



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 – KINTYRE URANIUM PROJECT, CAMECO AUSTRALIA PTY LTD (REPORT 1522)

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) in relation 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:	Conservation Council of Western Australia (Inc); Hon Robin Chapple MLC; Parnngurr Aboriginal Community; Footprints for Peace; M Atkinson; J Bower; G Davies; K Fitzwater; R Gulley; P Hancock; A Hunter; K James; E Manna; D Vassallo; J Wheare; S Wylie
Proponent:	Cameco Australia Pty Ltd
Proposal description:	Kintyre Uranium Project
Minister's Decision:	The Minister allowed the appeals in part
Date of Decision:	29 January 2015

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 EPA on the matters raised in the appeals. After considering the appeal, the Appeals Convenor reported to the Minister under section 109 of the Act.

A number of issues were raised in objection to the content of the EPA's report and recommendations, including post-closure management of the site, impacts to human health, ground and surface water quality, impacts to terrestrial fauna and the adequacy of consultation through the assessment process. These issues are detailed in the Appeals Convenor's report. The Minister's consideration of the appeal grounds follows.

Closure and rehabilitation

Most appellants raised concern that the EPA's assessment did not adequately consider the risks the proposal poses to the environment after closure, particularly in respect to the tailings management facility and the pit lake. It was submitted by a number of appellants that the EPA ought to have assessed the adequacy of the tailings management facility over a 10,000 year timescale, consistent with the approach taken for other uranium projects in Australia.

Some appellants stated that a motion passed by the Legislative Council in 2012 should be applied to the Kintyre proposal, which recommended that the government adopt equivalent or better environmental management regulatory requirements for any future uranium mine in Western Australia as exists in respect to the Ranger uranium mine in the Northern Territory.

This issue was the subject of consideration on appeals lodged in respect to the EPA's report on the Wiluna Uranium Project in 2012. In that case, the Appeals Committee did not recommend a condition be applied requiring the tailings storage facility to be isolated for 10,000 years. The Committee noted that the only way such a requirement could be applied would be through a design specification for the tailings storage facility.

The Minister noted advice that the Federal approval for the Olympic Dam proposal in South Australia requires the closure plan to contain a comprehensive safety assessment to determine the long-term risk (from closure to in the order of 10,000 years) to the public and the environment from the tailings storage facility and rock storage facility.

The Minister fully endorsed the principle underlying the motion passed in the Legislative Council in 2012 – that is, that environmental management requirements applying to uranium mines in Western Australia are equivalent to or better than those applying to other uranium proposals in Australia. To this end, the Minister noted the EPA's advice to the Department of Mines and Petroleum (DMP) that a landform evolution model should be used to assess the trajectory of the landform evolution rather than a specific timescale, and this process should be considered by the DMP in consultation with the Commonwealth Supervising Scientist.

In relation to the other matters raised in respect to mine closure and rehabilitation, the Minister considered the Appeals Convenor's advice and determined that the EPA's assessment was appropriate and that on the EPA's advice, the DMP can adequately manage post-closure issues to meet the EPA's objectives.

The Minister did not consider a financial assurance under the Act is warranted in this case. The proposal will be subject to the new mining rehabilitation fund, managed by the DMP.

Human health

By this ground of appeal, concerns were raised about the potential for the proposal to cause adverse human health outcomes, particularly for Aboriginal communities using the area around the proposed mine for bush tucker and cultural purposes. A number of appellants contested the proponent's assessment of the quantity of bush tucker consumed, and the use of beef consumption as a substitute for bush tucker species consumed in the area.

Having regard to the information presented in respect to this ground of appeal, the Minister noted the advice of the proponent and the EPA that the risk to human health from consuming bush tucker in the vicinity of the proposed mine is low. In this regard, the EPA advised that consumption of bush tucker would need to increase 100 fold to make the dose equivalent to the background dose. The Minister also considered that the process used by the proponent to assess the level of risk was appropriate and that these matters can be adequately managed through DMP.

In relation to dust emissions from the premises, the EPA has noted that this can be satisfactorily managed by the DMP and Radiological Council.

Ground and surface water

By this ground of appeal, a number of appellants raised concerns that the proposal will lead to radiation contamination of ground and surface water, and that the assessment failed to appropriately assess impacts associated with groundwater abstraction. Some appellants also questioned whether past exploration activities in the area have resulted in elevated radiation levels in waterholes and bores.

The Minister considered the Appeals Convenor's advice in respect to the liner of the tailings management facility and the flood protection works, and noted that the DMP has indicated it can regulate these matters. The Minister also noted that the Department of Environment Regulation will have a role in respect to the design and operation of the tailings management facility under Part V of the Act.

In relation to concerns raised in appeals about water abstraction and contamination from previous activities, the Minister considered that the EPA's assessment was appropriate, and agreed with the Appeals Convenor's recommendations in relation to these matters.

Hydrological processes

A number of appellants expressed concern that the assessment process incorrectly described surface flows in heavy flood not connecting with the Rudall/Karlamilyi River system. Appellants contended that this was inaccurate, and this error had the potential to result in radioactive contamination from the mine being transported into Karlamilyi National Park, and closer to Aboriginal communities at Parnngurr and Punmu.

The Minister noted the Appeals Convenor's advice on this factor and determined that the EPA's assessment was appropriate and that no further assessment is required. In particular, the Minister noted that the proponent was aware of possibility of flows from the mine area to the Rudall/Karlamilyi River system, and that flood protection works are intended to prevent release of water from the site during most conditions, that is, events less than a probable maximum flood event.

Terrestrial fauna

The assessment of impacts to terrestrial fauna was raised by a number of appellants, with concern expressed in relation to the adequacy of the information relied upon by the EPA in concluding that the proposal was environmentally acceptable.

The Minister considered the information presented in relation to this ground of appeal, and was of the view that the assessment conducted by the EPA was appropriate. The Minister agreed with the Appeals Convenor, however, that condition 6 recommended by the EPA should be amended in the manner set out in the Appeals Convenor's report.

Consultation

By this ground of the appeals, some appellants contended that the EPA and proponent did not adequately consult with the community, and that new information released at the time of the EPA's report ought to have been the subject of additional public comment.

Taking into account the information provided to him, the Minister formed the view that the opportunity for public input into the review of this proposal was satisfactory. Through the EPA's consultation process copies of the Environmental Review and Management Programme were provided to the indigenous representative body for the area of the

proposal, the Western Desert Lands Aboriginal Corporation. The Minister considered this was appropriate and provided an opportunity for community representatives to have input into the environmental impact assessment process.

Other matters

A number of other matters were raised in the appeals, including downstream issues with the use of uranium, EPA processes and past conduct of the proponent. The Minister considered the Appeals Convenor's advice in respect to these matters, and determined these appeal grounds in accordance with that advice.

Conclusion

Based on the foregoing, the Minister considered that the EPA's report appropriately assessed the impacts of the proposal. The Minister partly allowed the appeals, however, by amending condition 6 in the manner recommended by the Appeals Convenor. These changes will clarify the proponent's responsibilities in respect to conservation significant fauna. The Minister otherwise dismissed the appeals.

The Minister will now consult with relevant decision making authorities under section 45 of the Act as to whether or not the proposal should be implemented, and if so, the conditions to which the implementation should be subject.

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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