

10 December 2024

Department of Planning, Housing and Infrastructure
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Name of Project: Mallee Wind Farm – SSD – 532293710 – Arumpo Road, Mallee NSW, 2738	
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Iluka Resources Limited (**Iluka**) submits this response to the State Significant Development Application (**Application**) currently on exhibition by Spark Renewables Pty Ltd (**Spark**) regarding its proposed Mallee Wind Farm project (**Wind Farm Project**) in Wentworth Shire, NSW.

Iluka expresses significant concerns about the Wind Farm Project and its impact on Iluka's Euston Mineral Sands Project (**Euston Project**), particularly on the heavy mineral resource located within Assessment Lease 24 (AL24) and Exploration Licence 9530 (EL9530) granted under the Mining Act 1992 (NSW).

The Euston Project is a State Significant Development with the Application Number SSD-53674728. Its significance has also been recognised recently in the NSW Critical Minerals And High-Tech Metals Strategy. The Euston Project will produce Titanium, Zircon and Rare Earths which are defined as critical minerals by the Commonwealth Government. The Euston Project is in a Preliminary Feasibility Study phase and Iluka considers the proposed Wind Farm Project poses a material risk to its future viability. Consequently, Iluka objects to the proposed Mallee Wind Farm in its current form due to its current impacts on the Euston Project.

For over 12 months, Iluka has initiated meetings and sought to meaningfully engage with Spark to ensure both projects could co-exist by design. Our goal was to ensure that the Environmental Impact Statement (EIS) processes for both projects were complementary, not conflicting, and to establish a co-existence agreement where both parties commit to minimising the impact on each other's projects to acceptable levels.

Our concerns with the Wind Farm Project are primarily centred on the following points:

1. Sterilisation of Mineral Resource

The Wind Farm Project's footprint as proposed in Spark's EIS conflicts with a significant mineral deposit within the area of Assessment Lease 24. Spark's infrastructure transects the deposit at multiple points, as shown in Figure 2.

The current placement of the Wind Farm Project's infrastructure will result in sterilisation of heavy mineral resource, jeopardising the overall economic and operational viability of the Euston Project.

Of particular concern are the southernmost transects, which represent access tracks and possibly buried infrastructure, as opposed to the Dansons Road crossing which Iluka understands is an overhead line that could traverse the mine pit. Given Iluka's intention to use an open-cut mining method, this infrastructure placement effectively sterilizes substantial volumes of the mineral resource.

The Euston Project is comprised of several mineral deposit strands. The strand within the area of AL24 has a number of superior characteristics making it material to the overall viability of a future mine.

Sterilisation of the resource will have a detrimental impact on the overall economics of a future mining project, reducing the likelihood of the Euston Project progressing to commercial operation.

2. Proximity of Infrastructure to AL24 and potential failure exclusions zones

Having regard to Spark's current design, there are four Wind Turbine Generators (WTG's) located within close proximity to Iluka's preliminary pit designs. Spark has not confirmed that the WTGs have adequate geotechnical setbacks from the pits to allow for the safe extraction of the mineral resource in the event of a WTG failure.

3. Economic Impact on Mining Sector and the NSW Economy

As outlined above, the proposed Wind Farm Project disturbance footprint has the potential to reduce or preclude future mining activities in the area. A natural consequence of this is the loss of economic opportunities mining provides regarding local employment, payment of NSW state royalties, and statewide economic growth.

4. Material failure to address SEARs appropriately

Iluka believes that Spark has materially failed to address multiple aspects of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the Project issued on 17 February 2023, particularly regarding land use conflicts, economic impacts, and consultation. We have included examples of each of these failings below.

Land

Spark's EIS (refer to Section 6.10 and Appendix 14) does not include *"an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including consideration of ... mineral rights"* as required by the SEARs.

Spark has not assessed several key impacts as part of this process, including restricted access to a known mineral deposit, hindrance to extraction and mining activities, sterilization of parts of the resource thereby reducing the overall viability of the mining project, and loss of economic opportunities due to decreased mining activities in the area. None of these issues have been considered or addressed in Spark's EIS.

Iluka repeatedly highlighted the overlap of the two projects to Spark, and sought to engage with Spark to identify an acceptable co-existence solution. The Department of Regional NSW - Mining, Exploration and Geoscience also emphasized this was an important consideration in their submission dated 24 January 2023, which stated, *"MEG-GS NSW acknowledges the proponent (states) that consultation has commenced with mineral title holders/applicants and strongly recommends that consultation continues throughout the development of the EIS."* Despite Iluka's efforts to meaningfully engage with Spark, and Spark's representations to Iluka that Spark would progress a co-existence solution in a timely manner, consultation did not continue throughout the development of Spark's EIS.

Whilst the potential conflict is briefly identified in the Land Use Conflict Risk Assessment included in Appendix 14 of the EIS, the Risk Reduction Controls are considered inadequate. Spark's EIS has been finalised with the Wind Farm Project footprint overlying and restricting access to the Euston Project, without prior consultation with Iluka on the final proposed layout of the Wind Farm Project. During consultations earlier in 2024, Iluka advised Spark of a naturally occurring break in the mineral deposit (refer to "Gap in Resource" as shown in Figure 1) through which various aspects of Spark's Project could be located without materially interfering with, or sterilising aspects of, the Euston Project.

Section 2.7.4 of Spark's EIS states a specific principle adopted by Spark was "*Careful placement of infrastructure and WTGs to minimise interactions with Euston Mineral Sands Project.*" However, in previous consultations with Spark earlier in 2024, a more efficient layout was drafted (as shown in Figure 1), locating Spark's infrastructure across a naturally occurring break in the mineral resource. However, Spark's EIS includes an alternative layout that substantially increases the impact on the mineral resource (as shown in Figure 2). During discussions held between the parties, Spark represented to Iluka that it would amend its Wind Farm Project design to accommodate Iluka's proposed mining footprint. However the design included in Spark's EIS does not reflect the agreed revisions. This omission fails to minimise the impact on Iluka's Euston Project, and Spark's statement in section 2.7.4 of the EIS is incorrect.

Legislation, Policies and Guidelines

The SEARs also requires the following: "*The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.*"

Spark's EIS does not adequately consider the *NSW State Environmental Planning Policy (Resources and Energy) 2021* (NSW). Section 2.19 of the Policy has specific reference to the compatibility of proposed developments with significant mineral resources. The Policy requires the consent authority to consider how the proposed development will interact with significant mineral resources. This includes evaluating whether the development is likely to have a significant impact on current or future extraction or recovery of minerals, ways in which the development may be incompatible with future recovery or extraction and evaluate any measures proposed by Spark to avoid or minimise incompatibility. It is Iluka's position that Spark has not taken this Policy into account in the assessment of land in the EIS and provides insufficient information to enable the consent authority to consider the matters specified in Section 2.19 of the Policy.

Engagement

The SEARs also requires the following: "*The EIS must: detail how engagement undertaken was consistent with the Undertaking Engagement Guide: Guidance for State Significant Projects (DPIE, 2021) and describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.*"

Whilst Spark consulted with Iluka in early 2024, the consultation does not align with the principles of DPIE's engagement guidelines or the SEARs requirements. As mentioned above, Iluka was surprised to see the final design included in Spark's EIS. This was particularly so given the previous version of the Wind Farm Project design presented by Spark to Iluka, and Spark's commitments to Iluka to modify its design to address conflicts with the Euston Project.

Iluka was not informed of this change or that Spark's Application was about to be lodged, despite our continual efforts to engage on a co-existence agreement with Spark.

5. Failure to give consideration to other relevant matters

For the reasons outlined above, it is Iluka's position that Spark has also failed to give due consideration to the following in preparing and submitting its EIS:


- s.4.15 of the Environmental Planning and Assessment Act 1979 (NSW) - Spark has not adequately assessed the likely environmental, social, and economic impacts of the proposed Wind Farm Project, nor has it sufficiently considered the suitability of the site and the public interest; and
- Mining Act 1992 (NSW) - The Application does not appropriately address the rights and duties of leaseholders under the Mining Act, particularly in relation to the protection and sustainable development of mineral resources within the affected leases.

We are deeply disappointed with the manner in which Spark has progressed the development of the Wind Farm Project. Despite our expectations for transparent, collaborative and meaningful engagement, we were not informed about the proposed submission of the Application with a layout that did not address the feedback Iluka had provided in good faith to support an acceptable co-existence solution for the Wind Farm Project and the Euston Project. Spark's designs have been altered significantly from what was initially presented to us, without any consultation or notification.

Given these issues, and for the reasons stated in this letter, we strongly urge that the Wind Farm Project not be approved in its current form. We believe that proper engagement and adherence to the agreed-upon designs are crucial for the success and integrity of the Wind Farm Project, whilst enabling co-existence with the Euston Project to increase benefits to local and broader stakeholders. Further, given that the footprint of a wind farm can be adjusted, whereas the location of a mineral deposit cannot, it is unreasonable to allow Spark's Wind Farm Project to be approved in a way that would sterilise access to Iluka's underlying mineral deposit.

We request that the necessary steps be taken to address the above concerns before any further progress is made. We also encourage Spark to keep its commitments to Iluka to meaningfully progress a co-existence solution to support the development of both projects.

Yours faithfully



Ben Martin

General Counsel and Company Secretary
Iluka Resources Limited

Attachment – Figures 1 and 2

Figure 1 shows Spark's infrastructure intersecting the Iluka footprint within the "Gap in the Resource" as advised by Spark to Iluka prior to submission of Spark's EIS. This was subsequently not included in the final EIS design.

Figure 2 has been extracted from Spark's EIS and shows:

1. Spark's two southern underground infrastructure routes highlighted in green which directly cross Iluka's heavy mineral resource footprint shown in red, also being the proposed open cut mine pit.
2. No Spark infrastructure has been located with the advised "Gap in the Resource".

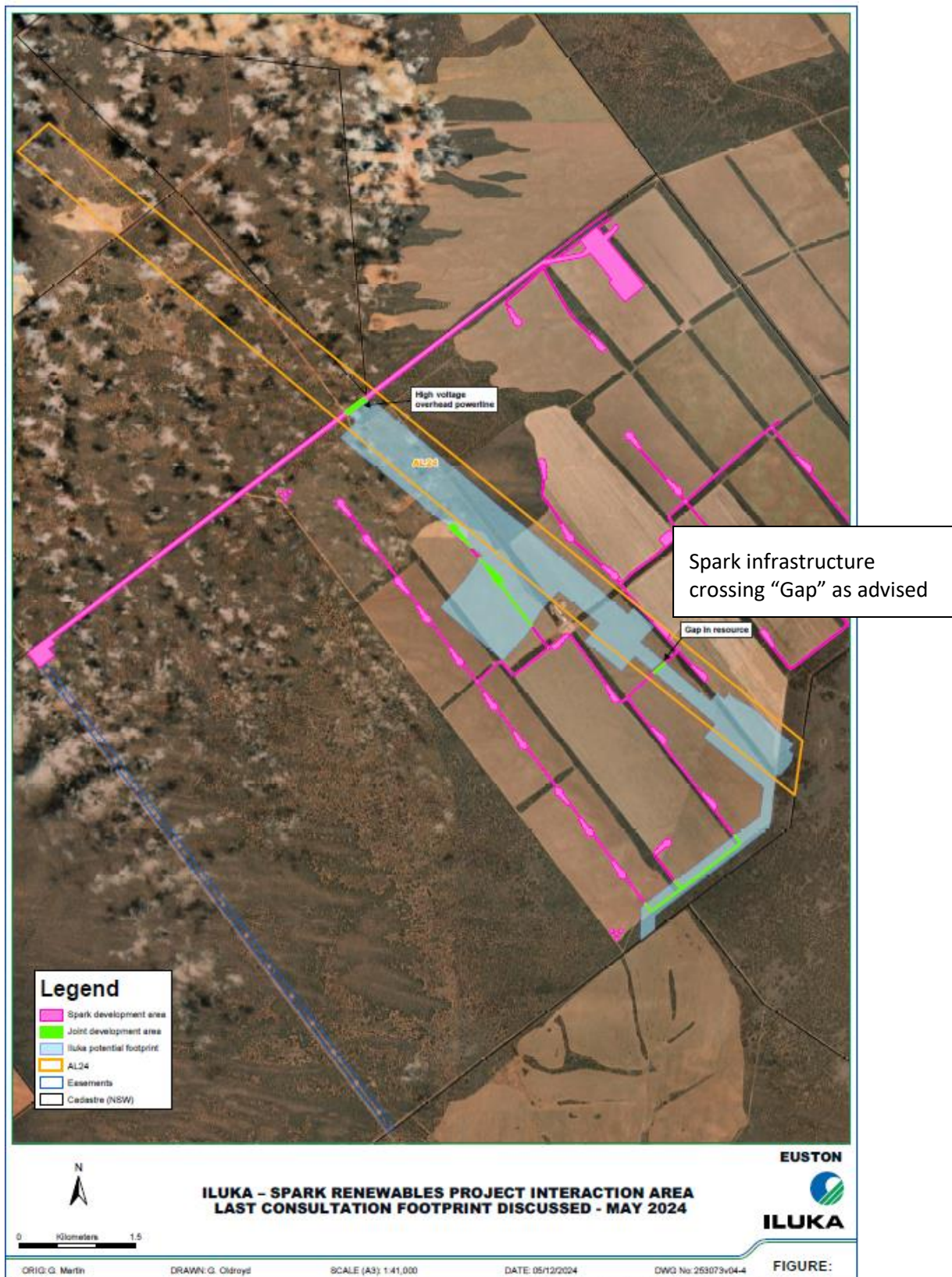


Figure 1: Last Consultation Footprint Interaction May 2024

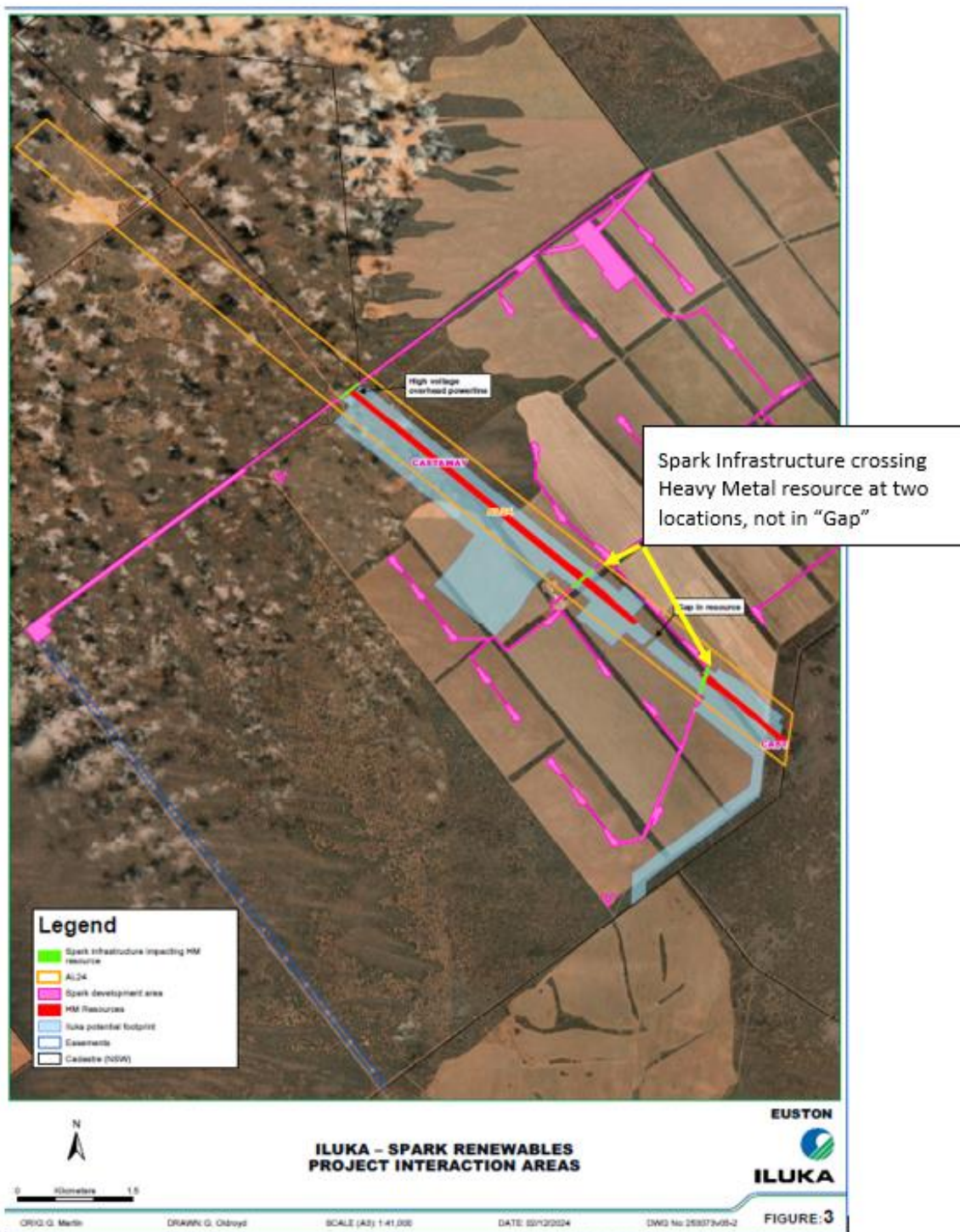


Figure 2:EIS Plan View Project Interaction – As per EIS document