



Environmental Protection Act 1986

Hon Reece Whitby MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF WORKS APPROVAL W6678/2022/1 MULGA ROCKS URANIUM MINE, STAGE 1 WORKS, MULGA DOWNS

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions of the above works approval. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Conservation Council of Western Australia (Inc)
Proponent:	Narnoo Mining Pty Ltd (Deep Yellow Limited)
Proposal description:	The works approval authorises the construction, commissioning, and time limited operations of two new wastewater treatment plants and a landfill facility at the premises.
Minister's Decision:	The Minister dismissed the appeal.
Date of Decision:	15 May 2023

REASONS FOR MINISTER'S DECISION

An appeal was received from the Conservation Council of WA on 20 December 2022 in objection to the conditions of the works approval granted to Narnoo Mining Pty Ltd (subsidiary of Deep Yellow Limited) (the works approval holder) by the Department of Water and Environmental Regulation (the Department).

The works approval, granted on 14 December 2022, authorises the construction, commissioning, and time limited operations of two new wastewater treatment plants (WWTP) and a landfill facility at the Mulga Rock Uranium Mine (the premises). The development authorised represents stage 1 of the Mulga Rock Uranium Project.

In summary, the Minister understood the appeal raised concerns about the potential risk of radioactivity in discharged wastewater from the constructed WWTPs. The appellant requested that the works approval be amended to include the requirement to monitor radiation levels in wastewater.

Decision

Having regard for the matters raised by the appeal, as well as the Department's response to the appeal and the Appeals Convenor's report, the Minister considered that the level of risk related to the emissions from infrastructure constructed under this works approval does not warrant additional regulatory controls, and that the conditions applied to the works approval are adequate. The Minister has therefore dismissed the appeal.

Nevertheless, the Minister acknowledged the appellant's concerns about future risks and noting the Department's advice the Minister understood that this will be assessed and controlled through future applications under Part V of the *Environmental Protection Act 1986*.

The reasons for the decision and the Minister's consideration of the key issues raised in the appeal are set out as follows.

The level of radiological risk from emissions is low

The appeal raised concerns about the potential risk of radiological contamination of the wastewater, and the potential for new exposure pathways through disposal of wastewater via spray fields and the risk this poses to the environment.

The Minister understood that in issuing the works approval, the Department assessed the risks related to stage 1 works, being limited to the WWTPs and landfill facility. The Department did not identify radiation as a potential risk during this phase, as the mining, processing and transport of ore will not commence at this stage.

The Appeals Convenor also advised that the background levels of radioactivity at the premises, including in groundwater and soils, have been monitored since 2007, and these are considered to be low. The Minister understood that this is a relevant consideration as the mine will utilise groundwater within the mine support and accommodation village and this will eventually be discharged via the WWTP.

Having regard to these considerations, the Minister was of the view that the radiological risk from emissions during the construction and commissioning of stage 1 authorised by this works approval is low. The Minister also noted the works approval holder's advice that wastewater from decontamination and washdown areas within the mining support site will be reused within the process plant rather than discharged via a spray field. As a result, the Minister agreed with the advice of the Appeals Convenor that the existing regulatory controls are sufficient relative to the risk, and that no changes to the works approval conditions are required.

Notwithstanding the above, the Minister accepted the appellant's concerns about later stages of the project and noted the Department's advice that the risk profile may change during mining of ore. The Minister understood that the radiological risks from emissions to the environment will be assessed and controlled by the Department through future works approvals and licences, as well as any potential risks to workers' safety by the Department of Mines, Industry Regulation and Safety.

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*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace
Perth WA 6000
Tel: (08) 6364 7990
www.appealsconvenor.wa.gov.au