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Published on 26 October 2018

Statement No. 1085

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

ALBEMARLE KEMERTON PLANT

Proposal: The proposal is for the construction and operation of the Albemarle Kemerton Plant, and associated infrastructure, within the Kemerton Strategic Industrial Area (KSIA), approximately 17 kilometres north-east of Bunbury Western Australia. The proposal includes construction of up to five lithium hydroxide product process trains and associated infrastructure.

Proponent: Albemarle Lithium Pty Ltd
Australian Company Number 618 095 471

Proponent Address: Level 3 – 25 National Circuit
Forrest ACT 2603

Assessment Number: 2153

Report of the Environmental Protection Authority: 1618

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Tables 1-2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

2 Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Substantial Commencement

- 3-1 The proposal must be substantially commenced within five (5) years from the date of this Statement.
- 3-2 The proponent must provide to the CEO documentary evidence demonstrating that they have complied with condition 3-1 no later than thirty (30) days after expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.

- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

5 Public Availability of Data

- 5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this proposal and implementation of this Statement.

- 5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

6 Flora and Vegetation

- 6-1 The proponent shall ensure that the construction and ongoing operation of the proposal is undertaken in a manner that avoids direct or indirect impacts to Threatened Flora and Communities, including Glossy-leafed Hammer Orchid

(*Drakaea elastica*), Dwarf Bee-orchid (*Diuris micrantha*), Dwarf Hammer-orchid (*Drakaea micrantha*), Banksia Woodlands of the Swan Coastal Plain and Low lying *banksia attenuata* woodlands or shrublands outside of the Albemarle Development Envelope, as shown in Schedule 1.

6-2 Prior to ground-disturbing activities or as otherwise agreed by the CEO, the proponent shall prepare and submit a Flora and Vegetation Monitoring and Management Plan (the Plan) to the CEO. The Plan shall:

- (1) when implemented, substantiate and ensure that condition 6-1 is being met;
- (2) detail the proposed frequency, timing and indicative locations of Threatened Flora and Communities monitoring to be implemented during construction and operational phase of the Albemarle Plant;
- (3) specify management actions for potential impacts including but not limited to those from weeds, *Phytophthora cinnamomi* (Dieback), increased fire risk and litter, and changes to surface water and groundwater regimes that will be implemented during construction and operations to ensure the management objective in condition 6-1 is achieved;
- (4) specify trigger criteria that will trigger the implementation of contingency actions to prevent direct or indirect impacts to Threatened Flora and Communities outside of the Albemarle Development Envelope; and
- (5) specify management or contingency actions to be implemented in the event that the criteria identified required by condition 6-2(4) have been triggered.

6-3 In the event that the monitoring specified in the Plan indicates that the criteria specified in the Plan have been triggered, the proponent shall:

- (1) report such findings to the CEO within twenty-one (21) days of the criteria being triggered;
- (2) provide evidence to the CEO which allows for determination of the likely cause of the trigger criteria being reached and to identify any additional contingency actions required to prevent the criteria being triggered in the future; and
- (3) if the triggering of the criteria is determined by the CEO to be a result of activities undertaken in implementing the proposal, immediately implement the management and/or contingency actions specified in the Flora and Vegetation Monitoring and Management Plan and continue implementation of those actions until the trigger criteria are met, or until

the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 6-1 will continue to be met and implementation of the management and/or contingency actions is no longer required.

- 6-4 The proponent may review and revise the Flora and Vegetation Monitoring and Management Plan.
- 6-5 The proponent shall review and revise the Flora and Vegetation Monitoring and Management Plan as and when directed by the CEO.
- 6-6 The proponent shall implement the latest version of the Flora and Vegetation Monitoring and Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-2.

7 Water Management Plan

- 7-1 The proponent shall ensure that construction and ongoing operation of the proposal is undertaken in a manner that:
 - maintains the quality and quantity of off-site surface and groundwater, to the receiving environment including but not limited to the Threatened Orchid habitat.
- 7-2 Prior to ground-disturbing activities or as otherwise agreed by the CEO, the proponent shall prepare and submit a Water Management Plan (the Plan) to the CEO, on the advice of the Department of Water and Environmental Regulation. The Plan shall:
 - (1) when implemented, substantiate and ensure that condition 7-1 is being met;
 - (2) specify management actions including but not limited to those from potential impacts from Acid Sulphate Soils, stormwater runoff and sedimentation) that will be implemented during construction and operations to ensure the management objective in condition 7-1 is achieved;
 - (3) detail the proposed frequency, timing and indicative locations of groundwater and surface water monitoring for potential contamination;
 - (4) specify trigger criteria that will trigger the implementation of contingency actions to prevent impacts to the receiving environment including Threatened Flora outside of the Albemarle Development Envelope;
 - (5) specify management or contingency actions to be implemented in the event that the criteria identified required by condition 7-2(4) have been triggered.

- 7-3 In the event that the monitoring specified in the Plan indicates that the criteria specified in the Plan have been triggered, the proponent shall:
- (1) report such findings to the CEO within twenty-one (21) days of the criteria being triggered;
 - (2) provide evidence to the CEO which allows for determination of the likely cause of the trigger criteria being reached and to identify any additional contingency actions required to prevent the criteria being triggered in the future; and
 - (3) if the triggering of the criteria is determined by the CEO to be a result of activities undertaken in implementing the proposal, immediately implement the management and/or contingency actions specified in the Plan and continue implementation of those actions until the trigger criteria are met, or until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 7-1 will continue to be met and implementation of the management and/or contingency actions is no longer required.
- 7-4 The proponent may review and revise the Water Management Plan.
- 7-5 The proponent shall review and revise the Water Management Plan as and when directed by the CEO.
- 7-6 The proponent shall implement the latest version of the Water Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 7-2.

8 Terrestrial Environmental Quality (Waste Management)

- 8-1 During operation of Albemarle Lithium Plant, the proponent shall ensure that all reasonable and practicable measures have been undertaken to minimise the generation of waste and its discharge into the environment.
- 8-2 Within three (3) years of the publication of this Statement or as otherwise agreed by the CEO, the proponent shall prepare and submit a Waste Management Plan to the CEO. The Waste Management Plan shall:
- (1) when implemented, substantiate and ensure that condition 8-1 is being met;
 - (2) specify targets to be met, and detail actions undertaken to meet those targets by applying principles of Waste Management Hierarchy including Avoidance, Recovery and Disposal;
 - (3) quantify the outcome/s of applying the principle of the Recovery (re-use, reprocessing, recycling); and

- (4) provide evidence that all reasonable and practicable measures have been undertaken to Avoid and Recover waste.
- 8-3 After receiving notice in writing from the CEO that the Waste Management Plan satisfies the requirements of condition 8-2, the proponent shall:
 - (1) implement the actions in accordance with the requirements of the approved Waste Management Plan; and
 - (2) continue to implement the approved Waste Management Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the targets specified in condition 8-2 have been met and therefore the implementation of the actions is no longer required.
- 8-4 The proponent may review and revise the Waste Management Plan.
- 8-5 The proponent shall review and revise the Waste Management Plan as and when directed by the CEO.
- 8-6 The proponent shall implement the latest version of the Waste Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 8-2.

9 Greenhouse Gas Reporting

- 9-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:
 - (1) avoid, where possible, and minimise greenhouse gas emissions as far as practicable.
- 9-2 Prior to commencement of construction of the lithium processing plant the proponent shall prepare a Greenhouse Gas Management Plan to meet the objective required by condition 9-1.
- 9-3 The Greenhouse Gas Management Plan shall address the following matters:
 - (1) benchmarking against applicable standards at the time of construction of the lithium processing plant;
 - (2) design of the proposal to minimise greenhouse gas emissions as far as practicable;
 - (3) monitoring and public reporting; and
 - (4) opportunities for continuous improvement and minimising net emissions in the future within the existing design of the proposal.
- 9-4 The proponent may review and revise the Greenhouse Gas Management Plan.

- 9-5 The proponent shall review and revise the Greenhouse Gas Management Plan as and when directed by the CEO.
- 9-6 The proponent shall continue to implement the version of the Greenhouse Gas Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan meets the objective specified in condition 9-1.

10 Offsets

- 10-1 The proponent shall undertake an offset with the objective of counterbalancing the significant residual impact to 6.37 ha of 'low lying *Banksia attenuata* woodlands or shrublands' and 45.73 ha of foraging habitat, including 14.45 ha of potential breeding habitat for Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) and Baudin's Black Cockatoo (*Calyptorhynchus baudinii*) as a result of implementation of the proposal.
- 10-2 Within twelve (12) months of the publication of this Statement, the proponent shall prepare and submit an Offset Strategy to the CEO. The Offset Strategy shall:
- (1) identify an initially unprotected area or areas to be protected and managed for conservation that contains the Priority Ecological Community and foraging habitat values identified in condition 10-1;
 - (2) demonstrate how the proposed offset counterbalances the significant residual impact through consideration of the six principles and completion of the WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012) in conjunction with the associated Offsets assessment guide;
 - (3) identify the environmental values of the offset area(s);
 - (4) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under other suitable mechanisms as agreed by the CEO;
 - (5) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will identify:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;

- (b) the quantum of, and provide a contribution of funds for, the management of this area for the first twenty (20) years after completion of purchase, and
 - (c) an appropriate management body for the ceded land.
 - (6) identify any threats to offset values and provide management and/or rehabilitation actions to be undertaken to address the threats including:
 - (a) the objectives and targets to be achieved, including completion criteria;
 - (b) management and/or rehabilitation actions and a timeframe for the actions to be undertaken;
 - (c) funding arrangements and timing of funding for conservation activities; and
 - (d) monitoring requirements for activities.
 - (7) define the role of the proponent and/or any third parties.
- 10-3 After receiving notice in writing from the CEO, on advice of the Department of Biodiversity, Conservation and Attractions, that the Offset Strategy satisfies the requirements of condition 10-2, the proponent shall:
- (1) implement the actions in accordance with the requirements of the approved Offsets Strategy; and
 - (2) continue to implement the approved Offset Strategy until the CEO has confirmed by notice in writing that it has been demonstrated that the completion criteria in the Offset Strategy have been met and therefore the implementation of the actions is no longer required.
- 10-4 The proponent shall review and revise the Offset Strategy as and when directed by the CEO.
- 10-5 The proponent shall implement the latest version of the Offset Strategy, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 10-2.

[Signed on 26 October 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the Proposal

Proposal Title	Albemarle Kemerton Plant
Short Description	The proposal is for the construction and operation of the Albemarle Kemerton Plant, and associated infrastructure, within the Kemerton Strategic Industrial Area (KSIA), approximately 17 kilometres north-east of Bunbury Western Australia. The proposal includes construction of up to five lithium hydroxide product process trains and associated infrastructure.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Physical elements		
Vegetation clearing	Figure 1	Clearing of no more than 54.31 ha of native vegetation and 33.39 ha of pine plantation within Development Envelope of 89.25 ha.
Operational elements		
Process plant capacity	N/A	No more than 100,000 tonnes of lithium hydroxide product and no more than 200,000 tonnes of sodium sulfate by-product produced per year
Tailings production	N/A	No more than 1.1 million tonnes per year

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

Figures (attached)

Figure 1 Albemarle Kemerton Plant Development Envelope

This figure is a representation of the coordinates shown in Schedule 2

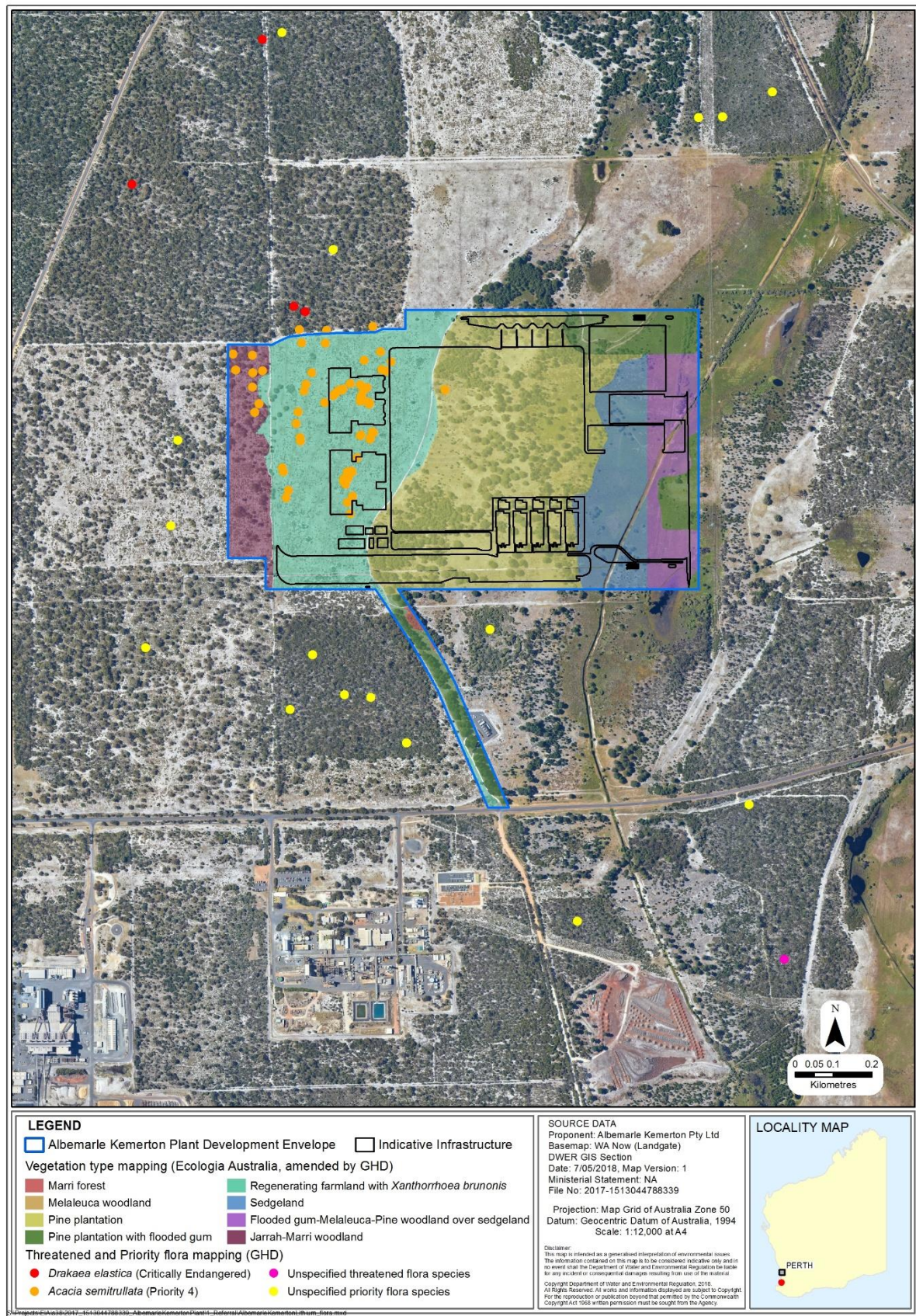


Figure 1 Albemarle Kemerton Plant Development Envelope

Schedule 2

Coordinates defining the development envelope are held by the Department of Water and Environmental Regulation, Document Reference Number 2018 - 1524815189469