



NT Environment Protection Authority
GPO Box 3675
Darwin NT 0801

13th January 2021

Submitted online via the NT EPA Consultation portal

Re: Submission on the Rustlers Roost and Quest 29 Open-Cut Mine Redevelopment EIS

The Environment Centre NT (ECNT) is the peak community sector environment organisation in the Northern Territory, Australia raising awareness amongst community, government, business and industry about environmental issues and assisting people to reduce their environmental impact and supporting community members to participate in decision making processes and action. ECNT welcomes the opportunity to comment on the draft Environmental Impact Statement (EIS) for the Rustlers Roost and Quest 29 Open-cut Mine Redevelopment.

We outline our key concerns below.

Impact on groundwater dependent ecosystems

The risk of adverse impacts to Groundwater dependent ecosystems (GDEs) has been identified as high:

Reduced water table elevation due to dewatering has the potential to reduce access to groundwater by riparian vegetation (including GDEs). Impact to any GDEs including aquatic ecosystems that are dependent on groundwater to provide dry season refuge. Potential change to surface water quality due to dewatering activity.

Risk mitigation strategies are limited solely to the observation that “No documented drawdown impacts from previous operations” exist and that “Groundwater monitoring” will occur. ECNT believes this to be insufficient as there is no credible contingency planning outlined for this risk. A reliance on the fact of no previous drawdown impacts being documented is inadequate due to the significant expansion and changes involved with the updated Project. Furthermore, monitoring of groundwater is only effective insofar as it is attached to concrete risk mitigation strategies that can be implemented if the monitoring reveals that adverse impacts are occurring. ECNT submits that the Proponent should be required to describe what action they commit to take if monitoring shows drawdown impact, and to outline concrete levels or thresholds that groundwater monitoring would use as a rubric to identify this impact.

Tailings Storage and Waste Rock Management

There is vagueness and lack of concrete detail in the contingency plans for residual risk associated with Acid Mine Draining (AMD), tailings storage, and waste rock. Ideally contingency plans would already be developed at this stage of Assessment, rather than referred to as future undertakings.

The Acid and Metalliferous Drainage Manage Plan (AMDMP) contains a single sentence outlining the “specific measures” for tailings management: *“Contingency measures for tailings management include the use of flocculants to enhance settlement.”* This is an inadequate amount of detail.

There is a lack of certainty in the AMDMP regarding the covering of AMD generating waste rock. It is proposed that: *“Temporary low permeability plastic covers (e.g., low-density polyethylene) can be implemented to inhibit water contact with reactive waste rock during the rainy season and/or placed over areas of the WRDs that achieved final grade until such time that final covers can be installed.”* It is later stated that “alternative cover materials may also be considered such as evapotranspiration or store and release type covers”. It is necessary that detailed study into the appropriateness of different kinds of covering is undertaken early in order to ascertain the most effective option. Due to the potential severity of the risk of AMD, this modelling should already be conducted and should inform reasoning presented in the Draft EIS concerning which covering will be used. It is unacceptable that at this stage of the Draft EIS there remains a lack of clarity around the covering of the WRD. The Australian Government in their *Preventing Acid and Metalliferous Drainage: Leading Practice Sustainable Development Program for the Mining Industry* recommends that Proponents should undertake *“optimisation of cover design via modelling and monitoring of trial cover systems and future waste rock dumping strategies to minimise the overall risk of AMD.”* ECNT believes that this benchmark for best practice has not been met by the Proponent.

An extreme risk of *“Unplanned pit overtopping or release to surface water features during extreme rainfall and flooding events”* has been identified in the Draft EIS table of risks. Due to the increased frequency and extremity of extra-ordinary weather events associated with climate change, ECNT believes this is a particularly concerning risk going into the future. However, the Proponent’s strategy for mitigating this risk is vague; it is stated that *“A range of management measures will be employed to prepare the sites for the wet season and prevent unplanned discharges”* and the development of a *“Monitoring Plan / Operational Manual which includes weekly inspections of the Pits”* but there is a lack of detail about either the “management measures” or what course of action would be undertaken should the weekly inspection of the pits reveal unplanned overtopping.

Climate impacts

The proponent has identified that a GHG abatement plan is necessary due to the NTG’s Policy on Greenhouse Gas Emissions for New and Expanding Large Emitters. ECNT welcomes various mitigation measures proposed for the Project. However, it appears the proponent misunderstands the nature of carbon offsets, with the proponent stating that “it is considered unlikely that the Project will generate any offsets”. Such a statement implies that offsets are an opportunity produced by the Project, rather than what they actually are, i.e., a mechanism used by the Project to mitigate their carbon emissions. The Greenhouse Gas Abatement Plan (GGAP) referred to by the project should already be developed and made public, and the question of offsets for the not insignificant carbon emissions of the project should already be investigated at this stage of the Assessment.

Endangered species

ECNT has some overall concerns with the approach taken towards endangered flora and fauna species by the proponent. It was found that “During the field surveys, five fauna species classified under the TPWC Act as threatened, near threatened and data deficient were recorded during the 2016 and 2017 field surveys.” The Flora and Fauna Report, on which basis a decision was made not to refer the project under the EPBC Act, was released in May of 2017. However, as the Draft EIS states, the NT EPA was notified of “significant variation” to the project in August 2021, a variation which involves “an increase to the development envelope, vegetation clearing extent, life-of-mine (LOM), processing throughput and waste volume outputs”. A change in each of these factors will undoubtedly influence the conclusions drawn by the Flora and Fauna Report about the impacts of the Project to threatened species, particularly vegetation clearing extent. This renders the conclusions drawn in the Flora and Fauna Report substantially out of date.

The decision not to refer under the EPBC Act was made with continual reference to the fact that “the proposed operations are not likely to have a significant impact on a population” of various identified threatened species. Thus, a change in the proposed operations of the Project should necessitate a re-assessment of this conclusion. ECNT submits that an EPBC Act referral is essential for this Project, especially as regards the threatened species Merten’s water monitor (*Varanus mertensi*) which was detected during fauna surveys in 2017, and the Gouldian Finch, which was been recorded 1.5kms south-east of the Project area and is known to be mobile.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Shar Molloy', with a large loop at the end.

Shar Molloy, Co-Director Environment Centre NT

A handwritten signature in blue ink, appearing to read 'Kirsty Howey', with a long horizontal stroke.

Kirsty Howey, Co-Director Environment Centre NT