



EPBC ANNUAL COMPLIANCE REPORT

TUTUNUP SOUTH MINERAL SANDS MINE

EPBC 2007/3441

ILUKA RESOURCES LIMITED

JANUARY – DECEMBER 2023

CONTENTS

1	Introduction	4
1.1	Project Summary.....	4
1.2	Mining Activities	4
1.3	Obligations Framework	4
2	Report Scope	6
3	Compliance Report.....	6
4	Plates	10
5	Figures	13
6	References.....	15

TABLES

Table 1:	Summary of Environmental Approvals and Licences	5
Table 2:	Compliance Assessment Table	7
Table 3:	Action Table for the Protection of Cockatoo Habitat	9

FIGURES

Figure 1:	Tutunup South Location	13
Figure 2:	Tutunup South Rehabilitation Status 2023	14

PLATES

Plate 1:	Roberts Block and Vegetation Link June 2023.....	10
Plate 2:	Inspection of artificial nest hollow	10
Plate 3:	A – Cockatoo Habitat revegetation area May 2020; and B – Rehabilitation progress May 2024	11
Plate 4:	Internal Stock Fence (left) and 1.5m Boundary Fence (right).....	12

Acronyms and Abbreviations

Acronym / Abbreviation	Definition
CAR	Compliance Assessment Report
Cth	Commonwealth
DAWE	Department of Agriculture, Water and the Environment (formerly DotEE)
DCCEEW	Department of Climate Change, Energy, the Environment and Water (formerly DAWE)
DPLH	Department of Planning, Lands and Heritage (WA)
DoEWHA	Department of the Environment, Water, Heritage and the Arts (Commonwealth)
DotEE	Department of the Environment and Energy - formerly the Department of the Environment; formerly the Department of Sustainability, Environment, Water, Population and Communities (Commonwealth)
DSEWPAC	Department of Sustainability, Environment, Water, Population and Communities
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
HMC	Heavy Mineral Concentrate
NCSM	North Capel Separation Mill
SR	Synthetic Rutile
TSRBCHMP	<i>Tutunup South Revegetation of Black Cockatoo Habitat Management Plan (Rev 1) – approved on 30 November 2020.</i>
WA	Western Australia
WAPC	Western Australian Planning Commission (WA)

Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed: _____

Full name (please print): Garry GreenPosition (please print): South West – Operations ManagerContact Details: Phone – 08 9780 3409 Email – garry.green@iluka.com

Organisation: Iluka Resources Limited (ABN: 34 008 675 018 / ACN 008 675 018)

Date: 18/06/2024

1 INTRODUCTION

This Report details the status and compliance of the Project with conditions specified within EPBC 2007/3441 for works completed within the reporting period, 1 January 2023 to 31 December 2023. This Compliance Assessment Report has been prepared to address the requirements of Condition 7 of EPBC 2007/3441.

1.1 PROJECT SUMMARY

Iluka operated the Tutunup South mineral sands mine (the Project) located approximately 195 kilometres south of Perth and 15 km southeast of the township of Busselton (Figure 1). The Project area includes mining tenements, M70/611, M70/612 and M70/1261. The Project went into idle in June 2013 due to poor market conditions and restarted in February 2015. Mining and processing was completed on the 23 February 2018. The site has been under rehabilitation since March 2018 and was completed in Winter 2021 (Figure 2).

1.2 MINING ACTIVITIES

Following the removal and stockpiling of overburden the ore was mined and hauled by truck to an in-pit hopper. The ore was then conveyed to a wet screening plant where oversize material greater than 2.5 mm is removed. From the screen plant, the ore was slurried and pumped to a wet concentrator.

The concentrator had a nominal throughput of 200 tonnes per hour of screened ore and utilises gravity separation processes to extract the heavy mineral fraction. The Heavy Mineral Concentrate (HMC) produced was stockpiled prior to road transport to the North Capel Separation Mill (NCSM) for further physical processing followed by mineral processing into Synthetic Rutile (SR).

Mining and processing operations ceased 23 February 2018. Rehabilitation activities commenced on 6 March 2018 and were completed in winter of 2021. The site is now in the monitoring and maintenance phase until all relevant obligations are met.

1.3 OBLIGATIONS FRAMEWORK

Table 1 provides a summary of environmental approvals and licences associated with the Project.

Table 1: Summary of Environmental Approvals and Licences

Act	Approval	Details
<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)</p>	<p>s.130(1) & s.133 Approval</p>	<p>The proposal to develop and operate a mineral sands mine at Tutunup South, 15km southeast of Busselton, WA was identified as a Controlled Action by the Department of the Environment and Water Resources on 8 June 2007. The subsequent assessment by the Department of the Environment, Water, Heritage and the Arts (DoEWHA) resulted in the issue of EPBC 2007/3441 approval on 25 September 2009. The following variation to conditions have been issued:</p> <ul style="list-style-type: none"> • 17 December 2009, by DoEWHA (now known as DCCEEW). • 21 September 2011 by the Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC now known as DCCEEW). • 23 July 2014 by the Department of the Environment (now known as DCCEEW). • A Consolidated Approval Notice was subsequently issued 14 September 2016 by the Department of the Environment and Energy (now known as DCCEEW). This Consolidated Approval Notice is the document against which compliance is measured in this report. • 7 August 2020, the Department agreed to revise the approval expiry date to 25 September 2025.
<p><i>Environmental Protection Act 1986</i> (WA)</p>	<p>Part IV</p>	<p>Ministerial Statement 799 was published 7 August 2009 for 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 was authorised to extend approximately 15 metres below ground level with dewatering. On 25 March 2015 the Ministerial Statement was published without noise conditions as Statement No. 1001.</p>
	<p>Part V</p>	<p>Licence L8528 was issued under Part V of the <i>Environmental Protection Act</i> on 21 January 2016. Conditions contained within the licence related to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.</p> <p>The licence was surrendered and ceased to have effect on 31 March 2021.</p>
	<p><i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i></p>	<p>As the project was assessed under Part IV of the <i>Environmental Protection Act</i> at the PER level of assessment a clearing permit was not required as per s.51C and Schedule 6 s.2(a) of the EP Act.</p>
<p><i>Mining Act 1978</i> (WA)</p>	<p>Mining Proposals</p>	<p>Two mining proposals were submitted and approved for the Project.</p> <p>2009 Tutunup South Mining Proposal 23758. Proposing and providing authorisation for the Tutunup South mineral sands mine as part of Iluka's ongoing South West operations, being a continuation of mining and production of HMC as other sites conclude mining.</p> <p>2015 Tutunup South Mining Proposal 54755. Proposing and providing authorisation for the Tutunup South Sles Extension. Entailing expansion of the mine's existing footprint to mine south of the Vasse Highway. Additional infrastructure is required to support the expansion, as well as some minor modifications to existing plant. The expansion is known as the Tutunup South Mine Extension</p>
<p><i>Rights in Water and Irrigation Act 1914</i> (WA)</p>	<p>5C Groundwater Licence</p>	<p>Two groundwater licences are in effect for the Project.</p> <p>GWL161847 approves abstraction from the Yarragadee Aquifer for a number of Iluka sites in the Southwest, including Tutunup South. The licence has an associated operating strategy and is valid until 31 March 2030. The approved total allocation of 6,500,000kL per annum and authorises uses including mineral ore processing and other mining activities and rehabilitation.</p>

Act	Approval	Details
		GWL167315 approves dewatering of the Superficial Swan for mining purposes. The licence has an associated operating strategy and is valid until 30 July 2024. The approved total dewatering is 1,040,000kL per annum.

2 REPORT SCOPE

The Tutunup South Mine is located between Ludlow-Hithergreen Road and the base of the Whicher Scarp. The Whicher Scarp is a prominent topographic feature orientated parallel to the present day coastline. Disturbance of the Whicher Scarp vegetation was assessed by DSEWPC as requiring controlling provisions under Sections 18 and 18A of the *EPBC Act* in relation to the presence of the Carnaby's Cockatoo (*Calyptorhynchus latirostris*) and Baudin's Cockatoo (*Calyptorhynchus baudinii*) feeding, roosting and possibly breeding.

Approval Decision 3441 identified 12 conditions related to the project. Condition 7 specifically requires an annual update of the progress against these conditions. This report fulfils the requirements of Condition 7.

EPBC obligations relate to a direct offset applied to the Roberts Block area including an area of known black cockatoo habitat at the Iluka Yoganup Mine site. The area includes a wildlife corridor of native vegetation to the nearby state forest. As part of closure commitments for the Tutunup South Mine site, revegetation areas have been planted with species suitable for cockatoo breeding and foraging habitat and a covenant has been established to preserve the areas.

3 COMPLIANCE REPORT

Compliance against the conditions of EPBC 2007/3441 is detailed within Table 2 for the 2023 reporting period. Note the descriptions provided for the following headings within the table:

- Phase – relates to the relevant development phases of the project, being Pre-mining; Mining; or Rehabilitation and Closure; and Overall (relates to several or all phases).
- Status – relates to the relevant status of the condition being, Non-Compliant, Compliant, Complete, or Not Yet Required.

Reporting against the actions detailed within the approved *Tutunup South Revegetation of Black Cockatoo Habitat Management Plan (Revision 1)* is summarised within Table 3.

Iluka has completed all actions associated with the Conditions of EPBC 2007/3441 and associated *Tutunup South Revegetation of Black Cockatoo Habitat Management Plan (Rev 1)* (TSRBCHMP) as summarised within Table 3. as approved by the Department on 30 November 2020.

The following actions associated with the TSRBCHMP will be upheld in accordance with the relevant management agency as detailed below:

- Firebreaks will be maintained annually or as required to comply with the *City of Busselton Firebreak and Fuel Reduction Hazard Notice*;
- Fences will be maintained to achieve Condition 3 of the Conservation Covenant issued under the *Soil and Land Conservation Act 1945 (WA)*;
- Weed control activities will continue in order to achieve:
 - Completion Criteria 11 of the Tutunup South Mine Closure Plan (Iluka 2019)¹ namely, *weed coverage (in native revegetation) less than 10 percent within three years following the cessation of productive mining.*

¹ Approved by the Department of Mines and Industry Regulation and Safety, 19 November 2019; and approved by the Department of Water and Environmental Regulation, 25 November 2019.

Table 2: Compliance Assessment Table

EPBC Condition	Requirement	Phase	Status	Supporting information
EPBC 2007/3441: 1	<p>In order to minimise the impact on the EPBC listed endangered Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>) and the EPBC listed vulnerable Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) the following offsets must be implemented within the timeframes stipulated, including:</p> <ul style="list-style-type: none"> a. Documentation confirming the vesting of the 112ha Roberts Block offset area identified in Annexure 1 must be provided to the Department by 21 December 2016. b. A conservation covenant in perpetuity must be placed over the 9.95ha cockatoo habitat offset area to the north of Roberts Block identified in Annexure 1 by 30 June 2016. Documentation confirming the covenant is in place must be provided to the Department by 30 June 2016. c. Creation of a vegetation link, which includes cockatoo suitable species, from Roberts Block to the State Forest must be commenced by 31 October 2013. The person taking the action must provide the Department with documentation confirming the vesting of the link by 21 December 2016. d. Prior to clearing of any potential cockatoo hollows the person taking the action must inspect the hollows. No tree that contains an active nest can be cleared until the young have fledged. e. Three nesting hollows must be provided for every potential cockatoo hollow removed during the vegetation clearance of the proposal site using salvaged cockatoo hollows and/or artificial hollows. These hollows must be replaced in suitable trees adjacent to the State Forest within one month of their removal. The person taking the action must provide the Department with a map detailing the position of the replaced hollows and the hollows must be monitored on a six monthly basis to check usage rates, check for feral species and to provide any maintenance required. The nesting boxes are to be monitored and maintained for the life of the mine and incorporated in the final closure plan. 	<p>Overall</p> <p>Overall</p> <p>Overall</p> <p>Mining</p> <p>Mining</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>	<p>Iluka submitted Authorised Deposited Plans to the West Australian Planning Commission (WAPC) dated 3 November 2016. These documents were provided in Compliance Assessment Report (CAR) 2016 EPBC 2007/3441 (Submitted June 2017). Vesting documentation was finalised by Landgate on 19 September 2018 and shared with DotEE on 3 October 2018.</p> <p>Information provided in CAR 2016 (Submitted June 2017).</p> <p>Roberts Block vegetation link has been established and fenced (see Plate 1). Iluka submitted WAPC Authorised Deposited Plans dated 3 November 2016, as provided in CAR 2016 EPBC 2007/3441 (Submitted June 2017).</p> <p>Information provided in CAR 2016 EPBC 2007/3441 (Submitted June 2017). No vegetation clearing has occurred during the reporting period.</p> <p>Refer to information provided in CAR 2016 EPBC 2007/3441 (Submitted June 2017). One tree supporting a nesting structure had fallen during 2020, however, all 15 remaining are still in-situ and intact (refer to Plate 2). No evidence of cockatoo habitation was identified whilst checking usage rates. Iluka has committed in the Tutunup South Mine Closure Plan to maintaining the hollows until one year after landform re-establishment, 2021 was the final year for monitoring these nesting boxes.</p>
EPBC 2007/3441: 2	<p>In order to minimise the impact on the EPBC listed endangered Carnaby's Black Cockatoo and the EPBC listed vulnerable Baudin's Black Cockatoo the person taking the action must prepare an environmental management plan for the Minister's approval that provides details of:</p> <ul style="list-style-type: none"> a. the ongoing management plan to protect the revegetated cockatoo habitat areas, including fencing from stock; b. the timing, responsibilities and performance criteria for such actions: and, c. the reporting on an annual basis to the Department of actions carried out under the plan/s. <p>This plan must be provided within 1 month of completion of revegetation. The approved plan/s must be implemented.</p>	<p>Rehabilitation</p> <p>Rehabilitation</p> <p>Rehabilitation</p>	<p>Complete</p>	<p>The <i>Tutunup South Revegetation of Black Cockatoo Habitat Management Plan (Revision 0)</i> was submitted to DAWE on 24 August 2020. The Plan was revised following the Department's review and Revision 1 was re-submitted on 6 November 2020.</p> <p>Revisions 1 of the Plan was approved by DAWE on 30 November 2020. Reporting against the actions detailed within the approved Plan is summarised within Table 3. Progress against the revegetated cockatoo habitat areas can be seen in Plate 3.</p>
EPBC 2007/3441: 3	<p>Within 12 months of the completion of the revegetation of the cockatoo habitat area the person taking the action must provide the Department with documentation confirming the cockatoo habitat rehabilitation area has been placed under a covenant in perpetuity.</p>	<p>Rehabilitation</p>	<p>Complete</p>	<p>All documentation has been lodged with the Commissioner of Soil and Land Conservation. The signed Memorial and Conservation Covenant is provided within Appendix A.</p>
EPBC 2007/3441: 4	<p>In order to minimise the impact on the EPBC listed endangered Carnaby's Black Cockatoo and the EPBC listed vulnerable Baudin's Black Cockatoo from loss of foraging and breeding habitat the person taking the action will ensure that mining operations, including excavation and dewatering, are managed to minimise adverse affects on cockatoo habitat outside of the area identified as being impacted by clearing or dewatering in the Public Environmental Review document (Iluka, 2008).</p>	<p>Mining</p>	<p>Complete</p>	<p>Mining Operations are now complete and no adverse impacts were noted on cockatoo habitat outside of the disturbance area.</p>

EPBC Condition	Requirement	Phase	Status	Supporting information
EPBC 2007/3441: 5	<p>Prior to commencement of the proposal, the person taking the action must provide for the Minister's approval, a contingency plan outlining mitigating actions to be implemented if the effects of drawdown from the proposal site impacts on foraging and breeding habitat for the EPBC listed cockatoos in vegetation outside the 11.48ha identified in the Public Environmental Review document (Iluka, 2008) as:</p> <p style="padding-left: 40px;">low - moderate (1.58ha) moderate - high (3.5ha) high (6.4ha)</p> <p>The approved contingency plan must be implemented</p>	Mining	Complete	Contingency Plan approved in October 2009. No impacts have occurred to-date that would require the implementation of the management measures identified in the contingency management plan.
EPBC 2007/3441: 6	<p>In order to increase knowledge of the potential distribution of the endangered Carnaby's Black Cockatoo and vulnerable Baudin's Black Cockatoo and the extent of foraging and breeding habitat, the person proposing to take the action must:</p> <p>a. within 6 months of the recommencement of operations provide for the Minister's approval a five year survey plan of Black Cockatoos in the region surrounding the Tutunup South Project area (Annexure 2). The approved plan must be implemented.</p> <p>b. the first survey must be conducted within 12 months of the recommencement of operations and then for a further four consecutive years.</p> <p>c. results or reports of all surveys for the Black Cockatoos are to be provided to the Department by 1 July each year until 2017 to add to information on the extent of the species.</p>	Mining	Complete	The five year plan was approved 21 September 2011.
		Mining	Complete	First survey was carried out at the restart of operations in 2011.
		Mining	Complete	All reports submitted. Final report submitted in CAR 2016 EPBC 2007/3441 (Submitted June 2017). Project is now complete and no further surveys have been conducted.
EPBC 2007/3441: 7	The person taking the action must submit to the Department a report annually on 1 July each year, for the preceding calendar year, addressing compliance with the conditions of approval (or other data as may be agreed by the Minister). This report must be made publicly available on the internet within 30 days of it being provided to the Minister.	Overall	Compliant	This report has been prepared to satisfy this condition. The annual compliance report is made available on https://www.iluka.com/sustainability/transparency-hub within 30 days of submission to the DCCEEW.
EPBC 2007/3441: 8	The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and used to verify compliance with the conditions of approval.	Overall	Compliant	All reports, monitoring data and survey work is securely stored and available on request.
EPBC 2007/3441: 9	If the person taking the action wishes to carry out an action otherwise than in accordance with the plans approved in relation to this approval they may submit a revised plan for the Minister's approval.	Overall	Noted	No alterations to current operating plans were required during the reporting period.
EPBC 2007/3441: 10	If the Minister believes that it is necessary or desirable for the better protection of the listed threatened species to do so, the Minister may request that the person taking the action make specified revisions to any plans approved pursuant to this Annexure. The person taking the action must comply with any such request. The revised plans must be implemented.	Overall	Noted	No revisions to any plans approved pursuant to the <i>EPBC Act</i> approval were requested during the reporting period.
EPBC 2007/3441: 11	If the action has not been substantially commenced within 5 years of the date of this approval the action must not commence without the written agreement of the Minister.	Overall	Complete	Project has commenced and site rehabilitation is complete.
EPBC 2007/3441: 12	Prior to recommencement of operations, the person taking the action must give written notice to the Minister, no less than 14 days before they intend to recommence.	Overall	Complete	Notification of project commencement was provided to DoSEWPC in September of 2011.

Table 3: Action Table for the Protection of Cockatoo Habitat

Plan Section	Action	Timing	Responsibility	Performance criteria	Status	Supporting Information
4.1	Unauthorised vehicles and agricultural machinery are prohibited from accessing revegetation areas	Rehabilitation phase	Rehabilitation Superintendent	External fencing in place excluding unauthorised vehicles	Complete	All internal and boundary fencing is in place and maintained (see Plate 4).
4.1	Revegetation areas will be fenced and gates will be locked to prevent unauthorised vehicle access from external boundaries	Prior to seeding	Rehabilitation Superintendent	External fencing in place excluding unauthorised vehicles	Complete	
4.1	Internal fences will be constructed to prevent accidental damage from machinery and vehicles working within the adjacent agricultural areas.	Prior to seeding	Rehabilitation Superintendent	Internal fencing in place	Complete	
4.1	Vehicle egress and access within revegetation areas will be defined to allow for monitoring events and maintenance of revegetation	Prior to seeding	Rehabilitation Superintendent	Access tracks in place.	Complete	Access tracks are in place.
4.2	Firebreaks are installed in accordance with the requirements of the City of Busselton and Land Managers as appropriate.	Rehabilitation phase	Rehabilitation Superintendent	Firebreaks in place	Complete	Firebreaks are in place, maintained and subject to the City of Busselton inspections.
4.2	Firebreaks will be maintained annually or as required to comply with the City of Busselton Firebreak and Fuel Reduction Hazard Notice	Rehabilitation phase	Rehabilitation Superintendent	Firebreaks maintained during the summer compliance period.	Compliant	
4.2	Iluka will allow access and provide support to other authorities such as the Parks and Wildlife Service (DBCA) and Department of Fire and Emergency Services in the event of a forest fire in the State forest.	Rehabilitation phase	Rehabilitation Superintendent	NA	Compliant	NA
4.3	A minimum 1.5m deer fastlock plus 30cm hinged apron fence will be erected on the native revegetation boundary.	Prior to seeding	Rehabilitation Superintendent	Appropriate fence in place	Complete	All internal and boundary fencing is in place and maintained (see Plate 4).
4.3	The fence will include a hinged apron of 30 cm attached to the foot of the fence to prevent rabbits and/or kangaroos from pushing under the fence.	Prior to seeding	Rehabilitation Superintendent	Appropriate fence in place	Complete	
4.3	Fences will be inspected and maintained	Rehabilitation phase	Rehabilitation Superintendent	Appropriate fence in place	Compliant	
4.5	Weed control will be undertaken via periodic herbicide application.	Periodic during rehabilitation phase	Rehabilitation Superintendent	Weed control records.	Compliant	Weed control works completed in 2023, undertaken on: <ul style="list-style-type: none"> • 17 January 2023; • 24 March 2023; and • 3 May 2023.
4.6	Iluka proposes to implement a Conservation Covenant under the <i>Soil and Land Conservation Act 1945 (WA)</i> . The covenant shall apply to revegetated cockatoo habitat areas on Freehold land.	Jan 2023	South West Principal Environmental Specialist	Covenant in place.	Complete	All documentation has been lodged with the Commissioner of Soil and Land Conservation. The signed Memorial and Conservation Covenant was provided in the 2022 Annual Compliance Report.

4 PLATES



Plate 1: Roberts Block and Vegetation Link June 2023



Plate 2: Inspection of artificial nest hollow



A



B

Plate 3: A – Cockatoo Habitat revegetation area May 2020; and B – Rehabilitation progress May 2024



Plate 4: Internal Stock Fence (left) and 1.5m Boundary Fence (right)

5 FIGURES

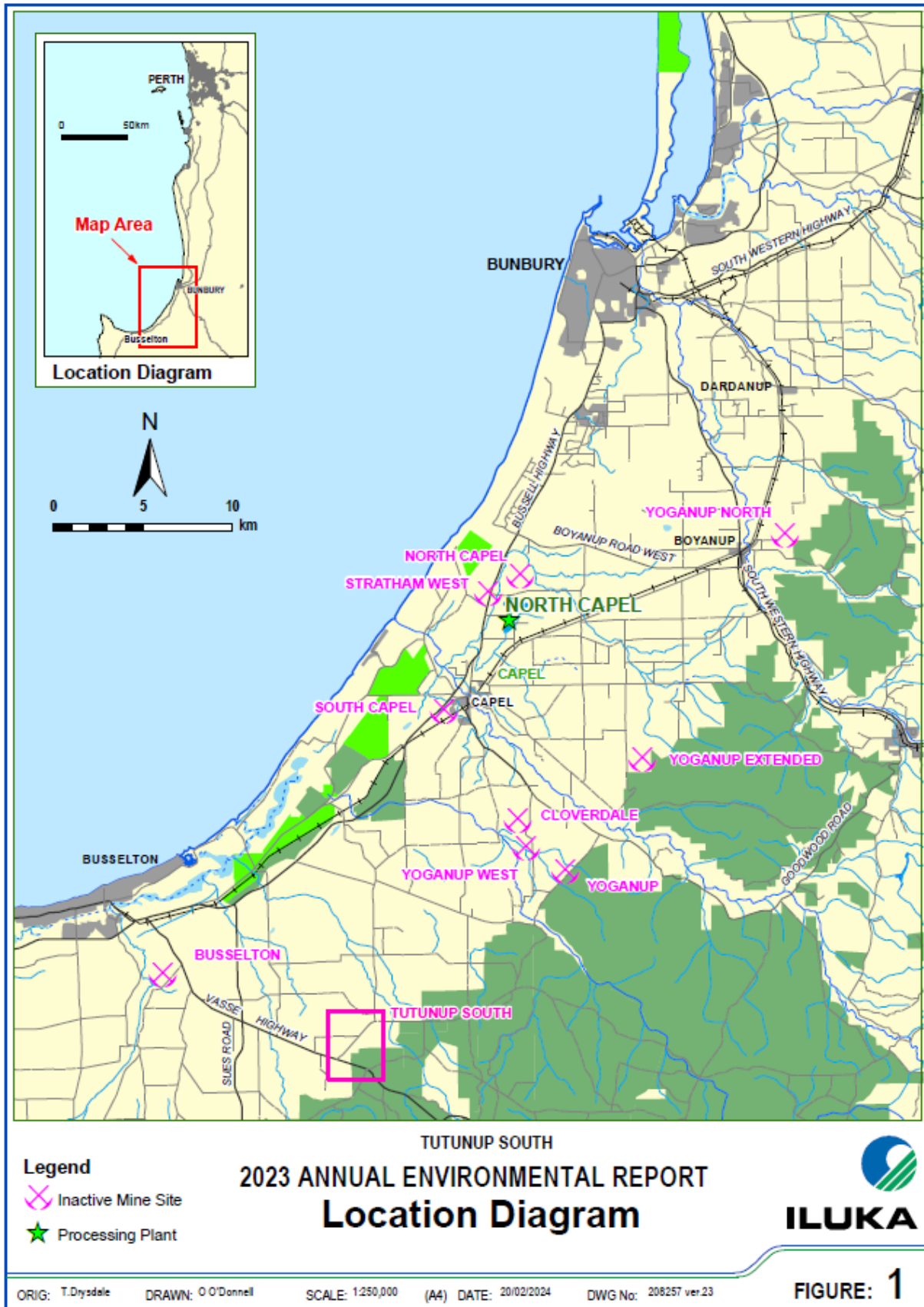


Figure 1: Tutunup South Location

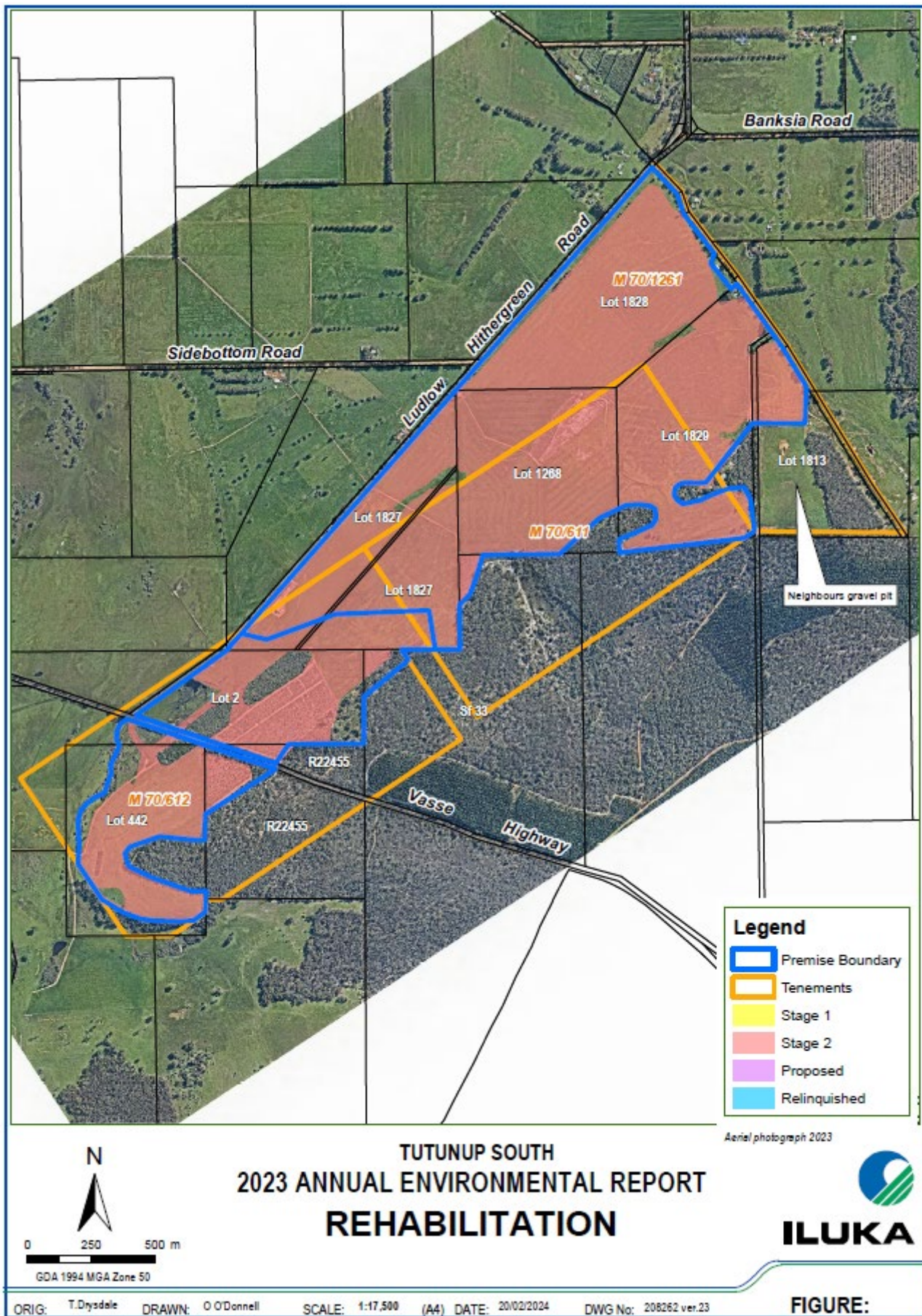


Figure 2: Tutunup South Rehabilitation Status 2023

6 REFERENCES

Iluka Resources Limited (2017). *EPBC Annual Compliance Report Tutunup South Mineral Sands Mine EPBC 2007/3441 January to December 2016*. Available at

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