

STATEMENT OF REASONS

Application for approval to carry out work on a heritage place or object under section 72 of the *Heritage Act 2011* (the Act)

Applicant	Amanda Smith on behalf of McArthur River Mining Pty Ltd
Location	MRM4, McArthur River Mine, Northern Territory
Proposed work in brief	Stage 1 archaeological salvage and test excavation at the Aboriginal archaeological place known as MRM4
Application submission	Application submitted to the Department of Lands, Planning and Environment on 24 July 2026
Decision maker	Minister for Lands, Planning and Environment

MATERIAL CONSIDERED

I have considered the following:

- McArthur River Mining Pty Ltd (MRM) work application package containing:
 - Attachment 1 Heritage Branch Form – *Application to carry out work on a heritage place or object* – MRM4 Salvage Application (dated 24 July 2026);
 - Attachment 2 McArthur River Mine: Waste Rock Area (MRM4) – Archaeological Research Design (dated 8 July 2026);
 - Attachment 3 Gudanji Yanyuwa Garrwa Marra Aboriginal Corporation (GYGM) Correspondence re: Application to Carry Out Work at Archaeological Site known as MRM4 (dated 24 July 2026)
 - Attachment 4 Excerpt of relevant sections from the McArthur River Mine Indigenous Land Use Agreement (dated 14 December 2025); and
 - Attachment 5 Excerpt of relevant sections from the MRM4 – Salvage and Relocation Works Program Agreement (dated 17 June 2026).
- Advice from the Heritage Council dated 14 August 2026.
- Aboriginal Areas Protection Authority (AAPA) Certificate C2026/041 Variation to C2004/084.

THE DECISION

Under section 74 of the Act, I have decided to approve the work application, subject to conditions imposed in accordance with section 76 of the Act.

The approval is limited to Stage 1 works. It does not authorise Stage 2 works or other works at MRM4 requiring a separate work approval.

CONSIDERATIONS

I have considered the following matters required under section 75(1) of Act:

- the extent to which the application, if approved, would affect the heritage significance of the heritage place
- the extent to which the application, if refused, would affect the reasonable or economic use of the place, or cause a person undue financial hardship
- the Heritage Council's advice
- if the heritage place or object is, or is in, a sacred site – the advice of the Aboriginal Areas Protection Authority
- other matters relating to the conservation, use and management of the place or object the decision maker considers relevant.

REASONS FOR DECISION

I recognise that the proposed Stage 1 works will have a substantial and irreversible effect on the heritage significance of MRM4 through the removal of surface archaeological material and test excavation. The application includes an Archaeological Research Design (ARD) intended to mitigate that impact through archaeological recording, collection, analysis, Traditional Owner participation, management of recovered objects and reporting.

I considered that the Stage 1 works are connected with the further development of MRM's North Overburden Emplacement Facility and that refusal may affect the reasonable or economic use of the place and the broader operation of the mine.

I gave careful consideration to the Heritage Council's advice, including its concerns about the extent and staging of the proposed works. I also considered that the application is limited to Stage 1 works with written support of the Gudanji Yanyu Garrwa Marra Aboriginal Corporation (GYGM) following independent advice.

AAPA Authority Certificate C2026/041 Variation to C2004/084 indicate that MRM4 is not a sacred site and is not within a sacred site.

I acknowledge the Indigenous Land Use Agreement entered into between MRM and GYGM. The agreement evidences a joint commitment to deliver the first stage of works with Traditional Owners and custodians being directly involved in the work.

I have imposed conditions to further document the process and results.


Joshua Burgoyne

Minister for Lands, Planning and Environment

DATE 2-9-2026

REVIEW NOTICE

This review notice is provided in accordance with section 77 of the *Heritage Act 2011*

THE DECISION

The Notice of Decision is provided separately.

STATEMENT OF REASONS

A Statement of Reasons is provided separately.

RIGHT TO SEEK REVIEW

The Minister's decision on an application for a work approval is a reviewable decision under the *Heritage Act 2011*.

As an affected person for a reviewable decision, you have a right to have the decision reviewed by the Northern Territory Civil and Administrative Tribunal (NTCAT).

You may contact the NTCAT using the information below:

Phone: 1800 604 622 / (08) 8944 8720

Darwin (Casuarina Registry):

The Met Building
CASCOM Building 5, Casuarina Village
Level 1, 13-17 Scaturchio Street
CASUARINA NT 0811

Alice Springs Registry

Westpoint Building
1 Stott Terrace
ALICE SPRINGS NT 0870