

The Hon Joshua Burgoyne  
Minister for Lands, Planning and Environment  
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Via email: [minister.burgoyne@nt.gov.au](mailto:minister.burgoyne@nt.gov.au)

Dear Minister Burgoyne

**Re: McArthur River Mine – Independent Monitor Annual Environmental Performance Audit Report 2025**

The Department of Lands, Planning and Environment (the Department), as the environmental regulator of mining activities in the Northern Territory (NT), welcomes the opportunity to respond to the findings made by the Independent Monitor in its Annual Environmental Performance Audit Report of the McArthur River Mine for the period 1 May 2024 to 30 April 2025.

Following machinery of Government changes in 2024, the Department assumed responsibility for the environmental regulation of mining activities subject to the *Environment Protection Act 2019*.

Key findings of the Independent Monitor's audit with respect to the performance of the Department include:

- the continued protection of the health of the McArthur River from mining-related impacts is attributable to effective regulation supporting appropriate management actions as demonstrated by active monitoring of compliance with licence conditions;
- no significant environmental issues identified requiring urgent investigation or additional regulatory attention; and
- the new environmental mining licence framework will provide increased transparency and consistency in NT government decisions. The new framework has a risk outcome focus and will simplify reporting and administrative requirements.

Two areas of focus for the Independent Monitor in 2025 were the activities of the Independent Certifying Engineer (ICE) and the planning and conduct of rehabilitation activities by McArthur River Mining Pty Ltd (MRM, the Operator). The inclusion of a requirement for an ICE as conditions of licence reflects the importance placed by the Department on third party oversight of the construction of long term mine infrastructure. The Independent Monitor reinforced the value of the role of the ICE.

The regulatory framework in effect for mining in the NT recognises the importance of progressive rehabilitation and identification of rehabilitation activities in life of mine planning to achieve closure in alignment with agreed closure objectives. The Independent Monitor's review of rehabilitation activities at McArthur River Mine confirmed the importance of the approach and the value of a contemporary Rehabilitation Management Plan supporting site wide integration into mining operations.

I acknowledge that this report identifies a slightly lower overall compliance score for the Department as compared to previous reporting periods. This is primarily attributed to the achievement of 'part compliances' associated with failures to ensure administrative processes and obligations were appropriately completed. While it is important that these matters be addressed, I note that none of the part compliances represent a risk to the environment, the environmental performance of MRM, or the health of the McArthur River.

The Department's response to the identified opportunities for improvement arising from the part compliances are presented in Attachment A. The Department is committed to the delivery of evidence-based, risk-based, outcomes-focused, pragmatic regulatory function across all licensed mining activities in the NT. The policies, procedures and business systems supporting regulation of mining subject to the *Environment Protection Act 2019* are applied to all projects operating under an environmental mining licence.

The Department regulates mining activity at the McArthur River Mine in accordance with the transitional arrangements in the *Environment Protection Act 2019*. Discussion has commenced regarding the process for MRM to obtain a replacement tailored condition environmental mining licence to support continued operations post 30 June 2028. The transition to an enduring tailored conditions mining licence presents the opportunity to address any inconsistencies or ambiguities identified by the Independent Monitor. The tailored conditions will be developed to achieve a contemporary licence with clear compliance requirements. Consistent and clear conditions will support the efficient use of both operator and regulator resources in the management of environmental risks to achieve the ongoing protection of the health of the McArthur River from the impacts of mining.

Attachment A offers context and provides details of action by the Department of relevance to the three aspects of environmental performance audited by the Independent Monitor: Authorisation 0059 (Table 4-3), NT EPA recommendations (Table 4-6) and Regulatory approach (Table 4- 8).

In the conduct of its review, the Independent Monitor has made a number of observations. The Department acknowledges the observations made, and will consider each through the lens of regulatory practices and policy applied across all mining activities licenced under the *Environment Protection Act 2019*.

The Department remains committed to effective regulation of mining activities and will continue to work with MRM to protect the health of the McArthur River from mine-related impacts.

Yours sincerely



JO TOWNSEND  
Chief Executive Officer

Response to opportunities for improvement (OFI) relating to conditions of Authorisation 0059

OFI Ref (Table 4-3)	Condition	Opportunity for improvement (OFI)	Department response
<b>Mining Management Plan and Reporting</b>			
25-DE-AUTH-01	8.c and d	Liaise with the Operator on submitting all environmental monitoring data required by the Authorisation, including all high volume air sampler (HVAS) and fluvial sediment results, annually.	The obligation remains for the Operator to be compliant with conditions of licence.  The Department engages with the Operator on a regular basis to discuss up-coming compliance matters and takes a pro-active approach to address emerging issues as appropriate and through the Technical Working Group (TWG).
25-DE-AUTH-02	9.b	DLPE monitor the status of structures scheduled to be constructed and engage with the Operator regarding overdue "as-constructed" reports.	The TWG is attended by the Mining Division's Director Governance and Support and Mining Team Manager and the Operator's Environment, Health and Safety team.
25-DE-AUTH-03	9.b and 83	Liaise with the Operator on submissions that are due including TSF Quarterly Reports and "as-constructed" reports to ensure timely delivery.	
25-DE-AUTH-04	10	DLPE formally review the EMR [Environmental Monitoring Report] in a timely fashion.	The Department reviews documents submitted by operators in compliance with the conditions of licence with a view to providing pragmatic and timely advice.  Discussion of comments is followed by written correspondence from the Department as appropriate.
<b>Overburden Management Project</b>			
25-DE-AUTH-05***	23	DLPE to ensure the Independent Expert Panel (NOEF) assess the requirement for the NOEF seepage interception trench and recovery system.	The NOEF Panel scope is to assess the environmental performance of the NOEF in protecting the McArthur River from mine related impacts.

OFI Ref (Table 4-3)	Condition	Opportunity for improvement (OFI)	Department response
25-DE-AUTH-06***	24.e	DLPE to: -request the latest version of the NOEF geosynthetic liner cover system plan -engage with the Operator to ensure review of the plan by the NOEF Independent Expert Panel -provide approval of the final plan for implementation.	The Department will take appropriate action informed by the findings of the NOEF Panel review.
25-DE-AUTH-07	28.f	Ensure the NOEF Independent Expert Panel is aware of the Condition 28.f requirement to consult on the WMP [Water Management Plan].	The Department will take appropriate action informed by the findings of the NOEF Panel review.
25-DE-AUTH-08**	30.c 37.e 38.d	DLPE provide more timely responses on review/approval of the Aquatic Ecology Monitoring Plan (submitted in 2022).	The Department reviews documents submitted by operators in compliance with the conditions of licence, with a view to providing pragmatic and timely advice.  Discussion of comments is followed by written correspondence from the Department as appropriate.
25-DE-AUTH-09	43	DLPE to follow-up with government webservices to upload the most recently approved MMP to make it publicly available.	The publicly accessible 2020 MMP is the primary regulatory document and is current. Subsequent (approved) amendments have not related to substantial changes to approved works, and have not resulted in a change to the area of disturbance or risk profile of the project.  Consolidated documents will be made public when the deemed licence is replaced by a tailored condition environmental mining licence.  The Operator and the Department have commenced discussion regarding the licence replacement process to be finalised before 30 June 2028.

OFI Ref (Table 4-3)	Condition	Opportunity for improvement (OFI)	Department response
25-DE-AUTH-10*	46.b 46.c	DLPE to follow up with the Operator to update the AMP [Adaptive Management Plan] based on the Independent Monitor's review comments and obtaining inputs from the CRG [MRM Community Reference Group] (when available).	The obligation remains for the Operator to be compliant with conditions of approvals and ensure incorporation of Independent Monitor review comments as appropriate.  The Department will continue to monitor compliance by the Operator with conditions of licence.
<b>Water management and storage</b>			
25-DE-AUTH-11*	63.c.iii.d	DLPE to liaise with Chief Health Officer to obtain relevant correspondence and agreement for approach to erecting warning signage at the Bing Bong Loading Facility.	Public access to the Bing Bong Loading Facility (BBLF) is prohibited.  A recent audit of departmental records, conducted subsequent to the Independent Monitor's review, has identified that the Operator addressed signage requirements to the satisfaction of the Chief Health Officer in 2015.  The Independent Monitor has found there to be no health concerns relating to the consumption of fish from the McArthur River.
<b>Perimeter run-off dams – SPROD, SEPROD, WPROD and EPROD</b>			
25-DE-AUTH-12	76.2	Review the Eastern Perimeter Runoff Dam Construction Report (EPROD Construction Report) dated November 2022 and discuss the conclusions and recommendations with the Operator.	The Department engages with the Operator on a regular basis to discuss such matters and takes a pro-active approach to address emerging issues through the TWG.

OFI Ref (Table 4-3)	Condition	Opportunity for improvement (OFI)	Department response
<b>TSF Management</b>			
25-DE-AUTH-13 ***	83	DLPE to formally review and assess TSF Quarterly Reports in a more timely fashion.	<p>The Department assesses all operator submissions as expediently as possible allocating resources according to risk prioritisation informed by site knowledge, inspections and regular communication with operators.</p> <p>The Department engages with the Operator on a regular basis to discuss McArthur Rive Mine specific matters and takes a pro-active approach to address emerging issues through the TWG, and as appropriate.</p> <p>The key aspects of discussions had with MRM including those in addition to the TWG are communicated formally in departmental correspondence as appropriate.</p>
25-DE-AUTH-14^	83	DLPE to follow up with the Operator regarding submission of the Annual Dam Safety Assessment.	<p>The obligation remains for the Operator to be compliant with conditions of licence.</p> <p>The Department engages with the Operator on a regular basis to discuss up-coming compliance matters and takes a pro-active approach to address emerging issues as appropriate and through the TWG.</p>
<b>SCHEDULE C – Independent Monitoring Assessment Conditions</b>			
25-DE-AUTH-15	Schedule C - 25	DLPE to provide comments on the Independent Monitor's report within 28 calendar days of the Minister's request.	The Department prepares and submits responses to the Independent Monitor's report consistent with the licence condition.

OFI Ref (Table 4-3)	Condition	Opportunity for improvement (OFI)	Department response
25-DE-AUTH-16*	Schedule C - 28	Given invoices are not due within 7 days, update the condition to reflect the actual invoice payment timeframe.	<p>The Department is subject to whole of government procurement and finance timeframes. This discrepancy has been identified for amendment when conditions of licence are revised as part of granting a replacement tailored condition environmental mining licence as required by the <i>Environment Protection Act 2019</i>.</p> <p>The Operator and the Department have commenced discussion regarding the licence replacement process to be finalised before 30 June 2028.</p>

\* Indicates OFI was identical to an OFI from AEPAR 2024

\*\* Indicates OFI was very similar to an OFI from AEPARs 2023 and 2024

\*\*\* Indicates OFI was very similar to an OFI from AEPARs from 2022 - 2024.

^ Indicates OFI was similar to an OFI from AEPARs from 2021 - 2024.

Response to OFI relating to Northern Territory Environment Protection Authority (NT EPA) recommendations made in Assessment Report 86 published in July 2018<sup>1</sup>

OFI Ref (Table 4-6)	NT EPA recommendation	Opportunity for improvement (OFI)	Department response
25-DE-REC-01 <sup>^</sup>	20.ii	DLPE should formally approve the Aquatic Ecology Monitoring Plan, to trigger the requirement for public reporting.	The requirement for an operator to make public reports is currently the subject of Departmental review following implementation of the Northern Territory Government's environmental regulatory reforms.
24-DE-REC-02 <sup>*</sup>	27	DLPE to incorporate a mechanism for the revised monitoring program (assume Water Monitoring Program) to be reviewed by the Independent Panel(s) and Independent Monitor and then be approved by the relevant regulators, e.g. DLPE.	<p>The Operator undertook a review and synthesis of all monitoring programs and submitted an updated Water Management Plan to the department on 13 May 2022.</p> <p>The NT EPA advised MRM on 19 December 2022 that it was satisfied that the water management and aquatic ecology management plans adequately synthesised all programs, allowing MRM to measure performance against the NT EPA's overarching environmental outcome in Assessment Report 86.</p>

\* Indicates OFI was identical to an OFI from AEPAR 2024

<sup>^</sup> Indicates OFI was similar to an OFI from AEPARs from 2021 onwards.

<sup>1</sup> [McArthur River Mine | NTEPA](#)

Response to OFI relating to regulatory approach

OFI Ref (Table 4-8)	Opportunity for improvement (OFI)	Department response
25-DE-REG-01	DLPE in consultation with the Operator to re-establish regular TWG meetings.	<p>The Department maintains regular contact with the Operator focusing on specific operational matters.</p> <p>The convening of formal TWG meetings recommenced late 2025 with the appointment of dedicated team members by both the Operator and Regulator.</p>
25-DE-REG-02	Review the CRG scope and format to ensure effectiveness and relevance is maintained and the arrangements remain valuable for members.	<p>The Department's role is to facilitate the review of the CRG terms of reference and membership conducted by the Independent Chairperson.</p> <p>The Independent Chairperson commenced a review of the terms of reference and membership in February 2025. As part of the review, the Independent Chairperson has met with the Minister for Lands, Planning and Environment and will undertake final consultation with current CRG members and the NT EPA prior to making recommendations to the Minister early in 2026.</p>
25-DE-REG-03	DLPE to review the wording of some historic Authorisation conditions to provide greater clarity on their intent and to enhance effective implementation for both DLPE and Operator. Replacement licence due in 2028 is an opportunity to review conditions.	<p>The Department undertakes regular review of licence conditions and provides project specific advice to all operators regarding the application of the environmental mining licensing framework under <i>Environment Protection Act 2019</i>.</p> <p>Under the terms of the <i>Environment Protection Act 2019</i> a replacement tailored condition mining licence is to be on "substantially the same terms and conditions and requirements" that apply to the Authorisation (per s313(3)).</p> <p>The Operator and the Department have commenced discussion regarding the licence replacement process to be finalised before 30 June 2028. This will include reviewing and clarifying the conditions of the licence as appropriate.</p>

OFI Ref (Table 4-8)	Opportunity for improvement (OFI)	Department response
25-DE-REG-04^^	DLPE to facilitate an internal review to examine the annual EMR [Environmental Monitoring Report] process, tasks and outputs with a view to streamline the activity. As part of this review, examine what is sufficient for regulatory requirements and responding to community expectations, as well as how the annual process could be more efficient.	<p>Periodic review is conducted with a view to improving the relevance and focus of environmental reporting requirements.</p> <p>The Operator and the Department have commenced discussion regarding the licence replacement process to be finalised before 30 June 2028. This will include reviewing and clarifying the conditions of the licence as appropriate.</p>
25-DE-REG-05^^	DLPE to prepare an internal procedure for the regulation of the Authorisation conditions and NT EPA recommendations to document the processes, timing, due dates, overdue submissions, approvals, decisions, public /community communication and records requirements to assist managing the complex regulatory requirements relating to DLPE activities.	<p>Existing Department business systems inform regulatory oversight and action by officers. Optimal application of the systems was impeded by vacancies during the audit period.</p> <p>Departmental practices are subject to regular internal review to achieve efficiencies and ensure they remain fit for purpose and support regulation under the licensing framework subject to the <i>Environment Protection Act 2019</i> introduced in July 2024.</p>
25-DE-REG-06^	DLPE to reduce reliance on key individuals within DLPE to ensure consistency and continuity of compliance and performance.	<p>Departmental business systems exist to support knowledge retention and transfer.</p> <p>Recruitment, and retention and development of suitably qualified Environmental Mining Officers is a focus of the Department to achieve effective regulation of all projects licenced under the <i>Environment Protection Act 2019</i>.</p>
25-DE-REG-07*	DLPE to provide a definition of 'construction being finalised' to clarify timing for when "as-constructed" reports should be submitted.	<p>The Department has identified the need to clarify the definition of "as-constructed" when conditions of licence are next comprehensively revised; anticipated to be as part of the process for replacing the existing deemed environmental mining licence by 30 June 2028.</p> <p>Opportunities to provide additional policy guidance to the Operator on this matter will be investigated during the interim.</p>

OFI Ref (Table 4-8)	Opportunity for improvement (OFI)	Department response
25-DE-REG-08*	DLPE to set up process for tracking submissions by Operator and subsequent acknowledgement, review, information request (as relevant) and approval (or otherwise) of submitted documents by DLPE. This may include register and work program to set out forecast activity timeframes and dates, which are updated regularly as actual progress is made.	<p>Existing Department business systems inform regulatory oversight and action by officers. Bespoke business systems are used by the Department to track assessment and compliance matters.</p> <p>Departmental practices are subject to regular internal review to achieve efficiencies and ensure they remain fit for purpose.</p>

- \* Indicates OFI carried over from 2024 regulatory approach
- ^ Indicates OFI carried over from 2021 regulatory approach DLPE review.
- ^^ Indicates OFI carried over from 2020, 2021, 2022 and 2022 regulatory approach review.