



# Report and recommendations of the Environmental Protection Authority



**Tutunup South Mineral Sands Project  
- inquiry under s46 of the  
*Environmental Protection Act 1986*  
to amend Ministerial Statement 799**

**Iluka Resources Limited**

Report 1536

January 2015

ENVIRONMENTAL PROTECTION AUTHORITY  
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR  
ENVIRONMENT

**TUTUNUP SOUTH MINERAL SANDS PROJECT - INQUIRY UNDER  
SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* TO  
AMEND MINISTERIAL STATEMENT 799**

The Minister for Environment has requested (on 21 October 2014) that under section 46 of the *Environmental Protection Act 1986* (EP Act) the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the Tutunup South Mineral Sands Project.

The following is the EPA's Report and Recommendations (No. 1536) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986*.

**Background**

Ministerial Statement 799 (published 7 August 2009) gives approval for the Tutunup South Mineral Sands Project. Under Section 40(1) of the *Environmental Protection Act 1986* (EP Act) the EPA determined that the proposal was to be assessed at the 'Public Environmental Review' level of assessment, with a public review period of four (4) weeks.

The EPA considered the following key environmental factors in EPA Report 1308 for the proposal:

- Flora and vegetation;
- Groundwater and surface water;
- Closure and rehabilitation; and
- Noise.

Using the new Environmental Assessment Guidelines for Environmental Factors and Objectives (EAG 8) these factors are now represented by:

- Flora and vegetation;
- Hydrological processes;
- Landforms;
- Amenity; and

- Rehabilitation and closure.

### **Requested changes to conditions**

The proponent for the proposal, Iluka Resources Limited, has requested the following changes to the implementation conditions of Ministerial Statement 799:

- Delete implementation condition 9.

### **Assessment of the Requested Change to Conditions**

Condition 9 of Ministerial Statement 799, relating to noise, states:

#### **9 Noise**

##### Construction Phase

- 9-1 The proponent shall establish, in consultation with the Department of Environment and Conservation:
1. the program for each phase of construction work;
  2. the design and justification for construction of noise bunds;
  3. a process to notify the affected community of expected higher noise levels during construction; and
  4. a procedure to minimise the noise impacts during construction.

##### Construction and Mining Phases

- 9-2 The proponent shall ensure compliance with the Environmental Protection (Noise) Regulations 1997 by undertaking measures including but not limited to:
1. ensuring that the noise power level of each piece of equipment does not exceed the noise power level assumed for the noise modelling in the submitted Public Environmental Review (Iluka, 2008); and
  2. monitoring noise levels at potentially affected residences using methods acceptable to the Department of Environment and Conservation.
- 9-3 The proponent shall submit annually the results of the noise monitoring required by condition 9-2 to the CEO of the Department of Environment and Conservation.
- 9-4 The proponent shall, within five business days, provide proposed management measures to the CEO of the Department of Environment and Conservation in the event that the requirements of conditions 9-2 are not met or are not likely to be met.

The proponent, Iluka Resources Limited, has requested to delete condition 9 of Statement 799 in order to remove regulatory duplication regarding noise.

Noise monitoring data confirms that the original proposal is not having a detrimental effect on the environment beyond what has been approved for the proposal.

The EPA considers that noise can be adequately managed under the Environmental Protection (Noise) Regulations 1997 administered by the Department of Environment Regulation and consequently considers it acceptable to delete Condition 9 of Statement 799.

**EPA Conclusion(s) and Recommendation(s)**

Having inquired into the matter, the EPA recommends to the Minister for Environment:

1. that condition 9 of Ministerial Statement 799 be deleted; and
2. that, after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to amend condition 9 of Statement 799 in the manner provided for in the attached recommended statement.

Statement No. xxx

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A  
PROPOSAL**

**(Section 46 of the *Environmental Protection Act 1986*)**

TUTUNUP SOUTH MINERAL SANDS PROJECT

**Proposal:** The proposal is to mine the Tutunup South Mineral Sands Project located approximately 15 kilometres southeast of Busselton on Lots 2, 1827 and 1828 and part of Lots 441, 442, 1268, 1813, 1829 and part of Crown Reserve 22455, Hithergreen and part of State Forest 33 Yoganup. Mining is to extend approximately 15 metres below ground level and will require dewatering.

**Proponent:** Iluka Resources Limited  
Australian Company Number 008 675 018

**Proponent Address:** Level 23, 140 St Georges Tce, Perth WA 6000

**Report of the Environmental Protection Authority:** 1536

**Preceding Statement/s Relating to this Proposal:** 799

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by s 46(8), it has been agreed that implementation conditions set out in Ministerial Statement No. 799, be changed as specified in this Statement:

Note: Words and expressions used in this Statement shall have the same respective meanings as in the Act or as provided for in Schedule 1 of this Statement.

1. Deletion of Condition 9

Condition 9 of Ministerial Statement 799 is deleted.

[Signed xxx]

**HON ALBERT JACOB MLA  
MINISTER FOR ENVIRONMENT; HERITAGE**