

# Referral form

## Refer proposed action or strategic proposal under the *Environment Protection Act 2019*

### Before you fill in the form

#### Guiding notes

- This form must be read in conjunction with environmental impact assessment guidance for proponents on the [NT EPA website](#) including Referring a proposal to the Northern Territory Environment Protection Authority (NT EPA).
- This form contains five (5) parts:
  - Part A – Proponent details
  - Part B – Proposal details
  - Part C – Referral details
  - Part D – Referrer declaration
  - Part E – Nominated contact.
- This form contains two checklists:
  - Cross reference of matters addressed in the referral report
  - Proponent's general duty.
- This form will be published.
- Further guidance or example responses are provided below in light grey text.

These guiding notes may be deleted before submitting the referral form and report.

PART A – Proponent details	
Name of the proponent <i>(legal entity)</i>	RTA Gove Pty Ltd on behalf of Swiss Aluminium
Proponent details	<i>Name: Anna Horwood Position/responsibility: Senior Environmental Advisor Physical address: 155 Charlotte Street Brisbane QLD 4000 Postal address: PO Box 21, Nhulunbuy NT 0881 Phone: (+61) 0421184162 Email: anna.horwood@riotinto.com</i>
Proponent Trading Name if relevant	
Australian Business Number/s Australian Company Number/s	76 000 453 663

Provide a description of the organisational structure with respect to responsibility of the proposed action, environmental approvals and implementation.	
Joint-venture partners (if applicable)	Name: Physical address: Postal address: Phone: Email:
<b>PART B – Outline of the proposal and location</b>	
<b>Outline of the proposed action or strategic proposal (proposal)</b>	
Name of proposal	Closure works at Pond 2 West
Provide a brief summary (one or two paragraphs) of the proposal including the activity type/ industry/ duration.	<p><i>The RDA includes Pond 2, a permanent storage location for bauxite residue and hydrotalcite, and is currently subject to development of detailed closure designs for execution in 2025. Closure designs have been developed consistent with agreed closure outcomes specified in the MMP which are to develop safe, stable, non-polluting landform designs. During the design process, it has been determined that a small portion (an area totalling 70 m<sup>2</sup>) lies outside the RDA lease. In addition, to execute the agreed closure design works are required to be undertaken within a larger portion of land which is also outside the current RDA lease.</i></p> <p><i>The proposed maximum disturbance outside of the RDA lease required is 1.9 ha and would be undertaken within NT Portion 1193.</i></p> <p><i>The proposed off-lease works and activities include:</i></p> <ul style="list-style-type: none"> <li>• <i>Clearing of a working area.</i></li> <li>• <i>Bulk earthworks (cut to fill), construction of access roads, erosion and sediment control works.</i></li> <li>• <i>Construction of embankment batters.</i></li> <li>• <i>Revegetation of the final Pond 2 landform with both native vegetation including grasses and other groundcover and a selection of local, native midstory species.</i></li> <li>• <i>Ongoing monitoring and maintenance including surface water quality, vegetation and erosion performance.</i></li> </ul>
<b>Location</b>	

Provide location details as: a) street address, suburb	Gove Operations RDA Access Road, 8km West of the town of Nhulunbuy, East Arnhem Land, Northern Territory.
b) tenement, lot/section numbers, town/hundred, NT Portion or pastoral lease numbers, as applicable	NT portion 1193 Part B, Survey Plan S71/301
c) the nearest town, recognisable feature, and distance and direction from that town/feature to the site of the proposed action.  If the proposal includes several locations, provide location details for each location. For example, a mine at location 1 and a processing site at location 2.	8km West of the town of Nhulunbuy, East Arnhem Land, Northern Territory.
Name of the <a href="#">Local Government Area/s</a> in which the proposal is located.	Gunyangara Local Authority
What is the land tenure type, and proposed land tenure type ?	Aboriginal freehold.
Does the proponent have the legal (land) access required for the implementation of all aspects of the proposal?	<input checked="" type="checkbox"/> No If no, provide details of legal access authorisations /agreements / tenure is required and from whom. Tenure has been sought by Rio Tinto and is notionally agreed to by the lease holder.
Is the <a href="#">land zoned under the NT Planning Scheme</a> ?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, what is/are the zoning/s?
What is the current land use of the proposal site/s?	Unzoned land – adjacent to a tailings dam.
What is the approximate distance (direct line) and direction to the closest human sensitive receptor?	2700 m to the locality of Gunyangarra

For example, residence, accommodation, hospital, school, homeland from the proposal.	
What is the proposed end land use of the proposal site/s	Native vegetation
<b>Consultation</b>	
Provide an overview of consultation undertaken specific to the proposal and potential environmental impacts.	<p><b>Northern Territory EPA 29/04/2024</b></p> <p>Letter regarding Approval requirements associated with proposed closure works at Gove's Residue Disposal Area Pond 2. A letter providing details of the proposed works, subject area, environmental assessments undertaken to date was provided with a request for a meeting with the assessing agency was provided to NT EPA.</p> <p><b>Department of Environment, Parks and Water Security (DEPWS). 30/05/2024</b></p> <p>Meeting with DEPWS. A meeting with DEPWS was undertaken to discuss potential approval requirements pursuant to the Northern Territory EP Act. DEPWS provided feedback on referral and approval requirements pursuant to the Act.</p> <p><b>Rirratingu Aboriginal Corporation 8/11/2023</b></p> <p>On country meeting with Rirratingu representatives. Rio Tinto Gove Cultural Heritage Specialist (Dr Shaun Adams) attended the RDA with Rirratjingu Elders: Wanyubi Marika and Mandaka Marika, from Yirkala Community to the RDA. The proposed works and subject area were discussed.</p> <p><b>Njarrariyal Aboriginal Corporation 16/09/2024</b></p> <p>Agreement making for tenure and access to the Subject Land to allow works, rehabilitation and monitoring to occur. In principle agreement between Rio Tinto and Njarrariyal Aboriginal Corporation to formalise a sub-lease agreement providing consent for the proposed works to occur (Appendix E).</p>
List the matters raised in consultation and identify how the proposal has been modified to respond to stakeholder feedback.	<p>1. <b>Tenure.</b> Njarrariyal Aboriginal Corporation and Rio Tinto are engaging about suitable tenure.</p> <p>2. <b>Heritage significance</b> - Rio Tinto and Rirratingu representatives agreed there was a lack of tangible heritage value in the Subject Area. Despite this</p>

	concurrency, the proposed action was referred to allow for any submissions as to the heritage significance of the subject land to be made.
<b>PART C – Referral type</b>	
What type of proposal is being referred?	<input checked="" type="checkbox"/> proposed action <input type="checkbox"/> strategic proposal <input type="checkbox"/> proponent initiated EIS referral
<p>Provide a brief justification including the reasons why you consider the action may have a significant impact on the environment and is referred to the NT EPA.</p> <p>Refer to section 11 of the EP Act and the <a href="#">NT EPA's environmental factors and objectives</a>.</p>	<p><b>Terrestrial Ecosystems</b></p> <ol style="list-style-type: none"> <li>1. The proposed development would require clearing of 0.8 ha of vegetation (Mangroves) a “sensitive” vegetation type under the Northern Territory Land Clearing Guidelines. Rio Tinto Gove will endeavour to reduce any clearing requirements within the works zone, and 0.8 ha would be the maximum area of Mangrove Forest which would require clearing.</li> <li>2. The subject area is located within Dhimurru Indigenous Protected Area (IPA) The Dhimurru IPA is a large, contiguous area which covers East Arnhem Land. The proposed works are unlikely to have a significant impact to the environmental and cultural values which are subject to management within the IPA.</li> </ol> <p><b>Culture and Heritage</b></p> <p>The subject area is located on land with Aboriginal rights and interests under the Commonwealth Aboriginal Land Rights (Northern Territory) Act 1976.</p>
Does the proposal involve an action that may be or is a controlled action under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the proposed action been referred?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the date referred and reference number (EPBC number)? Date:                                      EPBC number:

<p>If referred, has a decision been made on whether the proposed action is a controlled action?</p>	<p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>If yes, check the appropriate decision outcome and provide the decision in an attachment.</p> <p><input type="checkbox"/> Decision – controlled action</p> <p><input type="checkbox"/> Decision – not a controlled action</p>
<p><b>PART D – Proponent referrer details and declaration</b></p> <p>*The referral form must include the declaration signed by the proponent, or where the proponent is an organisation or business, the Chief Executive Officer (CEO) or duly authorised delegate within the proponent company.</p>	
<p>Who is referring this proposal?</p>	<p><input checked="" type="checkbox"/> Proponent</p> <p><input type="checkbox"/> Authorised representative within proponent entity</p>
<p>Does the proponent request that the NT EPA treat any part of the information in the referral as confidential under section 281(2) of the EP Act?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>If yes, provide an application in accordance with regulation 271 of the Environment Protection Regulations 2020 and submit the confidential information as a <b>separate</b> attachment</p>
<p><b>Referral declaration <u>by proponent</u>:</b></p> <p>I, Anna Horwood, declare that I am authorised to refer this proposed action/strategic proposal on behalf of Rio Tinto Gove Pty Ltd and further declare that:</p> <ul style="list-style-type: none"> <li>• the attached environmental impact assessment documents have been prepared in accordance with the EP Act and EP Regulations; and</li> <li>• the attached environmental impact assessment documents (including attachments) are true; and</li> <li>• the attached environmental impact assessment documents do not provide false or misleading information and I know it is an offence to provide false and misleading information, noting the penalties under section 260 of the EP Act, and section 119 of the <i>Criminal Code Act 1983</i>; and</li> <li>• the proponent fully understands that referral under the EP Act does not limit, in any way, the requirements of the proponent to ensure approvals under any other regulatory regime are applied for, and adhered to; and</li> <li>• the proponent has fulfilled its general duty in accordance with section 43 of the EP Act.</li> </ul> <p><i>Note: if the NT EPA determine that an environmental approval is required, the proponent will be requested to provide supporting documents during the assessment process such as details to support that the person is a fit and proper person to hold an environmental approval in accordance with section 62 of the EP Act</i></p>	
<p><b>Name:</b> (print)</p>	

Anna Horwood		
Signature: 		
Date: 7/10/2024		
Position: Senior Environmental Advisor		
Organisation (if a business or organisation): Rio Tinto Gove Pty Ltd		
Email: Anna.horwood@riotinto.com		
Address:		
<b>PART E - Nominated contact</b>		
Contact details for proponent contact (provide the details for the person who will be corresponding with the NT EPA on the proposal)	<i>Business name: Rio Tinto Gove Pty Ltd</i> <i>Name of primary contact: Anna Horwood</i> <i>Physical address: 1 Melville Bay Rd, Nhulunbuy NT 0880</i> <i>Postal address: 1 Melville Bay Rd, Nhulunbuy NT 0880</i> <i>Phone: 0421184 162</i> <i>Email: anna.horwood@riotinto.com</i>	
Contact details of consultant (if relevant, provide the details for the person who will be corresponding with the NT EPA on the proposal on behalf of the proponent)	<i>Business name:</i> <i>Name of primary contact:</i> <i>Physical address:</i> <i>Postal address:</i> <i>Phone:</i> <i>Email:</i>	
<b>CHECKLIST 1 - Cross reference of matters addressed in the referral report (for more detail refer to the Referring a proposal to the NT EPA guidance)</b>		
<b>Item</b>	<b>See <a href="#">Referral guidance</a> for further detail on information requirements</b>	<b>Report section / page</b>
<i>Publication statement</i>	Provide name and qualifications of relevant contributors to the referral.	Page iii

<i>Executive summary</i>	Overview of the proposal, its potential for significant impact and key conclusions.	Pages 4 - 5
<i>Introduction</i>	Include a brief introduction to the proposal and the proponent (noting proponent details are also to be included in the referral form / environmental approval application form).	Pages 6-8
<i>Proposal description - Key components</i>	<p>Provide a clear and detailed description of the proposal, referencing maps and spatial information.</p> <p>Provide a key components summary table.</p> <p>Identify uncertainty / likely changes if particular elements of a proposal require further design at the time of referral.</p> <p>Provide an account of past, present and reasonably foreseeable future development, operations, or industries that are related the current proposal.</p>	Pages 9-14
<i>Proposal description - Location and regional context</i>	Location and regional context.	
<i>Proposal description - Alternatives (options)</i>	<p>Describe any alternatives (location, timeframes, activities) considered or are under consideration in scoping and developing the proposal.</p> <p>Describe how the analysis of alternatives accounted for the <i>principles of environment protection and management</i> (Part 2 of the EP Act).</p> <p>Justification for the preferred/selected option.</p> <p>Describe any assumptions critical to your assessment.</p>	
<p><i>Proposal description - Application of the:</i></p> <ul style="list-style-type: none"> <li>- <i>Principles of environment protection and management</i> (Part 2)</li> <li>- <i>General duty of proponents</i> (s43)</li> </ul> <p><i>Consultation</i></p> <p><a href="#">Refer to NT EPA Stakeholder Engagement guidance 2020</a></p>	<p>Discuss how the proposal accounts for the <i>principles of environment protection and management</i> (Part 2 of the EP Act) and the general duty of proponents provided for under section 43 of the EP Act:</p> <ul style="list-style-type: none"> <li>• Principles of ecologically sustainable development</li> <li>• Environmental decision-making hierarchy</li> <li>• Waste management hierarchy.</li> </ul> <p>The EP Act (section 3 and section 43) puts an obligation on the proponent to consult with stakeholders and the community in the development of the proposal.</p> <p>As an example, the referral should include:</p> <ul style="list-style-type: none"> <li>• a description of stakeholder engagement and community consultation undertaken</li> <li>• an outline of the method and process of consultation with stakeholders</li> </ul>	<p>Section 3</p> <p>Section 4</p>

	<ul style="list-style-type: none"> <li>• a summary of the key matters raised during consultation</li> <li>• any changes made as a result of consultation</li> <li>• the ongoing consultation, and options for feedback</li> <li>• whether the consultation has or has not been undertaken in accordance with NT EPA guidance on Stakeholder Engagement</li> <li>• whether the consultation has or hasn't been undertaken in accordance with the section 43 (EP Act) general duty of proponents (see Checklist 2).</li> </ul>	
<i>Strategic and statutory context</i>	Table discussing proposal specific legislation, policies, and guidelines that are and may be applicable to the proposal and the sequencing and status of those, is provided.	Section 5 Table 6
<i>Environmental Factors</i>	<p><b>The sections below relate to information that describes the potential impacts of the proposal on the NT EPA's Environmental factors.</b></p> <p>Information requirements for each environmental factor identified by the pre-referral screening tool are provided (any technical studies and surveys included).</p>	Section 6
<i>Environmental Factors and objectives</i>	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>The presence or absence of relevant environmental values and sensitivities are verified.</p>	Section 6.1
Presence/absence of environmental values	Specify the source and currency of information (e.g. desktop assessments, and/or field surveys, the methods used, dates, sources, and whether the approach is conducted in accordance with relevant regulatory and industry guideline.	
<i>Environmental Factors and objectives</i>	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Assessment of potential impacts (negative, direct, indirect, cumulative, short and long-term) of the proposal.</p>	Section 6.1
Potential impacts and consistency with relevant policy/guidance	Relevant policy and guidance described. Residual / remaining impact to the environmental factor described.	
<i>Environmental Factors and objectives</i>	<p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Describe in terms of management hierarchies:</p> <ul style="list-style-type: none"> <li>• measures proposed to avoid, mitigate or offset (if appropriate)</li> </ul>	

<p><i>Environmental Factors and objectives</i></p> <p>Cumulative impacts</p>	<ul style="list-style-type: none"> <li>effectiveness of proposed measures and the level of confidence of implementation</li> <li>whether the NT EPA's objective for the environmental factor is likely to be met.</li> </ul> <p><i>Repeat for each NT EPA Factor being considered for your proposal/referral</i></p> <p>Describe potential cumulative impacts.</p>	<p>Section 6.3.2</p>
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### CHECKLIST 2 - Consideration of the Proponent's general duty (in accordance with section 43 of the EP Act)

Section 43 General duty of proponents	Done	Comment
The following principles of ecologically sustainable development must be taken into consideration in the design of the proposed action.		Provide comment here
<ul style="list-style-type: none"> <li>Decision-making principle</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of proportionality</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Precautionary principle</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of evidence-based decision-making</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of intergenerational and intergenerational equity</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of sustainable use</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of conservation of biological diversity and ecological integrity</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Principle of improved valuation, pricing and incentive mechanisms</li> </ul>	✓	Table 4
The following management hierarchies must be taken into consideration in the design of the proposed action.		Provide comment here
<ul style="list-style-type: none"> <li>Environmental decision-making hierarchy</li> </ul>	✓	Table 4
<ul style="list-style-type: none"> <li>Waste management hierarchy</li> </ul>	✓	Table 4
Other section 43 considerations		
<ul style="list-style-type: none"> <li>Have communities that may be affected by the proposed action been provided with information and opportunities for consultation?</li> </ul>	✓	Table 5 and Appendix E
<ul style="list-style-type: none"> <li>Has consultation with affected communities, including Aboriginal communities' been undertaken in a culturally appropriate manner?</li> </ul>	✓	Appendix E – Agreement with lease holder.

<ul style="list-style-type: none"> <li>Has community knowledge and understanding (including scientific and traditional knowledge and understanding) of the natural and cultural values of areas that may be impacted by the proposed action been sought and documented?</li> </ul>	✓	Appendix B
<ul style="list-style-type: none"> <li>Have Aboriginal values and the rights and interests of Aboriginal communities' been addressed in relation to areas that may be impacted by the proposed action?</li> </ul>	✓	Appendix B and Appendix E

## How to submit

Email your completed form to Environmental Assessments, Department of Environment, Parks and Water Security at [eia.ntepa@nt.gov.au](mailto:eia.ntepa@nt.gov.au)

## Further information

For further information, contact Environmental Assessments, Department of Environment, Parks and Water Security (DEPWS) at [eia.ntepa@nt.gov.au](mailto:eia.ntepa@nt.gov.au) or phone 08 8924 4218.

## Collection notice

**Purpose:** The purpose for the collection of information using this form is to provide the NT EPA with the relevant information needed to administer the environmental impact assessment process under the *Environment Protection Act 2019*.

**Failure to collect information:** If the DEPWS does not collect this information, then correspondence will continue to be with the proponent last notified to the NT EPA/Minister and it may have implications in the Minister's consideration of a fit and proper person under s 62 of the Environment Protection Act and environmental approval holder entity/name.

**Who is collecting the information:** The information is collected by the DEPWS, who provide services to the NT EPA/Minister.

**Who to contact for more information:** The [DEPWS Privacy Policy](#) sets out how you can access and/or correct your personal information and how you can make a complaint if you feel we have not complied with the [Privacy Act 1988](#).

All enquiries about access, correction or to make a complaint should be directed to the Privacy Officer on (08) 8999 4410 business days, 8.00am - 4.21pm or write to PO Box 496, Palmerston, NT 0831 or email [StrategicServices.DEPWS@nt.gov.au](mailto:StrategicServices.DEPWS@nt.gov.au)