



Environmental Protection Act 1986

**Hon Bill Marmion MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS – WILUNA URANIUM PROJECT (EPA REPORT 1437)

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the report and recommendations of the Environmental Protection Authority (EPA) for the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Committee's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants: Conservation Council of WA
Chilla Bulbeck
Hon Robin Chapple MLC
Glen Cooke
Australian Conservation Foundation
Simon Dooley
Hon Alison Xamon MLC
The Wilderness Society (WA) (Inc)
Anti-Nuclear Alliance of Western Australia

Proponent: Toro Energy Limited

Proposal description: The proposal is to construct and operate a uranium mine consisting of two deposits, Centipede and Lake Way at mining tenements M53/224 and MLA53/1090, located approximately 30 kilometres south and 15 kilometres south-east of Wiluna.

Minister's Decision: The Minister allowed the appeals in part

Date of Decision: 19 September 2012

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (EP Act), the Minister appointed a two-person Appeals Committee to investigate the matters raised in the appeals and report directly to him.

After considering the issues raised in the appeals, the Committee provided its report to the Minister on 13 September 2012. The Committee's report provides the background to the appeals and outlines the key objections raised in relation to the EPA's report.

The Committee reported that each appellant was contacted and offered an opportunity to meet and discuss their appeal and the EPA's response to the appeals. The Minister understood that the Committee also met with representatives of the proponent, Department of Mines and Petroleum (DMP), Department of Environment and Conservation (DEC), Department of Health, Radiological Council of Western Australia, Shires of Wiluna, Leonora, Menzies, Coolgardie and Dundas, and City of Kalgoorlie-Boulder, and undertook a site visit with representatives of the proponent.

The Minister noted that the appeals covered a wide range of matters summarised in 21 grounds, including matters of Aboriginal heritage, impacts to groundwater, surface water and biodiversity, impacts of radiation on human health, mine operation, mine closure, transportation of uranium oxide concentrate, uranium industry regulation, information provided, consultation, and matters relating to the EPA's assessment process. These matters are discussed in detail in the Committee's report.

Overall, the Committee agreed with the EPA's conclusion that it is likely that the EPA's objectives would be achieved provided there is satisfactory implementation by the proponent of the recommended conditions, subject to amendment of a number of the recommended conditions.

After considering all of the information presented to him in respect to the appeals, and noting that the current proposal does not extend to the disposal of tailings from the processing of other resources, the Minister was of the view that the EPA had adequately considered the key environmental factors identified by it in its assessment of the proposal, and that this assessment was consistent with section 44 of the EP Act.

The Minister was also satisfied that, subject to improved coordination and understanding between agencies, the regulation of uranium mining in Western Australia can be adequately managed by the DMP, the DEC and Radiological Council of WA.

Further, the Minister agreed with the Committee's recommendations in respect to changes to the implementation conditions should the proposal proceed. The Minister therefore allowed the appeals to the extent that the implementation conditions recommended by the EPA are changed as follows.

Flora and Vegetation – *Tecticornia*

- Condition 6 is changed so that it applies to the protection of the vegetation units listed in the Environmental Review and Management Programme Appendix E (page 83) as inferred groundwater dependent vegetation.
- Condition 6-4 is changed so that it contains provision for the proponent to take immediate corrective action to protect groundwater dependent vegetation in response to monitoring results and to report that action in the required report to the CEO of the Office of the EPA.
- A condition is added requiring the proponent to prepare and implement, to the satisfaction of the CEO of the Office of the EPA, a research plan to investigate the environmental water requirements of groundwater dependent vegetation units potentially impacted by the proposal.

Groundwater Drawdown

- Condition 7 is changed so that it applies to the protection of the vegetation units listed in the Environmental Review and Management Programme Appendix E (page 83) as inferred groundwater dependent vegetation.
- Condition 7-3 is changed so that it contains provision for the proponent to take immediate corrective action to protect groundwater dependent vegetation in response to monitoring results and to report that action in the required report to the CEO of the Office of the EPA.

Residual Impacts and Risk Management Measures

- Condition 8-1(4) is changed so that:
 - the words “located only within the disturbance area and area of groundwater drawdown greater than 0.5 m” is replaced by “that have not been shown to occur outside the disturbance area or the area of groundwater drawdown greater than 0.5 m”; and
 - the survey and research plan also includes preservation of the surface soils, containing the seed bank, for use in rehabilitation.

Surface Water

- A condition is added requiring the proponent to prepare and implement, to the satisfaction of the CEO of the Office of the EPA, a Water Management Environment Management Strategy Document to address matters including how any creek diversion through previous workings will be managed to ensure creek flow does not become contaminated by contact with workings.

Fauna – Stygofauna

- A condition is added requiring the proponent to prepare and implement, to the satisfaction of the CEO of the Office of the EPA on advice of the DEC, a plan for the monitoring of stygofauna in the Hinkler Well, Uramurdah and Lake Violet calcretes both within and outside the area of impact of the proposal and to report the results of the monitoring.

Radiological Dust

- A condition is added requiring the proponent to amend the Dust Management Environment Management Strategy Document to address dust management during brief periods of high winds likely to lead to dust storms and contingency plans for the management of dust should mining involve blasting.

The Minister otherwise dismissed the appeals.

The precise wording of the amended conditions will be determined through the consultation process under section 45(1) of the EP Act.

Having determined the appeals, section 45 of the EP Act requires that the Minister consults with relevant decision making authorities to seek agreement as to whether or not the proposal may be implemented, and if so, the conditions to which the implementation of the proposal should be subject. It is anticipated that through this process, decision making authorities will have regard to broader social and economic factors relevant to the proposal. The Minister expects to commence consultation with relevant decision making authorities within two weeks of the date of this decision.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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