

## STATEMENT OF REASONS

Section 69(1)(a) of the *Environment Protection Act 2019* (EP Act)

<b>Environmental approval holder</b>	<b>Chief Executive Officer of the Northern Territory Department of Industry, Tourism and Trade</b> ABN 84 085 734 992
<b>Environmental approval number</b>	EP2023/022-001
<b>Action</b>	<b>Rehabilitation of the former Rum Jungle Mine Site</b> Rehabilitate the former Rum Jungle mine site and associated satellite sites (Mt Fitch and Mt Burton) located 6 km north of Batchelor in the Northern Territory (NT) address legacy site contamination issues.
<b>Material considered</b>	Northern Territory Environment Protection Authority (NT EPA) advice received on 15 February 2023. <ul style="list-style-type: none"> <li>• Assessment Report 98</li> <li>• A draft environmental approval setting out conditions recommended to apply</li> <li>• Fit and proper person advice – signed declaration.</li> </ul>
<b>Decision</b>	In accordance with sections 69(1)(a) and 82(4)(a) of the EP Act, I <b>accept the draft environmental approval, adopt the proposed conditions of the NT EPA and grant the approval.</b>

## REASONS

This statement of reasons has been prepared in accordance with sections 82(3) and 82(4) of the EP Act.

### Overview of Action

The Chief Executive Officer of the Department of Industry, Tourism and Trade (DITT) (approval holder) submitted a Notice of Intent for the Rehabilitation of the former Rum Jungle Mine Site (action) to the Northern Territory Environment Protection Authority (NT EPA) on 30 June 2016 for consideration under the *Environmental Assessment Act 1982* (EA Act).

The action is to rehabilitate the former Rum Jungle mine site and associated satellite sites to address significant, long-term environmental legacy impacts primarily caused by acid and metalliferous drainage (AMD) resulting in pollution of the East Branch of the Finnis River.

The action is within Section 2968 Hundred of Goyder (Rum Jungle), Section 998 Hundred of Goyder (Mt Burton), NT Portion 3283, Crown Lease Perpetual 862 (Mt Fitch), Section 2940 Hundred of Goyder (Borrow Area A), Section 2830 Hundred of Goyder (Borrow Area B).

### Environmental context

The action is located within the headwaters of the Finnis River, with the East Branch of the Finnis River (EBFR) flowing through the significantly degraded and a heavily impacted Rum

Jungle legacy mine site. Approximately 57 km downstream of Rum Jungle, the Finniss River enters the Finniss River coastal floodplain and flows into the Fog Bay area, both of which are internationally recognised sites of conservation significance (SoCS).

Environmental values that require protection from the proposal are the Finniss River downstream of the proposal area and the SoCS: the Finniss River Coastal Plain and Fog Bay.

## **Matters considered under section 73 of EP Act**

### **Section 73(1) Principles of environment protection and management**

In considering Part 2 (Principles of environment protection and management) of the EP Act, I have considered the meaning of ecologically sustainable development (ESD) and applied each of the principles of ESD. I have reviewed the NT EPA's consideration of the principles of ESD as summarised in Assessment Report 98. I have considered and weighed all the principles of ESD in making my decision.

I have given particular consideration to the decision-making principle and the principle of intergenerational and intragenerational equity. The NT EPA's assessment has considered and I have applied approval conditions to mitigate both short term and long term environmental impacts, to provide for the restoration of the proposal area and downstream Finniss River for the benefit of future generations. The assessment of the proposal, the NT EPA's advice to me and consequently my decision, have been informed by the communities affected by the proposal.

I have considered and applied the hierarchies for environmental decision-making and waste management. I have given particular consideration to the application of the environmental decision-making hierarchy, and proposed measures to avoid, and then mitigate and manage potential adverse impacts on the environment, and to enhance and restore environmental quality. The environmental impact assessment and environmental approval of the action has considered and applied the waste management hierarchy through the remediation of waste and measures to minimise discharge of pollutants to the environment.

I am satisfied that through compliance with the environmental approval, the action is consistent with the ESD principles and the management hierarchies.

### **Section 73(1)(a) Objects of the EP Act**

I have had regard to the objects of the EP Act. I note in particular that through the environmental impact assessment of the action and the granting of the environmental approval, significant adverse impacts on the Territory environment are likely to be avoided and the protection and management of the Territory environment have been promoted.

The approval of the action will allow remediation to improve environmental values on site and downstream and protect the environment of the Territory. The wellbeing of the people of the Territory is likely to be improved by the action through the remediation of contamination and the generation of benefits for traditional owners, and local and regional communities and businesses. I also note the opportunity provided to the community for involvement in the environmental impact assessment of the action, and the recognition of the importance of participation by traditional Aboriginal owners in environmental decision-making processes required by the conditions of approval.

### **Section 73(1)(b) Assessment report on the action**

I have considered the advice of the NT EPA in its assessment report on the action (Assessment Report 98) which provides the NT EPA's assessment of the potential significant impacts of the action and recommendations for avoiding, mitigating and managing those impacts. The NT EPA identified that the action has the potential to have a significant impact

on environmental values associated with eight environmental factors, including culture and heritage, terrestrial ecosystems, terrestrial environmental quality, hydrological processes, inland water environmental quality, aquatic ecosystems, community and economy, and human health. Assessment Report 98 states that the action is likely to meet the NT EPA's environmental objectives and can be implemented and managed in a manner that is environmentally acceptable. The NT EPA recommended an environmental approval be granted subject to implementation of the approval holder's commitments in the environmental impact statement and the recommended conditions in the draft environmental approval. The proposed conditions of the NT EPA have been adopted in the environmental approval.

#### **Section 73(1)(c) Fit and proper person to hold environmental approval**

I have had regard to whether the approval holder is a fit and proper person to hold an environmental approval. I consider the approval holder to be a fit and proper person to hold an environmental approval.

#### **Section 73(1)(d) Any other matters the Minister considers relevant**

I have not identified any other matters that are relevant to, or require my consideration, in deciding to grant environmental approval for the action.

#### **Section 73(2) of the EP Act**

Overall, having regard to the above and the materials I considered, I am satisfied that:

- the community has been consulted on the potential environmental impacts and environmental benefits of the proposed action through the public consultation processes on the terms of reference for an Environmental Impact Statement and the draft Environmental Impact Statement; and
- the significant impacts of the action have been appropriately avoided or mitigated or can be appropriately managed to acceptable levels through compliance with the environmental approval. The NT EPA's Assessment Report 98 supports this view.
- No significant residual adverse impacts on the environment were identified that would require an environmental offset.



Signature

Hon Lauren Moss MLA

Minister for Environment, Climate Change and Water Security

DATE *29/03/2023*