



Australian Government

National Environmental Protection Agency

Department of Lands, Planning and Environment
Northern Territory Government
GPO Box 3675
PARAP NT 0801

Attention: Kylie Fitzpatrick - Director, Environmental Assessment
Via: eia.consult@nt.gov.au

Dear Ms Fitzpatrick

Submission on referral and draft terms of reference for environmental impact statements under the *Environment Protection Act 2019 (NT)*: Project Ares, Northern Territory

Thank you for the opportunity to comment on the draft terms of reference for an environmental impact statement (EIS) for Energy North Pty Ltd's proposal to construct and operate Project Ares, a hyperscale data centre campus with total information technology capacity of 1 GW, around 52 kilometres (km) north-west of Elliot and 100 km south-west of Daly Waters. These comments relate to matters relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 29 June 2026, Energy North Pty Ltd submitted a referral for the proposed action under the EPBC Act, identifying the proposal as a potential controlled action requiring assessment and approval under the Act. The proposal was referred before responsibility for EPBC Act assessments transferred to the National Environmental Protection Agency (the agency) on 1 July 2026.

Following its review of the referral documentation, the agency determined that additional information was required to assess the likelihood and significance of potential impacts on matters protected under the EPBC Act, particularly listed threatened species and migratory species. Accordingly, on 24 July 2026, the Agency stopped the statutory decision-making period under section 76 of the EPBC Act and requested further information from the proponent. At the date of this correspondence, Energy North have not provided the requested information.

The agency has reviewed the draft EIS Terms of Reference (TOR) and has provided general comments for your consideration at [Attachment A](#).

Should the NT EPA determine the proposal requires environmental impact assessment under the *Environment Protection Act 2019 (NT)* (EP Act), it may be eligible for assessment under the bilateral assessment agreement between the Commonwealth and the NT Government, pending the referral decision under the EPBC Act and its timing. The agency will be able to provide greater clarity once a referral decision under the EPBC Act is made.



Australian Government

National Environmental Protection Agency

If you have any questions about the Commonwealth assessment process or these comments, please contact the Assessment Officer, Sophie Brennan, by email to SANTassessments@nationalepa.gov.au, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in blue ink that reads "Bray".

Dr Josh Bray
A/g Director, SA and NT Section
Environment Assessments West Branch

20 August 2026

CC: kylie.fitzpatrick@nt.gov.au; eia.ntepa@nt.gov.au

Attachment A: Submission on draft terms of reference



Australian Government

National Environmental Protection Agency

Attachment A: Submission on draft terms of reference

Project Ares

This submission is made under regulation 103 of the *Environment Protection Regulations 2020*

Government authority: National Environmental Protection Agency

Section of terms of reference	Theme / issue	Comment
1.2 Background	Scope	This section notes, “The intended operational life of 25+ years, with the overall Project lifespan extending beyond 30 years ...”. For clarity, consideration could be given to explicitly outlining the anticipated operational life of the proposed action in the background section.
1.2 Background / 2.2.5 Construction, operation and repowering	Scope / Operation and repowering	The TOR notes that Energy North is committed to a defined transition pathway towards renewable-powered operations, with specific milestones and targets to be confirmed during the EIS process. To provide greater clarity regarding the proposed operational activities, the TOR could consider identifying information requirements relating to renewable energy transition milestones and targets in section 2.2.5.
1.4 Assessment under accredited assessment process / 2.9 Matters of national environmental significance	Protected matters	The TOR identifies listed threatened species and ecological communities (sections 18 and 18A of the EPBC Act) as the relevant MNES. The agency has requested additional information from the proponent regarding potential impacts on migratory species (sections 20 and 20A), and consideration of these matters may also be relevant as the assessment progresses.
2.2.2 Potentially affected area	Mapping	Consideration could be given to including sensitive environments associated with both surface water and groundwater. The inclusion of hydrological mapping, including groundwater-dependent ecosystems, potentially groundwater-supported habitats, and the downstream Lake Woods wetland of national significance, may assist in reducing uncertainty regarding potential impacts on protected matters beyond the development envelope.
2.2.2 Potentially affected area	Groundwater- dependent ecosystems and waterholes	Consideration should be given to identifying and characterising groundwater-dependent ecosystems, including ecosystems potentially supported by shallow perched aquifers, as well as any persistent waterholes within or adjacent to the project area. This may assist in identifying habitats that support matters protected under the EPBC Act and understanding potential impact



		pathways associated with changes to groundwater and surface water processes.
2.2.5 Construction, operation and repowering	Water management	Consideration could be given to providing additional information on proposed wastewater treatment, disposal and reuse arrangements, including how potential impacts on surface water, groundwater and ecological values would be avoided or managed.
2.7 Consideration of the impacts of a changing climate	Climate resilience	Consideration could be given to assessing hydrological and groundwater risks under relevant future climate scenarios, commensurate with the long operational life of the project. This may assist in understanding the resilience of proposed water supply arrangements and associated environmental values over the life of the project.
2.8.1	Terrestrial environmental quality	The TOR should include consideration of changed fire regimes resulting from the project, which would presumably require substantial protection from fire.
2.8.1-2.8.6 Monitoring and reporting	Monitoring and reporting	The TOR should consider specifying that environmental baseline data be collected using methods that support comparison with future monitoring data, where appropriate. This may assist in assessing environmental change over time.
2.8.3 Hydrological processes	Environmental values	This section requires a description of the existing groundwater environment within the potentially affected area. Consideration could also be given to including information on surface water hydrology, particularly ephemeral creeks and tributaries associated with the Lake Woods system, where relevant to the impact assessment.
2.8.3 Hydrological processes	Groundwater resources and cumulative impacts	The agency recommends requiring an assessment of the potential cumulative impacts of groundwater extraction from the Cambrian Limestone Aquifer, including in combination with existing and reasonably foreseeable groundwater use in the region. This would assist in understanding potential impacts on connected groundwater systems, groundwater-dependent ecosystems, groundwater discharge areas and other environmental values.
2.8.3 Hydrological processes	Downstream hydrological impacts	Consideration should be given to assessing how construction and operation of project infrastructure may influence surface water flow regimes, erosion processes, sediment transport and water quality within the Newcastle Creek catchment and downstream receiving environments. This may assist in understanding potential impacts on Lake Woods and associated ecological values.



Australian Government

National Environmental Protection Agency

2.8 Information requirements for environmental factors / 2.9 Matters of national environmental significance	Avoidance, mitigation & management	To support transparency and assessment of outcomes, consideration could be given to describing proposed avoidance, mitigation and management measures in a manner consistent with the SMART framework: S – Specific (what and how). M – Measurable (supported by baseline information, number/value, quantifiable, auditable). A – Achievable (with consideration of e.g., timeframe, money, personnel). R – Relevant (consistent with conservation advice, recovery and threat abatement plans, scientific literature). T – Time-bound (specific timeframe to complete, include timeframe and frequency).
2.9 Matters of national environmental significance	Protected matters	This section requires “a list of any matter protected by the controlling provisions that are known or likely to occur within the Project Area”. Consideration should be given to identifying relevant groundwater-dependent ecosystems, groundwater-supported habitat and Lake Woods where these values may inform the assessment of matters protected under the EPBC Act.