


NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)

Regulations 57(2) and 63(1) of the *Environment Protection Regulations 2020* (EP Regulations)

Name of proposed action	Southern Lease Exploration Project
Proponent	Groote Eylandt Mining Company Pty Ltd
NT EPA reference	EP2023/023
Description of proposed action	<p>Mineral exploration campaign undertaken during the dry season over a three-year period within Exploration Licence (EL) 2455 (Southern Lease) located on NT Portion 1632, approximately 10 km south of Angurugu on Groote Eylandt in the East Arnhem local government area, including:</p> <ul style="list-style-type: none">• construction of 70 km of new access tracks• refurbishment of 51 km of existing access tracks (including some partially rehabilitated tracks)• 1438 mineral exploration drill holes• 14 geotechnical investigation drill holes• 63 geotechnical assessment pits• clearing of 62.7 ha of native vegetation.
Nature of the proposed action	Mining
Person authorised to make decision	Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)
Decision	<p>The proposed action does not have the potential to have a significant impact on the environment (section 55 of the EP Act)</p> <p>Environmental impact assessment is not required in accordance with regulation 57(2)(a) of the EP Regulations</p>
Signature	
Date of decision	7 June 2023
Matters considered under EP Regulation 56	<p>The NT EPA has considered the following:</p> <ul style="list-style-type: none">• the accepted referral (including the referral form, referral report and appendices)• submissions received in relation to the accepted referral
Consultation	<p>Submission period 27 March 2023 – 27 April 2023</p> <p>Submissions received:</p>

- government authority submissions received: 5
- public submissions received: 1

Submissions are available on the NT EPA website.

Statement of reasons

Overview

The NT EPA considers that the proposed action has the potential to impact environmental values associated with two environmental factors¹; Terrestrial ecosystems and Culture and heritage. However, the potential impacts are not considered to be significant and therefore, the NT EPA has decided that environmental impact assessment is not required. The reasons for the decision are outlined below.

The NT EPA has considered the referral information and the submissions received in relation to the referral information², in deciding that the potential impacts of the proposed action are not significant and can be adequately managed by carrying out the action in accordance with the referral information and the proponent's existing and proposed management and mitigation measures. This includes detailed planning and design informed by consultation, surveys and studies, and the application measures that are well-established and known to be effective in the avoidance, mitigation and management of potential impacts, as identified in the referral.

Land

Terrestrial ecosystems

The Groote Eylandt archipelago is of high biodiversity and conservation value, including native vegetation on and surrounding the proposal area. The flora and fauna values have been accurately surveyed and described in the proponent's referral information.

The proposed area to be cleared over the three-year proposal is 62.7 ha. The majority of this area (62.4 ha) consists of laterite woodland and forest. This represents 0.45% of the laterite woodland within the Southern Lease. The remaining area (approximately 0.04 ha) consists of sandstone woodland and forest, which represents 0.001% of the sandstone woodland within the Southern Lease.

There is potential for the proposed action to impact on nine threatened fauna species through habitat loss or disturbance. However, the NT EPA notes that the proponent undertook significant biodiversity survey work to clarify the distribution of threatened species within the proposal area, and that the Department of Environment, Parks and Water Security Flora and Fauna Division considered that the risk to threatened species from the proposal is low.

Potential impacts to fauna values would be minimised through the project design which incorporates measures to avoid and minimise disturbance in known threatened species habitat, and implementation of well-established vegetation clearing procedures. The NT EPA also notes that the total area of disturbance is relatively small and there is suitable habitat available for threatened species in adjacent areas.

The NT EPA considers that potential impacts of the proposed action on terrestrial ecosystem values would be of minor consequence due to the nature and extent of the proposed action. The loss of 62.7 ha of native vegetation is not considered to be significant, given the extent of equivalent adjacent habitat and the absence of intensive land clearing activities.

People

Culture and heritage

¹ NT EPA, [NT EPA Environmental factors and objectives](#), 2022.

² The referral information and submissions are available on the public register: [Southern Lease Exploration Project](#).

There are known sacred sites in the vicinity of the proposed action. These sites have been documented through survey and assessment in consultation with the Anindilyakwa Land Council (ALC) and Aboriginal custodians. The proponent has developed a Sacred Sites Instructions Report to provide clear and detailed instructions to site personnel about the required protection measures for individual known sacred sites.

The referral states that there would be no disturbance of sacred sites or the main channel of the Emerald River from the proposal, and that the proponent intends to obtain an Authority Certificate that includes the proposal area. The proponent has conducted extensive consultation with the ALC and Aboriginal land owners and custodians, and this ongoing consultative process is anticipated to continue for the duration of the proposal and include partial rehabilitation of disturbed areas.

There are no known heritage values that would be impacted by the proposed action. However, the proponent would implement an unexpected heritage finds procedure as a management measure to ensure that any unanticipated archaeological discovery is dealt with in line with the *Heritage Act 2011*.

The NT EPA considers that potential significant impacts to culture and heritage values from the proposed action would be avoided through implementation of the proponent's proposed management measures and are considered unlikely.

Other environmental factors

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

Justification

In making its decision that a standard environmental impact assessment is not required, the NT EPA has had regard to:

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| Regulation 59(a) | The significance of potential impacts of the proposed action as described in the referral, the submissions received and the overview above. |
| Regulation 59(b) | The NT EPA's level of confidence in predicting potential significant impacts of the proposed action taking into account the results of proponent surveys, and the cultural heritage information included in the referral. |
| Regulation 59(c) | The NT EPA's level of confidence in the effectiveness of proposed measures to avoid, mitigate or manage potential significant impacts on threatened fauna species, and cultural heritage. |
| Regulation 59(d) and (e) | <p>The extent of community engagement that has occurred in relation to the proposed action, and the capacity of communities and individuals to access and understand information about the proposed action and its impacts.</p> <p>The proponent summarised its stakeholder engagement and consultation activities and outcomes in section 2 of the referral.</p> |
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Conclusion

The NT EPA has determined that the Southern Lease Exploration Project proposed by Groote Eylandt Mining Company Pty Ltd, does not have the potential for a significant impact on the environment due to the nature and extent of the proposed activities, and the inclusion of well-established management and mitigation measures in the design, planning, construction and operational phases of the proposed action. Environmental impact assessment of the proposed action is not required.

NOTICE OF DECISION AND STATEMENT OF REASONS – GROOTE EYLANDT MINING COMPANY PTY LTD – SOUTHERN LEASE EXPLORATION PROJECT

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

- the objects of the Act (section 3 of the EP Act)
- the purposes of the environmental impact assessment process (section 42 of the EP Act)
- the general duty of proponents (section 43 of the EP Act).

The NT EPA notes that other statutory authorisation processes apply to the proposed action, including the requirement for the proponent to be granted a mineral exploration licence under the *Mineral Titles Act 2010*, which operates in conjunction with the *Mining Management Act 2001* to deal with the authorisation and management of mineral exploration activities while ensuring the protection of the environment.
