

Ms Lisa Bradley
Department of Environment, Parks and Water Security
GPO Box 3675
Darwin NT 0801

Dear Ms Bradley

Re: Invitation to Comment: Groote Eylandt Mining Company Ltd – Southern Lease Exploration Project

The Department of Environment, Parks and Water Security (DEPWS) has assessed the information contained in the above invitation and provides the following comments:

Flora and Fauna Division

The Flora and Fauna Division has provided comment on a proposal during the environmental impact assessment process under the *Environmental Assessment Act 1982* and *Environment Protection and Biodiversity Conservation Act 1999* on the GEMCO Eastern Leases (ELR 28161 and ELR 28162), which is located immediately north of the current proposal. Flora and Fauna Division staff have also had extensive engagement with GEMCO Staff and consultants in relation to biodiversity surveys within the Eastern Lease area.

The Flora and Fauna Division has reviewed the referral documentation and comments are provided in the attached table, **refer to Attachment 1**.

The proponent has undertaken significant survey work to clarify the distribution of threatened species within the project area. In general, risks to threatened species from the proposal are considered to be low, as detailed in Attachment 1.

Flora and Fauna Division provides the following recommendation:

- Masked Owls (northern) require relatively large trees with well-developed hollows for roosting. Mitigation measures proposed by the proponent should be amended to specify that clearing of trees >50cm DBH, and trees >40cm DBH with hollows, are avoided.

Environment Division

The information provided regarding the proposal does not appear to trigger licensing requirements of an Environment Protection Approval under the *Waste Management and Pollution Control Act 1998* (WMPC Act). Should the proponent collect, transport, store, recycle or treat listed wastes on a commercial or fee for service basis as part of the premises development, then an Environment Protection Approval or Licence will be required to authorise the activity under the WMPC Act. Any listed wastes generated during the

construction or operation of the facility must be transported by an appropriately licensed waste handler to an appropriately licensed facility for treatment, recycling and/or disposal.

There are statutory obligations under the WMPC Act that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the WMPC Act, including the General Environmental Duty under section 12 of the WMPC Act. There is also requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the WMPC Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website¹. To help satisfy the General Environmental Duty, the proponent is advised to take notice of the list of environmental considerations below. The list is not exhaustive, and the proponent is responsible for ensuring their activities do not result in non-compliance with the WMPC Act. The WMPC Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The NT EPA may take enforcement action or issue statutory instruments should there be non-compliance with the WMPC Act.

A non-exhaustive list of environmental issues that should be considered to help satisfy the environmental duty are listed below.

1. Dust: The proposed activities have the potential to generate dust, particularly during the dry season. The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. Noise: The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the Northern Territory Environment Protection Authority Northern Territory Noise Management Framework Guideline available online²
3. Erosion and Sediment Control (ESC): The proponent must ensure that pollution and/or environment harm do not result from soil erosion. ESC measures should be employed prior to and throughout the construction stage of the development.

Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion and Sediment Control Association (IECA) Australia guidelines and specifications. Where sediment basins are required by the development, the Northern Territory Environment Protection Authority recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites³ and Keeping Our Stormwater Clean⁴ are available online.

4. Stormwater: The proponent must ensure that there is no discharge of contaminated water from the premises into either the groundwater or any surface waters.
5. Storage: If an Environment Protection Approval or Environment Protection Licence is not required, the proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines, June 2018, as amended. Where these guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area. Where an Environment Protection Approval or Environment Protection Licence

¹ <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

is required, the proponent must only accept, handle or store at the premises listed waste, including asbestos, as defined by the *Waste Management and Pollution Control Act 1998*, in accordance with that authorisation.

Rangelands Division

Weed Management Branch

This referral under the *Environment Protection Act 2019* for the GEMCO - Southern Lease Exploration Project adequately addresses requirements for weed management for their proposal and appears to be in accordance with the *Weeds Management Act 2001*.

Water Resources Division

Comment requested for the Southern Lease Exploration Project (2023-2025) is located outside a water control district.

The project outlines the water demand is minimal and is sourced from the existing mine lease fill points. The proponent has a current surface water extraction licence 9291005 for 2,585 ML/yr and the water requirements for the project are stated to be within this entitlement.

Public information about water resource management is available on the Department website⁵.

In conclusion of this letter, should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DEPWS@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Rangelands

3 May 2023

⁵ [Water | Department of Environment, Parks and Water Security](#)

Attachment 1 - Submission on the referral

Groote Eylandt Mining Company Ltd – Southern Lease Exploration Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Department of Environment, Parks and Water Security

Summary:

Section of Referral	Theme or issue	Comment																																				
Main report – section 4	Terrestrial Ecosystems	<u>Threatened Species:</u>																																				
		Based on a search of DEPWS databases within 2 km of the referral area, expert knowledge of species' habitat requirements and information about habitats occurring within the proposed locality, the following threatened species may occur in or near the area proposed for development.																																				
		<table border="1"> <thead> <tr> <th>Common Name</th> <th>Scientific Name</th> <th>TPWC Act*</th> <th>EPBC Act**</th> </tr> </thead> <tbody> <tr> <td>Northern Quoll</td> <td><i>Dasyurus hallucatus</i></td> <td>Critically Endangered</td> <td>Endangered</td> </tr> <tr> <td>Masked Owl (northern)</td> <td><i>Tyto novaehollandiae kimberli</i></td> <td>Vulnerable</td> <td>Vulnerable</td> </tr> <tr> <td>Northern Hopping-mouse</td> <td><i>Notomys aquilo</i></td> <td>Endangered</td> <td>Vulnerable</td> </tr> <tr> <td>Mertens' Water Monitor</td> <td><i>Varanus mertensi</i></td> <td>Vulnerable</td> <td>Not listed</td> </tr> <tr> <td>Ghost Bat</td> <td><i>Macroderma gigas</i></td> <td>Near Threatened</td> <td>Vulnerable</td> </tr> <tr> <td>Brush-tailed Rabbit-rat</td> <td><i>Conilurus penicillatus</i></td> <td>Endangered</td> <td>Vulnerable</td> </tr> <tr> <td>Lesser Sand Plover</td> <td><i>Charadrius mongolus</i></td> <td>Endangered</td> <td>Endangered</td> </tr> <tr> <td>Green Turtle</td> <td><i>Chelonia mydas</i></td> <td>Near Threatened</td> <td>Vulnerable</td> </tr> </tbody> </table>	Common Name	Scientific Name	TPWC Act*	EPBC Act**	Northern Quoll	<i>Dasyurus hallucatus</i>	Critically Endangered	Endangered	Masked Owl (northern)	<i>Tyto novaehollandiae kimberli</i>	Vulnerable	Vulnerable	Northern Hopping-mouse	<i>Notomys aquilo</i>	Endangered	Vulnerable	Mertens' Water Monitor	<i>Varanus mertensi</i>	Vulnerable	Not listed	Ghost Bat	<i>Macroderma gigas</i>	Near Threatened	Vulnerable	Brush-tailed Rabbit-rat	<i>Conilurus penicillatus</i>	Endangered	Vulnerable	Lesser Sand Plover	<i>Charadrius mongolus</i>	Endangered	Endangered	Green Turtle	<i>Chelonia mydas</i>	Near Threatened	Vulnerable
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		<p>Olive Ridley Turtle <i>Lepidochelys olivacea</i> Vulnerable Endangered</p> <p>A bladderwort <i>Utricularia singeriana</i> Vulnerable Not listed</p> <hr/> <p>** Territory Parks and Wildlife Conservation Act 1976 ** Environment Protection and Biodiversity Conservation Act 1999</p>
		<p><u>Northern Quoll</u></p> <p>Northern Quolls have been detected within the area proposed for development and potentially occur throughout the disturbance footprint area. This is confirmed by surveys undertaken by the proponent. Quolls were detected at 74 of the 75 camera trapping sites indicating that the quolls are common in the area.</p> <p>A potential risk to the species from the proposed development is fragmentation of habitat and facilitating access and movements of feral species such as cats which may displace quolls. The 2021 Camera Fauna Monitoring Program Report (Appendix C) concluded that “... <i>the fragmentation of habitat resulting from previous exploration activities in the southern lease has not modified habitat such that it would change the suitability of the habitat for the two species that were studied.</i>” This conclusion was based on results of camera trapping in 2016, prior to clearing of exploration tracks, and camera trapping in 2021, subsequent to clearing of exploration tracks. The results demonstrated no significant differences in quoll or cat numbers between the two time periods. There were some weaknesses in the study: firstly, cat detections were low, therefore density estimates could not be calculated; secondly, only 26 of the 75 sites that were sampled in 2021 were located in the same area as the sites sampled in 2016. However, the study does provide a general indication that there was little change to both quoll and cat numbers after clearing.</p> <p>Given that they occur almost ubiquitously within the project area and the total area of disturbance is relatively small, the risk posed to northern quoll as a result of further exploration activity is considered to be low.</p>
		<p><u>Masked Owl (northern)</u></p> <p>Masked Owls have been detected within the area proposed for development, and potentially occurs throughout the disturbance footprint area. This is confirmed by the proponent. Masked owls require relatively large trees with well-developed hollows that are > 40cm DBH, for roosting. The mitigation measure that is proposed by the proponent is to avoid clearing large trees > 50cm DBH and hollow-bearing trees that may be suitable for nesting. No definitions are provided by the proponent for what constitutes a hollow-bearing tree that may be suitable for nesting. It is therefore recommended that the mitigation measure is amended the specific that clearing of trees > 50cm DBH is avoided and clearing of trees > 40cm DBH with hollows are also avoided.</p>

	<p><u>Northern Hopping Mouse</u></p> <p>Northern Hopping Mouse have not been detected across the southern leases exploration area, despite significant survey effort undertaken. Areas that have not been surveyed due to access difficulties are outside of the proposed footprint in the referral. The Flora and Fauna Division agree that Northern Hopping Mouse are unlikely to occur within the proposed exploration area and the risk to this species is considered to be low.</p>
	<p><u>Mertens' Water Monitor</u></p> <p>Mertens' Water monitor has been detected adjacent to the area proposed for development. This species occur in riparian and wetland areas. The proposed area for development avoids drainage areas, therefore, it is unlikely that the development proposal will have a significant impact on this species and the risk is considered to be low.</p>
	<p><u>Ghost Bat</u></p> <p>Ghost Bats have been detected within the area proposed for development and potentially occurs throughout the disturbance footprint area. This is confirmed by the proponent. Ghost Bats require deep crevices and caves for roosting. There are no landscape features with rocky crevices of caves within the footprint area. Although Ghost Bats are likely to forage within the footprint area, the risk of significant impact on this species from the proposal is considered low, given the small total area of disturbance.</p>
	<p><u>Brush-tailed Rabbit-rat</u></p> <p>Brush-tailed Rabbit-rat have been detected adjacent to the area proposed for development and may potentially occur within the disturbance footprint area, however, no animals were detected within the footprint area from recent or historical surveys. Therefore the likelihood of the species occurring in the area, and the associated risk, is considered to be low, and it is unlikely that the development proposal will have a significant impact on this species.</p>
	<p><u>Lesser Sand Plover</u></p> <p>One record of the Lesser Sand Plover was detected on the coastline approximately 2 km from the proposed development area. These species are largely dependent on coastal and adjacent environments for foraging. The development is not expected to have a significant impact on coastal ecosystems. The potential risk from the proposed development is considered to be low.</p>

		<p><u>Green Turtle, Olive Ridley Turtle</u></p> <p>These species were detected on the coastline approximately 2 km from the proposed development area. These species are dependent on sandy beaches for nesting. The development is not expected to have significant impact on coastal ecosystems. The potential risk from the proposed development is considered to be low.</p>
		<p><u>Utricularia singeriana</u></p> <p>This Bladderwort was detected adjacent to the area proposed for development and has a low likelihood of occurring within the disturbance footprint area. One record was detected in 2021 close to a drainage depression approximately 350m from the proposed disturbance footprint. The species is restricted to wet sandy flats and swamps. The species may be impacted by alterations to hydrology, however, there is no evidence that this is currently a threat to the species. Given the proposed exploration areas avoid drainage areas and wetlands, the risk to this species from the proposed development is considered to be low.</p>