

Form

Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION	
Referrer information	
Who is referring this proposal?	<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party
Name of the referrer <i>Name of the person or organisation referring</i>	Iluka Resources Limited
Contact details (for the EPA's assessment of this proposal) <i>Name, organisation, position, email, phone and address</i>	Luke McManus Senior Environmental Advisor Level 17, 240 St Georges Tce Perth WA 6000 Phone +61 8 9360 4700 Luke.McManus@iluka.com
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Declaration I, Tom O'Leary declare that I am authorised to refer this proposal on behalf of Iluka Resources Limited and further declare that the information contained in this form is true and not misleading.	
Proponent information	
Name of the proponent/s <i>Include Trading Name if relevant</i>	Iluka Resources Limited
Australian Company Number(s) <input checked="" type="checkbox"/>	34 008 675 018
Australian Business Number(s) <input type="checkbox"/>	
Pre-referral discussions	
Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)? <i>If so, provide name, date, and overview of discussions.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3/12/2021 – Aiden Walsh Overview of project to date.

Proposal information	
Proposal name	Tutunup Mineral Sands Project
What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)	Iluka proposes to develop a mineral sands mine targeting the Tutunup deposit. The Tutunup Mineral Sands Project (the Proposal) is located in the southwest of Western Australia and will form part of Iluka's ongoing South West Operations, being a continuation of mining and production of heavy mineral concentrate (HMC) as other sites reach the end of mine life.
Have you provided electronic spatial data, maps, and figures in the appropriate format?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What type of proposal is being referred? <i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i> <i>For a proposal under an assessed planning scheme, provide the scheme number and name</i>	<input checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <input type="checkbox"/> strategic proposal <input type="checkbox"/> derived proposal <input type="checkbox"/> proposals of a prescribed class <input type="checkbox"/> proposal under an assessed planning scheme
Proposal content: Complete the corresponding template (Proposal Content Document) from the Instructions and template: How to identify the content of a proposal for the type of proposal identified above. The completed form must be submitted with the referral.	
Alternatives	See Section 2.3 of the Iluka Referral Supporting Document

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

Environmental factors	
What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input type="checkbox"/> Marine Environmental Quality <input type="checkbox"/> Marine Fauna <input checked="" type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input checked="" type="checkbox"/> Terrestrial Environmental Quality <input checked="" type="checkbox"/> Terrestrial Fauna <input checked="" type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality

	<input type="checkbox"/> Greenhouse Gas Emissions <input checked="" type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health
<p><i>For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report</i></p>	
Potential environmental impacts – for each environmental factor	
1	EPA policy and guidance Refer to Section 4 and the relevant sections of the Iluka Referral Supporting Document
2	Receiving environment Refer to relevant sections of the Iluka Referral Supporting Document
3	Likely environmental impacts Refer to relevant sections of the Iluka Referral Supporting Document
4	Application of the mitigation hierarchy Refer to relevant sections of the Iluka Referral Supporting Document
5	Assessment and significance of residual impacts Refer to relevant sections of the Iluka Referral Supporting Document
6	Likely environmental outcomes Refer to relevant sections of the Iluka Referral Supporting Document
Holistic impact assessment	
Refer to Section 7 of the Iluka Referral Supporting Document	
Cumulative environmental impact assessment	
Refer to Section 8 of the Iluka Referral Supporting Document	
Consultation	
Refer to Section 3 of Iluka Referral Supporting Document	
Supporting documents	
Iluka Resources Ltd - Tutunup Mineral Sands Project – Section 38 Referral Supporting Document – 3 12 2021 Appendix 1 Woodman Environmental Tutunup Mineral Sands Project Flora and Vegetation Survey Appendix 2 Bamford Consulting Ecologists Iluka Tutunup Project Detailed Fauna Assessment Tutunup Mineral Sand Project Appendix 3 WRM Tutunup Mineral Sands Project Aquatic Biology Desktop Review and Field Survey 2020	
Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Conclusion	
Do you consider the proposal may have a significant effect on the environment? The potential impacts identified for each key environmental factor are summarised in the attached Referral Supporting Document. Iluka considers the Proposal has the potential for significant impacts to the environment. However, based on currently available information and Iluka’s significant experience operating mines in similar environments, it is confident the Proposal can be implemented in a manner that is consistent with the EPA’s objectives and does not result in unacceptable environmental impacts.	

PART C: OTHER APPROVALS AND REGULATION

Decision-making authorities and their approvals

Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required. (Example table at the end of form)	See Table below
Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the environment. (Note: this should be a summary of the information provided in Part B section 2.4).	See Table below

Tenure and Local Government approvals

Location of proposal: a) street address, lot number, suburb, and nearest road intersection; or b) if remote, the nearest town and distance and direction from that town to the proposal site.	17km east of Busselton off Tompsett Road in the locality of Tutunup WA 6280
Name of the Local Government Authority in which the proposal is located.	City of Busselton
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the current land use on the property, and the extent (area in hectares) of the property?	The predominant land use within and adjacent to the development envelope is agriculture, including dairy and beef farming and viticulture. The development envelope also abuts other land uses including a portion of State Forest 33 to the east, which is currently managed as a pine plantation, UCL to the south, which changes to State Forest 33 and is managed as native vegetation .
Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The development envelope occurs on tenements held by Iluka, privately held lots and is covered by Iluka granted under the <i>Mining Act 1978</i> held by Iluka or its subsidiaries. Further information on land tenure is provided in Chapter 2 of the Supporting Information.

Commonwealth Government approvals

Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ EPBC No.: _____
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?	<input checked="" type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input type="checkbox"/> Yes - Accredited
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Approval:
Decision-making authority referrals <u>ONLY</u>	
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	

Other approvals

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons. Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
Department of Mines, Industry Regulation and Safety (DMIRS)	<i>Mining Act 1978</i>	Mining Proposal	The Mining Act requires a tenement holder or authorised person to submit a mining proposal in the prescribed manner, and obtain written approval for the mining proposal from a prescribed official, prior to undertaking any mining operations on a lease granted under the Mining Act. It is also a condition of all tenements that ground disturbing activity cannot occur unless it is approved via a relevant mining proposal. Mining Proposals include DMIRS environmental factors, as established in Environmental Objectives Policy for Mining (2020), which align to the EPA's factors objectives.
DMIRS	<i>Mining Act 1978</i>	Mine Closure Plan	As per the Statutory Guidelines for Mining Proposals all mining proposals must include a Mine Closure Plan. The DMIRS objective for rehabilitation and closure is

			that mining activities are rehabilitated and closed in a manner to make them physically safe to humans and animals, geo-technically stable, geo-chemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use without unacceptable liability to the State. This process, when considered with the other processes, meets the EPA objectives.
DMIRS	<i>Dangerous Goods Safety Act 2004</i>	Dangerous Goods Licence	A Dangerous Goods site must store hazardous materials within a compound or other system that enables the containment and recovery of any spilled or leaked dangerous goods. The hazardous material required for the Proposal will require a Dangerous Goods Site Licence authorised by DMIRS and therefore must include containment measures to restrict spillages/leaks that may impact flora and vegetation or other aspects of the environment. This process, when considered with the other processes, meets the EPA objectives.
DMIRS	<i>Mines Safety and Inspection Act 1994 and Radiation Safety Act 1975</i>	Radiation Management Plan	A RMP (inclusive of a Radiation Waste Management Plan [RWMP]) is a requirement under Division 2 Part 16.7 of the <i>Mines Safety and Inspection Regulations 1995</i> . Once approved by the State Mining Engineer, the RMP will have enforceable requirements for the management of radiation impacts on the environment, including surface and groundwater management, containment of waste, fauna, and human health. Additionally the RWMP has specific requirements for the decommissioning, rehabilitation and closure. Note that Division 2 Part 16.8 (1) of the <i>Mines Safety and Inspection Regulations 1995</i> requires each person at a mine to ensure that the RMP for the site is complied with. This process, when considered with the other processes, meets the EPA objectives. Noting that the EPA objective for Human Health addresses the possible impacts to human health arising from the emission of radiation, the objective for this factor is entirely met by this process.
Radiological Council of WA	<i>Radiation Safety Act 1975</i>	Radiation Management Plan	A RMP and RWMP is a condition of the Southwest Operations Radiation Registration), issued under Section 36 of the <i>Radiation Safety Act 1975</i> . Once approved by the Radiological Council of WA, RMP and RWMP for the Proposal will have enforceable requirements for the management of radiation impacts on the

			<p>environment, including surface and groundwater management, containment of waste, fauna, and human health. Additionally the RWMP has specific requirements for the decommissioning, rehabilitation and closure.</p> <p>This process, when considered with the other processes, meets the EPA objectives. Noting that the EPA objective for Human Health addresses the possible impacts to human health arising from the emission of radiation, the objective for this factor is entirely met by this process.</p> <p>The <i>Radiation Safety Act 1975</i> regime operates concurrently with the <i>Mines Safety and Inspection Act 1994</i> and <i>Mines Safety and Inspection Regulations 1995</i> to ensure comprehensive regulation of radiation in a mining context.</p>
Department of Water and Environmental Regulation (DWER)	<i>Environmental Protection Act 1986</i>	Works Approval	<p>The EP Act requires a Works Approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises. The Proposal is a prescribed premises and will be subject to a works approval and licence.</p> <p>DWER's regulatory framework ensures that works approvals and licences are issued subject to conditions that ensure there is no unacceptable impact or risk of harm to public health or the environment. Section 62A of the EP Act defines the kinds of conditions that can be set in Part V works approvals and licences.</p> <p>The EPA objectives for the impacts associated with the referral can be met through the Part V process as detailed below.</p>
DWER	<i>Environmental Protection Act 1986</i>	Operating Licence	As per Works Approval above.