



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY (REPORT 1574) YEELIRIE URANIUM PROJECT

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 Environmental Protection Authority's Report and Recommendations in respect to the above proposal. 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.

Appellants:	Twenty (20) appeals were received (refer to Attachment 1)
Proponent:	Cameco Australia Pty Ltd
Proposal description:	To develop, mine and rehabilitate the Yeelirrie Uranium Project, located approximately 420km north of Kalgoorlie in the Shire of Wiluna, Western Australia.
Minister's Decision:	The Minister: <ul style="list-style-type: none">• allowed appeals in part with respect to flora and vegetation and public availability of plans; and• dismissed all other grounds of appeal.
Date of Decision:	14 December 2016

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(a) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

The appeals covered a wide range of matters including issues relating to subterranean fauna, ground and surface water, human health, Aboriginal heritage, flora and vegetation, terrestrial fauna, amenity and mine management and closure.

In relation to subterranean fauna, the EPA's report concluded that there remained too great a chance of a loss of 12 species that may be restricted to the impact area and therefore concluded that the proposal could not meet its objectives for this factor.

As part of its appeal, the proponent submitted that uncertainties identified through the assessment process could be addressed through further sampling and surveys, such that the EPA's objective for subterranean fauna could be met. It also provided information that it claimed improved confidence that identified species would be found outside the impact area and which indicated indirect impacts to three stygofauna species could be avoided through the management of groundwater abstraction rates from the south eastern borefield.

The EPA considered the proponent's additional information relating to the presence of species outside the impact area, the details of which are contained in the Appeals Convenor's report. In summary, the EPA advised that the new information, if supported by suitable evidence, may provide adequate information to infer that habitat for some species of stygofauna extends outside the impact area. In relation to the proponent's additional advice in respect to managing groundwater abstraction rates to protect three species of stygofauna in the vicinity of the south eastern borefield, the Office of the EPA advised the use of an appropriate groundwater management system should be able to manage groundwater drawdown around the three stygofauna species identified.

Based on the foregoing, the new and additional information provided by the proponent suggested the level of impact to some stygofauna species may be reduced or avoided from what was considered in the EPA's report, but is not considered sufficient to meet the EPA's objectives for subterranean fauna. As such, it appears the basis for the EPA's conclusions in respect to subterranean fauna remains valid. It follows that the Minister determined to dismiss the proponent's appeal in respect to subterranean fauna.

In relation to concerns raised by appellants on other aspects of the EPA's report, the Minister concurred with the recommendations of the Appeals Convenor in respect to strengthening some of the implementation conditions recommended by the EPA, should it be determined that the proposal may be implemented.

In relation to the declared rare flora species *Atriplex yeelirrie* specifically, the Minister acknowledged the appellants' concerns about the potential for the proposal to impact this species. Noting the intent of the recommended condition 6 to avoid and minimise impacts on the Eastern population of *A. yeelirrie*, the Minister allowed this appeal to the extent that condition 6-3 is strengthened to expressly address impacts from salinity.

Also, noting the intent of the recommended condition 14 to specify the offsets required for the significant residual impacts of the proposal on *A. yeelirrie*, the Minister allowed appeals to the extent that condition 14-2(5) is strengthened to include reference to investigating unintended impacts on the receiving environment from translocation activities. The Minister also required that condition 14 be amended to provide for more regular review of the Offset Plan to ensure that it remains contemporary and reflects the knowledge gained through the trials and research required by the Offset Plan.

The Minister also required that condition 5 be amended to ensure the public availability of management plans.

The Minister otherwise determined the appeals in accordance with the Appeals Convenor's recommendations.

The decision as to whether or not the proposal may be implemented, and the conditions which apply to any such implementation, is made under section 45 of the Act following the determination of these appeals. The Minister noted in this regard that the final decision making process will have regard to the EPA's report and broader commercial and economic considerations relevant to the proposal. This process will be commenced as soon as possible following this appeal 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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ATTACHMENT 1

LIST OF APPELLANTS

<i>Appeal Number</i>	<i>Appellant</i>
025	Marilyn and Colin Bernhardt
026	Josephine Vallentine
027	Cameco Australia Pty Ltd
028	David Kabay
029	Warri Oviedo
030	Walkatjorra Walkabout
031	Sandra Evans
032	Richard Evans
033	Shirley Wonyabong
034	Dr Christine Jeffries-Stokes
035	Geoffrey Stokes
036	Marcus Atkinson
037	Kerrie-Ann Garlick
038	William Taylor
039	Phillipa Lucy Hancock
040	Conservation Council of Western Australia
041	Rob Gulley
042	Lisa Webb
043	Wildflower Society of western Australia
044	Cassandra Schmitt