



Environmental Protection Act 1986

**Hon Albert Jacob MLA  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS AGAINST REPORT AND RECOMMENDATIONS – EXTENSION TO THE WILUNA URANIUM PROJECT (EPA REPORT 1580)**

#### **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 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellants:</b>	14 Appeals were received (see Attachment 1)
<b>Proponent:</b>	Toro Energy Limited
<b>Proposal description:</b>	To extend the Wiluna Uranium Project (Ministerial Statement 913), to include the Millipede and Lake Maitland deposits located approximately 30 km south and 15 km south-east of Wiluna.
<b>Minister's Decision:</b>	The Minister allowed the appeals in part
<b>Date of Decision:</b>	14 December 2016

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#### **REASONS FOR MINISTER'S DECISION**

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Pursuant to section 106 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 appeal.

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

As with other recently considered uranium proposals in the region, appellants raised concerns that the EPA's assessment did not adequately address health risks to the community and workers from radiation exposure from the proposal, including risks associated with the transport of uranium oxide concentrate.

The Minister carefully considered these issues and agreed with the Appeals Convenor that the EPA properly considered and addressed human health issues in its assessment. The Minister noted that the EPA evaluated different exposure pathways for radiation, including from inhalation, transport of uranium oxide concentrate, dust and consumption of food and water and assessed potential health impacts against established regulatory dose limits for various scenarios. The Minister noted from the EPA's assessment that the radiation exposure levels predicted under all scenarios will be below regulatory dose limits.

In relation to concerns about drinking water for Wiluna town, the Minister noted the EPA's advice that the town water supply is 25 km from, and up-gradient of, the proposal area and is not hydraulically connected. As a result, the EPA concluded that drinking water would be unaffected by the implementation of the proposal.

In relation to potential impacts to flora and vegetation from the proposal, the Minister considered the Appeals Convenor's advice and agreed that the EPA's assessment of this factor was based on adequate available information and that the recommended conditions are appropriate to manage potential impacts. In particular, the Minister noted the requirement to establish exclusion zones around restricted *Tecticornia* species and an offset to conserve and improve the scientific knowledge of *Tecticornia* taxa. The Minister agreed with the Appeals Convenor that condition 9-2 should be amended to ensure that the defined exclusion zone for the *Tecticornia* sp. aff. *Burnerbinmah* 'inflated fruit' which occurs close to the edge of the Millipede mining pit, does not create an 'island effect' around the plant within the mine pit. The Minister therefore allowed this element of the appeals to the extent that condition 9-2 is amended to ensure that the exclusion zone remains contiguous with the land mass outside the mine pit.

The Minister considered the EPA's assessment of potential impacts to surface and ground water and formed the view that the assessment was appropriate and based upon adequate information. The Minister concurred with the Appeals Convenor that the conditions relating to ground and surface water should be amended to provide assurance that predicted environmental outcomes are achieved. The Minister noted, in particular, the inclusion of a new environmental outcome in condition 11 which ensures there is no adverse impact to groundwater dependent vegetation and subterranean fauna habitat outside the mapped 0.5 metre drawdown contour, will require the proponent to monitor against this outcome, and implement management actions should trigger criteria not be met.

In relation to the tailings storage facility, rehabilitation and closure, the Minister considered that the EPA had appropriate regard to potential impacts and had sufficient information to form the view that mine closure for the proposal can be managed to meet its objective for Rehabilitation and Decommissioning.

The Minister noted that the proposal will also be subject to the requirements of the *Mining Act 1978*, which the Department of Mines and Petroleum has advised can regulate mine closure for this proposal via a Mine Closure Plan. In addition, the Radiological Council will regulate the radiological aspects of transport, mine closure and post closure monitoring, worker safety and public safety. However, noting the proponent's commitment to undertake research to inform the design and operation of the tailings storage facility, the Minister allowed this ground of appeal to the extent that a new management-based condition be added with the objective to minimise impacts to groundwater as far as practicable from the design and operation of the tailings storage facility. This condition would require the proponent to prepare a Tailings Storage Facility Management Plan that includes details of the research plan to inform the design and operation of the tailings storage facility.

In relation to other issues raised by the appeals, the Minister considered the Appeals Convenor's advice, and determined the appeals accordingly.

It follows from the forgoing that the Minister determined to partly allow the appeals by amending conditions 7, 9, 11 and 12 and requiring a new condition in relation to the tailings storage facility in the manner recommended by the Appeals Convenor and as detailed in her report. 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 Act.

Having determined the appeals, section 45 of the Act requires that the Minister consult 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.

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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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**LIST OF APPELLANTS**

<b><i>Appeal</i></b>	<b><i>Appellant</i></b>
074/16	Environment House
075/16	People for Nuclear Disarmament (WA)
076/16	Kerrie-Ann Garlick
077/16	Marcus Atkinson
078/16	Anna Claire Hunter
079/16	James Toren
080/16	William Taylor
081/16	Philippa Lucy Hancock
082/16	Sam Glenister
083/16	Brenda Conoche
084/16	Robert Gulley
085/16	Beth Tilley
086/16	Conservation Council of Western Australia
087/16	Karen Davis