

Ms Sarah Smith  
Department of Lands, Planning and Environment  
PO Box 3675  
DARWIN NT 0801

Dear Ms Smith

**Re: Invitation to comment on Referral – RTA Gove Pty Ltd - Closure Works at Pond 2 West**

The information submitted for the above Referral has been assessed by the relevant environmental divisions within the department and the following comment is provided:

**Rangelands Division**

**Vegetation Assessment Unit**

The proposal is located on NT Portion 1193, which is unzoned land, and pursuant to the *Planning Act 1999*, consent is required for the clearing of native vegetation of more than one hectare in aggregate on land subject to the Clearing of Native Vegetation Overlay. The purpose of the Overlay is to identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:

- (a) impact on the conservation values of land within Zone CN; or
- (b) unreasonably contribute to environmental degradation of the locality.

The application states approximately 1.7ha of land clearing is required for closure works. As the proposed clearing is located outside of the Residue Disposal Area lease (which is covered under the *Mining Management Act 2001*) it is not considered exempt from requiring consent to clear under Clause 3.2(4) of the Northern Territory Planning Scheme 2020 (NTPS), and therefore a Development Permit is required for the clearing of native vegetation.

Applications for permits to clear native vegetation on unzoned land are assessed against the requirements of the NTPS, including the NTPS Land Clearing Guidelines, which recommend buffers to sensitive/significant vegetation such as mangroves. An application to clear native vegetation must address how the proposal will not unreasonably contribute to environmental degradation of the locality.

For further advice on submitting a land clearing application, please contact the Vegetation Assessment Unit on 8999 3631 or email: [landclearing.DEPWS@nt.gov.au](mailto:landclearing.DEPWS@nt.gov.au).

## Weed Management Branch

There are no current or outstanding orders or notices issued under the Northern Territory *Weed Management Act 2001* for NT Portion 1193.

A desktop assessment of the NT Weeds Database for the subject area, surrounding parcels and roads has revealed current and or previous data records of the following:

Common Name	Botanical Name	Declared
Gamba	<i>Andropogon gayanus</i>	Class A - WMP (A zone)
Rubber vine	<i>Cryptostegia madagascariensis</i>	Class A
Grader grass	<i>Themeda quadrivalvis</i>	Class B - WMP
Hyptis	<i>Mesosphaerum suaveolens</i>	Class B
Lantana	<i>Lantana camara</i>	Class B
Mossman river grass	<i>Cenchrus echinatus</i>	Class B
Neem	<i>Azadirachta indica</i>	Class B - WMP
Senna - coffee	<i>Senna occidentalis</i>	Class B
Sida - Spinyhead	<i>Sida acuta</i>	Class B
Snakeweed	<i>Stachytarpheta spp.</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..

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).

Gamba grass and rubber vine are both Class A weeds in Arnhem Land and are a priority for eradication as they have been assessed as feasible for eradication. Both are evaluated as very high risk and have isolated and restricted distributions in Arnhem Land.

Gamba grass<sup>1</sup>, grader grass<sup>2</sup>, and neem<sup>3</sup> are all subject to statutory management plans. Management obligations outlined in these plans must be adhered to by all land holders. Copies of statutory weed management plans are available online<sup>4</sup>.

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<sup>1</sup> [https://nt.gov.au/\\_data/assets/pdf\\_file/0006/954789/weed-management-plan-for-gamba-grass-2020-2030.pdf](https://nt.gov.au/_data/assets/pdf_file/0006/954789/weed-management-plan-for-gamba-grass-2020-2030.pdf)

<sup>2</sup> <https://nt.gov.au/environment/weeds/weeds-in-the-nt/A-Z-list-of-weeds-in-the-NT/grader-grass#:~:text=The%20spread%20of%20grader%20grass,in%20pasture%20seed%20or%20hay.>

<sup>3</sup> <https://nt.gov.au/environment/weeds/weeds-in-the-nt/A-Z-list-of-weeds-in-the-NT/neem#:~:text=The%20spread%20of%20grader%20grass,in%20pasture%20seed%20or%20hay.>

<sup>4</sup> <http://www.nt.gov.au/environment/weeds/weed-management-planning>

Any works that cause disturbance to native vegetation and soils will create favourable conditions for the growth of weed species. Best practice to prevent weed introduction and spread dictates that:

- Vehicle and machinery are clean of weeds and soils containing weeds prior to commencement and washed/blown down after and between locations;
- Where possible, areas known to contain weeds are strategically cleared last to prevent spread to otherwise weed free locations; and
- Ongoing surveillance and treatment of weed species will be required on site until preferred species are established and maintained.

'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 online<sup>5</sup>, details the pathways through, which weeds are spread and provides actions to reduce weed spread.

Further information as to management requirements are available online at<sup>6</sup> or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

### Heritage Branch

The Heritage Branch has reviewed the Referral and have provided comment in **Attachment 1**.

### Environment Division

The proposal will impact on ~1.9ha of native vegetation in an already disturbed area. Provided the proposed work methods suitably address environmental risks, including but not limited to sediment & erosion control measures, dust mitigation, and prevention of mobilisation of contamination, environmental impact should not be significant. The proponent should consider all environmental and regulatory risks under the various potential legislation applicable.

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 Guidelines on waste discharge licence under the *NT Water Act 1992*<sup>7</sup>.

The proponent should note that all persons are required to comply at all times with the General Environmental Duty under section 12 of the *Waste Management and Pollution Control Act 1998* (NT) (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

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<sup>5</sup> [https://denr.nt.gov.au/\\_data/assets/pdf\\_file/0011/257987/preventing-weed-spread.pdf](https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf)

<sup>6</sup> <http://www.nt.gov.au/environment/weeds>

<sup>7</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0005/950603/guidelines-waste-discharge-licensing.pdf](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 is 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 premises.
2. **Noise:** The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online<sup>8</sup>.
3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environment harm do not result from soil erosion.

The 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 Control Association (IECA) Australasia guidelines<sup>9</sup>.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites<sup>10</sup> and Keeping Our Stormwater Clean<sup>11</sup>.

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<sup>12</sup>. 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 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 may be required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website<sup>13</sup>, and the NT Contaminated Land Guidelines<sup>14</sup>.
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. All fill imported or exported as part of the activity must be certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines<sup>15</sup>.

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 land<sup>16</sup>, and Illegal Dumping - What You Need to Know<sup>17</sup>.

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<sup>8</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0004/566356/noise\\_management\\_framework\\_guideline.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf)

<sup>9</sup> <https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

<sup>10</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0010/284680/guideline\\_prevent\\_pollution\\_building\\_sites.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf)

<sup>11</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0006/284676/guideline\\_keeping\\_stormwater\\_clean\\_builders\\_guide.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf)

<sup>12</sup> <https://www.epa.vic.gov.au/about-epa/publications/1698>

<sup>13</sup> <https://ntepa.nt.gov.au/your-environment/contaminated-land/investigating-contaminated-land>

<sup>14</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0020/434540/guideline\\_contaminated\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf)

<sup>15</sup> <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material/>

<sup>16</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0005/285728/factsheet\\_avoid\\_danger\\_accepting\\_illegal\\_fill\\_to\\_your\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf)

<sup>17</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0008/285740/factsheet\\_illegal\\_dumping\\_what\\_you\\_need\\_to\\_know.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf)

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 premises.

### **Flora and Fauna Division**

The Flora and Fauna Division has reviewed the Referral and has no comment, the proposal will impact on ~1.9ha of native vegetation in an already disturbed area. The proposed works pose a low risk to biodiversity.

### **Water Resources Division**

#### **Groundwater Assessment Branch**

Groundwater assessments have assessed the Referral and have no comment to provide as no groundwater extraction has been proposed. The area of land to be cleared is unlikely to impact on groundwater recharge rates. Potential risks to local groundwater quality are considered negligible.

#### **Surface water Assessment**

Surface water assessment have reviewed the Referral and have no issues of concern requiring comment within the responsibilities of Surface Water Assessment Team associated with the proposed closure works.

### **Licensing and Regulation**

The proposed disturbance and rehabilitation work will not require licensing or permitting under the *Water Act 1992*. The activities are considered to be low risk and are unlikely to result in any material changes to the flows, shape, or banks of the area during or after the disturbance period.

Further information can be obtained from the DLPE website<sup>18</sup> and by contacting [water.licensing@nt.gov.au](mailto:water.licensing@nt.gov.au) or call 08 8999 4455.

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

Yours sincerely



Jason Hill  
A/Executive Director Rangelands

14 November 2024

Attachment 1 – Heritage Branch comments

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<sup>18</sup> <https://nt.gov.au/environment/water>

# Attachment 1

## Submission on the referral

### RTA Gove Operations Pty Ltd – Closure Works at Pond 2 West

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

**Government authority:** Heritage Branch, Department of Lands, Planning and Environment

**Summary:** Heritage Branch are satisfied the proposed scope does not pose a risk to known archaeological places and objects but remind Rio Tinto of their statutory reporting obligations for the discovery of archaeological places and objects.

Section of Referral	Theme or issue	Comment
Main report, Table 1	Report references future Construction Environment Management Plan (CEMP)	Heritage Branch approves the inclusion of an unexpected finds protocol in the project management plan, and requests that a copy is provided to the Heritage Branch for review before works commence, to ensure it is fit for purpose under the <i>Heritage Act 2011</i> .
Appendix B	Reporting guidelines for the discovery of Heritage Places or objects	<p>The original memo was submitted internally to Rio Tinto on 13 December 2023, based on fieldwork undertaken on 8 November 2023. The Heritage Branch was first notified about the large shell midden identified during survey works (external to the proposed development footprint) when the referral was made live on 28 October. We would like to remind Rio Tinto and their contractors of the reporting obligations under the <i>Heritage Act 2011</i>, including statutory reporting timeframes under Section 114:</p> <p><b>114 Discovery of archaeological places and objects</b></p> <p>(1) A person commits an offence if the person:</p> <p>(a) discovers a place or object the person knows is an Aboriginal or Macassan archaeological place or object; and</p>

		<p>(b) does not, as soon as practicable after the discovery, give the CEO a written report stating the following:</p> <ul style="list-style-type: none"> <li>(i) a description of the place or object;</li> <li>(ii) its location [i.e. spatial boundary data of the site];</li> <li>(iii) the person's name and address;</li> <li>(iv) if known by the person – the name and address of the owner or occupier of the place or place where the object is located.</li> </ul> <p>Maximum penalty: 20 penalty units.</p> <p>(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse.</p> <p>(3) A person is taken to have complied with subsection (1) if the person gives the report to the CEO within 7 days after the discovery.</p>
Appendix B	Reporting guidelines for the discovery of Heritage Places or objects	<p>At least four previously recorded Macassan archaeological sites were referenced in the memo, clustered ~250m to the south-south-east of the newly recorded midden. These do not currently exist in the Heritage Branch database and lie external to the current boundary of the Rio Tinto lease, with limited available information internally (Shaun Adams, pers. comm. 30 October 2024). We request that spatial data of these site locations be provided to the Heritage Branch by Rio Tinto alongside any internally available information, or details of where these data were sourced so that we can similarly obtain a copy.</p>