in major environment protection initiatives between member governments.	Air Quality National Environment Protection Measures (NEPMs) and Movement of Controlled Waste NEPM have been adopted for the Proposal.	Requirement to comply with compulsory reporting.	National Environmental Protection Council
<i>Biosecurity Act 2016</i>	An import permit is required to import goods, containers and vessels into Australia that pose a biosecurity risk. All vessels are required to arrive at a First Point of Entry location unless an exemption is approved before arrival. Certain goods must be unloaded on these sites.	The Department of Agriculture and Water Resources regulates imported goods, containers and vessels under the <i>Biosecurity Act 2015</i> . The Act replaced the <i>Quarantine Act 1908</i> on 16 June 2016.	<i>Biosecurity Act 2016</i>	Department of Agriculture and Water Resources
<i>Customs Act 1901</i>	The Australian Government controls the import and export of certain goods. Restricted goods require written permission (a permit) from	Import of goods	All imported goods with a value greater than AUD \$1,000 are liable for duties, taxes and charges unless an exemption or	Australian Government



Legislation	Purpose / objective	Relevance	Legislation requirements and approvals	Administering agency
	relevant authorities in order to import or export those goods		concession applies. Certain goods (like tobacco, tobacco products or alcoholic beverages) are liable for duties, taxes and charges regardless of their value	
<i>Australian Radiation Protection and Nuclear Safety Act 1998.</i>	To accept NORM waste at exempt levels.	The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) regulates radioactive activities with direct Commonwealth involvement under the Australian Radiation Protection and Nuclear Safety Act 1998.	To accept NORM waste at exempt levels.	ARPANSA



Table 4-4 National policies and codes of practice

Policy/code of practice	Purpose/objective	Relevance
Inter-governmental Agreement on the Environment 1990	To unify federal and state and territory governments’ regulations and processes relating to environmental matters, through the development of complementary legislation, regulations and guidelines.	The Proposal requires joint assessment and approval from the Australian and NT Government.
National Environment Protection Measures (NEPMs) – Ambient Air Quality, National Pollutant Inventory, Movement of Controlled Waste, Used Packaging Materials, Assessment of Site Contamination, Diesel Vehicle Emissions and Air Toxics	NEPMs are broad framework setting statutory instruments which outline agreed national objectives for protecting or managing particular aspects of the environment.	Air Quality National Environment Protection Measures (NEPMs) and Movement of Controlled Waste NEPM have been adopted for the Proposal.
National Strategy for Ecologically Sustainable Development 1992	To develop and maintain ecological processes on which life depends. Specific objectives related to mining include ensuring mine sites are rehabilitated and managed in accordance with appropriate standards.	The principles of ecologically sustainable development are relevant to the Proposal Specific requirements of the ecologically sustainable development guiding principles are discussed in Chapter 20
National Greenhouse and Energy Reporting System (NGERS)	To establish national mandatory reporting requirements (under the Greenhouse and Energy Reporting Act 2007) for greenhouse gas emissions, reductions, removals and offsets, and energy consumed and produced. The NGERS framework is also the basis of the Australian Emissions Trending Schedule (now called the Carbon Pollution Reduction Scheme).	Operation of the Proposal would result in greenhouse gas emissions. Measures to reduce emissions and balance net outcomes are discussed in Chapter 18.
National Waste Policy	Provides for a coherent, efficient and environmentally responsible approach to waste management in Australia. Places emphasis on waste reduction, recycling and reuse.	The Proposal has been developed with consideration of the National Waste Policy. If implemented, the Proposal would support the following key areas of the policy: <ul style="list-style-type: none"> - ‘Improving the market — efficient and effective Australian markets operate for waste and recovered resources, with local technology and innovation being sought after internationally’. - ‘Reducing hazard and risk — Reduction of potentially hazardous content of wastes with



Policy/code of practice	Purpose/objective	Relevance
		<p>consistent, safe and accountable waste recovery, handling and disposal’.</p> <p>- ‘Tailoring solutions — Increased capacity in regional, remote and Indigenous communities to manage waste and recover and re-use resources’.</p>
<p>Australian Groundwater Modelling Guidelines</p>	<p>The <i>Australian Groundwater Modelling Guidelines</i> (NWC 2012) were developed to provide a consistent and sound approach for the development of numerical groundwater flow modelling in Australia.</p>	<p>As per the Terms of Reference, a site conceptual model has instead been developed and is presented in Section 8. The site conceptual model has been developed in accordance with the Australian Modelling Guidelines (NWC 2012).</p>
<p>National Water Quality Management Strategy and National Water Initiative</p>	<p>To achieve sustainable use of water resources by protecting and enhancing their quality and to improve water management while maintaining economic and social development.</p>	<p>Relevant to water supply options for the Proposal.</p>
<p>National Strategy for the Conservation of Australia’s Biological Diversity</p>	<p>To protect biological diversity and maintain ecological processes and systems.</p>	<p>Native vegetation would be cleared during construction of the Proposal. Mitigation and management measures would be implemented to reduce impacts on biological diversity and maintain ecological processes (refer to Chapter 7).</p>
<p>National Framework for the Management and Monitoring of Australia’s Native Vegetation</p>	<p>To reverse the long term decline in native vegetation, conserve and restore native vegetation, and retain, enhance and improve the condition of existing native vegetation.</p>	<p>Native vegetation would be cleared during construction of the Proposal. Mitigation and management measures would be implemented to reduce impacts on native vegetation including ensuring that vegetation clearing is kept to a minimum (refer to Chapter 7).</p>



4.4 Northern Territory approvals

4.4.1 Approvals legislation

Environmental Assessment Act

The environmental assessment process is administered under the EA Act and through the *Environmental Assessment Administrative Procedures*.

In November 2012, a Notice of Intent for the Proposal was submitted to the NT EPA. In March 2013, the NT EPA determined that the Proposal required assessment under the EA Act at the level of an EIS. *Final Guidelines for the Preparation of an Environmental Impact Statement* (referred to as the “EIS Guidelines”) were issued by the NT EPA on 19 July, 2013. A period of three years was set to submit the EIS.

In April 2016, both the NT EPA and DoEE were notified that changes had been made to the Proposal. The changes involved the removal of some previously proposed infrastructure (mine site surface processing plant; airstrip; specialty salt processing and packing plant with training school and visitor centre; crystallisation and evaporative ponds; wet processing of salt; and storage and transfer facilities in Darwin and Alice Springs) thereby reducing the footprint of the Proposal. The changes also involved a change to, or addition of, the following infrastructure:

- Change of access from the Stuart Highway to the proposed rail siding (and proposed Apirnta Storage and Transfer Facility). Rather than using Maryvale Road, an existing access road located on the Henbury Station would be upgraded and used as the primary access road to the Apirnta Storage and Transfer Facility from the Stuart Highway (the Henbury Access Road). This change in access was made due to significant health and safety concerns regarding the use of Maryvale Road.
- Change to storage processing (in addition to the emplacement of solid wastes, it is proposed to permanently isolate some waste types by hydraulic backfill).
- Addition of a helicopter pad (a helicopter pad would be constructed in lieu of the previously proposed airstrip).
- Addition of a storage and transfer facility located adjacent to the proposed rail siding (the Apirnta Storage and Transfer Facility capable of storing approximately 400,000 tonnes of waste).

In addition to the above changes in infrastructure, the capital investment increased from \$200 million to \$644 million. The number of jobs created during construction also increased from 267 to 350 and the number of jobs created during operation increased from 66 to 160.

In May 2016, the NT EPA determined that the changes to the Proposal were broadly allowed for by the EIS Guidelines issued in July 2013. Several additional matters pertaining to the proposed hydraulic backfilling method, the rail siding and the Apirnta Facility were, however, required to be addressed. This decision was supported by the DoEE in June 2016.



In June 2016, a six month extension was requested on the timeframe for submitting the EIS. This extension was granted with the proviso that new guidelines would be issued and subject to public exhibition. In September 2016, the new Terms of Reference were issued by the NT EPA (refer to Appendix A).

This draft EIS has been prepared to address the requirements set out in the Final Terms of Reference issued by the NT EPA under the EA Act in September 2016. The EIS will be submitted to the NT EPA and the DoEE for assessment in accordance with relevant legislation and the requirements of the EA Act and the associated *Environmental Assessment Administrative Procedures*.

Mining Management Act

The *Mining Management Act* (MMA) and associated Regulations, regulate mining activities and the management of mining sites. The objectives of the MMA and regulations are to ensure the development of mineral resources in the NT is in accordance with the best practice health, safety and environmental standards and to protect the environment and health and safety of all persons on mining sites. The legislation is administered by the DPIR.

An operator of a mining site that proposes to undertake works that would cause “substantial disturbance” (as defined in the MMA) requires an authorisation under the MMA (Section 35).

The Proposal lies within EL29018 and MLA30612. An application for an authorisation must be accompanied by an operational Mine Management Plan (MMP) (section 36). The MMP must describe the mining activities proposed and management systems to protect the environment, health and safety, details of ownership, plans for the mine workings and infrastructure, and a plan and costing of closure activities (section 40).

The proponent will submit a MMP compliant with the MMA. It will describe:

- Proposed mining activities.
- Company structure.
- Management systems to be implemented for environmental, health and safety aspects.
- Closure plans.

The proponent for the Proposal would comply with the MMP in force for the site. Pursuant to section 37 of the MMA, the proponent would make an Environmental Mining Report available to the public at intervals not exceeding 12 months.

In addition, under section 43 of the MMA, the proponent for the Proposal would provide a financial security bond to the Minister for the purposes of securing costs and expenses in the event the Minister requires action to be taken to prevent, minimise or rectify environmental harm.



Minerals Title Act

The MTA and associated Regulations establish a framework for granting and regulating mineral titles that authorise exploration for, and extraction and processing of, minerals and extractive minerals; to facilitate the commercialisation of activities conducted under mineral titles by authorising the creation and transfer of interests in the titles; and to authorise other activities relating to minerals or extractive minerals to be conducted without mineral titles.

The proponent requires a mineral lease for the Proposal under the MTA. A mineral lease can only be granted if the Minister for Primary Industry and Resources is satisfied the proponent has obtained the permission, consent or agreement required under the ALR Act section 74(1).

The proponent for the Proposal has lodged a MLA under section 41 and 66 of the MTA including but not limited to:

- A description of the land comprising the proposed title area of the mining lease.
- Evidence of an ore body of likely economic value in the proposed title area.
- A summary of the work proposed to be carried out for conducting authorised activities under the mining lease.

Where appropriate, the proponent will report activities conducted under the mineral lease and, will require written consent if it wishes to disturb improvements on land in the title area, or damage, or otherwise disturb a Territory or Council road.

Waste Management Pollution Control Act

The *WMPC Act* and associated Regulations is to provide for the protection of the environment through encouragement of effective waste management and pollution prevention and control practices. It facilitates the implementation of national environment protection measures under the *National Environmental Protection Council (Northern Territory) Act*.

An approval is required if a proposal involves “storing, recycling, treating or disposing of listed wastes on a commercial basis.” A licence is required if a proposal involves any activities listed under Schedule 2 of the Act including “collecting, transporting, storing, recycling, treating or disposing of listed wastes on a commercial basis.”

Separate environmental protection approval and environmental protection licence would be required for storing/disposing of waste.

Work Health and Safety (National Uniform Legislation) Act

The objective of the *Work Health and Safety (National Uniform Legislation) Act* is to provide a balanced and nationally consistent framework for the health and safety of workers and workplaces. This Act applies to all facets of the proposal at the proposed Apirnta and Chandler Facilities.



The Act and its associated Regulations, provide the proponent with guidance as to how works and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risk arising from work or from specified types of substances and/or plant.

Work Health and Safety (National Uniform Legislation) Regulations (WHS Regulations) 536, 537 and 547 require those Operators and proposed Operators to notify, or re-notify, the Regulator depending on the circumstance when they exceed or propose to exceed, or are likely to exceed 10% of the threshold quantities of hazardous chemicals listed within Schedule 15 of the WHS Regulations.

The WHS Regulations require that notification be made in accordance with Part 9.2 of the Regulations, in particular Regulation 538 dealing with the content of the notification.

Regulation 548 requires the new operator of the determined major hazard facility to give the Regulator a notification that contains information specified in Regulation 538(2) in relation to the proposed new operator.

Water Act

The *Water Act* provides for the investigation, allocation, use, control, protection, management and administration of surface and groundwater resources, as well as the administrative process for licensing these activities and related purposes.

Pursuant to section 7 of the *Water Act*, mining activities (as defined by the MM Act) or another activity for a purpose ancillary to that mining activity, including the use of water as drinking water, are exempt from a number of provisions of the Act, including Parts 5 and 6 regarding surface water and groundwater, respectively. However, the proponent proposes to take and use water outside the boundaries of NT a water control district but will still apply for a licence to take or use water under section 45.

The *Water Act* also control the issue of waste discharge licences. Where required, the proponent would apply for a licence under the *Water Act* for the discharge of any potentially contaminated mine waters from its tenements.

Heritage Act

The *Heritage Act* provides a system for the identification, assessment, protection and conservation of the Territory's natural and cultural heritage. Such heritage includes fossils, buildings, gardens, ruins, archaeological sites, landscapes, ecosystems, coastlines, plant and animal communities.

The *Heritage Act* provides protection for any heritage places or objects (European or Aboriginal). Under the Act, if any archaeological places or objects are to be disturbed, permission must be sought from for an approval (a work approval) to carry out work on a heritage place or object. An application can only be made with the consent of the owner of the place or object (the relevant Land Trust).

The proponent has conducted a thorough search of the public register (section 139) to identify archaeological sensitivity in the area of its proposed mining operations. In addition, the



development envelope was surveyed for the presence of Aboriginal and non-Aboriginal archaeological sites with the assistance of Traditional Owners. The archaeological heritage assessment was undertaken by Ninti One, specialist Heritage consultants (refer to Chapter 10).

4.4.2 Summary of Northern Territory approvals for mining operations

As described in Chapter 3, the Proposal has a number of Facilities which have different tenure and require ongoing consultation with third parties. Table 4-5.

Table 4-5 Summary of Facility tenure and agreements to be reached for mining operations

MINING OPERATION			
Facility	Tenure	Third Parties	Process
Mine Site	Mineral Lease Application 30612	1. Native Title Party 2. Pastoralist	1. NTA – right to negotiate 2. MTA – may object, consent not required
Rail Siding (Mineral Transit)	Ancillary Mineral Lease (section 40(1)(b)(ii) of MTA)	1. Native Title Party 2. Pastoralist	1. NTA – if section 24MD(6B) applies, right to notice and object 2. MTA – may object, consent not required
Access to the Rail Siding (Mineral Transit)	Access Authority	1. Native Title Party 2. Pastoralists	1. NTA – s24MD(6A) must not unreasonably refuse consent 2. MTA – notice required
Access to the Mine Site from Maryvale Road	Access Authority	1. Native Title Party 2. Pastoralist	1. NTA – s24MD(6A) must not unreasonably refuse consent 2. MTA – notice required

4.4.3 Summary of Northern Territory approvals for waste storage, recovery and waste isolation operations

Similarly, to proposed mining operations, the waste storage, recovery, isolation business would require tenure, consultation with third parties. Table 4-6 summaries these aspects and lists the necessary process and what course of action may be applicable to the tenement should, in the unlikely event, third party agreements cannot be reached.



Table 4-6 Summary of Facility tenure and agreements to be reached for waste management operations

WASTE STORAGE OPERATION				
Facility	Tenure	Third Parties	Process	NTG Acquisition Process (if NO agreement with Third Parties)
Waste Storage Site	Crown Lease Term (“CLT”) convertible to either freehold or a Crown Lease in Perpetuity (“CLP”)	1. Native Title Party 2. Pastoralist	1. ILUA 2. Surrender	1. NTA – right to negotiate, grant arbitrated at NNTT 2. LAA – possible Tribunal or Court compensation case
Rail Siding (Waste Transit)	CLT convertible to either freehold or CLP	1. Native Title Party 2. Pastoralist	1. ILUA 2. Surrender	1. NTA – right to negotiate, grant arbitrated at NNTT 2. LAA – possible Tribunal or Court compensation case
Access to the Rail Siding (Waste Transit)	CLT convertible to either freehold or CLP	1. Native Title Party 2. Pastoralists	1. ILUA 2. Surrender	1. NTA – right to negotiate, grant arbitrated at NNTT 2. LAA – possible Tribunal or Court compensation case
Access to the Waste Storage Site from Maryvale Road	CLT convertible to a CLP	1. Native Title Party 2. Pastoralist	1. ILUA 2. Surrender	1. NTA – right to negotiate, grant arbitrated at NNTT 2. LAA – possible Tribunal or Court compensation case

4.4.4 Documents and interested parties

Table 4-7 summarises what documentation would be required against various Acts and Regulations for different activities of the Proposal. Interested parties and relevant key stakeholders are also listed. Where appropriate, commentary is provided for further information.

4.4.5 Other relevant legislation

Prior to the commencement of construction and operation, a number of other approvals would be required for the Proposal. These approvals are listed in alphabetical order in Table 4-5. This list of approvals and legislative requirements is indicative of the types of approvals that may be required for the Proposal. It is a summary and not an exhaustive list.

4.4.6 Policies and codes of practice

NT policies and codes of practice have also been considered in assessing the Proposal. A summary of these policies and codes of practice, is presented in Table 4-6.



Table 4-7 Required documents and parties involved

Document	Parties	Comments
<p>Title under the <i>Mineral Title Act</i> including:</p> <ul style="list-style-type: none"> • Mineral lease. • Ancillary mineral lease (for accommodation facilities). • Ancillary mineral lease (for the rail-siding and other infrastructure such as the solar plant); • Access authority (access to the site from Maryvale road). • Access Authority for haul road from mine to rail siding. • Possible Extractive Mineral Permits for construction materials for access/haul roads. 	<ul style="list-style-type: none"> • DPIR. • The proponent. 	-
<p>Land tenure including:</p> <ul style="list-style-type: none"> • Surrender of pastoral lease over site. • Possible Crown lease or freehold granted under the <i>Crown Lands Act</i> for the site (surface and volumetric sub-surface). • Easement/Crown lease/freehold title for haulage road to the railway. 	<ul style="list-style-type: none"> • DPIR. • The proponent. • registered owners of Maryvale and Henbury Stations. 	The proponent would seek an Access Authority which is an easement under the Mineral Titles Act. This could later be converted to a Crown Lease or Freehold.
<p>Licences under the <i>Mining Management Act</i> including:</p> <ul style="list-style-type: none"> • An authorisation and approved mining management plan. 	<ul style="list-style-type: none"> • DPIR • The proponent. 	-
<p>Licences under the <i>Waste Management and Pollution Control Act</i> including:</p> <ul style="list-style-type: none"> • Environmental protection approvals. • Environmental protection licences. 	<ul style="list-style-type: none"> • NT EPA • The proponent. 	-
<p>Licences under the <i>Water Act</i> including:</p> <ul style="list-style-type: none"> • Underground waste disposal licence. • Licence to take ground water. 	<ul style="list-style-type: none"> • Territory (through the Controller of Waters in DENR). • The proponent. 	DPIR can issue approval for water extraction but not a discharge licence.
<p>Environmental Assessment from the NT EPA including:</p>	<ul style="list-style-type: none"> • The proponent. 	-



Document	Parties	Comments
<ul style="list-style-type: none"> This EIS 	<ul style="list-style-type: none"> NT EPA 	
<p>Approvals under the <i>Planning Act</i> and the <i>Building Act</i> (if necessary) including:</p> <ul style="list-style-type: none"> Development consent (subdivision). Possible exceptional development permit. Occupancy permits. 	<ul style="list-style-type: none"> DPIR. The proponent. 	-
<p>Approvals under the <i>Dangerous Goods Act</i> and the <i>Work Health and Safety (National Uniform Legislation) Act</i> including:</p> <ul style="list-style-type: none"> Major hazard facility licence (supported by a Safety Case). Dangerous goods licence. 	<ul style="list-style-type: none"> Territory (through NT WorkSafe) The proponent 	-
<p>Compliance with the:</p> <ul style="list-style-type: none"> <i>Environmental Protection Biodiversity and Conservation Act 1999</i> (Cth). National Greenhouse and Energy Reporting Act 2007 (Cth) and reporting requirements. The NT <i>Environmental Assessment Act</i>. The Heritage Act (in undertaking clearances etcetera). The NT <i>Sacred Sites Act</i> (and the grant of an authority certificate). 	<ul style="list-style-type: none"> The proponent. 	-
<p>Miscellaneous approvals including:</p> <ul style="list-style-type: none"> Registration as a food business under the NT <i>Food Act</i> (and other licences). Registration under the NT <i>Public and Environmental Health Act</i> such as licences or approvals for waste disposal (both landfill, wastewater and sewerage) and accommodation facilities. Liquor licence under the NT <i>Liquor Act</i>. Agreement with Department of Infrastructure Planning and Logistics for use of Maryvale Road and intersection of mine access road with Maryvale Road. 	<ul style="list-style-type: none"> NT Government (through the Liquor Commission, the Chief Health Officer, Department of Health, DIPL and DENR). The proponent. 	-



Document	Parties	Comments
<p>Compliance with requirements of the Project Facilitation Agreement:</p> <ul style="list-style-type: none"> • Industry Participation Plan • Social Impact Management Plan • Community Benefits Plan 	<ul style="list-style-type: none"> • NT Government (Department of Chief Minister, Department of Business, DPIR). • The proponent 	-
<p>Agreement with registered native title claimants (if any) including:</p> <ul style="list-style-type: none"> • Co-operation and mining deed (includes royalty payments). • Section 31 agreement/tripartite deed under the <i>Native Title Act 1993</i> (Cth) to provide for the grant of mining tenure. • Section 31 agreement/tripartite deed under the <i>Native Title Act 1993</i> (Cth) to provide for the grant of freehold or crown lease on surface lands and waters. • Indigenous land use agreement for the grant of the land tenure. 	<ul style="list-style-type: none"> • Central Land Council. • The proponent • NT Government (through Department of Justice). 	-
<p>Construction contracts including:</p> <ul style="list-style-type: none"> • construction of the mine. • construction of the accommodation facilities. • construction of the haulage road, rail siding, landing strip etcetera. 	<ul style="list-style-type: none"> • Third parties. • The proponent 	-
<p>Operational contracts including:</p> <ul style="list-style-type: none"> • Road haulage, road transport and train loading agreement; • Rail freight/rail wagons rental agreement; • Mine operations/crushing/refining contract; • Bulk handling agreements. • Assaying contract. • Rail-siding agreement; • Shipping/stevedoring contracts. 	<ul style="list-style-type: none"> • Third parties. • The proponent. • Adelaide Port Corporation. 	-



Document	Parties	Comments
<p>Accommodation/workforce contractions including:</p> <ul style="list-style-type: none"> • Accommodation/messing agreements. • Agreements with the Territory to use prison workforce ('sentenced to a job'). 	<ul style="list-style-type: none"> • Third parties • The proponent 	-
<p>Customer contracts including:</p> <ul style="list-style-type: none"> • Long-term sale contracts for the sale of the salt; • Long-term storage contracts. 	<ul style="list-style-type: none"> • Third parties • The proponent 	-
<p>Due diligence report prepared for the financiers of the transaction in the approved form including:</p> <ul style="list-style-type: none"> • Review of all the documents listed above. • Review of the corporate documents of Tellus including the constitution, board minutes and ensuring the relevant documents were executed in accordance with the law/constitution. • Review of the existing financing arrangement and securities granted. • Review of the joint venture agreements (if any). • Obtaining responses from Territory departments and Commonwealth departments in relation to the search requests. • Undertaking searches of the land register, mineral titles register and litigation searches etcetera. • Representation letters from the relevant law firms. 		-



Table 4-8 Other relevant Northern Territory legislation

Legislation	Purpose/objective	Relevance	Legislation requirements and approvals	Administering agency
<i>Bushfires Act</i>	Provides the framework for managing bushfire in areas outside major towns in the NT.	Construction and operation of the Proposal may result in an increased incidence of bushfire.	No approvals or licenses required. Mitigation and management measures would be implemented to prevent bushfires. A bushfire management plan has been prepared for the Proposal (refer to Chapter 7).	Department of Environment and Natural Resources
<i>Control of Roads Act</i>	Provides process by which roads can be opened and closed.	Any public or gazetted roads that are required to be opened or closed during construction or operation of the Proposal. If so, this act applies.	No approvals or licenses required. Any public or gazetted roads that are required to be opened or closed during construction or operation of the Proposal would need to follow the provisions of the Act.	Department of Transport
<i>Crown Lands Act</i>	This <i>Crown Lands Act</i> relates to all Crown lands.	For proposed waste storage activities, this Act is applicable because the proposal would require land upon which that activity would be carried out to be converted to either a Crown Lease Term convertible to either freehold or a Crown Lease in Perpetuity.	ILUA and/or surrender of pastoral land.	Department of Lands, Planning and the Environment
<i>Dangerous Goods Act, Dangerous Goods Regulations, Dangerous Goods (Road and Rail Transport) Act and Dangerous Goods (Road and Rail Transport) Regulations</i>	To provide for the safe storage, handling and transport of certain dangerous goods.	Dangerous goods would be handled, stored and used during construction and operation of the Proposal.	Construction would require the use of explosives and, therefore, a license for the storage of explosives would be required. A license to keep or convey certain dangerous goods in excess of the relevant prescribed amounts would be required. In addition, a licence to transport dangerous	Department of Business (NT WorkSafe)



Legislation	Purpose/objective	Relevance	Legislation requirements and approvals	Administering agency
			goods by road or rail would be required.	
<i>Disasters Act, Fire and Emergency Act and Fire and Emergency Regulations</i>	To provide for the protection of life, property and the environment from the effects of disasters and emergencies, including fire.	Appropriate emergency response would be required during both construction and operation of the Proposal.	No approvals or licenses required. Construction and operation of the Proposal would be in accordance with the provisions of the Acts and Regulations, where applicable. An emergency response management plan would be prepared for the Proposal.	NT Counter Disaster Council and NT Fire and Rescue Service
<i>Pastoral Land Act</i>	To make provision for the conversion and granting of title to pastoral land and the administration, management and conservation of pastoral land, and for related purposes.	Under Division 3 of the Act, surrender of pastoral land to over which the Proposal applies. In this case on the Maryvale pastoral lease and Henbury pastoral lease.	Application to the Minister under section 62(1) to surrender the lease in exchange for a perpetual pastoral lease of the whole or specified part of the land the subject of the existing lease.	DLPE
<i>Soil Conservation and Land Utilisation Act</i>	For landholders/developers to make provision for the prevention of soil erosion and for the conservation and reclamation of soil.	Soil disturbance would occur during site preparation for the construction of the Proposal.	No approvals required. Mitigation and management measures would be implemented to prevent soil erosion (refer to Chapter 21).	Department of Environment and Natural Resources (DENR)
<i>Territory Parks and Wildlife Conservation Act and Territory Parks and Wildlife Conservation Regulations</i>	To make provision for the study, protection, conservation and sustainable utilisation of wildlife. This includes declaration and control of feral animals.	Construction and operation of the Proposal may result in the introduction of pest or feral species.	No approvals required. Mitigation and management measures would be implemented to prevent the introduction of pest or feral species (refer to Chapter 21).	Parks and Wildlife Commission of the NT
<i>Traffic Act and Traffic Regulations</i>	To regulate traffic and include provisions in relation to the erection and operation of traffic control devices.	Construction and operation of the Proposal may require the erection and operation of traffic control devices.	Consent would be required prior to the erection and operation of traffic control devices if required during construction and operation of the Proposal.	Department of Transport



Legislation	Purpose/objective	Relevance	Legislation requirements and approvals	Administering agency
<i>Weeds Management Act and Weeds Management Regulations</i>	To protect the economy, community, industry and environment from the adverse impact of weeds.	Construction and operation of the Proposal may result in the introduction of weed species.	No approvals required. Mitigation and management measures would be implemented to prevent the introduction of weed species including the preparation of a weed management plan (refer to Chapter 21).	DENR
<i>Work Health and Safety (National Uniform Legislation) Act and Work Health and Safety (National Uniform Legislation) Regulations</i>	To promote occupational health and safety.	Construction and operation of the Proposal would present health and safety risks.	A licence may need to be obtained to perform certain work. There may also be notification requirements for certain work and a need to register certain items of plant. Mitigation and management measures would be implemented to prevent occupational health and safety risks, including the implementation of a Safety Case.	Department of Business (NT WorkSafe)



Table 4-9 Territory policies, guidelines, standards and codes of practice

Policy/code of practice	Purpose/objective	Relevance
NT EPA Waste Management Strategy for the Northern Territory 2015-2022	Provides a basis for understanding and improving the management of waste to reduce the generation of waste, increase rates of resource recovery and to minimise the environmental impacts caused by waste.	The Proposal would help to fulfil a number of the objectives for improving the management of waste and minimising the environmental impacts caused by waste. The Proposal would provide a best practice facility that would provide for the long-term storage and permanent isolation of hard to manage waste. In addition, the Proposal would be designed and managed to allow for future waste recovery opportunities.
NT Department of the Chief Minister Framing the Future	Sets a strategic plan for the future of the NT. It focuses on four strategic goals: a prosperous economy, strong society, balanced environment and confident future. It plans for an economy that creates wealth and jobs; is open, competitive and innovative; is built on exports and the needs of trading partners; lands new local, national and international investment; and captures the ideas, energy and opportunities across the NT.	The Proposal would help to fulfil a number of the objectives for building a prosperous economy in the NT. The Proposal would see the export of salt mined within the NT to customers both domestically and within Asia. The Proposal would also serve other growing sectors including the onshore and offshore oil and gas section and the mining, agricultural and manufacturing sectors in northern Australia. It would do so by providing a licensed facility capable of permanently storing waste materials generated by these industries.
Guidelines for the Preparation of an Economic and Social Impact Assessment	<p>These Guidelines provide advice to proponents on the NT EPA expectations for the assessment and management of economic and social impacts of development projects assessed under the EA Act. Adherence to these Guidelines will assist in achieving the following objectives:</p> <ul style="list-style-type: none"> • To document the economic and social impacts of a proposed development on the locality and region. • To mitigate negative economic and social impacts on the locality and region. 	The Terms of Reference required the proponent to assess potential socio-economic impacts. These guidelines were used in the preparation of the EIS Chapter.



Policy/code of practice	Purpose/objective	Relevance
	<ul style="list-style-type: none"> • To encourage development of new and/or expansion of existing businesses in the locality. • To foster sustainable development and community wellbeing. 	
<p>Guidelines for assessment of impacts on Terrestrial Biodiversity</p>	<p>These guidelines are provided so that proponents of development:</p> <ul style="list-style-type: none"> Have a clear understanding of what is required when they undertake an assessment of a project's impacts on biodiversity as required for a Public Environmental Report or an Environmental Impact Statement. Are able to focus their biodiversity assessments on significant impacts potentially caused by their projects, rather than an unfocused broad scale biodiversity survey of an area. Develop information sufficient to allow planning for mitigation of potential impacts and future rehabilitation of the development site. 	<p>The Terms of Reference required the proponent to assess potential impacts on biodiversity. These guidelines were used in the preparation of the EIS Chapter and specialist reports.</p>
<p>Guidelines for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory</p>	<p>Provides guidance to landfill operators, developers, planning authorities and regulatory bodies on the site selection, development, design, construction, operation, closure and post-closure management of municipal solid waste, and commercial and industrial (C&I) general waste landfill facilities</p>	<p>This document was used by the proponent for the planning of environmental approvals and licensing of the Proposal.</p>



Policy/code of practice	Purpose/objective	Relevance
	so that they can comply with the <i>Waste Management and Pollution Control Act</i> .	
Water Management Plan Guideline	The Water Management Plan is required to outline how environmental issues associated with surface and groundwater at a mine site will be managed through all aspects of the Proposal's approval period.	The Terms of Reference requires the proponent to draft a Water Management Plan.
Water Sampling Procedure	Details on sampling procedures for trace metals and chemical analysis.	The EIA for the Proposal involved water quality sampling involving third parties from remote locations. This document was used to guide those resources undertaking water sampling on behalf of the proponent.
AS/NZ ISO 31000:2009	Risk management – Principles and guidelines	Risk assessment prepared (see Chapter 6).



4.5 Local government requirements

4.5.1 MacDonnell Regional Council

The Proposal would be located within the MacDonnell Regional Council Local Government Area.

The Proposal would fall within Council's *Regional Management Plan – Central Australia Region*. The Regional Management Plan addresses key issues relating to local government in the region and includes resource sharing between local councils and regional development.

MacDonnell Regional Council also has a set of by-laws. The Proposal would operate under the by-laws which would apply.

4.6 Relevant international legislation or agreements

A multilateral environmental agreement (MEA) is a legally binding agreement between three or more countries relating to the environment. MEAs usually have their underpinnings in the United Nations, via the United National Environment Programme (UNEP). The agreements of primary interest to this Strategy are described below.

4.6.1 Basel Convention and its implementation in Australia

The *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*² (the 'Basel Convention') regulates the movement of hazardous wastes across international boundaries. Australia was a foundation signatory to it in 1992, when it came into force.

The Convention puts an onus on exporting countries to ensure that hazardous wastes are managed in an environmentally sound manner in the country of import. These obligations are placed on countries that are party to the Convention. One hundred and fifty-one countries have ratified the Basel Convention as at December 2002. The obligations are to:

- Minimise generation of hazardous waste.
- Ensure adequate disposal facilities are available.
- Control and reduce international movements of hazardous waste.
- Ensure environmentally sound management of wastes.
- Prevent and punish illegal traffic.

The Commonwealth Government implements its Basel Convention responsibilities through the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the 'Hazardous Waste Act'), which regulates (via a permitting system) movement of hazardous wastes in and out of Australia.

² <http://www.basel.int/Portals/4/Basel%20Convention/docs/text/BaselConventionText-e.pdf>



4.6.2 The Waigani Convention

Parties to the Basel Convention must not trade in hazardous wastes with non-Parties, but an exception to this is provided for in Article 11 of the Convention, whereby Parties may enter into specific agreements either with other Parties or with non-Parties.

The Waigani Convention (*Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region*) is one such agreement which entered into force in 2001.

The main effect of this Convention is to ban the import of all hazardous and radioactive wastes into Pacific Island Countries. Importantly, it also enables Australia to receive hazardous wastes exported from these countries, even in the event that they are not Parties to the Basel Convention. Lastly, it differs from the Basel Convention in that it also covers radioactive waste.

The convention has been ratified by Australia, Cook Islands, Fiji, Kiribati, Federated States of Micronesia, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

Waigani Convention approval processes would be necessary for import of wastes destined for Tellus facilities from non-Basel Pacific Island nations.

4.6.3 The Stockholm Convention

The Stockholm Convention on Persistent Organic Pollutants (POPs) (“the Stockholm Convention”), came into force on 17 May 2004. POPs are hazardous and environmentally persistent substances which can be transported between countries by the earth's oceans and atmosphere. POPs accumulate in living organisms and have been traced in the fatty tissues of humans and other animals.

The Stockholm Convention is an MEA that aims to protect human health and the environment from the effects of POPs. The Convention has a range of control measures to reduce and, where feasible, eliminate the release of POPs, including emissions of unintentionally produced POPs such as dioxins. The Convention also aims to ensure the sound management of stockpiles and wastes that contain POPs.

The Convention originally covered a list of 12 chemicals. This was expanded by a further 10 in 2009, followed by the listing of hexabromocyclododecane (HBCD) in 2013.

Chemicals covered by the Convention are listed either for elimination, restriction of use or preventing their unintentional manufacture. The Convention applies to chemicals, but Article 6, which deals with waste, specifically covers both stockpiles and items containing or contaminated with listed chemicals. No recycling, recovery or reuse options are allowed for these wastes, except where there is a specific exemption, such as for recycling of articles (like e-waste) containing bromodiphenyl ethers.



Disposal of these wastes generally needs to be in a manner which either destroys the chemical or irreversibly transforms it. However, the Convention allows some flexibility. Since Article 6 is about reducing or eliminating “releases from” wastes, rather than necessarily the wastes themselves, Article 6 1. (d) (ii) allows wastes to be

“... otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option...”

For POP wastes (such as potentially POP-contaminated biosolids) destruction (high temperature thermal processes) or irreversible transformation (chemical processes not well established for POPs at all, never mind in Australia) would be unlikely to be an ‘environmentally preferable option’ in Australia. Once Chandler is operational however, it is likely to meet the Convention’s definition of environmentally sound management, which is the same as the Hazardous Waste Act definition (see this report’s section 2.2.1).

There is no single piece of legislation implementing the Convention in Australia but various aspects are addressed in the Industrial Chemicals (Notification and Assessment) Act 1989, Customs (Prohibited Exports) Regulations 1958, Customs (Prohibited Imports) Regulations 1956, Agricultural and Veterinary Chemicals (Administration) Regulations 1956, the National Strategy for the Management of Scheduled Waste and various state and territory legislation.

4.6.4 The Minamata Convention on Mercury

The Minamata Convention on Mercury (the “Minamata Convention”) is a global treaty to protect human health and the environment from the adverse effects of mercury. It was agreed in January 2013.

The Convention draws attention to a global and ubiquitous metal that, while naturally occurring, has broad uses in everyday objects and is released to the atmosphere, soil and water from a variety of sources. Controlling the anthropogenic releases of mercury throughout its lifecycle has been a key factor in shaping the obligations under the convention.

The major aspects of the Minamata Convention include a ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector for artisanal and small-scale gold mining.

4.6.5 New Zealand legislation

New Zealand is a signatory to a number of multilateral environmental agreements (MEAs). Of these, three MEAs place obligations on New Zealand’s management of waste: The Stockholm Convention, the Basel Convention and the Waigani Convention.

The international requirements for these three MEAs are implemented domestically through the *Imports and Exports (Restrictions) Prohibition Order (No 2) 2004* (the Order). The Order was amended in August 2011 to reflect changes under the Stockholm Convention, including the addition of new listings such as pentaBDE and octaBDE. Further amendments have very recently been made, clarifying some of the definitions of waste and the movement of wastes between OECD countries.



To export hazardous wastes, the exporter must obtain a permit from the NT EPA which can only be issued if the waste material will be processed in an environmentally sound manner at the destination facility. Under the Order, waste material that is likely to contain Stockholm-listed chemicals cannot be exported for reuse or recycling.

4.7 Approval timeframes

An overview of the environmental impact assessment process is shown in Figure 4-3. It shows where the proponent's approval application currently lies within the NT EPA impact assessment process.

The anticipated approval timeframes for the Proposal are those outlines in the *Environmental Assessment Act*, the EIS Guidelines and the information response times estimated by the proponent.

The submission of this EIS will be followed by its release for review from the public and relevant NT government agencies. During the review period, the draft will be publicly available through the NT EPA website, hardcopies of the draft for all stakeholders and neighbours of the property and public exhibition at the designated NT government agencies. It will also be made available on the proponent's website with NT EPA contact details made available should a member of the public wish to comment.

The proponent will compile responses to the submissions through the EIS supplement. Following the submission of this report and the supplement report, the NT EPA will prepare an Environmental Assessment report.

That report will be submitted to the Minister for Environment and Natural Resources who will then forward it onto the minister or ministers responsible for consent for inclusion in permit, lease or licence conditions

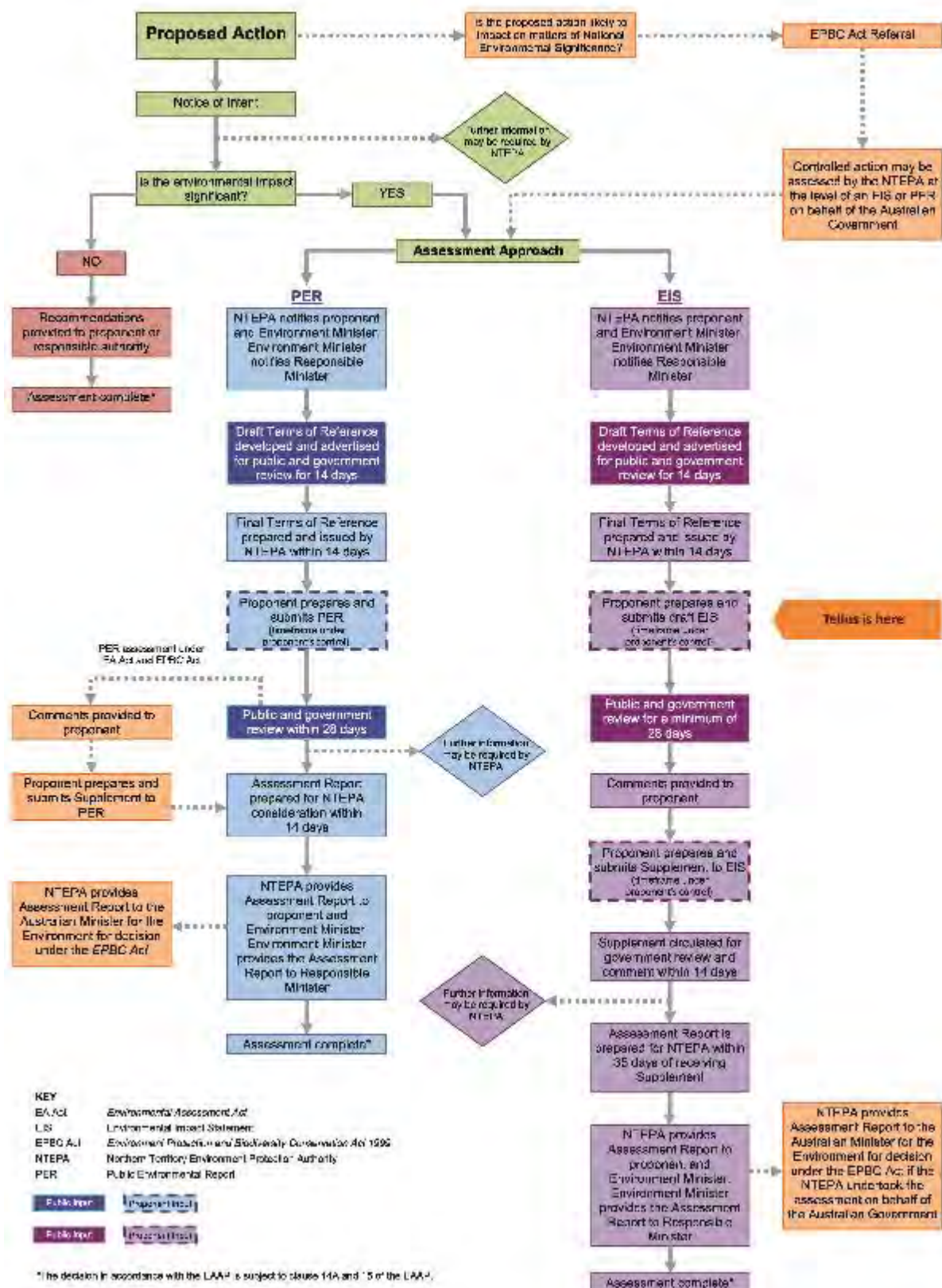


Figure 4-3 Environmental impact assessment process (NT EPA)