

## Submission on proponent initiated EIS referral information and draft terms of reference

### Primary Gold Limited – Rustlers Roost and Quest 29 Open-Cut Mine Redevelopment

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

NT EPA reference number: EP 2021/005

**Government authority:** Aboriginal Areas Protection Authority (the Authority)

#### Summary:

The Authority considers that there is potential for significant impacts to cultural values associated with sacred sites, but that these can be avoided if the proponent:

- obtains and complies with a new Authority Certificate for the proposed works, and
- operates the proposed action such that impacts to downstream waterways are minimised such that downstream sacred sites are protected from damage.

Section of referral or terms of reference	Theme / issue	Comment
Referral section 2.2.2	Potential for significant impact on the cultural environment, specifically sacred sites	<p>The Authority considers that there may be potential for a significant impact on the cultural environment if there are sacred sites in the disturbance envelope of the proposed action, or downstream from it, that could be damaged by the proposed action.</p> <p>The Authority confirms that the proponent has an existing Authority Certificate (C2016/168) for exploration activities and ongoing maintenance over the proposal area. The referral correctly states (in section 2.2.2) that no recorded or registered sacred sites were identified within the area covered by Authority Certificate C2016/168.</p> <p>However, the Authority notes that the area of ML 29785, which is shown in the referral as part of Quest 29 mine in Figure 1.1 (but not in the proposed development envelope in Figure 1.3), is not covered by Authority Certificate C2016/168. Part of ML 29785 intersects a restricted works area (RWA 10) designed to protect a sacred site in another Authority Certificate (C2013/109). The relevant condition on that certificate limits activities that are likely to be associated with mining. This would need to be addressed if any of the proposed action will occur on ML 29785.</p> <p>In addition, the Authority adds that there are known sacred sites downstream of the proposed activities in both the Mary River and Adelaide River catchments.</p>
Referral Page 41	Are the potential significant impacts to sacred sites addressed in the	The Authority considers that this has been somewhat addressed in the referral.

Environmental impact assessment under the *Environment Protection Act 2019*

	<p>referral and draft TOR? (under the relevant NT EPA environmental factor of Culture and Heritage)</p>	<p>The referral states that there's no potential to significantly impact the NT EPA's factor of Culture and Heritage because a new Authority Certificate will be obtained from the Authority, for the proposed action, to ensure sacred sites are identified and avoided. The Authority confirms that such an Authority Certificate will contain any conditions necessary to protect sacred sites in the immediate vicinity of the proposed action, as long as the whole of the disturbance envelope is covered by the subject land in the Certificate.</p> <p>The referral states that the proposed action has the potential to cause significant impacts to downstream water quality and quantity. The Authority adds that this could potentially cause damage to downstream sacred sites. It will be important for these potential impacts to downstream waterways to be effectively mitigated in order to protect downstream sacred sites from damage. This could be further addressed by conditions on the Environmental Approval and/or the Mine Management Plan.</p>
<p>General</p>	<p>Is an EIS an appropriate method of assessment to address the impacts identified above?</p>	<p>The Authority considers that an EIS is an appropriate method to address the identified impacts to downstream waterways and sacred sites.</p> <p>For sacred sites in the vicinity of the proposed action, a new Authority Certificate is the appropriate protecting mechanism.</p>
<p>Draft TOR</p>	<p>Do the draft TOR contain the appropriate information requirements the proponent must include in the EIS to address impacts identified above?</p>	<p>The Authority notes that the draft TOR contains requirements for the EIS to include information on potential impacts, and their mitigation, on hydrological processes and inland water environmental quality. It would be helpful to add to the TOR that any impacts to these factors could impact on downstream sacred sites.</p>