



04 June 2026
REF:20260604NTEPA

Chief Executive Officer
Northern Territory Environment Protection Authority
Level 1, Arnhemica House,
16 Parap Road,
Parap NT 0820

Dear Sir/Madam,

Re: Submission to the NT EPA In Reply to GEMCO's Response to Request for Information on Supplementary Environmental Report (SER) for their Excess Water Disposal Project Proposal

The Anindilyakwa Land Council, (ALC), appreciated the opportunity to meet the Northern Territory Environment Protection Authority (NT EPA) Board and to provide comment on the Groote Eylandt Mining Company Pty Ltd, (GEMCO's) Response to Request for Information on Supplementary Environmental Report (SER) for their Excess Water Disposal Project Proposal Project, ("the Project").

The Project concerns the release of wastewater from GEMCO's mining operation into the sea and impacts the environment, as well as the rights and interests of traditional Aboriginal owners (Traditional Owners) and other Aboriginal people. These rights and interests are protected at law by a framework of legislative acts.

Under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (*Land Rights Act*), the ALC has a statutory role and responsibility as the representative body for the Traditional Owners of Groote Eylandt, to protect the interests of Traditional Owners, and other Aboriginals interested in the affected lands and waters. (see in particular: Section 23(1) *Land Rights Act* and the *Native Title Act* generally). Where the Project impacts the seas adjacent to Groote Eylandt, the Northern Land Council, (NLC), is the responsible Native Title Representative Body, and works collaboratively with the ALC.

Further, the ALC has responsibilities where the Project impacts the rights and interests of traditional Aboriginal owners, and other affected Aboriginal people, within the Indigenous Protected Area managed by the ALC's Land and Sea Rangers.

In accordance with our statutory responsibilities, the ALC engaged independent aquatic environmental specialists, H2O Consulting Group, to review and provide input into our reply. Their findings have informed the enclosed submission.

The ALC respectfully requests that the NT EPA give full and careful consideration to the matters raised in our submission and be mindful of the broader legal framework that operates with respect to the Project.





We thank you for your attention to this important matter and the ALC remains available to discuss these matters further should the NT EPA require clarification or additional information. Please forward any correspondence on this matter to the undersigned, who is the key contact person in relation to this matter.

Yours sincerely,

Michael Trainor

Mining and Sustainability Manager
Anindilyakwa Land Council





**Submission to the NT EPA In Reply to
GEMCO's Response to Request for
Information on Supplementary
Environmental Report (SER)**

4 June 2026

ANINDILYAKWA
LAND COUNCIL



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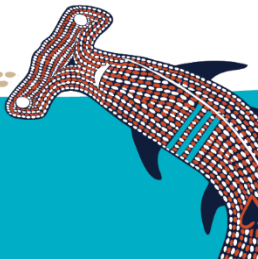
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1 INTRODUCTION

The Anindilyakwa Land Council (ALC) submits this reply to the Northern Territory Environment Protection Authority (NT EPA) in response to GEMCO's request for information on the Supplementary Environmental Report (SER) for the proposed Excess Water Disposal Project (Project). This reply addresses specific matters raised in GEMCO's document dated 12 May 2026 (GEMCO's Reply), together with broader comments relevant to the Project and the assessment process. To assist in preparing this reply, the ALC engaged expert aquatic ecologists to provide technical advice.

Decision sought. The ALC requests that the NT EPA: (a) not treat GEMCO's current material as resolving the outstanding assessment issues; (b) require further baseline studies, model calibration and validation, and site-specific technical work where key uncertainties remain; (c) require detailed environmental management plans and monitoring programs sufficient to assess whether impacts can be avoided, minimised, and effectively managed; (d) require a cumulative impact assessment that considers this Project alongside other relevant GEMCO water-related activities and legacy issues; and (e) recognise that the consent processes cannot be meaningfully progressed until sufficient information is available to support informed decision-making by Traditional Owners.

Although GEMCO has improved aspects of its understanding of the marine environment, critical shortcomings remain in the information presently available and in the level of detail provided as to how the receiving environment will be managed to avoid or minimise environmental impacts.

The ALC recognises the significance of the Project to GEMCO's mining operations and to the broader Groote and Northern Territory economy. However, that significance does not diminish the need for the Project to be assessed and managed with sufficient rigour to ensure that environmental risks are properly identified, evaluated, and controlled. The ALC has statutory responsibilities in relation to land and waters of Traditional Owners and must ensure that any proposal with the potential to affect those interests is supported by sufficient detail to enable informed consideration of risks and management measures. This is particularly important for projects involving potentially significant environmental consequences or material uncertainty. For the purposes of the NT EPA's assessment, the ALC submits that key uncertainties should be resolved before reliance is placed on later-stage plans, further validation work, or adaptive management. Separately, the ALC cannot seek or recommend any consent process with Traditional Owners until potential impacts are adequately understood and management measures are developed to an appropriate level of detail. This is necessary both to protect Country, including associated cultural and social values, and to support the principles of free, prior and informed decision-making by Traditional Owners.

2 COMMENTS ON GEMCO'S REPLY

2.1 Consultation

Since 2023 there have been a number of meetings between GEMCO and the ALC regarding this Project, including meetings at which GEMCO presented information to Traditional





Owners (TOs). The ALC has also met separately with Traditional Owners to inform them of the Project's status, and the ALC Board is aware of the proposed Project and the current stage of assessment. These meetings will continue as the Project develops.

At a meeting held on the 1st June 2026, with 2 of the Senior Elders, representing the Bara and Jaragba Clans, whose lands the Project will predominantly impact, their key comments were:

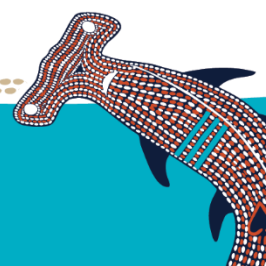
- "there are to be no shortcuts" and
- "the environment must be protected."

The ALC will continue to engage with GEMCO, keep the ALC Board informed, and consult with Traditional Owners as appropriate. However, the existence of meetings should not be taken as demonstrating that consultation is complete or sufficient for informed decision-making. Consultation cannot be regarded as complete where important technical uncertainties remain unresolved and where the information necessary to evaluate environmental and cultural, risks has not yet been provided in adequate detail. The NT EPA should therefore assess consultation in terms of its adequacy and informational basis, not merely by reference to the number of meetings held.

2.2 Modelling

The table below summarises the key response points on the principal modelling issues. In the ALC's submission, these matters are not minor technical refinements; they go directly to whether the modelling provides a reliable basis for predicting environmental impacts and for designing proportionate management responses.

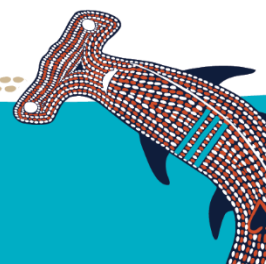
Issue	Comment
1. Sample locations used for ASS testing.	A long section of sample locations used for ASS testing would facilitate a better interpretation of the ASS threat.
2. Outline of wave model parameters is not present	The values adopted for key parameters (bottom friction, wind input, white capping/dissipation coefficients) which would typically be used in calibration are not presented in the report. This has not been expanded upon.
3. Derived TSS-NTU relationship may not be reasonable	The TSS-NTU is based on data from 0-10 mg/L data measured in the marine environment. It may become notably non-linear at higher concentrations. Mineralogy of sediment in discharge water is different from that in the ocean. This has not been discussed in the response. Transferring a marine-derived NTU relationship to the higher concentrations present in the discharge is unverified. Laboratory experimentation on site specific data is recommended.
4. Importance of light attenuation seemingly not considered	It seems to remain the case that only deposition thresholds are considered in terms of ecological impact, whereas light attenuation (NTU) may well be more important.





Issue	Comment
5. Reliance on data and experience from other sites	While background references are presented as being "leading practice", it's still important that local conditions are considered. Sedimentation behaviour and ecological thresholds may vary dramatically at this site from those measured in Western Australia or found at other sites.
6. Model is uncalibrated	It is understood that validation is proposed. Validation should include turbidity and salinity. Important parameters – notably the advection-dispersion coefficients – should, in the absence of calibration data, have been subject to sensitivity testing within appropriate ranges drawn from literature.
7. Lack of detail on the jet model	Use of the jet model within the MIKE3 suite wasn't discussed in the original report. For consistency, it should be demonstrated that the Jet model produces results that are consistent with the UM3 model.
8. Worst Case Scenario may be "Dodge" tides	The modelling process does include so-called "dodge" tides now, as the jet model is integrated with MIKE3. However, the presentation of results as 99th percentile exceedances (which would normally be considered conservative) may not provide a full appreciation of ecological risks, noting those periods where tidal flows are relatively stationary for several tide cycles (and dispersion of the plume is minimal). Analysis of conditions over these periods with very small tides should be presented, so that ecological impact assessment can be completed. Note that these periods will be very sensitive to the advection-dispersion parameters, which remain uncalibrated without sensitivity testing (Issue 6).
9. Future prevalence of more acidic discharges	The discharge waters seem are acidic. As the mine progresses closer to the coast, could the discharge waters become more acidic (owing to a higher prevalence of ASS nearer to the coast?) This has not been considered.
10. Impacts on Diesel Spill	Did the modelling consider any impacts that discharge may have on remanent Diesel contamination in the Milner Bay area, from the historic spill incident.

Taken together, the issues identified above indicate that the current modelling does not yet provide sufficient confidence in the predicted extent, duration, and intensity of impacts. In particular, the material presently available does not adequately demonstrate that key assumptions have been calibrated, validated, or tested against site-specific conditions, nor does it establish that the relevant impact pathways have been fully assessed. The ALC is especially concerned that ecological effects associated with turbidity, light attenuation, duration, frequency, and recovery may be underestimated if assessment relies primarily on deposition thresholds. The NT EPA should require further validation of relevant models and supporting ecological assessment, before relying on the modelling as a sufficient basis for assessment conclusions.





2.3 Appendix D Compliance Monitoring

The ALC is concerned that references to monitoring as "Compliance Monitoring" may imply an unduly narrow focus on meeting water quality trigger values rather than assessing the condition of the receiving environment as a whole. Compliance monitoring is important, but it is only one component of an adequate environmental management framework. A robust monitoring regime should also include broader effects-based monitoring capable of detecting actual ecological change and ecosystem response. Similarly, while trigger action response plans (TARPs) are necessary, they should not substitute for an assessment and management approach designed to prevent material impacts from occurring in the first place.

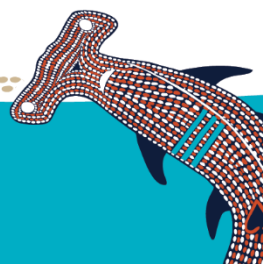
2.4 Environmental Management Plans and Monitoring Program

GEMCO has outlined a framework recognising the need for appropriately designed environmental management plans and monitoring programs. However, those documents must be developed to a level of detail that allows the NT EPA, the ALC, and Traditional Owners to properly understand whether impacts can in fact be avoided, minimised, and effectively managed. Although the Project lies adjacent to an existing disturbed site, its anticipated impacts extend beyond current disturbances and into sensitive coastal and marine environments.

The ALC understands that GEMCO wishes to progress approvals and any future consent processes in a timely manner. However, speed cannot compromise the development of appropriate environmental control measures or the collection of baseline information necessary for proper assessment. GEMCO has identified since 2022 that an ocean outfall option was the preferred pathway for managing the discharge. Given that timeframe, the ALC considers it reasonable to expect that the necessary baseline environmental studies, detailed environmental management plans, and monitoring programs should now be available at a level of detail sufficient to support assessment. It is difficult for the ALC to contemplate progression where that necessary detail has not been finalised.

GEMCO has provided the ALC with a four-page monitoring plan, which the ALC considers materially inadequate for a project of this scale, complexity, and environmental sensitivity. While GEMCO has indicated that further improvements will be made, critical management detail should not be deferred where that detail is necessary to determine whether impacts can be properly managed. The ALC submits that GEMCO should develop and present a rigorous, science-based environmental management system that integrates:

1. Comprehensive baseline studies of physical, chemical, and ecological conditions across seasonal and interannual variability, with sufficient detail to demonstrate that adequate data have been collected to support a BACI (Before / After and Control / Impact) framework.
2. High-resolution impact assessments covering all affected environments, supported by validated hydrodynamic, water quality, and ecosystem models that quantify worst-case and cumulative effects, including short-term but potentially material impacts.
3. A clearly defined mitigation hierarchy supported by project designs and operational controls that prevent or reduce downstream environmental impacts,





4. Measurable ecological thresholds and trigger values linked to legally defensible environmental quality objectives,
5. A statistically robust, long-term, (>10 years), monitoring program capable of detecting change relative to baseline, anticipated impact durations, and reference sites,
6. Detailed environmental management plans that link monitoring results to predefined trigger thresholds, establish clear decision-making pathways and responsibilities, include pre-approved management responses, incorporate regular performance review and independent oversight, and ensure sufficient resourcing and feedback mechanisms to refine management actions over time.
7. Transparent governance, QA/QC processes, independent review, and ongoing stakeholder engagement programs, to ensure accountability and incorporation of local ecological knowledge.

3 CUMULATIVE IMPACTS

Over the past several years, a number of material GEMCO water-related matters have been brought to the attention of the ALC. These include:

- Uncontrolled ocean discharge from a bush water discharge activity,
- Underestimation of ground water impacts in the Eastern Lease areas, which has led to a stoppage in mine and pumping of water from the Eastern Lease to the Western Lease
- Bush dieback in off lease areas as direct consequence of water inundation from mine water being discharged into the bush
- Various on-lease bush dieback incidents as direct consequence of water inundation from mine water being discharged into the bush
- The uncertainty of the impacts from groundwater inflow post mine closure as there is now insufficient material available to backfill all mining areas.

The information presently available does not yet demonstrate a complete understanding of the hydrogeological issues relevant to current and future water management. The ALC has been advised on numerous occasions that continuation of bush water discharge, and discharge to the Angurugu River, may still be required while the proposed ocean discharge operates. These matters are directly relevant to the present proposal because they indicate existing uncertainty in GEMCO's broader water management performance and increase the importance of assessing additive and interacting effects across receiving environments.

Off-lease environmental impacts occur within an Indigenous Protected Area that contains numerous threatened, vulnerable, and endangered species across both terrestrial and marine environments. Through its various programs, the ALC also has responsibilities under various Commonwealth legislations and through its stewardship role to protect the land and waters of Traditional Owners from environmental harm. For this reason, the ALC strongly considers that the proposed ocean discharge activities must be assessed holistically with other GEMCO water-related matters so that cumulative environmental, cultural, and social effects are properly recognised, understood, and managed. A cumulative impact assessment should therefore be undertaken in parallel with the detailed





environmental management plans and monitoring programs required for this Project. This should include consideration of impacts on culturally significant marine and coastal areas, and species and habitats of cultural significance, noting that uncertainty in environmental effects also creates uncertainty for Traditional Owners' cultural responsibilities to Country.

4 CLOSING

While the ALC appreciates that GEMCO faces a significant water management issue and that appropriate water management is important for the optimisation of mining operations, this does not lessen the need for assessment to be undertaken at an appropriate level of detail rather than for reasons of expediency. The ALC seeks to ensure that the receiving environment is thoroughly assessed and that operational options, processes, and management systems are evaluated and prepared in sufficient detail before reliance is placed on them. In the ALC's submission, the outstanding issues identified above are fundamental rather than minor. The NT EPA should require these matters to be addressed through further technical work, detailed management planning, and cumulative impact assessment before the Project is treated as sufficiently understood for progression. The ALC remains willing to continue engaging with GEMCO and the assessment process, but not at the expense of assessment rigour or informed decision-making by Traditional Owners.

