

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	J Quarry Haul Road Realignment Project Referral EP2020/003 accepted 6 November 2020
Proponent	Groote Eylandt Mining Company Pty Ltd (GEMCO)
Description of proposed action	<p>The proposed action is to construct and operate a 1.2 km haul road, two associated access tracks and drainage within a realigned corridor. The proposal is required to connect a future mining area known as J Quarry (ML961) with existing mining areas (ML960) on Groote Eylandt, about 650 km southeast of Darwin in the Gulf of Carpentaria.</p> <p>The haul road would include a 36 m single span bridge across the Emerald River, a box and pipe culvert array in the channel of the ephemeral Southern Tributary, two low-level causeways in floodplain areas associated with each waterway and a box section underpass for a public access track. The total clearing footprint is 24 ha across woodland and riparian vegetation.</p> <p>The realigned haul road corridor was selected to avoid and minimise potential ecological and cultural impacts, following a detailed consideration of alternative sites and design options. Consideration involved a comprehensive consultation and evaluation process undertaken by the proponent over several years.</p>
Nature and location of proposed action	Mining (haul road construction) on Groote Eylandt, East Arnhem
Person authorised to make decision	Chairperson, 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	22 December 2020
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 referral information during the public consultation period 9 November 2020 to 7 December 2020 <ul style="list-style-type: none"> ○ public submissions received: 0 ○ government authority submissions received: 8

Statement of Reasons

Overview

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

The NT EPA has examined the proponent's referral information and considers that it provides a good quality, comprehensive and evidence-based self-assessment of the potentially significant environmental impacts of the proposed action. Additionally, the referral information demonstrates that the proponent has considered and fulfilled its general environmental duties under section 43 of the *Environment Protection Act 2019* (EP Act).

The NT EPA is of the view that the potential impacts can be adequately managed through implementation of the proposed action in accordance with the referral information and the proponent's existing and proposed management and mitigation measures. This includes early and appropriate planning and design of the proposed action based on informed consultation, surveys and studies; and the application of management and mitigation measures that are well-established and known to be effective in the avoidance or reduction of the severity of potential impacts, as identified in the referral.

Justification

1. Terrestrial ecosystems

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

There is potential for the proposed action to impact on six threatened fauna species and significant, sensitive riparian vegetation due to land clearing and the alteration of surface water flows. Potential impacts to vegetation and fauna values would be minimised through the proponent's corridor realignment site selection process, its established vegetation clearing procedures and the presence and availability of suitable habitat in adjacent areas.

The NT EPA considers that any impacts of the proposed action on terrestrial ecosystem values would be of minor consequence due to the nature and scale of activities. The loss of 24 ha of native vegetation, including riparian vegetation, is not considered to be significant, given the extent of equivalent adjacent habitat.

2. Hydrological processes

The hydrological processes, geomorphology and flood regime of the Emerald River catchment support important ecological and cultural values. There is potential for a minor alteration of surface flows around the Emerald River, its floodplain and the Southern Tributary, due to altered hydrology from construction and operation of the haul road and associated crossing and drainage structures.

The duration and extent of these impacts is not expected to be significant and would be minimised through the proponent's planning, design and site selection for the proposed bridge, culverts and causeways to facilitate continuation of natural flow regimes and mitigate any downstream hydrological effects.

The NT EPA considers that the potential impacts on hydrological processes would be minor and limited to areas adjacent to the proposed haul road.

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

3. Inland water environmental quality

The Emerald River is of high conservation value with a largely undisturbed catchment that supports a range of environmental values, with beneficial uses declared for aquatic ecosystem protection, recreational water quality and aesthetics.

The proposed action includes the design, planning and implementation of best practice erosion and sediment controls² to retain sediment; and the use of standard spill prevention and response measures to avoid contamination. The proponent regularly monitors water quality in the Emerald River downstream of the proposed crossing, which could detect any proposal related water quality trends or changes from background conditions.

The potential impacts on water quality in the Emerald River, its floodplain and the Southern Tributary from erosion, sedimentation or contamination from the proposed action would be short term, of minor consequence and are considered unlikely.

4. Aquatic ecosystems

The aquatic ecosystems associated with the freshwater/saline interface of the perennial Emerald River, its ephemeral floodplain and the Southern Tributary support threatened and culturally significant species. Some small, isolated remnant pools persist in the upper reaches of the Southern Tributary following the wet season; however, there are no permanent pools in the vicinity of the proposal.

The potential for impacts on aquatic habitats from land clearing and altered surface hydrology is minimised through the design of the haul road and its crossings and by construction during dry conditions. The haul road design limits the extent of land clearing required, and features have been incorporated into the design to maintain fish passage³ during wet season flows and flood events to minimise impacts. This includes the design of the proposed single span bridge, embankments and causeway at Emerald River and the causeway and culvert array design at the Southern Tributary.

The NT EPA considers that potential significant impacts to aquatic ecosystems would be avoided through implementation of proponent's management measures identified in the referral information.

5. Culture and heritage

There are known sacred sites in the vicinity of the proposed action; however, these have been documented through survey and assessment in consultation with the Anindilyakwa Land Council (ALC) and traditional owners, including development of a Sacred Sites Instructions Report describing clear instructions about the required protection measures for individual 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 would include the proposal area. The proponent has conducted extensive consultation with the ALC and Aboriginal land owners and this ongoing consultative process is anticipated to continue for the duration of the proposal and include rehabilitation of the haul road.

There are no known heritage values that would be impacted by the proposed action; however, the proponent would implement a standard unexpected finds procedure as a precautionary measure.

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

² Best practice erosion and sediment control measures are detailed in the International Erosion Control Association (IECA) Australasian Chapter Best Practice Erosion and Sediment Control (BPESC) document (as amended).

³ Mitigation measures for maintaining fish passage across raised waterway barriers are provided in the referral in accordance with the Queensland Department of Agriculture and Fisheries [Accepted development requirements for operational work that is constructing or raising waterway barrier works](#) (DAF 2018)

Other environmental factors

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

Conclusion

The NT EPA has determined that the GEMCO J Haul Road Realignment Project does not have the potential to have a significant impact on the environment due to the nature, extent and scale of the proposed action, 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.

In making its decision under EP Regulation 57, the NT EPA has considered:

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

The NT EPA notes there are other statutory processes relevant to this proposed action, including the requirement for authorisation under the *Mining Management Act 2001*, which includes provisions to ensure environmental issues associated with the proposed action are taken into account.
