


NOTICE OF DECISION AND STATEMENT OF REASONS

Section 56 of the *Environment Protection Act 2019* (EP Act)
Regulations 174 and 175 - Environment Protection Regulations 2020 (EP Regulations) for a decision on a significant variation

Name of proposed action	Winchelsea Island Manganese Mine Project (proposal)
Proponent	Winchelsea Mining Pty Ltd
NT EPA reference	EP2021/004 - Significant variation accepted 10 July 2023
Description of proposed action	To construct and operate an open cut manganese mine at Winchelsea Island (Akwamburkba), north of Groote Eylandt, about 600 km southeast of Darwin. The proposal involves the mining of manganese and the use of a conveyor to transport processed ore to a barge-loading facility, and then trans-shipping of ore.
Nature of the significant variation	Key changes to the proposed action include: <ul style="list-style-type: none"> • re-configuration of mining pits resulting in a net increase in the number of pits (from two to nine pits) • inclusion of a tailings storage facility with a capacity of 465,000 m³ • construction and operation of a wharf facility to allow for barge and tug access in all tidal conditions • marine dredging for the wharf (up to 150,000 m³), with associated offshore dredge spoil disposal, and • re-configuration of quarries for construction materials to a single quarry.
Decisions on significant variation	The assessment can continue with the existing assessment method (environmental impact statement) with amended terms of reference, in accordance with EP regulation 173(1)(c)(ii), and Approval of the draft amending terms of reference with any changes the NT EPA considers appropriate, pursuant to EP regulation 188(3)(b).
Person authorised to make decision	Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)
Signature	
Date of decision	14 September 2023
Matters considered	EP Regulation 172 and 173(6): <ul style="list-style-type: none"> • the accepted notice of significant variation • whether the variation would change the potential for, or extent of, significant environmental impacts already identified for the proposal • the objects of the EP Act and the purpose of the environmental impact assessment process • submissions in relation to the significant variation public consultation period 10 July to 22 August 2023 <ul style="list-style-type: none"> ○ government authority submissions received: 6

○ public submissions received: 0

- EP Regulation 59 – the method of environmental impact assessment.
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Consultation

Public and government authority submissions identified:

- the proponent should apply for an Authority Certificate in accordance with the *Northern Territory Aboriginal Sacred Sites Act 1989*. An Authority Certificate is an appropriate mechanism to minimise the risk of significant impact on cultural values onshore and offshore, which are associated with Aboriginal sacred sites
- concerns about the cumulative impacts of the proposal on community and economy, and having a separate proposal to address the workforce accommodation and transportation and logistics required for the project
- additions/changes to the approved terms of reference and minimum requirements to be included in the EIS to address dredging, dredge spoil disposal and transshipping activities, and the associated risks to landforms, terrestrial ecosystems, coastal processes and marine ecosystems
- development consent may be required for clearing an aggregate of 1 ha of native vegetation on unzoned land (NT Portion 6823)
- the proposed tailings storage facility (TSF) must be constructed in accordance with Australian National Committee on Large dams (ANCOLD) guidelines, and will have sufficient capacity for the storage and handling of the tailings
- best practice rehabilitation of pit voids must be considered.

Submissions are published and available on the NT EPA website in accordance with EP Regulation 269

STATEMENT OF REASONS

Overview

The significant variation introduces elements to the action with potential significant impacts in addition to those already identified in the assessment process, with key changes that include construction and operation of a tailings storage facility, dredging to construct a wharf, and dredge spoil disposal at an offshore location in Bartalumba Bay.

The NT EPA considers that the varied proposal has the potential to significantly impact environmental values associated with 13 environmental factors¹ previously identified in the NT EPA's [Notice of Decision and Statement of Reasons of 10 March 2021](#). In addition, the following environmental factor has the potential to be significantly impacted:

- **Landforms** – the variety and integrity of distinctive physical landforms is likely to be impacted by the vegetation clearing, construction and mining activities, and the acceptability of potential impacts, rehabilitation measures, and magnitude and extent of residual impacts is uncertain.

Justification

The assessment can continue with the existing assessment method because of the following:

Regulation 172(2)(a) the potential for a significant impact on the environment has increased in a material way from the impacts already identified in the assessment process. This is due to the addition of key changes to the proposal e.g. including a tailings storage facility, dredging, and dredge spoil disposal

¹ [NT EPA Environmental factors and objectives](#)

Regulation 172(2)(b) the significant variation may result in a substantial change to the type or amount of any output of the proposal in a way that it could significantly change the potential significant impacts from those already identified in the assessment process. the marine environment could be further impacted due to the proposed dredging, and dredge spoil disposal at an offshore location

Regulation 172(2)(c) the matters raised in the significant variation do not remove the potential for significant environmental impact. A decision to continue with the existing assessment method is consistent with the objects of the EP Act and purpose set out in section 42 of the EP Act.

Conclusion

The NT EPA considers that the significant variation does not reduce the potential for the proposal to have a significant impact on 14 environmental factors due to the location, scale and extent of the proposal. The uncertainty regarding the values that may be impacted by some components of the proposal, and the magnitude of those impacts, remain, and may be increased, due to the preliminary nature of the information available.

Management and mitigation measures proposed in the design, planning, construction and operational phases of the proposal require further development during preparation of an environmental impact statement, with consideration of environmental values identified through studies and stakeholder engagement.

The NT EPA considers that environmental impact assessment is required, and can continue with draft amending terms of reference that includes changes the NT EPA considers appropriate.