

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 23 November 2022

Statement No. 1199

**STATEMENT THAT A SIGNIFICANT AMENDMENT TO AN APPROVED
PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)**

EARL GREY LITHIUM PROJECT (SIGNIFICANT AMENDMENT)

Proposal: The proposal is to amend the existing Earl Grey Lithium Project.

Proponent: Covalent Lithium Pty Ltd
Australian Company Number 623 090 139

Proponent Address: Level 17, 109 St Georges Terrace

Assessment Number: 2315

Report of the Environmental Protection Authority: 1730

Previous Assessment Numbers: 2123 and 2279

Previous Reports of the Environmental Protection Authority: 1651 and 1697

Previous Statement Numbers: 1118 and 1167

Pursuant to section 45 of the *Environmental Protection Act 1986*, read with section 40AA of the Act, it has been agreed that:

1. the significant amendment to the approved proposal described in section 1 of the proponent's section 38 Referral Supporting Document (Revision 3, April 2022) may be implemented; and
2. the implementation of the significant amendment to the approved proposal to which the above reports of the Environmental Protection Authority relate is subject to the following conditions and procedures, which replace and supersede all previous conditions and procedures of Statements 1118 and 1167.

1 Limitations and Extent of Proposal

- 1-1 When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Physical elements	Location	Maximum extent or range
Development envelope	Figure 2	2,347 ha
Indicative Disturbance Footprint	Figure 2	882 ha
Clearing Extent	Figure 2	Clearing of no more than 442 ha of native vegetation
Operational elements		
Mine and associated infrastructure	Figure 2	Mining operations and mining infrastructure including a mine pit, waste rock landforms, tailings storage facility, processing plant, airstrip, accommodation village, water supply pipeline, solar plant, and associated infrastructure.
Timing elements		
Project life	-	Up to 40 years from the date of this Statement

2 Flora and Vegetation

- 2-1 The proponent shall implement the proposal to meet the following environmental outcomes:

- (1) **clearing** of no more than 442 ha of native vegetation;
- (2) no direct or indirect disturbance to flora and vegetation in the exclusion zones as shown on Figure 3;
- (3) no more than 9,732 individuals of *Microcorys elatoides* and two (2) individuals of *Banksia sphaerocarpa* var. *dolichostyla* to be subject to direct disturbance inside the development envelope;
- (4) The loss of no more than:
 - 7% of the **known population** of *Labichea rossii*;
 - 7% of the **known population** of *Microcorys* sp. *Mt Holland broad-leaf*;
 - 5% of the **known population** of *Acacia lachnocarpa*;
 - 2% of the **known population** of any other priority 1 flora species.

- 2-2 The proponent shall implement the proposal to achieve the following environmental objectives:
- (1) avoid, where practicable, and otherwise minimise direct disturbance to **priority flora species** outside the flora exclusion zones detailed on Figure 3; and
 - (2) avoid, where practicable and otherwise minimise indirect impacts to flora and vegetation including but not limited to impacts from clearing, dust, weeds and fire.
- 2-3 Prior to clearing within the areas subject to the significant amendment as described in section 1 of the proponent's section 38 Referral Supporting Document (Revision 3, April 2022), the proponent must undertake pre-clearance vegetation and flora survey(s), in accordance with *Technical guidance – Flora and vegetation surveys for environmental impact assessment*, or any approved updates of these guidelines.
- 2-4 In order to meet the outcomes of condition 2-1, and the objectives of condition 2-2, within six (6) months of the date of this Statement, the proponent shall update the *Earl Grey Lithium Project Flora and Vegetation Environmental Management Plan* (July 2022). This plan shall:
- (1) include details of the timing, methods, limitations, and results of the pre-clearance surveys required by condition 2-3 and demonstrate how the findings of the survey(s) have been considered, including provision of mitigation measures;
 - (2) describe how impacts to threatened and **priority flora species** outside the flora exclusion zones will be avoided where possible, and/or minimised;
 - (3) include actions to ensure that dust, weeds, and fire are appropriately managed within the development envelope;
 - (4) specify trigger criteria that must provide an early warning that the threshold criteria identified in condition 2-4(5) may not be met;
 - (5) specify threshold criteria to demonstrate compliance with the environmental outcomes specified in condition 2-1;
 - (6) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
 - (7) specify trigger level actions to be implemented in the event that trigger criteria have been exceeded;

- (8) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded;
 - (9) provide contingency measures and adaptive management techniques to ensure the outcomes of conditions 2-1 and 2-2 are met, and include options for changes to operations and reductions in disturbance; and
 - (10) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that the outcome of condition 2-1 and the objectives of condition 2-2 have been met over the reporting period in the Compliance Assessment Report required by condition 8-6.
- 2-5 The proponent must not commence clearing exceeding the extent of the original authorised proposal until the CEO has confirmed by notice in writing that the Earl Grey Lithium Project Flora and Vegetation Environmental Management Plan satisfies the requirements of condition 2-4.
- 2-6 The proponent must implement the most recent version of Flora and Vegetation Environmental Management Plan confirmed for implementation by the **CEO**, with the objective of ensuring the outcomes of condition 2-1 and objectives of condition 2-2 are achieved/met, until the **CEO** has confirmed by notice in writing that the proponent has demonstrated that the environmental outcomes in condition 2-1 have been achieved and the objectives of 2-2 have been met.
- 2-7 In the event that monitoring, or investigations indicates exceedance of threshold criteria specified in the confirmed Flora and Vegetation Environmental Management Plan, the proponent shall:
- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
 - (2) implement the threshold contingency actions specified in the Flora and Vegetation Environmental Management Plan within twenty-four (24) hours of the exceedance being reported as required by condition 2-7 (1) and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and the implementation of the threshold contingency actions is no longer required;
 - (3) investigate to determine the cause of the threshold criteria being exceeded;
 - (4) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and

- (5) provide a report to the CEO within twenty-one (21) days of the exceedance being reported as required by condition 2-7(1). The report shall include:
 - (a) details of threshold contingency actions implemented;
 - (b) the effectiveness of the threshold contingency actions implemented, against the threshold criteria;
 - (c) the findings of the investigations required by conditions 2-7(3) and 2-7(4);
 - (d) measures to prevent the threshold criteria being exceeded in the future;
 - (e) measures to prevent, control or abate the environmental harm which may have occurred; and
 - (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that objectives will continue to be met.
- 2-8 The proponent shall make the Flora and Vegetation Environmental Management Plan required by condition 2-4 publicly available.
- 2-9 The proponent:
 - (1) may review and revise the confirmed Flora and Vegetation Environmental Management Plan and submit it to the **CEO**; and
 - (2) shall review and revise the confirmed Flora and Vegetation Environmental Management Plan and submit it to the **CEO** as and when directed by the **CEO** by a notice in writing.
- 2-10 The proponent shall implement the latest revision of the Flora and Vegetation Environmental Management Plan, which the **CEO** has confirmed by notice in writing, satisfies the requirements of condition 2-4.

3 Terrestrial Fauna

- 3-1 The proponent shall implement the proposal to meet the following environmental outcomes and objectives:
 - (1) no direct or indirect impacts to malleefowl mounds within the exclusion areas as shown on Figure 4;
 - (2) no direct or indirect adverse impacts to malleefowl and chuditch within the development envelope;

- (3) no removal of active malleefowl mounds within the development envelope; and
 - (4) minimise proposal-related direct or adverse indirect impacts to malleefowl from feral animals within the development envelope.
- 3-2 In order to meet the requirements of condition 3-1, within six (6) months of approval of this Statement, the proponent shall update the *Earl Grey Lithium Project Terrestrial Fauna Environmental Management Plan* (April 2022). This plan shall:
- (1) outline how the pre-clearance surveys will be undertaken using LIDAR or similar technology;
 - (2) outline the procedure for capture and release of chuditch, and malleefowl if required, prior to clearing of native vegetation;
 - (3) specify trigger criteria that must provide an early warning that the environmental outcomes and objectives identified in condition 3-1 may not be met;
 - (4) specify threshold criteria to demonstrate compliance with the environmental outcomes and objectives specified in condition 3-1;
 - (5) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
 - (6) specify trigger level actions to be implemented in the event that trigger criteria have been exceeded;
 - (7) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded;
 - (8) provide contingency measures and adaptive management techniques to ensure the outcomes of conditions 3-1 are met, and include options for changes to operations and reductions in disturbance; and
 - (9) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 3-1 has been met over the reporting period in the Compliance Assessment Report required by condition 8-6.
- 3-3 The proponent must not commence clearing exceeding the extent of the original authorised proposal until the **CEO** has confirmed by notice in writing that the *Earl Grey Lithium Project Terrestrial Fauna Environmental Management Plan* satisfies the requirements of condition 3-2.

- 3-4 The proponent must implement the most recent version of Terrestrial Fauna Environmental Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental outcomes and objectives in condition 3-1 have been met.
- 3-5 In the event that monitoring or investigations indicate exceedance of threshold criteria specified in the Terrestrial Fauna Environmental Management Plan, the proponent shall:
- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
 - (2) implement the threshold contingency actions specified in the Terrestrial Fauna Environmental Management Plan within twenty-four (24) hours of the exceedance being reported as required by condition 3-5(1) and continue implementation of those actions until the **CEO** has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and the implementation of the threshold contingency actions is no longer required;
 - (3) investigate to determine the cause of the threshold criteria being exceeded;
 - (4) investigate to provide information for the **CEO** to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and
 - (5) provide a report to the **CEO** within twenty-one (21) days of the exceedance being reported as required by condition 3-5(1). The report shall include:
 - (a) details of threshold contingency actions implemented;
 - (b) the effectiveness of the threshold contingency actions implemented, against the threshold criteria;
 - (c) the findings of the investigations required by conditions 3-5(3) and 3-5(4);
 - (d) measures to prevent the threshold criteria being exceeded in the future;
 - (e) measures to prevent, control or abate the environmental harm which may have occurred; and
 - (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that objectives will continue to be met.

3-6 The proponent:

- (1) may review and revise the Terrestrial Fauna Environmental Management Plan; or
- (2) shall review and revise the Terrestrial Fauna Environmental Management Plan as and when directed by the **CEO**.

3-7 The proponent shall implement the latest revision of the Terrestrial Fauna Environmental Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 3-2.

4 Offsets

4-1 The proponent must implement offsets to counterbalance the significant residual impacts of the proposal on the following environmental values:

- (1) 436 ha of foraging and breeding habitat for malleefowl (*Leipoa ocellata*);
- (2) 442 ha of foraging and potential breeding habitat for chuditch (*Dasyurus geoffroii*);
- (3) 2 individuals of Ironcap Banksia (*Banksia sphaerocarpa* var. *dolichostyla*); and
- (4) 9,732 individuals of *Microcorys elatoides*,

as a result of the implementation of the proposal and the significant amendment to the approved proposal described in section 1 of the proponent's section 38 Referral Supporting Document.

Threatened Fauna Land Acquisition Strategy

4-2 In order to meet the requirements of conditions 4-1 (1) and 4-1(2), the proponent shall submit for approval, the Earl Grey Lithium Project Fauna Offset Strategy within six (6) months of the date of this Statement. This strategy shall:

- (1) identify an initially unprotected area, or areas, to be acquired and protected for conservation that contains malleefowl and chuditch foraging and breeding habitat, in consultation with the Department of Biodiversity, Conservation and Attractions;
- (2) demonstrate how the proposed offset counterbalances the significant residual impact to 436 ha of foraging and breeding habitat for malleefowl, and 442 ha of foraging and potential breeding habitat for chuditch, as identified in condition 4-1, through application of the 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*

Assessment Guide (October 2012), or any approved updates of these guidelines, to demonstrate how the proposed offset counterbalances the significant residual impact to malleefowl and chuditch, as identified in condition 4-1;

- (3) demonstrate how the proposed offset aligns with the National Recovery Plan for Malleefowl (*Leipoa ocellata*) and the Chuditch (*Dasyurus geoffroii*) Recovery Plan, or any subsequent revisions of these plans;
- (4) identify the environmental values of the offset area(s);
- (5) identify and commit to a protection mechanism for any area(s) of land acquisition, being either the area(s) is ceded to the Crown for the purpose of management for conservation, or the area(s) is managed under other suitable mechanisms for the purpose of conservation as agreed by the **CEO**;
- (6) identify how the ongoing performance of the offset measures, and whether they are achieving the outcomes in conditions 4-1(1) and 4-1(2), will periodically be made publicly available;
- (7) if any land is to be ceded to the Crown for the purpose of management for 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 seven (7) years after completion of purchase; and
 - (c) an appropriate management body for the ceded land;
- (8) detail the monitoring, reporting and evaluation mechanisms for management and/or rehabilitation actions; and
- (9) define the role of the proponent and/or any relevant management authority.

4-3 Within six (6) months of receiving notice in writing from the **CEO**, on advice of the Department of Biodiversity, Conservation and Attractions, that the **Threatened Fauna** Land Acquisition Strategy satisfies the requirements of conditions 4-1 and 4-2, the proponent shall implement the approved **Threatened Fauna** Land Acquisition Strategy.

4-4 The proponent:

- (1) may review and revise the **Threatened Fauna** Land Acquisition Strategy; or

- (2) shall review and revise the **Threatened Fauna** Land Acquisition Strategy as and when directed by the **CEO**.
- 4-5 The proponent shall implement the latest version of the **Threatened Fauna** Land Acquisition Strategy, which the **CEO** has confirmed by notice in writing, satisfies the requirements of condition 4-2.

Flora Offset Strategy

- 4-6 The proponent must, in consultation with Department of Biodiversity, Conservation and Attractions, prepare a Flora and Vegetation Offset Strategy that demonstrates how the following environmental outcome will be achieved, and how this achievement will be substantiated, and submit it to the **CEO**:
- (1) counterbalance the significant residual impacts listed in conditions 4-1(3) and 4-1(4).
- 4-7 The Flora and Vegetation Offset Management Plan must:
- (1) identify an area, or areas, to be protected, managed and/or rehabilitated for conservation that contains the flora values identified in conditions 4-1(3) and 4-1(4) on advice of the Department of Biodiversity, Conservation and Attractions;
 - (2) identify an area, or areas for **on-ground management**;
 - (3) demonstrate how the environmental values within the **Proposed Offset Conservation Areas** will be maintained and improved in order to counterbalance the significant residual impact to the environmental values in condition 4-1 and achieve the environmental outcomes in condition 4-6(1);
 - (4) demonstrate application of the principles of the WA Environmental Offsets Policy, the *WA Environmental Offsets Metric* and the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide*, or any subsequent revisions of these documents;
 - (5) identify how the ongoing performance of the offset measures, and whether they are achieving the outcomes in condition 4-6, will periodically be made publicly available;
 - (6) identify how the Proposed Offset Conservation Areas will be protected, being either the sites are ceded to the Crown for the purpose of management for conservation, or the sites are managed under other suitable mechanism for the purpose of conservation as agreed by the **CEO** by notice in writing; and

- (7) for offsets acquired specify:
- (a) a timeframe and works associated with establishing the **Proposed Offset Conservation Areas**, including a contribution for maintaining the offset for at least twenty (20) years after completion of purchase;
 - (b) identify the relevant management body for the ongoing management of the **Proposed Offset Conservation Areas**, including its role, and the role of the proponent, and confirmation in writing that the relevant management body accepts responsibility for its role.

***Microcorys elatoides* Conservation Plan**

4-8 The proponent shall fund and undertake an offset for *Microcorys elatoides* to meet the following outcome:

- (1) ensure the long-term viability of *Microcorys elatoides*.

4-9 Within twelve (12) months of the date of this Statement, or as otherwise agreed in writing by the **CEO**, as part of the Flora Offset Strategy, the proponent shall prepare and submit to the **CEO** a *Microcorys elatoides* Conservation Plan, for the offset required by condition 4-8, which identifies on-ground conservation and research projects to be undertaken that contribute to long-term conservation outcomes for the species. The plan shall be to the satisfaction of the **CEO** on advice of the Department of Biodiversity, Conservation and Attractions.

4-10 The *Microcorys elatoides* Conservation Plan shall:

- (1) On ground management
 - (a) state the targets to be achieved, including completion criteria, which will result in a tangible improvement to the environmental values being offset;
 - (b) demonstrate the consistency of the targets with environmental outcomes in conditions 4-6(1) and 4-8, and the objectives of any relevant guidance, including but not limited to, recovery plans or area management plans;
 - (c) detail the on-ground management actions, with associated timeframes for implementation and completion, to achieve the targets identified in conditions 4-6(1) and 4-8; and
 - (d) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under condition 4-10(1)(a).

- (2) Where research is proposed, prepare a research program that:
- (a) identifies the objectives and intended outcomes, and specifies the deliverables and competition criteria;
 - (b) identifies how the research will result in a positive conservation outcome, and will either improve management and protection, address priority knowledge gaps that have been identified as a research priority needed to improve management and protection, for the environmental values identified in condition 4-1(4);
 - (c) demonstrate consistency of the objectives in condition 4-10(2) with any relevant guidance, including but not limited to, recovery plans or area management plans, the principles of the *WA Environmental Offsets Policy*, the *WA Environmental Offsets Guidelines*, or any subsequent revisions of these documents;
 - (d) identifies and justifies the proportion and allocation of resources for each specific offset addressed by the Flora and Vegetation Offset Strategy;
 - (e) provides an implementation and reporting schedule, including an outline of key activities, all deliverables, stages of implementation, reporting of research results (including interim results), reporting on implementation status, and milestones towards completion criteria;
 - (f) identifies the governance arrangements including responsibilities for implementing, and oversight of, the research program, agreements with government agencies, agreements with any third parties, and contingency measures;
 - (g) identify how a research program summary, and the results (including interim results) of the research program will be communicated and/or published in an open access format; and
 - (h) identifies the third party to carry out the work required to meet the outcomes of conditions 4-1(4) and 4-8 who is satisfactory for the role to the **CEO**. In applying to the **CEO** for endorsement of the selected third parties, the proponent shall provide:
 - demonstration of the track record, experience, qualifications and competencies of the proposed third party to carry out the work and achieve the outcomes.

4-11 Within six (6) months of receiving notice in writing from the **CEO** that the *Microcorys elatoides* Conservation Plan satisfies the requirements of conditions

4-9 to 4-10, the proponent shall commence the implementation of the conservation plan.

- 4-12 The proponent shall make the *Microcorys elatoides* Conservation Plan required by condition 4-10 publicly available.

5 Rehabilitation

- 5-1 The proponent must implement the proposal to ensure the following environmental outcomes are achieved:

- (1) rehabilitated areas are capable of sustaining the long-term viability of *Banksia sphaerocarpa* var. *dolichostyla* and *Microcorys elatoides* impacted from the proposal;
- (2) rehabilitated landforms are stable and do not cause pollution or environmental harm;
- (3) rehabilitated vegetation is self-sustaining; and
- (4) rehabilitated areas are consistent with the species diversity and abundance of native vegetation within comparative analogue or reference sites.

- 5-2 In order demonstrate the outcomes of condition 5-1 can be met, the proponent shall commence rehabilitation trials within twelve (12) months of the date of this Statement, or as otherwise agreed in writing by the **CEO**.

- 5-3 The proponent shall submit annually to the **CEO**, with the annual compliance assessment report required by condition 8-6, a rehabilitation trial progress report, which identifies:

- (1) results of rehabilitation trials; and
- (2) contingency measures and actions in the event trials indicate the rehabilitation objective may not be achieved.

- 5-4 The proponent shall continue to implement the rehabilitation trials required by condition 5-2 until the proponent has demonstrated that the outcomes of condition 5-1 will be met, or as otherwise agreed by the **CEO**.

6 Environmental Performance Report

- 6-1 The proponent shall submit an Environmental Performance Report to the Minister every five (5) years.

- 6-2 The first Environmental Performance Report shall be submitted within three months after five (5) years from substantial commencement, or such other time as may be approved by the **CEO**.

- 6-3 Each Environmental Performance Report shall report on proposal impacts on the following environmental values:
- (1) state of flora and vegetation;
 - (2) state of terrestrial fauna; and
 - (3) state of the holistic environment.
- 6-4 The Environmental Performance Report must include:
- (1) a comparison of the environmental values identified in condition 6-3 at the end of the five (5) year period; against the state of each environmental value at the beginning of the five (5) year period;
 - (2) a comparison of the environmental values identified in condition 6-3 at the end of the five (5) year period; against the state of the environmental values identified in first Environmental Performance Report submitted in accordance with condition 6-2; and
 - (3) proposed adaptive management and continuous improvement strategies.
- 6-5 The Environmental Performance Report may be in whole, or part prepared in conjunction with other proponents where there are cumulative impacts from their proposals.

7 Contact Details

- 7-1 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.

8 Compliance Reporting

- 8-1 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 8-6, or prior to implementation of the proposal, whichever is sooner.
- 8-2 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.
- 8-3 After receiving notice in writing from the **CEO** that the Compliance Assessment Plan satisfies the requirements of condition 8-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 8-1.
- 8-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 8-1 and shall make those reports available when requested by the **CEO**.
- 8-5 The proponent shall advise the **CEO** of any potential non-compliance within seven (7) days of that non-compliance being known.
- 8-6 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 8-1.

9 Public Availability of Data

- 9-1 Subject to condition 9-2, 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.

9-2 If any data referred to in condition 9-1 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.

[signed on 23 November 2022]

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):
Minister for Water
Minister for Mines and Petroleum

Table 1: 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>EP Act</i> , or the CEO's delegate.
EP Act	<i>Environmental Protection Act 1986</i>
Clearing	Has the same meaning as in section 51A of the <i>Environmental Protection Act 1986</i>
Ground disturbing activities	Any ground disturbing activity undertaken in the implementation of the proposal, including any clearing, civil works, or construction, other than preliminary works to which approval has been given under the EP Act.
ha	Hectare
known population	Number of individuals for species as defined by <i>Earl Grey Lithium Project Revised Proposal Environmental Review Document</i> (Rev 3, April 2022) or by any biological field survey that is undertaken subsequent to the <i>Earl Grey Lithium Project Revised Proposal Environmental Review Document</i> (Rev 3, April 2022) that has been submitted to the CEO.
LIDAR	A remote sensing technology which uses the pulse from a laser to collect measurements which can then be used to create 3D models and maps of objects and environments. LIDAR is an acronym of Light Detection and Ranging.
m	metre
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.
Priority flora species	As defined in the Conservation Codes for Western Australian Flora and fauna
Threatened fauna	Fauna listed as Threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> or <i>Biodiversity Conservation Act 2016</i> .

Figures (attached)

- Figure 1 Regional Location
- Figure 2 Earl Grey Lithium Project Development Envelope and Indicative Disturbance Footprint
- Figure 3 Conservation Significant Flora Exclusion Zones
- Figure 4 Malleefowl Mound Exclusion Zones



Figure 1: Regional location



Figure 2: Earl Grey Lithium Project development envelope and disturbance footprint

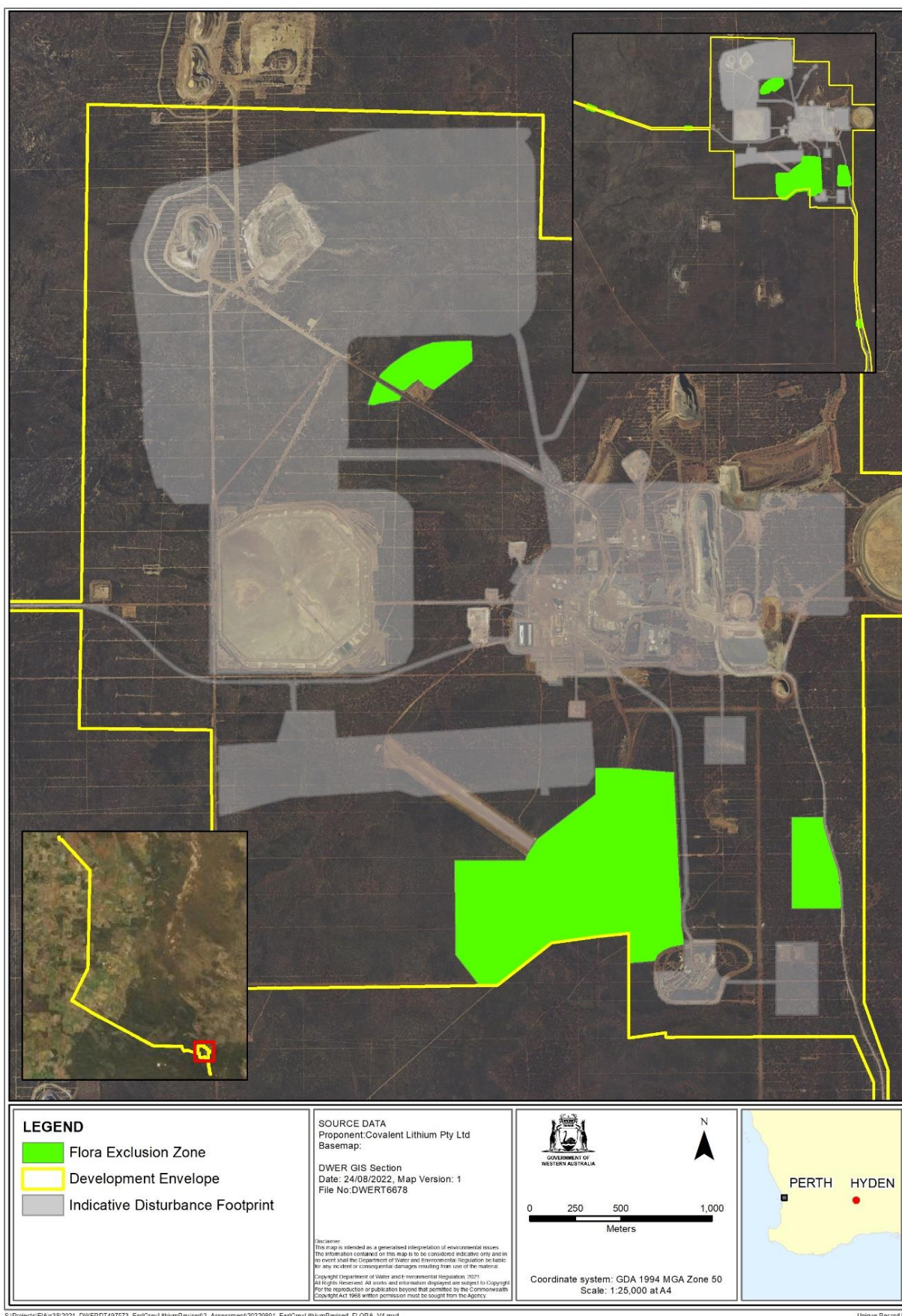


Figure 3: Conservation significant flora exclusion zones

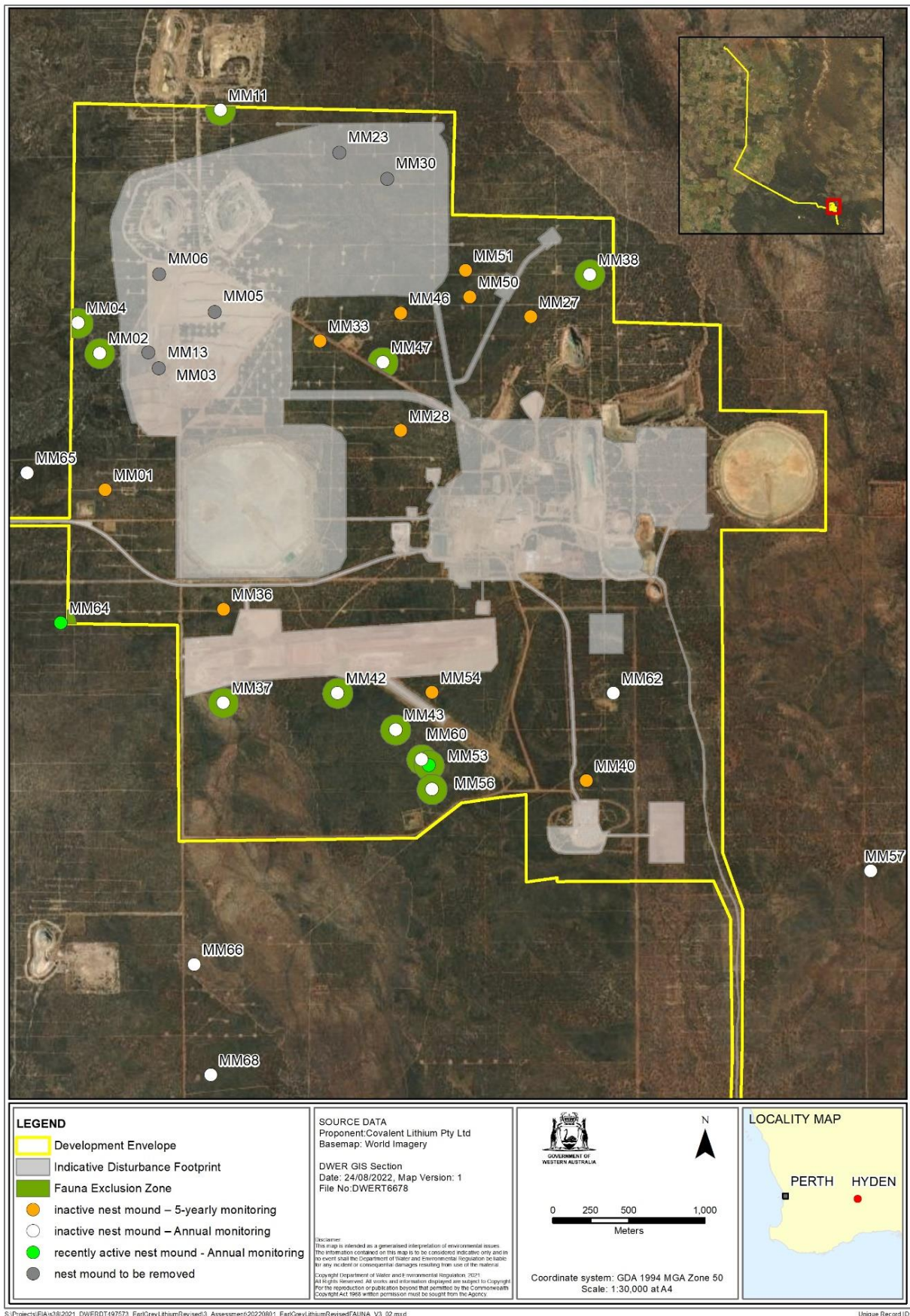


Figure 4: Malleefowl mound exclusion zones