

Ms Lisa Bradley
Department of Environment, Parks and Water Security
PO Box 3675
DARWIN NT 0801

Dear Ms Bradley

Re: Invite to comment - Castile Resources Pty Ltd - Rover 1 Project - Proponent initiated Environmental Impact Statement Referral

The Department of Environment, Parks and Water Security (DEPWS) has assessed the information submitted for the above Proponent initiated Environmental Impact Statement (EIS) referral and provides the following comments.

Flora and Fauna Division

The Flora and Fauna Division have reviewed the draft Terms of Reference (ToR) for the proponent initiated EIS, and have provided comments in **Attachment 1**.

Environment Division

The proposal may require approvals and/or licences under other NT legislation administered by Environment Division such as the *Water Act 1992* (NT) and the *Waste Management and Pollution Control Act 1998* (NT) (WMPC Act).

Should the proponent collect, transport, store, recycle or treat listed wastes on a commercial or fee for service basis as part of the development or operations of the activity, then an Environment Protection Approval or Licence will be required to authorise the activity under the WMPC Act.

If the activity requires the discharge of waste to water, or could cause water to be polluted then a waste discharge licence under the *Water Act 1992* (NT) will be required. Please refer to the Guidelines¹.

All persons are required to comply at all times with the General Environmental Duty under section 12 of the WMPC Act. To help satisfy the General Environmental Duty, the proponent is advised to take notice of the list of environmental considerations below. The list is not exhaustive and the proponent is responsible for ensuring their activities do not result in non-compliance with NT laws.

¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf

A non-exhaustive list of environmental issues that should be considered to meet requirements under NT law are listed below:

1. **Dust:** The proposed activities have the potential to generate dust, particularly during the dry season. The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the project area.
2. **Noise:** The proponent is to ensure that the noise levels from any proposed activities and/or premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online².
3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environmental harm do not result from soil erosion. ESC measures should be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion and Sediment Control Association (IECA) Australia guidelines and specifications.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites³ and Keeping Our Stormwater Clean⁴.

4. **Storage:** If an Environment Protection Approval or Environment Protection Licence is not required, the proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines, June 2018, as amended. Where these guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area.

Where an Environment Protection Approval or Environment Protection Licence is required, the proponent must only accept, handle or store at the premises listed waste, including asbestos, as defined by the WMPC Act, in accordance with that authorisation.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, including as a result from historical activities such as cyclones, a contaminated land assessment maybe required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure 1999 (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website⁵, and the NT Contaminated Land Guidelines⁶.
6. **Waste Management - Import and Export of Fill:** The proposed activities have the potential to generate fill and/or involve the importation of fill for use on-site. Untested fill material may already be present on the site. All fill imported or generated and exported as part of the activity must either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the most relevant guideline listed below and be shown to meet at least one of the applicable standards below:

- NSW EPA Sampling design part 1 - application - Contaminated Land Guideline⁷; or

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

⁵ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁶ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁷ <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/22p3915-sampling-design-guidelines-part1.pdf?la=en&hash=C12162FBB9438F9BF59782EE4E4A953AE569913D>

- NSW EPA Sampling design part 2 - interpretation - Contaminated Land Guideline⁸; or
- NSW EPA Excavated Natural Material (ENM) Order 2014 (the excavated natural material order 2014⁹; or
- NSW EPA Recovered Aggregate Order 2014 (The recovered aggregate order 2014)¹⁰; or
- The definition of Waste fill detailed in the South Australian EPA Current criteria for the classification of waste—including Industrial and Commercial Waste (Listed) and Waste Soil, 2009 (Solid waste disposal)¹¹.

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request. The proponent should also consider the following NT EPA fact sheets: How to avoid the dangers of accepting illegal fill onto your land¹², and Illegal Dumping - What You Need to Know¹³.

7. **Odour or Smoke:** The proposed activities may have the potential to create odours and/or smoke. The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the Project area.

Note: There are no listed Ramsar Wetlands, Sites of Conservation Significance (SoCS) or Sites of Botanical Significance within the project boundary.

Rangelands Division

Weed Management Branch

A desktop assessment of the NT Weeds Database for the proposed mining operation located on NT Portion 3556 (Karlantijpa ALT), surrounding areas and adjoining land tenures has revealed the following weed records:

Common Name	Botanical Name	Declared
Parkinsonia	<i>Parkinsonia aculeata</i>	Class B
Rubber bush	<i>Calotropis procera</i>	Class B

All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to all persons, owners and occupiers, of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed, and to prevent a declared weed from spreading.

⁸ <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/22p3916-sampling-design-guidelines-part2.pdf?la=en&hash=56F1C2DB8A6DAC3303C676F679719A661DAA97D2>

⁹ <https://www.epa.nsw.gov.au/-/media/EPA/Corporate%20Site/resources/waste/rro14-excavated-natural-material.ashx>

¹⁰ <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/rro14-aggregate.pdf?la=en&hash=24FDF5D724F45D65BECDF2BB1AA0791A41B3E6C8>

¹¹ https://www.epa.sa.gov.au/files/4771346_current_waste_criteria.pdf

¹² https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf

¹³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf

There are four types of classifications for a declared or potential weed under the WM Act: Class A (to be eradicated); Class B (growth and spread to be controlled); Class C (not to be introduced into the Territory or part of the Territory); and Class D (prevent the growth and spread by actions of persons).

The proponent must ensure that all vehicles and machinery are free of weeds, weed seeds, soil and vegetative material prior to entering or exiting the site. Vehicles must avoid driving through weeds already present on-site to prevent further spread. Vehicles and machinery exhibiting such material must be thoroughly washed down before entering/departing.

Any works that cause disturbance to vegetation and soils will create conditions favourable for the growth of weed species, and weed control will be required following disturbance caused by exploration and/or extraction. Weed control prior to seed set should be carried out in all areas affected by these works.

'Preventing Weed Spread is Everybody's Business' is a document highlighting the areas of risk for all activities associated with weed spread. The document available online¹⁴, details the pathways through, which weeds are spread and provides actions to reduce weed spread. Proponents seeking to develop land for any purpose should address these actions.

Information regarding weed management is available online¹⁵ or alternatively contact the Weed Management Branch for further advice on (08) 8951 9210.

Water Resources Division

The Water Resources Division has reviewed the draft ToR for the proponent initiated EIS and have provided comments in **Attachment 2**.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DEPWS@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Rangelands
21 November 2023

¹⁴ https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf

¹⁵ <http://www.nt.gov.au/environment/weeds>

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

Attachment 1

Castile Resources Pty Ltd – Rover 1 Project

Government authority: Department of Environment, Parks and Water Security – Flora and Fauna Division

Section of the Draft TOR	Theme or issue	Recommended Update
2.4.2- Table 4	Terrestrial Ecosystem (Environmental Values)	Table 4 requires the proponent to “provide a description of all terrestrial ecological values present or likely to be present within the proposal footprint and area of influence, including: Significant vegetation including riparian vegetation, groundwater dependent ecosystems (GDEs)”. It is recommended that this is updated to: “Significant or Sensitive Vegetation Types” for consistency with the terms used in the NT Land Clearing Guidelines.
		The fourth dot point appears to have errors (fixed in bold) and should state: <ul style="list-style-type: none"> likely or potentially present threatened species protected under the EPBC Act and/or <i>Territory Parks and Wildlife Conservation Act 1976</i> (TPWC Act) including but not limited to the Greater Bilby (<i>Macrotis lagotis</i>).
		Table 4 states: “Undertake further robust surveys for the Greater Bilby considering seasonal, spatial, and temporal variabilities” It is recommended that the table is updated to note that the intent of the further surveys is to provide context around the status of the species in the area. The scope of this work is important for understanding the importance/extent of the (sub) population. This information will also inform an assessment against the Australian Government’s Significant Impact Guidelines 1.1 - Matters of National Environmental Significance. The Flora and Fauna Division is available to provide advice on the scope of additional surveys for the species.
Ecological Assessment	Threatened Species	The ecological assessment suggests a low likelihood that the Grey Falcon occurs in the proposal area as there are no watercourses with breeding habitat. However, Grey Falcons are known to breed in trees outside watercourses and there is a high likelihood that the species may occur in the proposal area. It is recommended that this species is re-assessed.

		If a Grey Falcon nest is located in the proposal area a 300 m buffer should be applied around the nest. The area within this buffer should be avoided until the nest is vacated.
Table 4 Terrestrial Ecosystems	Relevant activities	<p>The ToR states that clearing of vegetation, use of plant and equipment, increased land traffic and landfill operations are activities relevant to Terrestrial Ecosystems.</p> <p>It is recommended that water management is included in this list. Increased access to standing water should also be included as this, along with increased access to food waste, has the potential to attract predators (cats, foxes and dingoes/wild dogs). Increased predator activity is likely to pose a threat to any Greater Bilbies in the area. Increased access to standing water may also increase the activity of introduced herbivores.</p>
	Potential impacts and risks	<p>The ToR states that a potential impact of the proposal is “<i>indirect impacts to fauna due to habitat fragmentation and edge effects</i>”.</p> <p>It is recommended that this is reworded to include habitat degradation, as this may result from, but are not limited to, processes such as erosion, indirect disturbance or degeneration of flora and vegetation.</p>
	Avoidance, mitigation and management	<p>The Flora and Fauna Division recommends that the following measures are added to the list of measures for avoiding, mitigating or offsetting impacts:</p> <ul style="list-style-type: none"> - prevent access to landfill and standing water by predators and introduced herbivores; - implementation of traffic control measures; - pre-clearance surveys to determine the presence of threatened species. <p>In particular, it is recommended that the proponent specify how they will achieve the following:</p> <ul style="list-style-type: none"> - landfill and standing water sources (e.g. dams) should be fenced to prevent access by predators and introduced herbivores; - night time driving is avoided where possible; - speed limitations are implemented, including a 40km/h limit around known Greater Bilby activity; - pre-clearance surveys are undertaken that include: <ul style="list-style-type: none"> o identifying areas with current Greater Bilby activity and taking appropriate measures to avoid impacts to occupied burrows and individual bilbies; and

	<ul style="list-style-type: none"> ○ identify potential Grey Falcon nests and adopt a minimum buffer of 300m from disturbance. Activity within the buffer should be avoided until the nest is vacated.
	<p>The ToR states that measures for avoiding, mitigating or offsetting impacts include “<i>fauna relocation and management</i>”.</p> <p>The Flora and Fauna Division generally does not have expectations with respect to fauna relocation and management. This is due to uncertainties with the success of relocation and potential animal welfare issues. It is recommended that this requirement is removed from the ToR. It is noted that relocation may be a potential mitigation measure for impacts on threatened species, but this should be considered in relation to each species, and in the context of DEPWS Translocation Policy.</p>
	<p>The ToR includes the following sentence: “<i>All vegetation clearing and vegetation buffers should comply with the NT Land Clearing Guidelines.</i>”</p> <p>The Flora and Fauna Division recommends that this sentence is amended to state: The EIS should demonstrate that the proposal has been appropriately sited and has adopted the minimum buffers recommended in the NT Land Clearing Guidelines.</p>
Monitoring and reporting	<p>The Flora and Fauna Division recommends that the following additions (underlined text) are included:</p> <p>Describe clear and measurable <u>indicators</u>, outcomes and commitments that will ensure the environmental objective is met and impacts of implementing the proposal will be acceptable.</p> <p><u>Specify timeframes for monitoring and reporting.</u></p>
	<p>A Greater Bilby Management Plan should be developed and take into consideration:</p> <ul style="list-style-type: none"> - a detailed plan to mitigate impacts relevant to each phase of the project; - a plan to monitor Greater Bilbies within the proposal footprint and surrounding area; - a plan to monitor changes in the level of potential threats to the Greater Bilby related to the proposal, including but not limited to: <ul style="list-style-type: none"> ○ increased predator activity; ○ increased introduced herbivore activity; ○ increased densities of invasive plant species (e.g. buffel grass), which may lead to unfavourable changes in habitat suitability or fire regime;

		<ul style="list-style-type: none">- clear indicators that may determine a significant impact to the Greater Bilby in relation to the proposal; and- clear monitoring and reporting timeframes.
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Submission on proponent initiated EIS referral information and draft terms of reference

Attachment 2

Castile Resources Pty Ltd – Rover 1 Project

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

NT EPA reference number: EP2023/030

Government authority: Department of Environment, Parks and Water Security – Water Resources Division

Summary: Comments are specific to water extraction licence requirements for the proposal under the *Water Act 1992*. Water use is proposed for ore processing, underground operations and a workers accommodation village.

The Rover 1 project is situated in the Tennant Creek Water Control District. There are presently no water allocation plans applicable to this area.

Section of referral or terms of reference		Comment
Rover 1 Project, Referral Report,	Section 2.4.9 Water demand and sources	<ul style="list-style-type: none">• There are presently no current water extraction licences on EL27372.• In the Rover 1 Project Referral Report, the estimated daily water demand has been estimated to be approximately 4.3ML per day to be used for processing the ore, supplying the underground operations and accommodation village.• The primary source of water for the mining operation will be groundwater intercepted and dewatered in the underground operations. The dewatering volumes are to be estimated by drilling a network of monitoring bores at the site. At this stage in the project the dewatering volumes have been estimated for planning purposes to be approximately 3.8ML per day.

		<ul style="list-style-type: none"> • The discrepancy in daily water requirements is proposed to be supplied by a bore field targeting the Montejinni Limestone aquifer and the Hooker Creek formation in the Wiso Basin. The groundwater will be pumped to a raw water dam for use across the mine site. • The project will require a water extraction licence under the <i>Water Act 1992</i> to use groundwater taken from the borefield. • The Rover 1 project will require a Tier 3 licence application as an environmental impact statement is required. Tier 3 water licence applications require a range of supporting documents. A link to requirements of a Tier 3 water extraction licence application are available on line¹⁶. • A bore work permit (BCPT06827) has already been obtained allowing fifteen monitoring and investigative bores to be drilled on NT Portion 3556. Additional permits would be required for the construction of production bores.
Rover 1 Project Draft Terms of Reference for an EIS	<p>Section 2.2.6, Table 1, Topic: Water Use</p> <p>Section 2.4.2, Table 4 ,Terrestrial Ecosystems, Topics: Environmental Values and Potential Impacts and Risks</p>	<ul style="list-style-type: none"> • The items listed in this section adequately addresses the forecasted water use requirements for the operation and the dewatering volumes. It also addresses water sources and water availability to be determined in the area. • This section adequately addresses identifying groundwater dependant ecosystems and the indirect degeneration of groundwater dependant ecosystems from groundwater drawdown.
Generally	Appendices G, H and I	<ul style="list-style-type: none"> • These documents suggest that hydrogeological investigations to date have been focused at a previous project site, located 2km to the south of the current project location. Given the reported heterogeneity of water-bearing geological strata in the region, future investigations should be focussed at the site of proposed works.

¹⁶ <https://nt.gov.au/environment/water/licensing/water-extraction-licence/tiers>

Generally		<ul style="list-style-type: none">• No information has been provided that indicates whether a groundwater sampling and water level monitoring program has been implemented since the initial Hydrogeology Investigations report was completed in March 2012, however, the necessity of a monitoring program has been mentioned in subsequent reports. Future monitoring programs should include monitoring points located between the proposed project site and the Tennant Creek West borefield, given the anticipated groundwater flow direction and potential impact to groundwater quality / supply for Tennant Creek. Monitoring and reporting requirements for hydrological processes and inland water environmental quality are included in the Draft ToR and it is expected that they will be addressed in the EIS.
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