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Published on: 1 February 2021

Statement No. 1162

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

LAKE WELLS POTASH PROJECT

Proposal: The proposal is to produce sulphate of potash through the abstraction, evaporation and processing of potassium and sulphate rich brines found at Lake Wells, located 160 kilometres north-northeast of Laverton.

Proponent: Australian Potash Limited
Australian Company Number: 149 390 394

Proponent Address: Suite 3, 22 Railway Road
Subiaco WA 6904

Assessment Number: 2144

Report of the Environmental Protection Authority: 1688

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Tables 1 and 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 Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the 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)), management plans and reports 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 – Significant *Tecticornia* Species

6-1 The proponent shall implement the proposal to meet the following environmental outcomes:

- (1) ensure there are no direct or indirect impacts, as a result of the proposal, within a 30-metre distance of the known locations of *Tecticornia* aff. *undulata* as shown in Figure 2 and described in Schedule 2 of this Statement, unless the CEO has confirmed by notice in writing that the proponent has demonstrated that the removal of these plants would not significantly impact on *Tecticornia* taxa in the region;

- (2) ensure there are no direct or indirect impacts, as a result of the proposal, within a 50-metre distance of the known location of *Tecticornia* sp. Sterile 1, as shown in Figure 2 and described in Schedule 2 of this Statement, unless the CEO has confirmed by notice in writing that the proponent has demonstrated that the removal of the known individual would not significantly impact on *Tecticornia* taxa in the region; and
 - (3) ensure there are no direct or indirect impacts, as a result of the proposal, to the known population of *Tecticornia willisii* as shown in Figure 2 and described in Schedule 2 of this Statement.
- 6-2 To verify that the outcomes of condition 6-1 are met, the proponent shall ensure that monitoring of the known populations of significant *Tecticornia* species named in condition 6-1 and shown in Figure 2 of Schedule 1 is carried out by suitably qualified personnel, including observations of population extent and plant health, and signs of direct or indirect impacts.
- 6-3 The proponent shall, within two (2) years of this Statement being issued, or in accordance with a schedule approved by the CEO by notice in writing:
 - (1) undertake additional survey and/or taxonomic work to clarify the conservation status of *Tecticornia* aff. *undulata* and *Tecticornia* sp. Sterile 1; and
 - (2) provide a report to the CEO demonstrating that the requirements of condition 6-3(1) have been met.
- 6-4 The proponent shall carry out the monitoring required by condition 6-2 monthly, or in accordance with a schedule of monitoring or any subsequent revisions of the schedule of monitoring that the CEO has confirmed by notice in writing is adequate to verify that the outcomes of condition 6-1 have been met.
- 6-5 The proponent shall continue to implement the monitoring required by condition 6-2 until the CEO has confirmed by notice in writing that the outcomes specified in condition 6-1 have been met.
- 6-6 If monitoring required by condition 6-2 indicates that the outcomes of condition 6-1 may not be met, the proponent shall notify the CEO within seven (7) days of the potential non-compliance being identified, and implement management measures to mitigate any impacts in consultation with the Department of Water and Environmental Regulation.
- 6-7 The proponent shall include the results of monitoring carried out in accordance with condition 6-2, and the details of management measures carried out in accordance with condition 6-6, in the Compliance Assessment Report required by condition 4-6.

7 Terrestrial Fauna

- 7-1 The proponent shall implement the proposal to meet the following environmental objective:
- (1) avoid, where possible, otherwise minimise direct and indirect impacts to significant terrestrial fauna species, including but not limited to the night parrot and great desert skink.
- 7-2 In order to meet the requirement of condition 7-1, the proponent shall implement the *Fauna Management Plan – Lake Wells Potash Project* (18 August 2020), or any subsequent revisions as approved by the CEO.
- 7-3 The proponent shall continue to implement the *Fauna Management Plan – Lake Wells Potash Project* (18 August 2020) or any subsequent revisions as approved by the CEO, until the CEO has confirmed by notice in writing that the objective specified in condition 7-1 has been met.
- 7-4 The proponent may review and revise the *Fauna Management Plan – Lake Wells Potash Project* (18 August 2020) or any subsequent revisions as approved by the CEO.
- 7-5 The proponent shall review and revise the *Fauna Management Plan – Lake Wells Potash Project* (18 August 2020) as and when directed by the CEO.

8 Inland Waters and Subterranean Fauna

- 8-1 The proponent shall implement the proposal to meet the following environmental objectives:
- (1) avoid, where possible, otherwise minimise impacts to groundwater levels and groundwater quality outside the on-playa development envelope shown in Figure 1 and described in Schedule 2; and
 - (2) avoid, where possible, otherwise minimise impacts to stygofauna habitat.
- 8-2 In order to meet the objectives of condition 8-1, the proponent shall implement the *Groundwater Monitoring Strategy – Lake Wells Potash Project* (20 August 2020), or any subsequent revisions as approved by the CEO.
- 8-3 The proponent shall continue to implement the *Groundwater Monitoring Strategy – Lake Wells Potash Project* (20 August 2020) or any subsequent revisions as approved by the CEO, until the CEO has confirmed by notice in writing that the objective specified in condition 8-1 has been met.
- 8-4 The proponent shall submit a revised *Groundwater Monitoring Strategy* within fifteen (15) months of the commencement of operations that analyses the

results of the first twelve (12) months of monitoring during operations to demonstrate that the requirements of condition 8-1 can be met.

8-5 The proponent may review and revise the *Groundwater Monitoring Strategy – Lake Wells Potash Project* (20 August 2020) or any subsequent revisions as approved by the CEO.

8-6 The proponent shall review and revise the *Groundwater Monitoring Strategy – Lake Wells Potash Project* (20 August 2020) as and when directed by the CEO.

9 Cultural Heritage Management

9-1 The proponent shall implement the proposal to meet the following environmental objective:

(1) avoid where possible and minimise impacts to heritage sites and cultural values.

9-2 To ensure that the objective of condition 9-1 is met, the proponent shall prepare a Cultural Heritage Management Plan. The Plan shall include:

(1) the methodology and scope of pre-clearance surveys to be conducted prior to disturbance in areas identified to be at high risk of including heritage sites or other cultural values;

(2) management actions to be undertaken where sites or cultural values are identified, to meet the objective of condition 9-1(1);

(3) a framework for consultation with relevant stakeholders during the life of the proposal, including the timing of consultation relative to the stages of the project, the form of consultation for each stage identified, information to be provided before and during consultation, including spatial data and maps, and actions to be implemented in the event that consultation cannot be conducted due to the inability to schedule consultation events. In the event that all attempts to schedule consultation are unsuccessful, the proponent must continue to implement the plan; and

(4) contingency actions to be implemented in the event that management actions required by condition 9-2(2) have not been implemented, including but not limited to consultation with relevant agencies.

9-3 The Cultural Heritage Management Plan shall be reviewed by an independent person determined by the CEO on advice of the appropriate knowledge-holders and the proponent.

9-4 The Cultural Heritage Management Plan shall be approved by notice in writing from the CEO prior to the commencement of operation.

- 9-5 The proponent shall implement the approved Cultural Heritage Management Plan, or the most recent version, which the CEO has confirmed by notice in writing satisfies the requirements of condition 9-2.
- 9-6 The proponent may review and revise the Cultural Heritage Management Plan or any subsequent revisions as approved by the CEO.
- 9-7 The proponent shall review and revise the Cultural Heritage Management Plan as and when directed by the CEO by notice in writing.
- 9-8 The proponent shall continue to implement the approved Cultural Heritage Management Plan, or any subsequently approved revisions, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 9-1 is being and will continue to be met.
- 9-9 In the event of failure to implement management actions detailed in the approved Cultural Heritage Management Plan, the proponent shall notify the CEO in writing within seven (7) days of the non-compliance being identified, and shall immediately implement the contingency actions described in the plan as required by condition 9-2(4).

[signed on 1 February 2021]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the proposal

Proposal title	Lake Wells Potash Project
Short description	<p>The proposal is to produce sulphate of potash through the abstraction, evaporation and processing of potassium and sulphate rich brines found at Lake Wells, located 160 kilometres north-northeast of Laverton.</p> <p>The proposal includes development of a brine borefield, solar evaporation ponds, harvest ponds, sulphate of potash processing plant, associated infrastructure, and transport of product by truck to the Port of Geraldton.</p>

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

Element	Location	Authorised extent
<i>Physical elements</i>		
Disturbance within the on-playa development envelope for evaporation and processing ponds, brine borefield and associated infrastructure.	Figure 1	Disturbance of no more than 2,470 ha within the 9,322 ha on-playa development envelope.
Clearing in the off-playa development envelope for harvest ponds, processing plant, access roads, accommodation camp and associated infrastructure.	Figure 1	Clearing of no more than 750 ha within the 4,629 ha off-playa development envelope.
<i>Operational elements</i>		
Brine abstraction	Figure 1	Up to 17 gigalitres per annum
Process/potable water abstraction	Figure 1	Up to 0.8 gigalitres per annum
Power plant	-	10 megawatt

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.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

Figures (attached)

Figure 1 Development envelopes and indicative footprint (this figure is a representation of the co-ordinates described in Schedule 2).

Figure 2 Locations of known significant and potentially significant *Tecticornia* species in the Lake Wells project area (this figure is a representation of the co-ordinates described in Schedule 2).

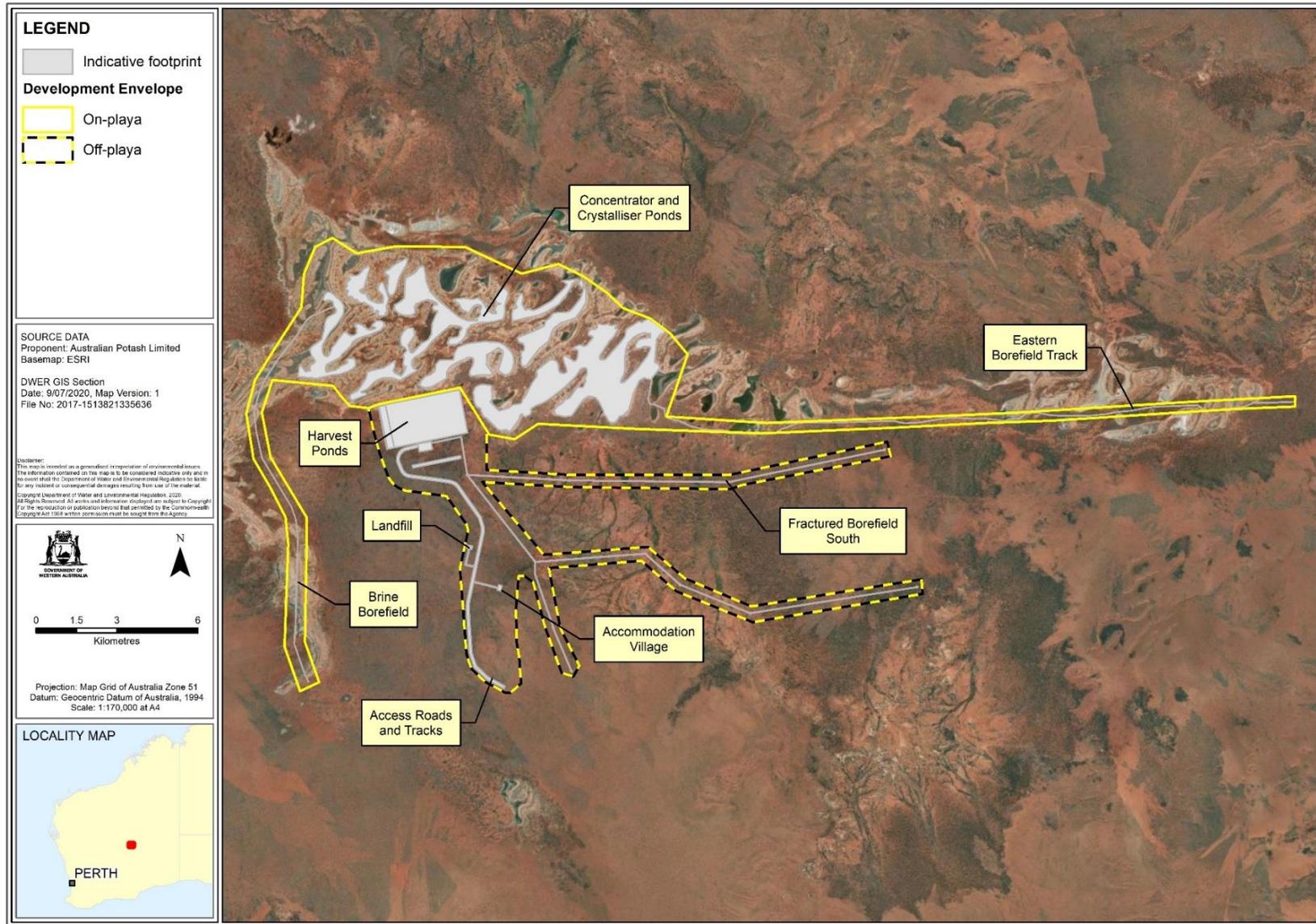


Figure 1: Development envelopes and indicative footprint



Figure 2: Locations of known significant and potentially significant *Tecticornia* species in the Lake Wells project area

Schedule 2

Co-ordinates defining the areas shown in Figure 1 are held by the Department of Water and Environmental Regulation under Reference Number DWERDT306325.

Co-ordinates defining the areas shown in Figure 2 are held by the Department of Water and Environmental Regulation under the Reference Number DWERDT306327.

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone50), datum of Geocentric Datum of Australia 1994 (GDA94).