

Submission on the referral

Vista Gold Australia Pty Ltd – Mount Todd Gold Project Alterations

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

Government authority: Aboriginal Areas Protection Authority (AAPA)

Summary: AAPA strongly recommends that adjustments are made to those activities in the project which are proposed to occur within Aboriginal sacred sites, contrary to the terms of Authority Certificates issued to the proponent. These proposed activities are unlawful. Relevant areas and conditions have previously been identified to the proponent as restricted work areas in their Authority Certificate C2012/137, which covers activities on MLN 1070, MLN 1071 and MLN 1127, and in Authority certificate C2021/028, which covers activities on MLN 31525 and EL 29882, EL 29886, EL 30898 and EL 28321.

Section of Referral	Theme or issue	Comment
Main report Section 3.4.1, Pg 17 Attachment R4 Erosion and Sediment Control Management Plan	Water discharge	<ul style="list-style-type: none"> The potential discharge of water when the reservoir is full needs to ensure no damage to the sacred site on Stow Creek. A significant flow rate has the potential to cause erosion and sedimentation along Batman and Stow creeks. The release of water from the reservoir does not appear to be a mechanism for erosion and sedimentation considered in the Erosion and Sediment Control Management Plan. The Erosion and Sediment Control Management Plan should consider the sacred site on Stow Creek as a sensitive site for monitoring and mitigation.
Main report Figure 2 Pg 21	Activity within an Aboriginal sacred site	<ul style="list-style-type: none"> The proposed changes to the waste rock dump footprint include an area located within an Aboriginal sacred site. The area is a restricted works area (RWA1) in Authority Certificate C2012/137. The restricted works area limits works to non-invasive and non-ground disturbing works associated with environmental assessment and monitoring. The proposed activity is unlawful.
Main report Figure 3 Pg 22	Activity within an Aboriginal sacred site	<ul style="list-style-type: none"> The proposed changes to the Batman pit footprint in the west and north are located within an Aboriginal sacred site. The area is a restricted works area (RWA1) in Authority Certificate C2012/137. The restricted works area limits works to non-invasive and non-ground disturbing works associated with environmental assessment and monitoring. The proposed activity is unlawful.
Main report Figure 6 Pg 29	Activity within an Aboriginal sacred site	<ul style="list-style-type: none"> The proposed Power Generation Yard is located within an Aboriginal sacred site. The area is a restricted works area (RWA9) in Authority Certificate C2021/028. The restricted works area requires that no damage shall occur. The only works permitted are those associated with transit using only existing formed tracks or roads.

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Main report Table 8 Pg 40	Authority Certificate reference	<ul style="list-style-type: none"> Refers to AAPA certificate RA2019/119 (June 2021). Note that this should state certificate number C2021/028. The maps associated with this certificate specifically exclude the mine footprint. This section should also assess cultural heritage impacts with reference to Authority Certificate C2012/137 which covers the mine footprint.
Main report Table 8 Pg 40	Cultural heritage impact	<ul style="list-style-type: none"> States 'No identified culture and/or heritage sites will be impacted by the proposed disturbance'. This statement is incorrect. The proposals in relation to the Waste Dump, the Batman Pit and the Power Generation Yard will all impact Aboriginal sacred sites, contrary to the associated conditions in Authority Certificates C2012/137 and C2021/028..
Attachment R5 Stormwater Management Plan Pg 1-2	Channelising creeks	<ul style="list-style-type: none"> Batman Creek is proposed to be channelised to the north and to the south of the mine facilities. Higher velocity flows are predicted in Batman Creek and protection of infrastructure from erosion is described. Some parts of Stow Creek will also be channelised. It is not clear whether increased flow rates will continue beyond the channelised sections and have the potential to affect the sacred site on Stow Creek by erosion or flooding.
Attachment R8 Water Management Plan 3.1.3 Figure 3-3, Pg 36	Increased flow in Stow Creek	<ul style="list-style-type: none"> Flow is predicted to increase in years 1-5 of the operation by approximately 3%. It is not clear whether this may increase the risk of erosion of the sacred site on Stow Creek or flooding of the sacred site during periods of high flow.
Attachment R11 Weed Management Plan 1.3, Pg 2	Reference to other management plans	<ul style="list-style-type: none"> Describes consideration of the management of weeds in several other sub-management plans. This should include the Cultural and Heritage Management Plan to ensure the integrity of sacred sites are not affected by weed infestation.
Attachment R14 Cultural and Heritage Management Plan Table 1-3, Pg 3	Authority Certificate reference	<ul style="list-style-type: none"> Refers to 'AAPA Authority Certificate 2011/15538'. Note this is an incorrect reference to Authority Certificate C2012/137. Authority Certificate C2012/137 also covers activities including 'mining; rehabilitation and closure activities associated with the Mt Todd Gold Project', which is relevant for most activities of this Significant Variation. Authority Certificate C2021/028 does not apply to the project area covered by Authority Certificate C2012/137. Both Authority Certificates apply to the project.
Attachment R14 Cultural and Heritage Management Plan Section 2.1, Pg 5	Authority Certificate reference	<ul style="list-style-type: none"> States 'There is no current Certificate that applies specifically to Mining activity or covers the entire Mine site'. This statement is not correct. Authority Certificate C2012/137 covers the mining activity in the current mine site. States 'A Certificate (RI2018/140) issued over a portion of the Mine site identifies the following sacred sites...'. Note RI2018/140 is not an Authority Certificate. It is an Abstract of the Authority's Records at a point in

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		<p>time and has no direct relevance to works approvals or measures required to protect Aboriginal sacred sites.</p> <ul style="list-style-type: none"> Aboriginal sacred sites have been identified to the proponent within Authority Certificates C2012/137 and C2021/028. Additional Aboriginal sacred sites are located away from the mine site at the proposed Power Generation Yard within RWA9 in Authority Certificate C2021/028.
Attachment R14 Cultural and Heritage Management Plan Table 3-2, Pg 17	Mitigation measures	<ul style="list-style-type: none"> States 'Ensure that all Authority Certificates are current and all conditions met'. Note that to ensure the current Authority Certificates are complied with: <ul style="list-style-type: none"> the site of the proposed Power Generation Yard should be moved, as it is within an Aboriginal sacred site and a restricted works area A redesign of the proposed waste rock dump and expanded Batman pit are required, as they both are within an Aboriginal sacred site and a restricted works area.
Attachment R14 Cultural and Heritage Management Plan 4.2, Pg 25	Monitoring	<ul style="list-style-type: none"> Monitoring should include inspections for potential impacts from mining activities in the vicinity of sacred sites, such as weed infestation, dust deposition, changes in creek water levels, erosion etc.
Attachment R14 Cultural and Heritage Management Plan Attachment D	Title	<ul style="list-style-type: none"> Attachment D title refers to RI2021/028 but this reference is not within the information in this attachment. This attachment contains Authority Certificate C2021/028. To avoid confusion the title of Attachment D should state 'Aboriginal Areas Protection Authority (AAPA) Certificate, C2021/028' The Cultural and Heritage Management Plan should also have regard to Authority Certificate C2012/137.
Attachment R15 Mine Closure Plan 2.7, Pg 24	Cultural heritage sites	<ul style="list-style-type: none"> This section notes the presence of a number of archaeological and non-indigenous heritage sites in the project area. Reference to Aboriginal sacred sites in the project area (and identified in Authority Certificates C2012/137 and C2021/028) should also be made and noted that they are of high significance.
Attachment R15 Mine Closure Plan 4.3.1, Pg 34	Rehabilitation activities	<ul style="list-style-type: none"> The Power Station is proposed to be located within an Aboriginal Sacred Site, an area that is a restricted works area (RWA9) in Authority Certificate C2021/028. The restricted works area requires that no damage shall occur. The only works permitted are those associated with transit using only existing formed tracks or roads. The proposed works are unlawful. Similarly, the disturbance described in the rehabilitation activities is also not currently permissible in this location. Please also note that Authority Certificate C2021/028 does not have application to rehabilitation activities. We recommend that the proponent apply to vary their Authority Certificate to include rehabilitation activities where mine infrastructure is to be located.

