


## NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)  
Regulations 57(2)(a) and 63(1) of the *Environment Protection Regulations 2020* (EP Regulations)

<b>Name of proposed action</b>	Closure Works at Pond 2 West
<b>Proponent</b>	RTA Gove Pty Ltd
<b>NT EPA reference</b>	EP2024/037
<b>Nature of the proposed action</b>	Mining
<b>Description of proposed action</b>	<p>The proponent proposes to expand the footprint of closure works at Pond 2 West of Rio Tinto Gove operations by approximately 2 ha beyond the currently approved residue disposal area (lease number 749656) to facilitate its staged decommissioning and rehabilitation. The proposed disturbance would be within NT Portion 1193, approximately 8 km west of the town of Nhulunbuy.</p> <p>Proposed off-lease activities include:</p> <ul style="list-style-type: none"><li>• clearing of a working area totalling approximately 2 ha including less than 1 ha of significant or sensitive vegetation (mangroves)</li><li>• bulk earthworks, erosion and sediment control works, construction of access roads and embankment batters</li><li>• revegetation of the final Pond 2 landform with native vegetation</li><li>• ongoing monitoring of surface water quality, vegetation and erosion performance and maintenance as required.</li></ul> <p>The proposal will commence in 2025 and be undertaken over two years subject to approvals, weather and dependant works being on schedule. Tenure for this off-lease proposed works is being sought.</p>
<b>Person authorised to make decision</b>	<p>Dr Paul Vogel AM, Chairperson, Northern Territory Environment Protection Authority (NT EPA)</p> <p>Delegate of the NT EPA under section 36 of the <i>Northern Territory Environment Protection Authority Act 2012</i></p>
<b>Decision</b>	<p><b>The proposed action does not have the potential to have a significant impact on the environment</b> (section 55 of the EP Act)</p> <p><b>Environmental impact assessment is not required</b> in accordance with regulation 57(2)(a) of the EP Regulations</p>
<b>Signature</b>	
<b>Date of decision</b>	11 December 2024

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<b>Matters considered under EP Regulation 56</b>	The NT EPA has considered the following: <ul style="list-style-type: none"><li>the accepted referral (including the referral form, referral report and appendices)</li><li>submissions received (under regulation 52 or 53) in relation to the accepted referral</li></ul>
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<b>Consultation</b>	Submission period: 17 October 2024 – 13 November 2024 Submissions received: 5 government authority submissions Submissions are available on the <a href="#">NT EPA website</a> .
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## Statement of reasons

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### Overview

The proposed action has the potential to impact environmental values associated with four environmental factors<sup>1</sup>. The potential impacts are not considered significant, due to the reasons outlined below.

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<b>Land</b>	<b>Terrestrial ecosystems</b> <p>The proposed action will involve clearing of 2 ha of regrown, previously disturbed native vegetation, with a high cover of weeds. Part of the footprint comprises approximately 0.8 ha of an intertidal mangrove community.</p> <p>The proponent’s terrestrial biodiversity assessment identified that the mangrove vegetation to be disturbed is ‘low value’, given the small size, low species richness and lack of threatened species. The Department of Lands, Planning and Environment (DLPE) Flora and Fauna Division has advised that the proposed action poses a low risk to biodiversity due to the scale of impact and the proposed action being located in an already disturbed area.</p> <p>Overall, the objective of the proposed action is to improve environmental outcomes, and all areas where disturbance occurs will be rehabilitated and revegetated with species derived from appropriate native analogue sites. The proponent will be required to obtain a permit under the <i>Planning Act</i> before clearing native vegetation.</p>
<b>Sea</b>	<b>Marine environmental quality</b> <p>A tidal creek fringed with mangroves aligns with the western boundary of the proposed works. There is potential for exposure of acid sulphate soils (ASS) during ground disturbance. The resulting acidification could impact surface water quality of the tidal creek and downstream environments. There is no available alternative location for the proposal due to the requirement of works to be undertaken on the Pond 2 landform. The presence of ASS will be assessed prior to ground disturbance, and where ASS is identified, acidification risks will be managed to prevent impacts to nearby downstream environments. By implementing industry standard ASS mitigation and management measures, it is unlikely that there will be significant impacts on the tidal creek.</p>
<b>People</b>	<b>Culture and heritage</b> <p>A heritage survey carried out by the proponent with participation of traditional owners on 8 November 2023 identified a large shell midden located outside the proposed action area (approximately 50 m south-east of the Pond 2 wall and approximately 400 m south-east to the proposed action).</p> <p>DLPE Heritage Branch advised that it is satisfied that the proposed action does not pose a risk to known archaeological places and objects.</p>

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<sup>1</sup> [NT EPA Environmental factors and objectives \(2022\)](#)

The Aboriginal Areas Protection Authority (AAPA) is aware of the proposal and has made recommendations to the proponent to ensure *Northern Territory Aboriginal Sacred Sites Act 1989* is complied with.

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### Other environmental factors

The NT EPA considered its other environmental factors during its consideration of the referral; however, the potential impacts on those factors were not considered to be significant.

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### Conclusion

The NT EPA has determined that the RTA Gove Pty Ltd Closure Works at Pond 2 West, does not have the potential for a significant impact on the environment. This is due to:

- the context, intensity, duration, magnitude and geographic extent of the potential impacts
- sensitivity, value and quality of the environment that would be impacted
- the inclusion of well-established avoidance, management and mitigation measures in the design, planning, construction and operational phases of the proposed action
- other statutory decision-making processes<sup>2,3</sup> that may mitigate the potential environmental impact of the referred action or strategic proposal.

Environmental impact assessment of the proposed action is not required.

In making its decision under section 55 of the EP Act and regulation 57 of the EP Regulations, the NT EPA has considered:

- the accepted referral and submissions made under regulation 52 and 53 (regulation 56 of the EP Regulations)<sup>4</sup>
  - the objects of the Act (section 3 of the EP Act)
  - the purposes of the environmental impact assessment process (section 42 of the EP Act).
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<sup>2</sup> In accordance with section 55(4) of the EP Act

<sup>3</sup> Including the requirement for an environmental (mining) licence under the EP Act, incorporating an approved mine closure plan

<sup>4</sup> The referral information and submissions are available on the public register on the NT EPA website: [RTA Gove Closure Works at Pond 2 West | NTEPA](#)