

NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)Regulations 57(2)(b) and 63 of the *Environment Protection Regulations 2020* (EP Regulations)

Proposed action name	GEMCO Excess Water Disposal Project
Proponent name	Groote Eylandt Mining Company Pty Ltd (GEMCO)
NT EPA reference	EP2025/043
Nature of proposed action	Mining, utilities and services
Description of proposed action	The project is located on NT Portions 1031, 1305, 1306, 1632, 1669 & 1671 on the western side of Groote Eylandt at/ adjacent to the Port, Rowell Highway and GEMCO's Western Leases. The project sits within the East Arnhem Local Government area, and the land tenure is a mix of Aboriginal freehold, Mineral Lease (North) and Special Purpose Lease. The proposed activities include vegetation clearing (~10.44 ha) and the construction, installation and operation of water discharge infrastructure (pumps, pipes and marine outfall) over a distance of ~ 12 km extending to a discharge point 600 m into Milner Bay. The water management infrastructure is proposed to have a water discharge capacity of up to 80 gigalitres. The proposed action is expected to manage increased saline groundwater ingress into the mining quarries as the pit depth increases and mining progresses towards the coast. The duration of the proposed action is for the remaining life of mine and to support closure activities.
Person authorised to make decision	Dr Paul Vogel AM, Chairperson Northern Territory Environment Protection Authority (NT EPA) Delegate of the NT EPA under section 36 of the Northern Territory <i>Environment Protection Authority Act 2012</i>
Decision	Standard environmental impact assessment is required in accordance with section 55 of the EP Act and regulation 57(2)(b)(i) of the EP Regulations The method of environmental impact assessment to be by supplementary environmental report in accordance with regulation 57(2)(b)(ii)
Signature	
Date of decision	28 October 2025
Matters considered under EP Regulation 56	The NT EPA has considered the following: the accepted referral (including the referral form, referral report and appendices)

- additional information given to the NT EPA under regulation 40
 - submissions received in relation to the referral.
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Consultation

Submission period:

- 22 August 2025 to 19 September 2025

Submissions received:

- 3 government authority submissions
- 1 public submission

Submissions are available on the NT EPA website.

Key issues raised in the submissions received by the NT EPA include:

- Insufficient information to accurately determine the significance of impacts on the marine environmental quality and marine ecosystems from continuous discharge, including the influence of:
 - vertical mixing of discharge waters during high wave conditions
 - increased turbidity from discharge waters and tidal and seasonal variations of turbidity
 - increasing salinity of discharge waters and whether this has been adequately accounted for in plume dispersal modelling
 - accumulation of metals and metalloids present in discharge waters and the potential for dispersal, biomagnification and bioaccumulation
 - cumulative impacts from this proposed action combined with existing, ongoing Port operations, effluent discharges and other human activities.
- the adequacy of benthic habitat mapping. Including:
 - surveys not undertaken during the optimal seagrass growth period, potentially underestimating peak seagrass extent and density
 - consideration of natural variations in seagrass extent and density, and benthic communities.
- uncertainty of the presence of, and potential impacts on Aboriginal sacred sites within the anticipated zone of influence.
- concern about whether consultation undertaken is sufficient to ensure that affected communities and individuals understand the proposed action and its potential impacts, especially regarding traditional fisheries.

Statement of Reasons

Overview

The NT EPA considers that the proposed action has the potential to have a significant impact on environmental values associated with three environmental factors¹ as outlined below.

SEA

Marine ecosystems

The marine habitat around Groote Eylandt is considered high value and supports extensive seagrass beds and several species of conservation significance, including turtles and dolphins. The habitat also supports commercial and recreation fishing activities, and traditional hunting practices.

The proponent has surveyed the areas within the proposed area of influence and has identified that the area is of a lower ecological value than the surrounding areas. However, the submission from the Department of Lands, Planning and the Environment (DLPE) states that there is insufficient information to demonstrate that the results of the surveys reflect the extent and density of benthic habitat within the area of influence. Submissions on the referral note that the surveys were not undertaken during the optimal time to assess peak seagrass extent and density, and were undertaken four months after ex Tropical Cyclone Megan when seagrasses are likely to have been diminished.

Marine environmental quality

The proponent has provided plume dispersal modelling. However, submissions from DLPE and the Anindilyakwa Land Council (ALC) identify that the modelling does not account for the influence of:

- vertical mixing of discharge waters during high wave conditions
- increased turbidity from discharge waters and tidal and seasonal variations of turbidity
- the expected increasing salinity of discharge waters affecting the buoyancy of the plume

Changes to the plume dispersion model may also affect the conclusions in the referral regarding the:

- likelihood for the accumulation of metals and metalloids present in discharge waters and the potential for dispersal of increased concentrations, and biomagnification and bioaccumulation (where applicable)
- cumulative impacts from this proposed action combined with existing, ongoing Port operations, effluent discharges and other human activities.

It is anticipated that the proposed action would impact on the marine environmental quality and marine ecosystems, however there is insufficient information to determine the significance of those impacts.

It is also unclear whether the potential impacts from the proposed action can be mitigated through other statutory decision-making processes, including through an environmental (mining) licence required by the mining regulatory framework of the EP Act. The significance

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

	of impacts and the ability to meet the NT EPA's factor objectives for marine environmental quality and marine ecosystems is uncertain.
PEOPLE	<u>Culture and heritage</u> There is potential for significant impacts to sacred sites if there are any present in the areas that may be impacted by the proposed action. The submission from the Aboriginal Areas Protection Authority (AAPA) notes that there are no Authority Certificates within the proposed action area and the predicted marine zone of influence, including for this proposed action. This means there is uncertainty regarding the presence of any sacred sites, and if present, how they could be impacted by the proposed action. Additional culture and heritage values may be present in the area impacted by the proposed action as raised by the ALC. The significance of impacts and the ability to meet the NT EPA's factor objective for culture and heritage is uncertain.

Other environmental factors

The NT EPA considered other environmental factors during its consideration of the referral; however, the impact on those factors was not considered to be significant.

Justification

A standard assessment by supplementary environmental report is required because:

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| Regulation 59 (a) | the significance of the potential impact of the proposed action as described above. |
| Regulation 59 (b) | <p>the need to improve the NT EPA's level of confidence in predicting potential significant impacts of the proposed action taking into account the extent and currency of existing knowledge, particularly in relation to the:</p> <ul style="list-style-type: none"> • baseline water quality of the receiving environment • significance of impacts, including cumulative impacts, on marine benthic habitats • the significance of impacts on any culture and heritage values within the area of disturbance and zone of influence |
| Regulation 59 (c) | <p>the need to develop measures to avoid, mitigate or manage potential significant impacts, and increase the NT EPA's confidence in the effectiveness of the proposed measures, with respect to:</p> <ul style="list-style-type: none"> • potential impacts on marine water quality and benthic habitats • closure and rehabilitation of the mine site, including areas within the marine discharge plume |
| Regulation 59 (d) & (e) | the extent of community engagement that has occurred, and whether it is sufficient to ensure that affected communities and individuals understand the proposed action and its potential impacts, including cumulative impacts on marine ecosystems. |

Conclusion

The NT EPA considers that the proposed action has potential for significant impacts on three environmental factors, and that environmental impact assessment is required. Further information is

required to enable the NT EPA to complete its assessment. The method of assessment is supplementary environmental report.

In making its decision under section 55 of the EP Act and regulation 57 of the EP Regulations, the NT EPA has considered the:

- accepted referral, additional information given to the NT EPA under regulation 40, and submissions made under regulations 52 and 53 (regulation 56 of the EP Regulations)²
- objects under section 3 of the EP Act
- purpose of the environmental impact assessment process in section 42 of the EP Act
- general duty of proponents in section 43 of the EP Act
- matters in regulation 56 of the EP Regulations.
- criteria in regulation 59 of the EP Regulations.

² The referral information and submissions are available on the public register on the NT EPA website: [Excess Water Disposal Project | NTEPA](#).
