

1 October 2025

E DevelopmentAssessment.DLPE@nt.gov.au

Ms Mandy Trueman
Department of Lands, Planning and Environment
PO Box 3675
DARWIN NT 0801

T 08 8999 4446

Our Ref: DLPE2025/0235

Dear Ms Trueman

Re: Invitation to Comment - Groote Eylandt Mining Company Pty Ltd (GEMCO) - Excess Water Disposal Project - Referral

The information submitted for the above referral has been assessed by the relevant divisions within the department and the following comments are provided:

Flora and Fauna Division

The Flora and Fauna Division considers that risks to terrestrial ecosystems from the Project are low due to the positioning of infrastructure within a predominantly disturbed area and the small amount of clearing required.

The Flora and Fauna Division considers that further information is required to properly assess risks to the marine environment. Specific recommendations to enable such an assessment have been provided in **Attachment 1**.

Land Resources Division**Land Management Branch**

The development proposes to construct several kilometres of pipeline from a mining operation to the port, to discharge water from mine pit dewatering activities to the ocean. The pipeline will cross several streams, and clear vegetation. It is recommended that:

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Lands, Planning and Environment (DLPE) Erosion and Sediment Control Plan (ESCP) Procedures (Note 1).
2. The ESCP must be certified by a suitably qualified and experienced professional (see Note 2). The certified ESCP must be submitted to eia.ntepa@nt.gov.au.
3. All works relating to this permit must be undertaken in accordance with the certified ESCP.
4. Should the ESCP require amendment, the revised ESCP must be certified by a suitably qualified and experienced professional. The revised certified ESCP must be submitted to eia.ntepa@nt.gov.au.

Notes:

1. The DLPE Erosion and Sediment Control Plan (ESCP) Procedures factsheet is available at: <https://environment.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>.
2. A suitably qualified and experienced professional in erosion and sediment control as defined by the International Erosion Control Association (IECA) Australasia - <https://www.austieca.com.au/rsp-esc/suitably-qualified-professional>.

Vegetation Assessment Unit

The referral report notes that “*approximately 10.44ha of native vegetation clearing is proposed and will only occur when existing clearing extents (and approved under a Mining Management Plan) cannot accommodate the proposed development*”. The report notes (at Table 14) that there is a potential for clearing of native vegetation of approximately 0.54 hectares to be required off the Mining Lease.

Pursuant to the *Planning Act 1999*, consent is required for the clearing of native vegetation of more than one hectare (ha) in aggregate of land, which is subject to the Clearing of Native Vegetation overlay (the NT Planning Scheme Part 3 overlays). Applications for permits to clear native vegetation on unzoned land are also assessed against the requirements of the NT Planning Scheme Land Clearing Guidelines (NTPS LCG). The Planning Scheme provides exceptions for the clearing of native vegetation that is required or controlled under any Act in force in the Territory, which would include the *Environment Protection Act 2019*.

Where clearing is required on land not covered by an environmental (mining) licence, a development permit under the *Planning Act 1999* may be required.

Weed Management Branch

The Weed Management Branch have reviewed the referral and provides comment in **Attachment 2**.

Environment and Heritage Division

Heritage Branch

The Heritage Branch have reviewed the referral and provides comment in **Attachment 3**.

Mining Division

The Mining Division provides the following advice regarding the proposed excess water disposal project (the proposal).

Notably, should the proposal proceed, it will also require an environmental (mining) licence to be granted under the *Environment Protection Act 2019* (EP Act). Given the nature of the proposal, a tailored condition licence will likely be required.

The proposal is located within current mineral interests associated with the Gemco Mine, operated by Groote Eylandt Mining Company Pty Ltd (GEMCO) and subject to deemed mining licence DML0126-01. These include MLN951, MLN956, and MLN2, as well as special purpose lease 383 (SPL383). The proposal also includes areas outside of granted mineral interests.

The proposal indicates that GEMCO will obtain land access tenure as required for any off-lease areas prior to construction commencing. Any required tenure applications should be submitted to

the Department of Mining and Energy prior to submission of an application for an environmental (mining) licence.

The proposal has detailed dewatering activities, ocean discharge of mine wastewater and construction of a pipeline across waterways of varying stream order. Under the EP Act, conditions imposed on an environmental (mining) licence may authorise or regulate the environmental impacts associated with dewatering, discharge of waste to water, and interference with a waterway. If conditioned under an environmental (mining) licence, separate authorisation for these activities may not be required under the *Water Act 1992*.

The proposal includes insufficient information to determine the extent of the cumulative impact associated with the existing GEMCO mine and surrounding marine environment. Further assessment will be required under the EP Act to determine potential environmental and cumulative impacts.

The proponent is strongly encouraged to contact the Mining Division on (08) 8999 6528 to discuss the proposed works prior to submitting an application for an environmental (mining) licence.

Information regarding the environmental mining licence application process is available online¹.

Environmental Regulation Division

Environment Operations Unit

The action may require an approval and/or licence under other NT legislation administered by Environment Division such as the *Water Act 1992* and the *Waste Management and Pollution and Control Act 1998* (WMPC Act).

If the proponent will collect, transport, store, recycle or treat listed wastes on a commercial or fee for service basis as part of the development or operations of the activity, then an Environment Protection Approval or Licence will be required to authorise the activity under the WMPC Act.

If the activity requires the discharge of waste to water or could cause water to be polluted then a waste discharge licence under the *Water Act 1992* will be required. Please refer to the Guidelines².

The proponent should note that all persons are required to comply at all times with the General Environmental Duty under section 12 of the WMPC Act. 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 NT laws.

A non-exhaustive list of environmental issues that should be considered to meet requirements under NT law 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.

¹ <https://nt.gov.au/industry/mining/applications-and-processes/apply-for-an-environmental-mining-licence>

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf

2. **Noise:** The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online³.

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 NT EPA 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 Sites⁴ and Keeping Our Stormwater Clean⁵

4. **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 is required, the proponent must only accept, handle or store at the premises listed waste, including asbestos, as defined by the WMPC Act, in accordance with that authorisation.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, including as a result from historical activities such as cyclones, a contaminated land assessment maybe required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website⁶, and the NT Contaminated Land Guidelines⁷.

6. **Waste Management - Import and Export of Fill:** The proposed activities have the potential to generate fill and/or involve the importation of fill for use on-site. Untested fill material may already be present on the site. All fill imported or generated and exported as part of the activity must either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the NSW EPA Guidelines⁸

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request. The proponent should also consider the following NT EPA fact sheets: How to avoid the dangers of accepting illegal fill onto your land⁹, and Illegal Dumping - What You Need to Know¹⁰.

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

⁶ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁷ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁸ <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

⁹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf

¹⁰ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf

7. **Odour or Smoke:** The proposed activities may have the potential to create odours and/or smoke. The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

Water Resources Division

The proposed works intersect several identified waterways and may therefore require a permit to interfere with a waterway if they will materially affect the bed, banks, or flows. Gazette S35¹¹, dated 30 June 1992, may also apply if the works meet the definition of road drainage works, culverts, bridges, or urban stormwater drainage works, provided they are constructed to an engineering standard accepted by the relevant public authority. In addition, if wastewater is to be discharged, the proponent may be required to obtain a waste discharge licence.

Lands and Planning Division

Development Assessment Services

The proposal involves the installation of a pipeline and pumping infrastructure to transfer surplus water from an existing northern quarry to a marine discharge point near the Port.

The pipeline is proposed to follow the alignment of Rowell Highway and utilise areas of existing or historical disturbance as far as practical.

Any subdivision to create one or more lots for the purpose of a lease exceeding 12 years, including for the installation of pipelines and associated infrastructure, will require a planning permit. This requirement is subject to the condition that the proposed pipeline is not located within the Rowell Highway Road corridor.

If you require any additional clarification, please contact Development Assessment Services on (08) 8999 6126.

Crown Land Estate

Crown Land Estate has reviewed the referral and provides comment in **Attachment 4**.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Land Resources

Attachment 1 – Flora and Fauna Division – Submission on the referral

Attachment 2 – Weed Management Branch - Submission on the referral

Attachment 3 – Heritage Branch – Submission on the referral

Attachment 4 – Crown Land Estate – Submission on referral

¹¹ <https://nt.gov.au/media/docs/environment/water/water-management/announced-water-allocations/nt-government-gazette-s35-1992-june-30.pdf>

Attachment 1

Submission on the referral

Groote Eylandt Mining Company Pty Ltd (GEMCO) – Excess Water Disposal Project

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

Government authority: Department of Lands, Planning and Environment – Flora and Fauna Division

Section of Referral	Theme or issue	Comment
Main report 1.3 Scope of referral	Terrestrial ecosystems Groundwater dependent ecosystems	The Referral states that as the extraction of groundwater from the dewatering of pits is an existing activity approved under the current Mining Management Plan, groundwater impact assessment was not considered to be in scope (p.4). Whilst the activity of extracting and disposing of groundwater is currently approved, the methods by which the water is to be disposed is being altered, and as such, the Flora and Fauna Division considers it would have been appropriate to include an assessment of potential impacts to groundwater and groundwater dependent ecosystems (GDEs). It is anticipated that the Mining Management Plan will need to be amended and resubmitted for approval and/or a waste discharge licence granted to include the additional disposal method. The Flora and Fauna Division notes that the Proponent's 'RFI Response 2 - 15 August 2025' (available from the NT EPA website) includes information regarding groundwater extraction and groundwater dependent ecosystems (GDEs). Appendix E of that response provides two groundwater drawdown contours (current and predicted) which shows that the predicted groundwater drawdown is minimal in areas that are most likely to contain GDEs. Therefore, the Flora and Fauna Division considers that significant impacts on GDEs from the project are unlikely. It appears that groundwater levels are monitored around the mine footprint at 15 bores which are all relatively close together (RFI response 2, Appendix C, Table 5-12 and Figure 5-5). Current groundwater monitoring occurs on a quarterly to annual basis (depending on location). A more spatially extensive monitoring regime with more frequent sampling would provide greater confidence that any potential impacts on CGEs can be adaptively managed. Recommendation: that groundwater monitoring is expanded beyond the immediate mine footprint and daily monitoring of bores using data loggers is implemented to provide a more robust dataset, provide confidence that impacts to groundwater are within acceptable levels, and enable management measures to be implemented promptly should a negative trend be detected.

Main report 6.2.1.2 Sensitive/significant vegetation Appendix C – Terrestrial Ecology Assessment Report 2.3.1.2 Earthworks	Terrestrial ecosystems Flora Sensitive and/or significant vegetation	The proponent states that a search of NR Maps did not identify any sensitive/significant vegetation (Main report, p.61). NR Maps does show patches of dry rainforest within, and in proximity to, the proposed pipeline route. Also, several of the vegetation communities identified and mapped in Figure 9 of the Terrestrial Ecology Assessment Report (particularly those dominated by <i>Melaleuca</i> species) would likely be defined as wetlands for the purposes of the NTPS Land Clearing Guidelines (NTPS LCG). The proponent correctly states that riparian vegetation is considered to be a sensitive and/or significant vegetation type in the NT. Given the relatively small amount of clearing required (Terrestrial Ecology Report, Table 3, p.6), and the proposed location of the pipeline in proximity to an already modified area adjacent to the Rowell Highway, the Flora and Fauna Division considers the overall risk to sensitive and/or significant vegetation to be low. The Division considers the management and mitigation measure outlined by the proponent that vegetation clearing should be “no wider than is necessary to facilitate the construction of the pipeline and the associated infrastructure” (Main report, p.64) is appropriate.
Main Report 6.2.1.5 Threatened fauna species Appendix C - Terrestrial Ecology Assessment Report 6.1.3 Fauna	Terrestrial ecosystems Fauna Threatened species habitat	The Flora and Fauna Division agrees with the assessment of likelihood of occurrence of threatened fauna undertaken by the proponent and considers the management and mitigation measures proposed are appropriate. Overall, the Division considers the risk to terrestrial threatened fauna species from the project are low. While the risks are low, the following recommendation is provided to minimise risks. The Terrestrial Ecology Report notes that the Masked Owl (Vulnerable, <i>Territory Parks and Wildlife Conservation Act 1976</i> (TPWC Act) and <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)) was detected in the area during previous surveys undertaken in 2021 and that 68 potential habitat trees were recorded. Whilst none of those trees are within the proposed construction footprint, the Report notes that other hollow-bearing trees are, but that none exhibited hollows of sufficient size for the Masked Owl (p.35). The Flora and Fauna Division considers that, whilst these trees may not currently be suitable for Masked Owls, their suitability may develop over time should they remain. Also, these trees may provide habitat for other threatened species that may occur at the location (e.g. Northern Brushtail Possum, Vulnerable, EPBC Act). The Division notes that the Referral states that the on-ground layout should be ‘micro-sited’ to avoid vegetation and features as a mitigation measure (Main Report, p.64). Recommendation: the CEMP specifies that trees with hollows are avoided where possible, particularly those identified in Figure 12 of the Terrestrial Ecology Assessment Report (p.29).
Main report 6.2.3.2 Impact mitigation	Terrestrial ecosystems Fauna	The proponent states that, “any open-air trench should not be left exposed for longer than 48 hours” and that, “the trench is to be inspected at least once during any 24-hour period (ideally immediately post dawn)” (p.65). The Flora and Fauna Division supports such an approach; however, to further reduce the risks and impacts of animal entrapment the Flora and Fauna Division recommends the following best practice measures are included in the CEMP.

	Impacts from pipeline trenching	Recommendation: the CEMP specifies: - the total length of open trench and the length of time any section of trench is open is minimised; - trench plugs and ramps are installed at maximum intervals of 500 m as recommended by studies on entrapment of fauna in trenches (e.g. Doody et al. 2003¹, Swan and Wilson 2012², Woinarski et al. 2000³); - fauna shelters are installed with at least one per 500 m interval between trench plugs, and optionally include funnel traps to help trap and subsequently remove animals; - inspections of the entire length of open trenches are undertaken at least twice daily, the first within 2 hours of first light and the second mid to late afternoon. Additional checks during the middle of the day are recommended in exposed areas during hot periods; and - an adequate number of qualified fauna handlers are available to inspect and clear the entire length of open trench each day, within the conditions of their wildlife permits. ¹ Doody JS, West P, Stapley J, Welsh M, Tucker A, Guarino E, Pauza M, Bishop N, Head M, Dennis S, West G, Pepper A, and Jones A (2003). Fauna by-catch in pipeline trenches: conservation, animal ethics, and current practices in Australia. <i>Australian Zoologist</i> 32:410-419. ² Swan G, and Wilson S (2012). The results of fauna recovery from a gas pipeline trench, and a comparison with previously published reports. <i>Australian Zoologist</i> 36:129-136. ³ Woinarski JC Z, Armstrong M, Brennan K, Connors G, Milne D, McKenzie G and Edwards K (2000). A different fauna?: Capture of vertebrates in a pipeline trench, compared with conventional survey techniques; and a consideration of mortality patterns in a pipeline trench. <i>Australian Zoologist</i> 31:421-431.
Main Report Section 6.3.3 Appendix B – Marine Discharge Modelling Report Section 5	Sea – Marine Environmental Quality Unquantified Wave Influence on Plume Mixing	The hydrodynamic modelling explicitly excluded wave influence. While the discharge plume is predicted to be buoyant, it is acknowledged that "Increased vertical mixing of the plume may occur under certain high wave conditions, which may result in short-term exposure of benthic habitats at the seabed to the plume". The ecological consequences of this potential exposure are not assessed. Recommendation: hydrodynamic modelling be updated to include high wave conditions and explicitly assess the duration and ecological consequences of short-term exposure of benthic habitats to the plume under these scenarios, as high energy conditions are likely to be frequent during wet seasons.
Appendix B – Marine Discharge Modelling Report	Sea – Marine Environmental Quality Impact beyond the	Given that the flushing and/or dispersal zone have been predicted via modelling effort, an extension and/or at least an evaluation of monitoring (water and sediment) sites within and beyond the mixing zone is recommended to support the predictive capacity of modelling, fate of discharge and effectiveness of dilution. The June 2024 monitoring is 'constrained' to the project area and extending these sites to account for the predicted scope of the mixing zone and beyond is important particularly for any validation process.

	mixing zone – model validation	Recommendation: water and sediment monitoring be undertaken at sites within and beyond the mixing zone to validate the model during project construction and operation in an appropriate water quality management plan.
Main Report Section 6.3.1.1 Appendix D – Marine Ecology Assessment Report Section 5.2.1.1; 5.2.3	Sea – Marine Environmental Quality Potential for Re-mobilization of Historical Sediment Contamination	During the 2024 sampling effort, "High RPDs [Relative Percent Differences] were found during QA/QC for sediment data (Nitrate, Total Oxidised N and Chromium)". Similarly, water quality sampling for metals faced matrix interference, leading to adjusted LORs (Limits of Reporting). These shortcomings in the 2024 data prevent reliable comparison to MEMP baseline conditions, specifically relating to metal concentrations in water and sediment. Metal/metalloid analytes in marine water samples did not exceed the relevant ANZECC/ARMCANZ (2000) guidelines during the MEMP. Similarly, the median and 80th percentiles of metal analytes with prescribed default guideline values (DGV) were below the DGV in marine sediment samples during the MEMP. As such, the Flora and Fauna Division considers the risk of remobilising contaminants to be low, however future water and sediment sampling should attempt to resolve QA/QC or technical challenges to ensure all monitoring of water and sediment is comparable to long-term MEMP data. Much of the focus was on the June 2024 sampling effort in the project area and only a summary of the MEMP data presented. The MEMP data presumably should provide a longer dataset if commenced post the AIMS survey in 2012 and includes the northern and southern control sites. Recommendation: future monitoring of water and sediment quality under the CEMP and OEMP attempts to resolve QA/QC issues and technical challenges to ensure all data can be reliably compared to baseline conditions as monitored under the MEMP.
Main Report Section 6.3.3.2	Sea – Marine Environmental Quality Turbidity thresholds for the CEMP	A CEMP is proposed for impact mitigation. The development of the monitoring program proposes to adopt turbidity amongst other key water quality parameters. Suitable thresholds for turbidity should be supported by appropriate data, ideally time-series collection, to account for tidal and seasonal variation. Recommendation: suitable local turbidity datasets that capture tidal and seasonal variation are sourced or generated to support the calculation of turbidity thresholds for the CEMP.
Main Report Section 3.2.3 Appendix H – Executive Summary	Sea – Marine ecosystems Noise and Vibration -	The current noise assessment is based on vibratory piling but acknowledges that, "If information becomes available which suggests that impact piling may be necessary, additional measures to manage the potential noise impacts to marine fauna will be implemented". The full noise impact from this potentially more damaging method has not been modelled.

	Potential for Impact Piling	Recommendation: full noise modelling for impact piling be undertaken if this method is a possibility. Additionally, a detailed mitigation plan specifically for impact piling scenarios should be provided.
Main Report Section 4.4.1, Appendix D Section 1.5, 5.3.3.1, Appendix E Section 1.2, 2.3	Sea – Marine ecosystems Sub-optimal Seagrass Survey Timing	The winter survey technical memorandum states that "Surveys conducted during the summer months, typically November, are best to determine seagrass presence". The "summer" survey was conducted in September, which may not be the optimal time to assess peak seagrass extent and density. Recommendation: a re-evaluation of seagrass presence and density be conducted during the optimal growth period (typically November) or, alternatively, detailed justification be provided for the sufficiency of the current September survey data to represent peak seasonality.
Main Report Section 1.3, 1.5, 2.4, 6.1.1, 6.3.5	Sea – all factors Cumulative Impacts - Narrow Definition and Assessment	The referral consistently states, "No other Proposals have been identified by GEMCO that would occur in the same footprint at the same time. Therefore, there is no potential for cumulative impacts from other activities". The NTEPA "Guidelines for assessment of impacts on marine biodiversity" define cumulative impacts more broadly to include existing pressures. The Marine Ecology Assessment Report acknowledges existing disturbances from Port operations, including maintenance dredging, shipping activity/vessel movement and effluent discharge from Alyangula sewage treatment plant. A key rationale for choosing the Milner Bay Port location is its "existing disturbance" from historical and current Port operations. This implies that the project is layering on an already stressed environment, which inherently highlights the need for cumulative impact assessment. Despite this, the assessment of cumulative impacts in the Referral Report does not address construction or operational impacts in the context of these existing pressures. This narrow definition minimises the identification of broader, long-term, or large-scale cumulative effects. Recommendation: a broader and more integrated assessment of cumulative impacts be undertaken, explicitly analysing the interplay between project-specific stressors and existing, ongoing background environmental pressures from all Port operations and other human activities. Specific instances in which cumulative impacts have not been adequately addressed include: <u>Effluent discharge - Marine Environmental Quality:</u> The Port already has an existing effluent discharge point from the Alyangula sewage treatment plant. The cumulative impact of the new mine water discharge alongside existing effluent discharge has been addressed in the first RFI, however is focussed on analytes where the mixing zone interacts with that of the sewage outfall (nitrate and salinity). As per the recommendation above "Unquantified Wave Influence on Plume Mixing", the inclusion of wave influence may alter the expected mixing zone for these and other analytes, and require updated cumulative impact assessment. Recommendation: explicit modelling and assessment of the cumulative interaction between the new mine water discharge and existing effluent discharge be provided within the context of updated mixing zones, inclusive of wave

		influence. Loading from existing effluent must be considered with the excess water disposal proposal. Additional nutrient load should be accounted for and modelled. AND <u>Cumulative Shipping Noise - Noise and Vibration</u>: The report states that "the potential increase in sound exposure levels due to additional vessel movements has not been assessed any further in this report" due to existing high traffic, and therefore baseline noise levels in the area have not been derived. This limits the understanding of cumulative noise impacts. <u>Recommendation</u>: a quantitative assessment of cumulative noise impacts from all project-related vessel movements (construction and operation), in conjunction with existing Port traffic, be undertaken.
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Attachment 2

Submission on the referral

Groote Eylandt Mining Company Pty Ltd (GEMCO) – Excess Water Disposal Project

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

Government authority: Department of Lands, Planning and Environment – Land Resources Division – Weed Management Branch

Summary: The submission relates to the legal requirements, biosecurity and weed hygiene and the presence of a declared weed not listed in the documents provided.

Section of Referral	Theme or issue	Comment
Section 6.2	Land – Terrestrial ecosystems	- The CEMP should refer to requirements under the <i>Weeds Management Act 2001</i> (WM Act) including general duties and statutory weed plans ➤ All land in the NT is subject to the WM Act. The WM Act describes the legal requirements and responsibilities that apply to all persons, owners and occupiers of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. ➤ Gamba grass, bellyache bush, neem and grader grass are subject to statutory weed management plans. Management obligations outlined in this plan is legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available online https://nt.gov.au/environment/weeds/weed-management-planning ➤ Note that gamba grass, ornamental rubber vine and bellyache bush are class A weeds on Groote Eylandt and listed in the Darwin Regional Weeds Strategy 2021-2026 as a Category 2 – priority weed for strategic control (including eradication of outliers). - Consider giving greater consideration to biosecurity and weed hygiene and if approved the following should be included in a permit: ➤ The proponent must ensure that all vehicles and machinery are free of weeds, weed seeds, soil and vegetative matter, prior to entering or exiting the site. Vehicles must avoid driving through weeds already present on-site to prevent further spread. Vehicles and machinery exhibiting such material must be thoroughly washed down before entering/departing.

		➤ Any works that cause disturbance to vegetation and soils will create conditions favourable for the growth of weed species and weed control will be required following disturbance caused by exploration and/or extraction. Weed control prior to seed set should be carried out in all areas affected by these works. ➤ Guidelines for the prevention of weed spread are outlined in 'Preventing Weed Spread is Everybody's Business', which highlights the areas of risk for all activities associated with weed spread. The document details the pathways through which weeds are spread and provides actions to reduce weed spread. Proponents seeking to develop land for any purpose should address these actions. https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf
Appendix C	Terrestrial Ecology Assessment	• To ensure compliance with the WM Act and statutory weed plans and strategically manage weeds, the proponent should develop a weed management plan that works with all stakeholders to achieve the best results. Further information can be found at https://nt.gov.au/environment/weeds/how-to-manage-weeds/weed-management-planning • Note that the declared weed Buffel Grass (<i>Cenchrus ciliaris</i>) has been recorded in the project area and not listed in the document.

Attachment 3

Submission on the referral

Groote Eylandt Mining Company Pty Ltd (GEMCO) – Excess Water Disposal Project

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

Government authority: Department of Lands, Planning and Environment – Environment and Heritage Division - Heritage Branch

Summary: With minor revisions detailed below, Heritage Branch are satisfied that this project is meeting its obligations under the Northern Territory Heritage Act 2011 and the Commonwealth *Underwater Cultural Heritage Act 2018*.

Section of Referral	Theme or issue	Comment
Appendix G, Cultural Heritage Assessment Report – Section 5.4	Procedure for the discovery of unexpected Aboriginal archaeological finds requires revision.	- Proponent advises that only unexpected archaeological finds of a historic nature should be reported to the Heritage Branch, and that all Aboriginal archaeological finds should only be reported to the Anindilyakwa Land Council (ALC) and the Aboriginal Areas Protection Authority (AAPA). - Under the <i>Heritage Act 2011</i>, there is an obligation for all parties to report the discovery of both Aboriginal and Macassan archaeological places and objects (Section 114), and these places and objects are protected in-situ without an approved application to carry out works from the Northern Territory Heritage Council (Part 3.2). While both ALC and AAPA are important stakeholders in the management of Aboriginal archaeological places and objects, the Heritage Branch are the sole regulatory authority for the <i>Heritage Act 2011</i>. - It is strongly recommended that Section 5.4 is rewritten to reflect the legislative obligations of the proponent regarding the discovery of Aboriginal and Macassan archaeological places and objects, including ancestral remains. A template unexpected finds protocol that can be adapted for this purpose can be provided on request. - It is recommended that the contact details for the Heritage Branch be updated to include the relevant email address, heritage.branch@nt.gov.au in addition to the phone number. - It is recommended that an additional subsection regarding the discovery of underwater cultural heritage places and objects during construction is included in this section, reflecting the underwater construction phases of this project. These places and objects would fall under the auspices of the <i>Heritage Act 2011</i>, being within 3 nm of the coastline.
Appendix G, Cultural Heritage	Misunderstanding of the regulation of the	The Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) are the regulators of the Commonwealth <i>Underwater Cultural Heritage Act 2018</i>. However, the Heritage Branch represent DCCEEW as the authorised delegate for underwater cultural heritage in the Northern Territory, to the edge of

Assessment Report – Section 2.3.2	Commonwealth <i>Underwater Cultural Heritage Act 2018</i> .	Australia's Exclusive Economic Zone (EEZ). The Heritage Branch maintains a closed database of heritage places in both Northern Territory and Commonwealth Waters containing significantly more data than is captured in the federal database. • It is recommended that Section 2.3.2 is rewritten to reflect the arrangement between the Australian Government and Northern Territory Government regarding the management of underwater cultural heritage under the <i>Underwater Cultural Heritage Act 2018</i> (Cwth). • It is advised that the Heritage Branch has no recorded underwater places or objects within the proposed construction area or close enough to the predicted mixing zone to be at risk of impact from the dewatering. This advice (as of 16 September 2025) can be included in the revised report for this project.
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Attachment 4

Submission on the referral

Groote Eylandt Mining Company Pty Ltd (GEMCO) – Excess Water Disposal Project

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

Government authority: Department of Lands, Planning and Environment – Crown Land Estate

Summary: No objection to the application

Section of Referral	Theme or issue	Comment
Main report		GEMCO will need to obtain a Crown Land Licence for the construction and operation of the excess water pipeline in the marine area – please refer to CrownLand.Estate@nt.gov.au