



Ms Julieanne Goode
Senior Environment and Community Specialist
Iluka Resources Limited
9 - 11 Dequetteville Terrace
ADELAIDE SA 5067

Trim Reference: 1956305

Dear Ms Goode

**Decision on approval
Balranald Mineral Sands Project, NSW (EPBC 2012/6509)**

I am writing to you in relation to your proposal to construct, operate and rehabilitate a mineral sands mine near Balranald, NSW, and associated infrastructure and activities (the Proposed Action).

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Iluka Resources Limited. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to the following parties to advise them of this decision:

State authorities	NSW Minister for Planning
Other relevant authorities	Commonwealth Minister for Industry Commonwealth Minister for Resources Commonwealth Minister for Indigenous Affairs

If you have any questions about this decision, please contact the project manager, Leigh Barker, by email to leigh.barker2@environment.gov.au, or telephone 0422 581 931 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dane Roberts', with a stylized flourish at the end.

Dane Roberts
Assistant Secretary (Acting)
Assessments (NSW & ACT) and Fuel Branch
Department of the Environment and Energy

6 January 2017



Approval

Balranald Mineral Sands Project, NSW (EPBC 2012/6509)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Iluka Resources Limited

proponent's ACN 008 675 018

proposed action To construct, operate and rehabilitate a mineral sands mine near Balranald, NSW, and associated infrastructure and activities. The following elements are excluded: traffic movements generated by the Balranald project in Victoria; construction and operation of a new rail loading facility at Manangatang and transport of ilmenite by rail to port facilities in Victoria; and construction of a power transmission line from the West Balranald ore deposit to the existing substation located south of Balranald.

[See EPBC Act referral 2012/6509 and variation accepted 5 December 2014].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 January 2046.

Decision-maker

name and position Dane Roberts
Assistant Secretary (Acting)
Assessments (NSW, ACT) and Fuel Branch

signature



date of decision 6 January 2017

Conditions attached to the approval

1. The person taking the action must not **clear** more than 2,544 hectares of **Malleefowl habitat** and 3,143 ha of **Corben's Long-eared Bat habitat**.
2. The person taking the action must submit a Biodiversity Management Plan (BMP) for the **Minister's** written approval. The BMP must include measures to avoid and mitigate impacts to **Malleefowl** and **Corben's Long-eared Bat**, taking into consideration Chapter 6 of the *Biodiversity Assessment for the Environmental Impact Statement* (June 2016). The BMP must include but not be limited to:
 - a. **pre-disturbance surveys** supervised by a **suitably qualified expert** to determine presence of:
 - i. **Malleefowl** mounds in areas mapped as moderate, high and very high Malleefowl Habitat Potential in Figures 12B and 12C as shown at Appendix A; and
 - ii. **hollow-bearing trees** for the **Corben's Long-eared Bat** in areas mapped as Medium Tree Hollow Density, Medium-High Tree Hollow Density and High Tree Hollow Density in Figures 13A, 13B and 13C as shown at Appendix C.
 - b. presence of a **suitably qualified expert** during all **clearing** operations to identify **Malleefowl** mounds in areas mapped as 'moderate, high and very high Malleefowl Habitat Potential' in Figures 12B and 12C as shown at Appendix A;
 - c. measures to ensure active or potentially active **Malleefowl** mounds located during **pre-disturbance surveys** between September and February (inclusive) are protected until the end of that **Malleefowl** nesting season (end of February);
 - d. measures to identify **Malleefowl** nesting activity within **Malleefowl habitat** during the **Malleefowl** nesting season;
 - e. speed limits and warning signs in and near **Malleefowl habitat**;
 - f. measures to minimise dust and light spill within 200 metres of identified **Malleefowl** mounds;
 - g. no **clearing** of vegetation mapped as Medium Tree Hollow Density, Medium-High Tree Hollow Density and High Tree Hollow Density in Figures 13A, 13B and 13C as shown at Appendix C, during the period May to October (inclusive);

- h. retention of all **hollow-bearing trees** identified as **active** within **Corben's Long-eared Bat habitat** *in situ* for two nights after the surrounding vegetation has been cleared, prior to being felled;
- i. fire management measures; and
- j. pest, predator and weed management measures.

The person taking the action must not **commence** the action until the BMP has been approved by the **Minister** in writing. The approved BMP must be implemented by the person taking the action.

3. In order to mitigate impacts to **Malleefowl** and **Corben's Long-eared Bat**, the person taking the action must undertake rehabilitation activities in accordance with **NSW approval** conditions 32, 33 and 34.
4. To compensate for the loss of **Malleefowl habitat** and **Corben's Long-eared Bat habitat**, the person taking the action must submit an Offset Management Plan (OMP) for the written approval of the **Minister**. The OMP must be prepared in accordance with the principles of the **EPBC Act Environmental Offsets Policy** and include:
 - a. details of an offset site(s) required to compensate for the loss of **Malleefowl habitat** and **Corben's Long-eared Bat habitat**, including confirmation that the site can be **secured**, the actions to progress **securing** the site, and timeframe to **secure** the site;
 - b. A report prepared by a **suitably qualified expert** that clearly describes the **baseline vegetation quality** (prior to any management activities) of the proposed offset site(s);
 - c. the **offset attributes** and a map, including a GIS **shapefile**, that clearly defines the location and boundaries of the offset area;
 - d. details of how the offset site(s) provide connectivity with other relevant habitats and biodiversity corridors;
 - e. a description of the management measures that will be implemented, including a discussion of how the measures outlined take into account relevant **conservation advice** and are consistent with the measures in relevant **recovery plans** and **threat abatement plans**;
 - f. performance indicators, including success, failure and completion criteria, for evaluating the management of the offset site(s), as well as an assessment of the **baseline vegetation quality** consistent with the **Department's offsets assessment guide** and criteria for triggering remedial action (if necessary);
 - g. a program to monitor and report on the effectiveness and success or failure of these measures, and progress against the performance and completion criteria;
 - h. a timeline for when management measures will be implemented and a **BioBank agreement secured** for the offset site; and
 - i. corrective measures and contingency measures (including evaluation measures) that will be used in the event that performance indicators are not met.

The person taking the action must not commence **mining operations** until the OMP has been approved by the **Minister** in writing. The approved OMP must be implemented by the person taking the action.

5. To compensate for the loss of **Malleefowl habitat** and **Corben's Long-eared Bat habitat**, the person taking the action must **secure** an environmental offset site(s) in accordance with the approved OMP required under Condition 4.
6. The person taking the action may provide the environmental offset site(s) required in Condition 5 in accordance with the corresponding **project stages**. If the person taking the action elects to do this, the person taking the action must:
 - a. **secure** an environmental offset site(s) to compensate for the first **project stage** within one year of the commencement of **mining operations**;
 - b. provide the **Minister** with the following prior to commencement of the second **project stage**:
 - i. written evidence demonstrating that an environmental offset consistent with the requirements of Condition 6(a) has been **secured** and that management measures under the approved OMP have been implemented;
 - ii. an updated OMP as required under Condition 4 which includes the offsets for both **project stages**, for written approval by the **Minister**. The updated OMP must also demonstrate how the environmental offset(s) for the second **project stage** consolidates the offset(s) already **secured** for the first **project stage**.

The person taking the action must not commence the second **project stage** until the updated OMP has been approved by the **Minister** in writing. The updated approved OMP must be implemented. An environmental offset site(s) to compensate for the second **project stage** must be **secured** within one year of commencement of the second **project stage**.

If the person taking the action elects not to provide the environmental offset site(s) in accordance with the corresponding **project stages**, the environmental offset site(s) must be **secured** within one year of the commencement of **mining operations**.

7. The person taking the action must ensure that cultural awareness training be included in the Aboriginal Cultural Heritage Management Plan to be developed under Schedule 3 Condition 20 of the **NSW Approval**. The cultural awareness training must include information on the World Heritage and National Heritage values of the Willandra Lakes Region and the culturally sensitive use of this place.
8. Within 10 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
9. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the approved BMP and OMP, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.

10. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans and reports as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Reports must remain published for the life of the approval. The person taking the action may cease preparing compliance reports required by this condition with written agreement of the **Minister**.
11. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and reports referred to in these conditions of approval on their website within one month of being approved by the **Minister** or being submitted under Condition 14, and must remain published for the life of the approval, or until a revised plan is approved by the **Minister**.
12. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
13. If, at any time after five years from the date of this approval, the person taking the action has not **commenced** the action, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.
14. The person taking the action may choose to revise a management plan approved by the **Minister** under condition 2 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must:
 - a. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;
 - b. implement the revised plan from the date that the plan is submitted to the **Department**;
and
 - c. for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a **new or increased impact**.
- 14A. The person taking the action may revoke their choice under Condition 14 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented.
- 14B. Condition 14 does not apply if the revisions to the approved management plan include changes to environmental offsets provided under the plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan would, or would not, be likely to have **new or increased impacts**.

14C. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then:

- a. Condition 14 does not apply, or ceases to apply, in relation to the revised plan; and
- b. The person taking the action must implement the plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 14, 14A and 14B in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 14 does not apply for one or more specified management plans required under the approval.

14D. Conditions 14, 14A, 14B and 14C are not intended to limit the operation of section 143A of the **EPBC Act** which allows the person taking the action to submit a revised plan to the **Minister** for approval.

Definitions

Active – means evidence or likelihood that **hollow-bearing trees** are being utilised as habitat by the **Corben's Long-eared Bat**.

Baseline vegetation quality – means the quality of the vegetation community prior to the implementation of any management measures.

BioBank/ing agreement – means an agreement relating to the action and entered into by the person taking the action under the NSW BioBanking Scheme established under the NSW *Threatened Species Conservation Act 1995*. The BioBanking agreement identifies management actions that must be undertaken on the site and places restrictions on how the site can be used. If the NSW BioBanking Scheme established under the NSW *Threatened Species Conservation Act 1995* expires prior to an offset site(s) being **secured** under Condition 5, the person taking the action must **secure** and manage land via a legal mechanism as agreed in writing by the **Minister**.

Clear/clearing – means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Commencement/commence – means the date that preparatory works are first undertaken, including, but not limited to, the clearing of vegetation, the erection of any onsite temporary structure and the use of heavy duty equipment for the purpose of breaking ground for fencing, buildings or infrastructure, including any works for the creation of vegetation buffers.

Conservation advice – means an approved conservation advice under the **EPBC Act** for an **EPBC Act** listed threatened species or community.

Corben's Long-eared Bat – means the species *Nyctophilus corbeni*, listed under the **EPBC Act**.

Corben's Long-eared Bat habitat – means habitat for the **Corben's Long-eared Bat** that is mapped as Spinifex Dune Mallee Woodland, Chenopod Sandplain/Swale Mallee Woodland, Belah - Pearl Bluebush Woodland, Belah – Chenopod Woodland in Figures 7A, 7B, 7C, 7D and 7E in *Biodiversity Assessment for the Environmental Impact Statement* (June 2016), as shown at [Appendix B](#).

Department – means the Australian Government Department administering the **EPBC Act**.

EPBC Act – means the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act Environmental Offsets Policy – means the Australian Government policy document titled: *EPBC Act Environmental Offsets Policy, Department of the Environment, 2012*.

Hollow-bearing trees – means trees with hollows more than one metre above the ground and providing suitable roost habitat for the **Corben's Long-eared Bat**.

Malleefowl – means the species *Leipoa ocellata*, listed under the **EPBC Act**.

Malleefowl habitat – means habitat for the **Malleefowl** that is mapped as 'Malleefowl Habitat Potential' in Figures 12B and 12C as shown at [Appendix A](#).

Mining operations – means the extraction of mineral ore from the ground or any immediately associated activities, including clearing of vegetation, removal and storage of overburden,

storage of ore and dewatering, but not including preparatory works such as the construction or operation of transport infrastructure, accommodation facility, water supply pipeline and other ancillary works.

Minister – means the Commonwealth Minister administering the **EPBC Act** and includes a delegate of the Minister.

New or increased impact – means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the **Minister**.

NSW approval – means the development consent issued to Iluka Resources Limited by the NSW Minister of Planning under Section 89E of the *Environmental Planning and Assessment Act 1979* (NSW) on 5 April 2016.

Offsets assessment guide – means the offsets guidance tool provided in the **EPBC Act Environmental Offsets Policy**.

Offset attributes – is an excel file (‘.xls’) capturing relevant attributes of the offset site, including the corresponding **EPBC Act** reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act** protected matters that the offset site compensates, any additional **EPBC Act** protected matters which benefit from the offset site, the size of the offset site in hectares and the legal mechanism used to protect and conserve the offset site.

Pre-disturbance surveys – means surveys undertaken prior to any activities that would have an **impact**. Surveys must be in accordance with the **Department’s** relevant survey guidelines in effect at the time of the survey or other equivalent survey methodology approved by the **Department**. Surveys must also be undertaken within an appropriate timeframe prior to any activities that would have an **impact**, as directed by a **suitably qualified expert**.

Project Stage(s) – means the separate locations and activities described in the Final EIS submitted to the **Department** for the West Balranald ore (first project stage) and the Nepean ore (second project stage).

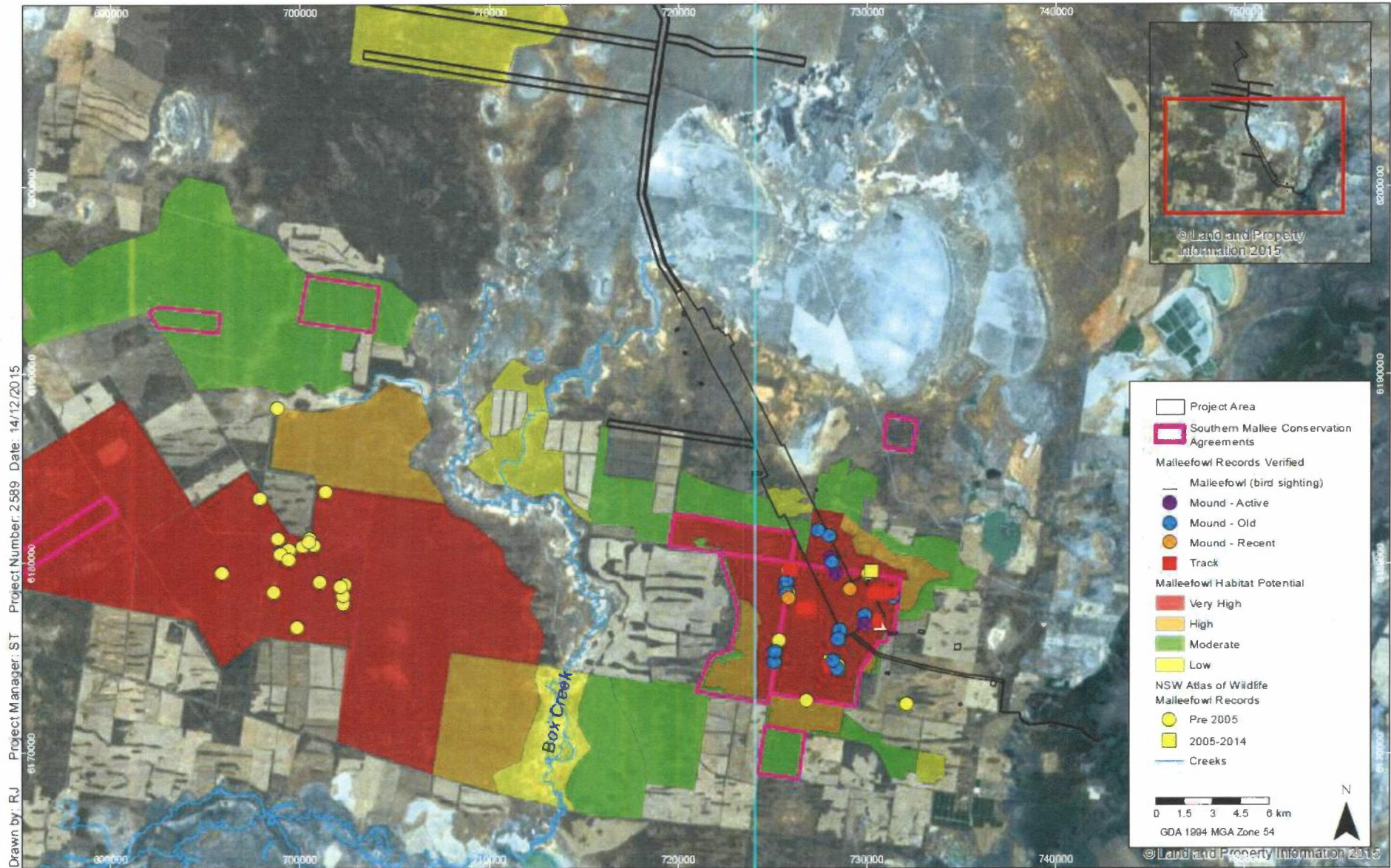
Recovery plan(s) – means an approved recovery plan under the **EPBC Act** for an **EPBC Act** listed threatened species or community.

Secure(d)/securing – means formally entering into a **BioBank agreement** under the NSW Biobanking Scheme established under the NSW *Threatened Species Conservation Act 1995*. The **BioBank agreement** identifies management actions that must be undertaken on the site and places restrictions on how the site can be used.

Shapefile(s) – means an ESRI compatible file containing ‘.shp’, ‘.shx’ and ‘.dbf’ files and any other relevant file extensions capturing attributes including at least the **EPBC Act** reference number and **EPBC Act** protected matters present at the relevant site. Attributes should also be captured and submitted in ‘.xls’ format.

Suitably qualified expert – means a person(s) with qualifications in environmental science, biology or ecology and demonstrated experience in the management of relevant fauna (**Malleefowl** and **Corben’s Long-eared Bat**) and, in relation to Condition 4, the preparation of offset strategies under the **EPBC Act**, or a person otherwise agreed to in writing by the **Department**.

Threat abatement plan(s) – means an approved threat abatement plan under the **EPBC Act**.

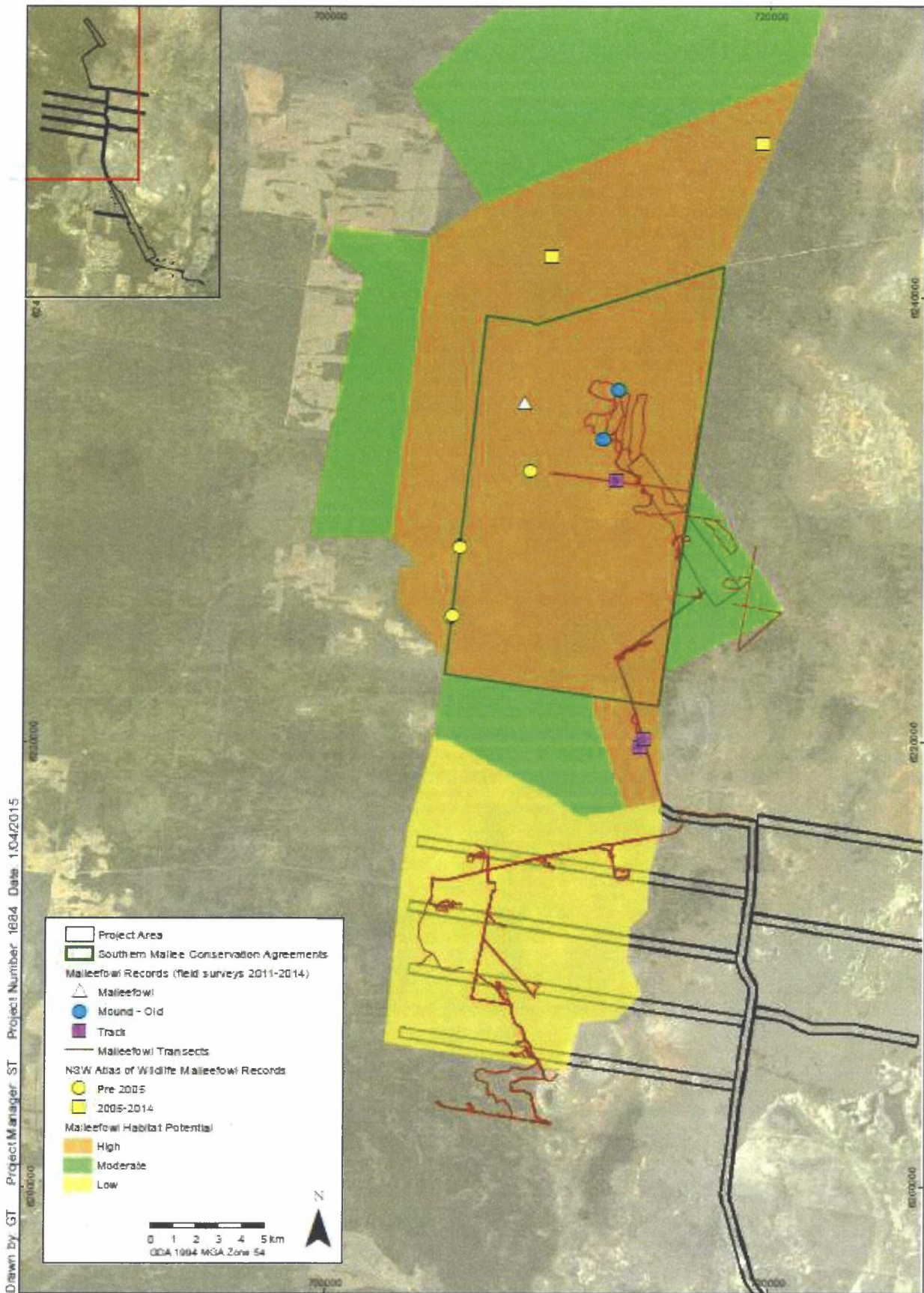


Malleefowl records and potential habitat within the Balranald Project locality (south) showing the West Balranald Malleefowl sub-population area

Balranald Project - Biodiversity Assessment

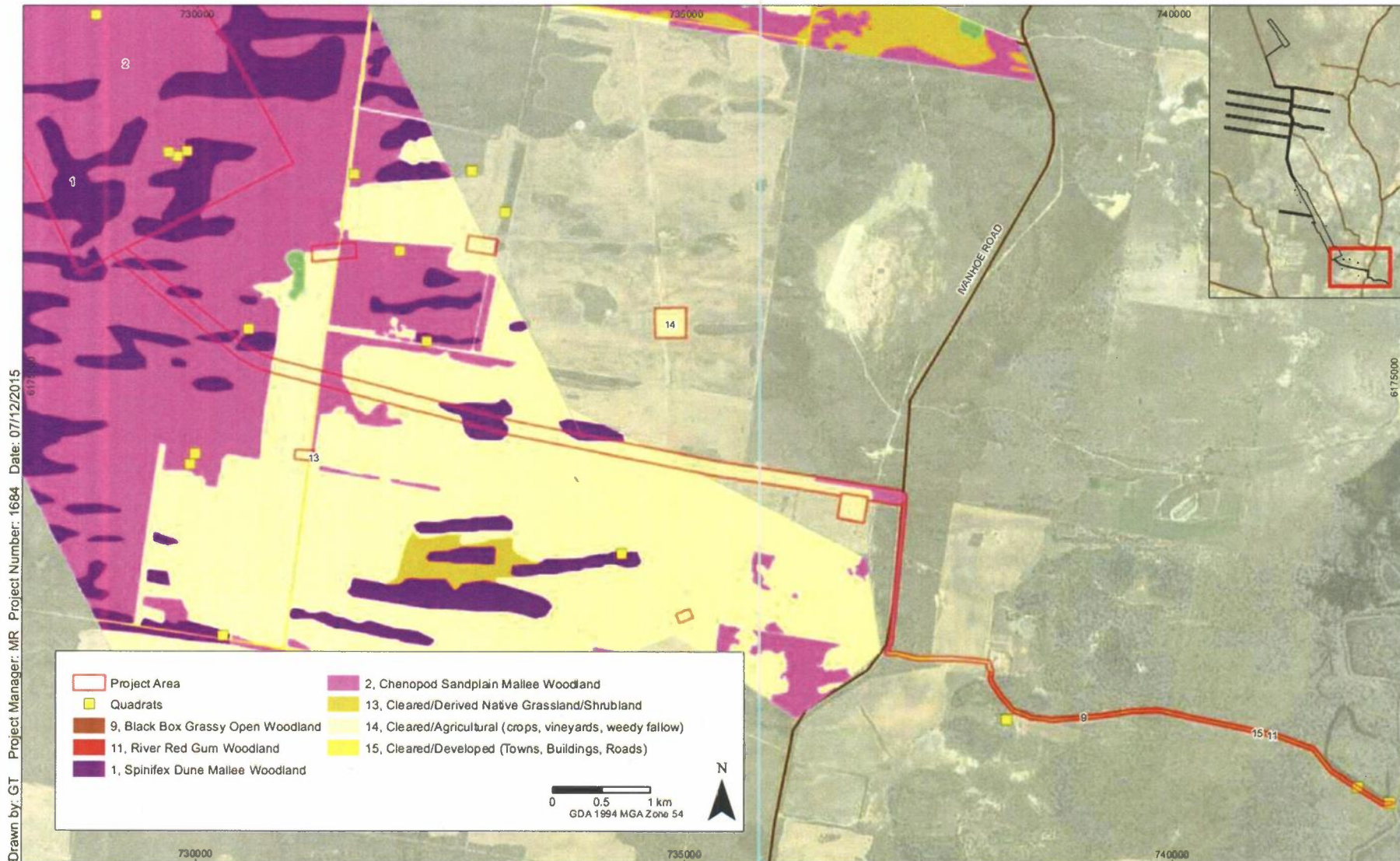
FIGURE 12b

Imagery: (c) LPI 2013-03-15



Malleefowl records and potential habitat (Nepean, Haul roads and injection borefields)

Bairnald Project - Biodiversity Assessment

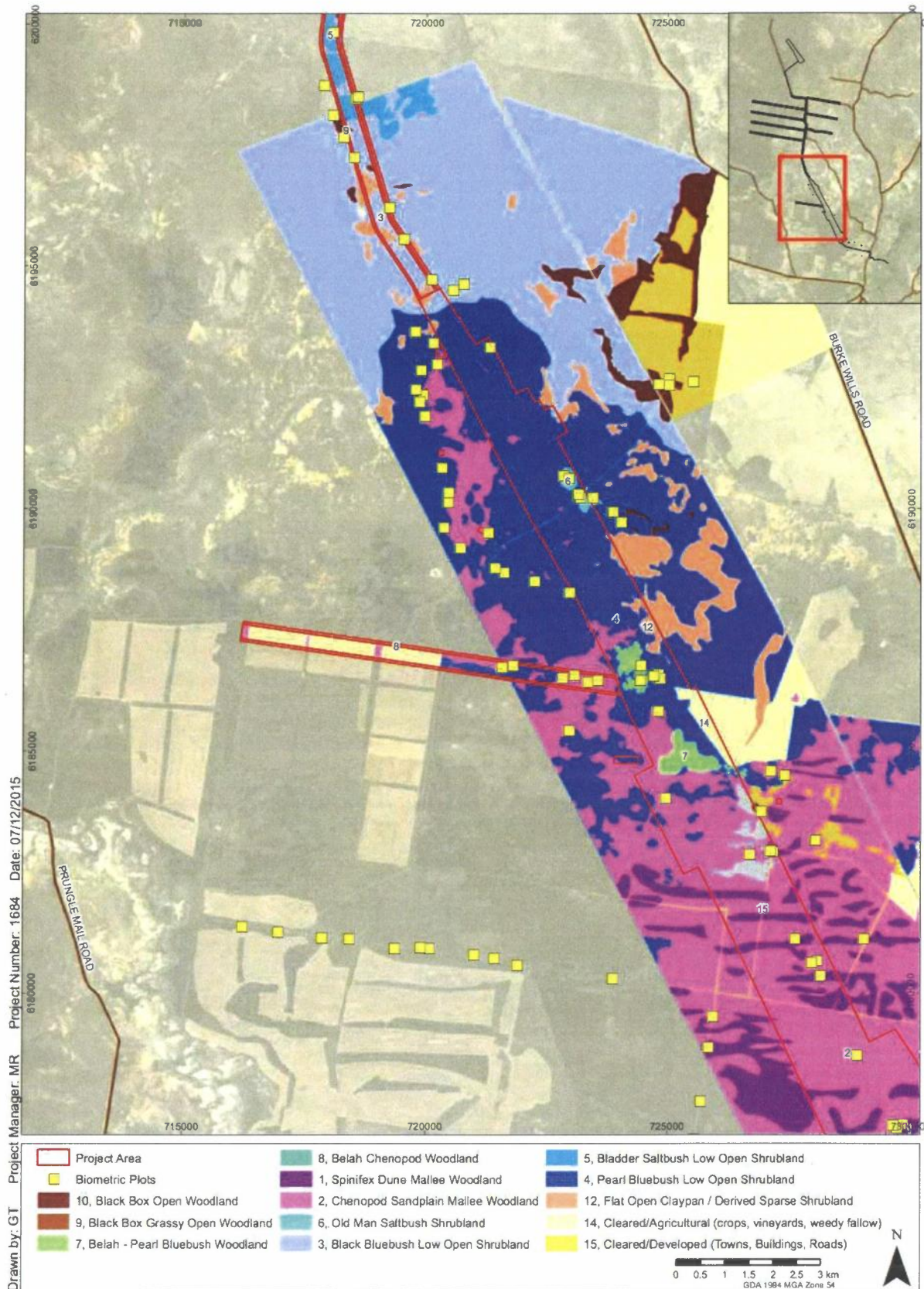


Vegetation community delination and Biometric plot locations for the Balranald Project (water supply pipeline area)

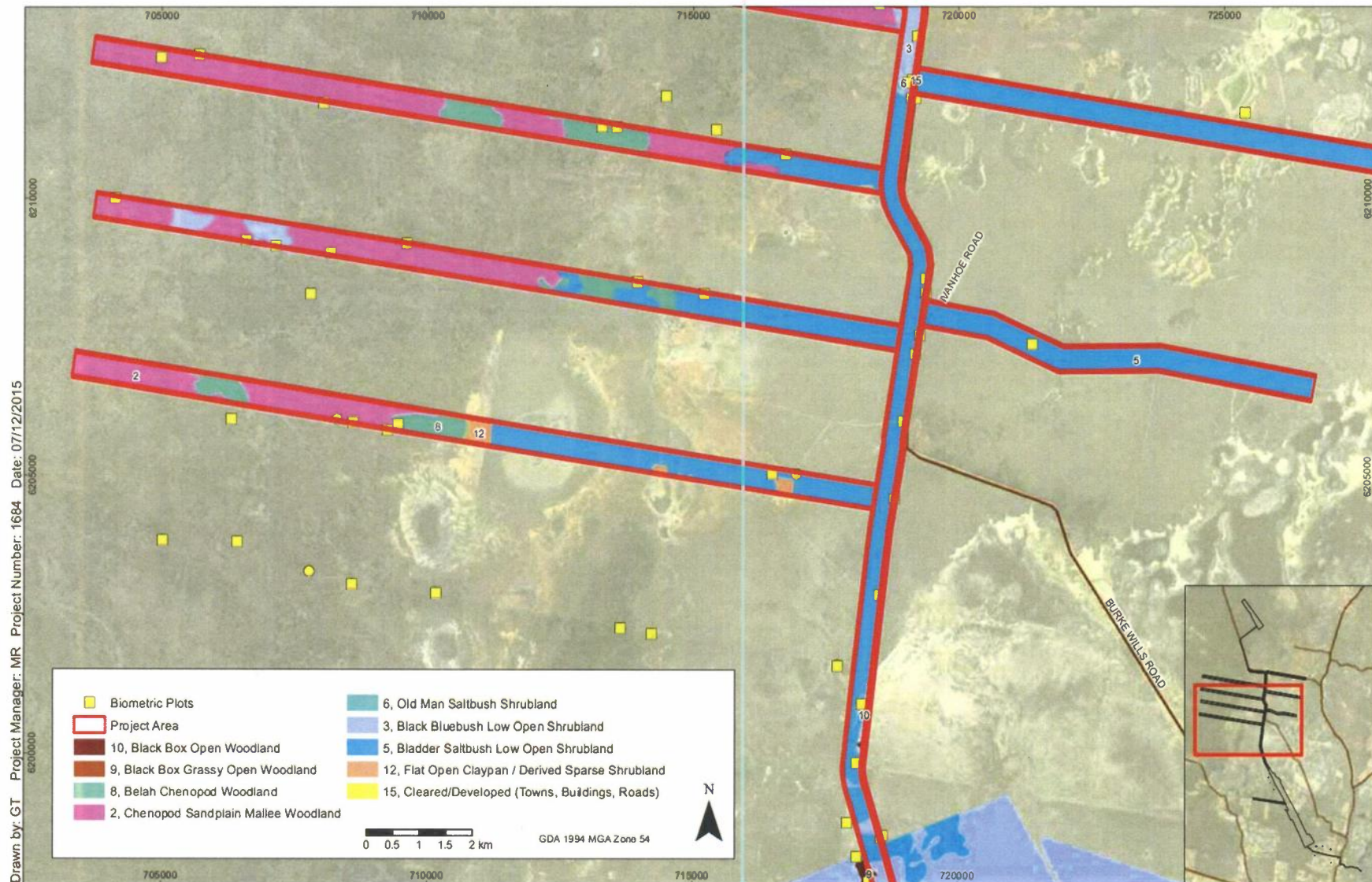
Balranald Project - Biodiversity Assessment

FIGURE 7a

Imagery: (c) Iluka Resources



Vegetation community delimitation and Biometric plot locations for the Balranald Project (West Balranald area)
 Balranald Project - Biodiversity Assessment

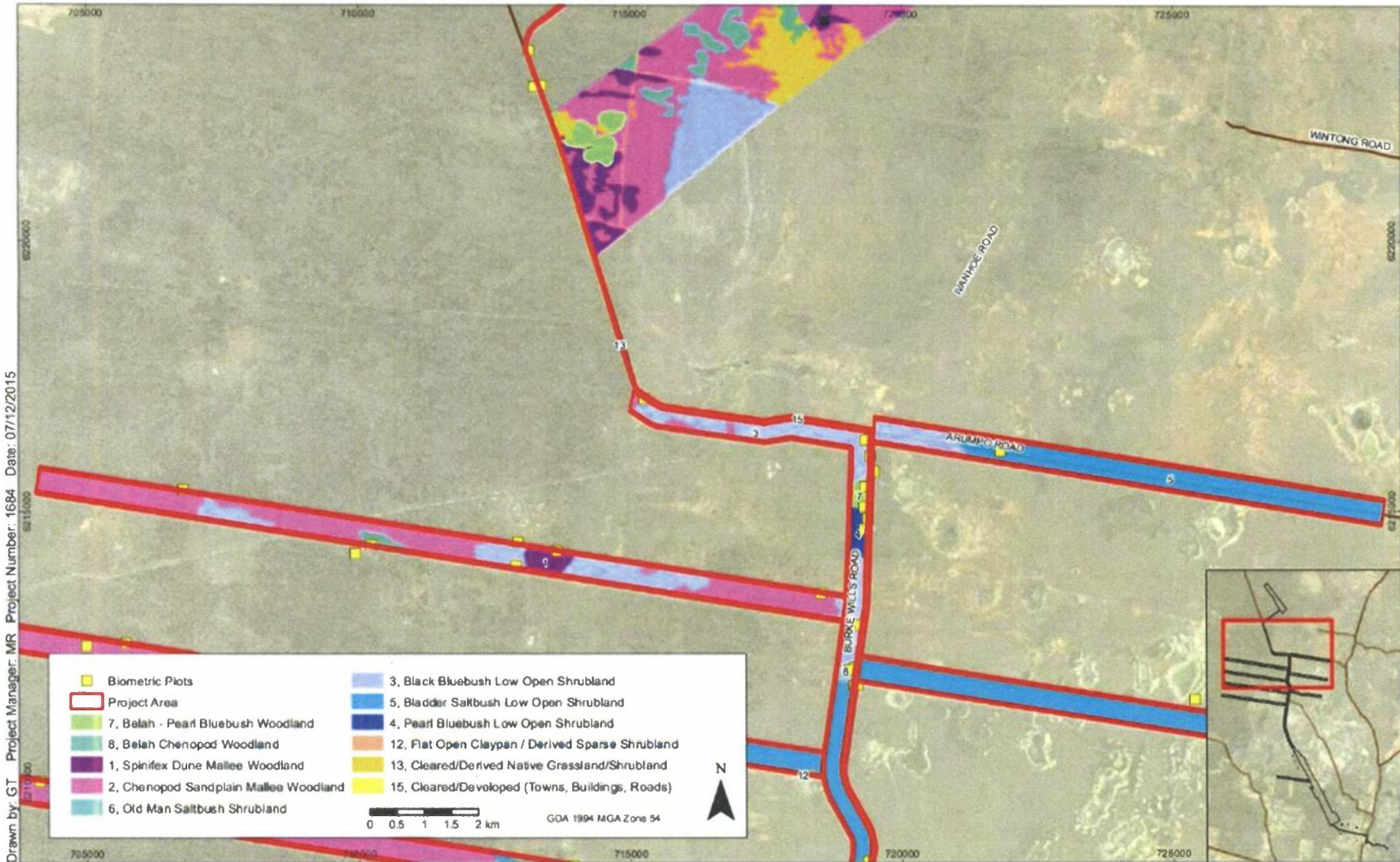


Vegetation community delimitation and Biometric plot locations for the Balranald Project (Nepean access road and injection borefields)

Balranald Project - Biodiversity Assessment

FIGURE 7c

Imagery: (c) Iluka Resources

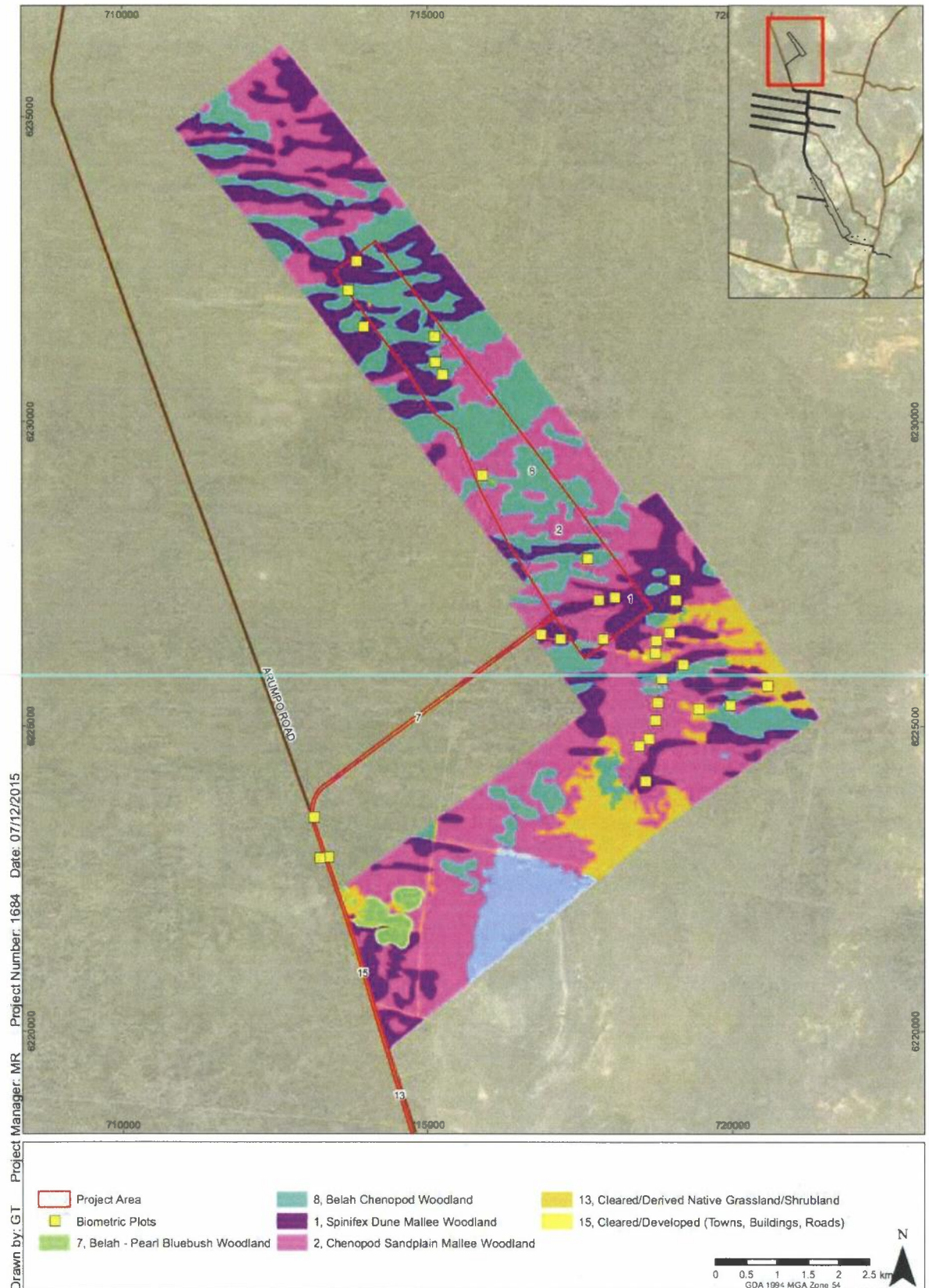


Vegetation community delimitation and Biometric plot locations for the Balranald Project (Nepean access road and injection borefields)

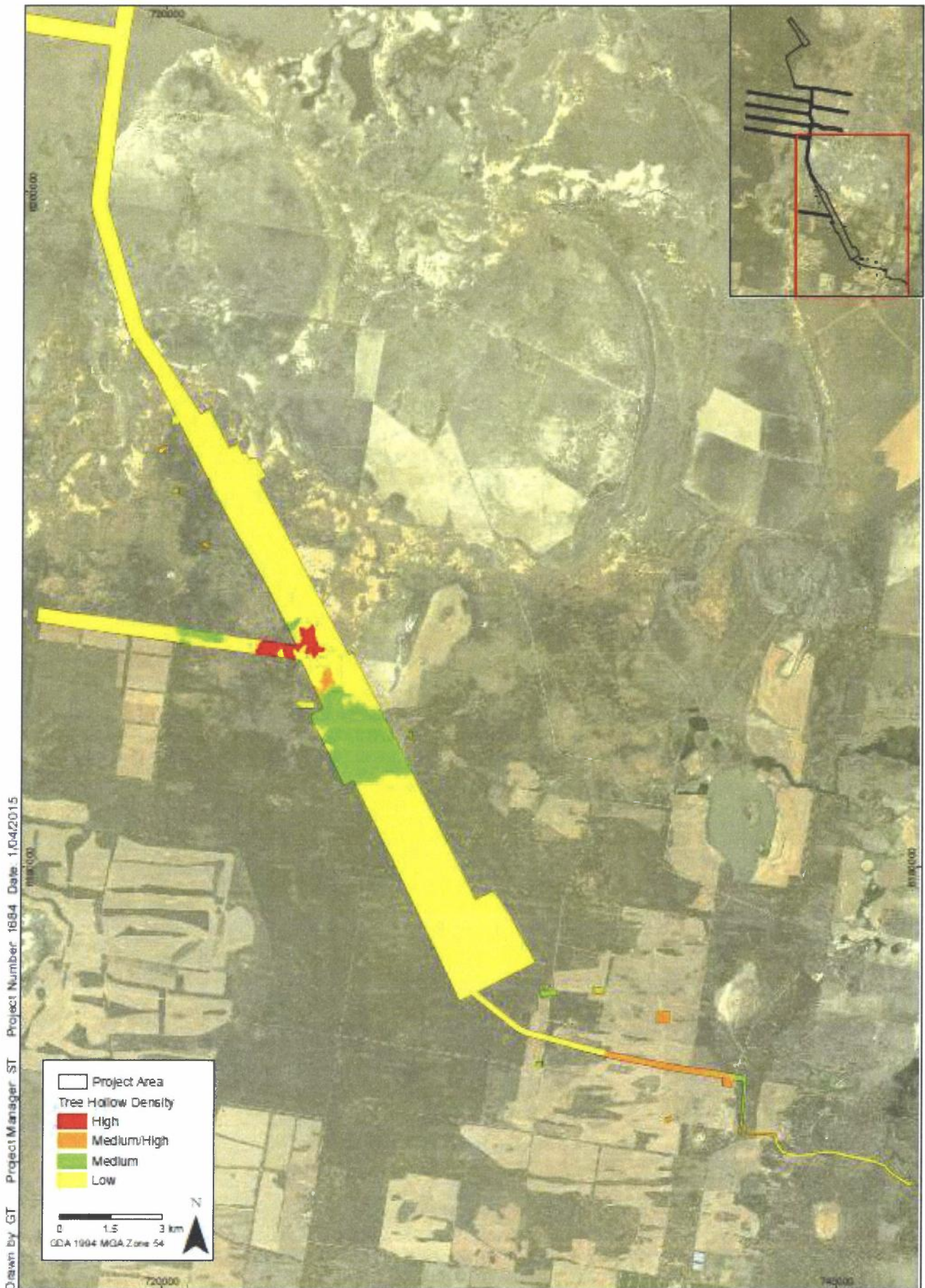
Balranald Project - Biodiversity Assessment

FIGURE 7d

Imagery: (c) Iluka Resources



Vegetation community delimitation and Biometric plot locations for the Balranald Project (Nepean mine area)
Balranald Project - Biodiversity Assessment



Tree Hollow Potential within Project Area (West Balranald)
Balranald Project - Biodiversity Assessment

FIGURE 13a

Imagery: (a) Iulka Resources



Tree Hollow Potential within Project Area (Nepean, Haul roads and injection borefields)
Balranald Project - Biodiversity Assessment

FIGURE 13b

Imagery: (c) Iluka Resources



Tree Hollow Potential within Project Area (Nepean)
Balranald Project - Biodiversity Assessment

FIGURE 13c

Imagery: (c) Iluka Resources

