



2021 Annual Compliance Assessment Report

Kemerton Project

Document No.:

P-74211-0000-BA00-RPT-0277

Rev.	Date	Status	Prepared By	Reviewed By	HSE Approval	Operations Approval	VP Engineering Approval
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GLOSSARY

Term	Definition
CAP	Compliance Assessment Plan
CAR	Compliance Assessment Report
DMIRS	Department of Mines, Industry Regulation and Safety
DoEE	Department of the Environment and Energy
DRF	Declared Rare Flora
DWER	Department of Water and Environmental Regulation
EP Act	Environmental Protection Act 1986
EPA	Environmental Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
FVMMP	Flora and Vegetation Management and Monitoring Plan
GHG	Greenhouse Gas
Ha	Hectare
KSIA	Kemerton Strategic Industrial Area
LiOH	Lithium Hydroxide
MS-1085	Ministerial Statement 1085
NC	Non-compliance
NPI	Non-Process Infrastructure
OEPA	Office of the Environmental Protection Agency
PMP	Photographic Monitoring Point
SWIS	South West Interconnected System
TEC	Threatened Ecological Community
WMP	Water Management Plan

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1 INTRODUCTION

1.1 Project Details

The Kemerton Lithium Plant proposal (the Project) refers to the construction and operation of a lithium manufacturing plant and associated infrastructure, within the Kemerton Strategic Industrial Area (KSIA), located approximately 17 kms north-east of Bunbury, Western Australia (Figure 1-1: Project Site Regional Location).

The Kemerton Lithium Plant is designed to process up to 1 million tonnes of spodumene ore concentrate, sourced from the Talison Greenbushes Operation. The ore concentrate will be processed within up to five lithium hydroxide product process trains, which are proposed to be brought online one at a time as production increases. These process trains operate using a combination of pyrometallurgical and hydrometallurgical operations to produce up to a total of 100,000 tonnes of lithium hydroxide product and up to 200,000 tonnes of sodium sulphate by-product per year. Up to 1.1 million tonnes of tailings will also be produced as a waste product.

The lithium hydroxide product will be transported 155 km by road to the Port of Fremantle for export. Sodium sulphate by-product will also be transported by road to either Fremantle or Bunbury for export. Tailings will be transported by road to be disposed of at an approved facility, which remains outside the scope of this report.

1.2 Purpose of Report

This Compliance Assessment Report (CAR) has been prepared to meet the requirements imposed on the Project by the Western Australian Minister for Environment, through Ministerial Statement 1085 (MS-1085).

Condition 4.6 of MS-1085 specifically states:

“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. “*

This CAR provides the status of compliance against all audit elements prescribed under MS-1085, as well as an assessment of how implementation of the environmental management plans has met defined environmental objectives during the reporting period 26 October 2020 through 25 October 2021.

Regarding Condition 4.6, point 5 above, there are currently no proposed changes to the Compliance Assessment Plan.

1.3 Report Structure

This CAR has been prepared in accordance with the former Office of the Environmental Protection Agency's (OEPA) (now Department of Water and Environmental Regulation (DWER)) Post Assessment Guideline No. 3, Preparing a Compliance Assessment Report (OEPA, 2012).

Figure 1-1: Project Site Regional Location



2 SUMMARY OF PROPOSAL'S IMPLEMENTATION STATUS

2.1 Project Milestones

The Kemerton Lithium Plant was environmentally assessed and approved under Part IV of the *Environmental Protection Act 1986* (EP Act) by the Environmental Protection Authority (EPA) and by the Commonwealth Department of the Environment and Energy (DoEE) under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A summary of Environmental approvals issued is provided in Table 2-1 below.

Table 2-1: Summary of Key Environmental Approvals History

Instrument	Description	Date
Ministerial Statement 1085	Gained environmental approval, Part IV, EP Act.	26 October 2018
Works Approval W6154/2018/1	Granted to the Works Approval Holder, subject to the prescribed conditions.	16 November 2018
EPBC 2017/8099	Granted approval for action to construct and operate a lithium hydroxide manufacturing plant.	26 November 2018
Works Approval Amendment W6154/2018/1	Amendment to works approval W6154/2018/1 in respect of product capacity, premises boundary and clarifications to design specifications.	10 March 2021

2.1.1 Notice of Substantial Commencement

Construction commenced in January 2019 and has progressed in accordance with the defined program. This substantial commencement status of the Project, in accordance with Condition 3-1 and 3-2 of MS-1085, was formally communicated to DWER via submission of the 2020 CAR.

2.2 Project Components

Non-Process Infrastructure (NPI) buildings comprise a laboratory, site operations building, mess building, emergency building, wellness centre and gate houses. The processing plant will comprise five lithium hydroxide conversion trains (two currently in construction) that incorporate the following main areas:

- Spodumene delivery and stockpiling.
- Calcinating, acidifying and storage of acidified ore area.
- Leaching, purification, filtration and tailings collection area.
- Reactants delivery and storage area.
- Causticizing, and Sodium Sulphate Decahydrate crystallisation.
- Crude Lithium Hydroxide (LiOH) evaporation and crystallisation.
- Pure LiOH evaporation and crystallisation.
- Lithium hydroxide monohydrate drying, packaging and storage.

- Anhydrous sodium sulphate crystallisation – Li removal.
- Sodium sulphate drying, packaging and storage.
- Potassium collection building.
- Service plant and buildings including, boilers, cooling towers, raw and RO water, and air compressor building.
- Engineering Workshop/Warehouse and diesel tanks.

2.3 Project Issues

No major project issues occurred during the reporting period.

Albemarle is currently constructing and commissioning two of the five Kemerton lithium hydroxide trains to provide a 50,000 tonnes per year lithium hydroxide conversion capacity. Train 1 is currently being commissioned and Train 2 is still in construction. The timing of the remaining three trains will be based on market demand.

Albemarle entered into the MARBL Lithium Operations joint venture with Mineral Resources Limited, which included sale of 40% interest in part of the Kemerton lithium hydroxide facility. Albemarle will continue to complete construction of the Kemerton lithium hydroxide facility and will then hand it over to MARBL Lithium Operations to operate.

Since approval of MS-1085, Albemarle has explored various power supply options and is currently connected to the South West Interconnected System (SWIS). The plant will require an initial 29 MW capacity for two trains. As more trains are brought online and as production increases the power requirement of the Kemerton Plant will reach up to 60 MW.

A Section 45C of the EP Act has been submitted to the EPA on 17 October 2019 to address the following proposed changes:

- Include construction and operation of a power station.
- Reduce the authorised extent of clearing by 5.51 ha (5.33 ha of native vegetation and 0.18 ha of regenerated farmland).
- Reduce the size of the Development Envelope by 5.51 hectares (ha).
- Replace Figure 1-1 of Schedule 1 of MS-1085 to reflect the reduced size of the Development Envelope.

An application has also been submitted under Section 46 of the EP Act on 17 October 2019 to revise Condition 10-1 and Condition 10-2 (1) of MS-1085 and reflect the changes presented in the Section 45C application. At the time of writing Albemarle were still waiting for formal responses from the Minister.

Mineral Resources has received approval to dispose of tailings from the Kemerton Lithium Plant to the Koolyanobbing iron ore mine from the Department of Mines, Industry Regulation and Safety (DMIRS). Albemarle is also actively pursuing potential waste minimisation and reuse opportunities in accordance with Condition 8-1 of MS-1085.

3 STATEMENT OF COMPLIANCE

Table 3-1 presents the compliance status of applicable Ministerial Conditions prescribed in MS-1085. Refer to Appendix A for the completed Post Assessment Form (Statement of Compliance) for MS-1085.

No non-compliances with MS-1085 were identified during the current reporting period.

Notification was provided to DWER (P-74211-0000-DV00-LTR-0203) to advise that several minor wash outs of temporary drainage on site had occurred whereby clean fill material has been washed outside the development envelope due to heavy rainfall events. This occurrence recognises that the temporary drainage as required by the Water Management Plan has not functioned as designed, which may have resulted in a potential failure to comply with the *Environmental Protection (Unauthorised Discharges) Regulations, 2004*. It is considered, however, that the minor washouts did not adversely impact the quality of the receiving environment, including the threatened orchid habitat.

The minor wash outs were cleaned-up and the event has been investigated. The proposed corrective action is to include permanent batter stabilisation in the permanent site road works to be conducted in Q4 2021. In the interim, inspections were being undertaken to identify and remediate any further washouts.

In relation to assessing conformance to approved management plan commitments, the following approach has been taken. Where a particular aspect of a management plan has not been demonstrated to be fully implemented, the management plan conditions and commitments are considered to have been complied with if sufficient evidence exists to demonstrate:

- The management plan had otherwise been substantially implemented.
- Non-compliant items do not present a significant environmental risk and corrective actions have been initiated.
- The overall environmental objectives for that factor have been met.

3.1 Summary of Compliance Status

No non-compliances MS-1085 were identified.

Table 3-1 presents a summary of compliance findings and status for each Condition of MS-1085.

For the purposes of this report, compliance classifications were in accordance with EPA guidelines (EPA, 2012). The definitions of each status are summarised in Appendix B: Compliance Status Definitions.

3.2 Environmental Management Plans

This CAR presents a summary of how each management plan objective has been addressed and is supported by documentary evidence and data in the appended electronic evidence. The status of objectives for the Albemarle Operational Environmental Management Plans are listed below in Table 3-2.

Table 3-1: Audit Findings – Ministerial Statement 1085 – Conditions

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M1-1	Proposal implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.	The authorised extent of the proposal has not been exceeded.	Overall	When implementing the proposal.	Compliant	Refer elements below.
MS1085: M1-1 (a)	Proposal implementation	Table 2 Physical elements: Clearing of no more than 54.31ha of native vegetation and 33.39ha of pine plantation within the Development Envelope of 89.25ha	Extent of clearing was 48.8 ha of native vegetation and 33.39 ha of pine plantation. Post clearing survey map provided by BGC Contracting. Cleared area coordinates confirmed by Wood personnel as complying with designated clearing boundaries (email: Post Clearing Survey 11/06/2019 from Kristina Chandra to Quyen Dao). Development site fully fenced and cleared; no further clearing required.	Construction		Completed	
MS1085: M1-1 (b)	Proposal implementation	Table 2 Operational elements: Process Plant Capacity: No more than 100,000 tonnes of lithium hydroxide product and no more than 200,000 tonnes of sodium sulphate by-product produced per year.	Not yet operational. Initially only 2 trains out of 5 are being constructed; therefore, production will be well below specified limits.	Operation		Compliant	
MS1085: M1-1 (c)	Proposal implementation	Table 2 Operational elements: Tailings Capacity: No more than 1.1 million tonnes per year.	As above.	Operation		Compliant	
MS1085: M2-1	Contact Details	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.	The current official company address is in the ACT; however, EPA Services have been notified of the local WA address for serving notices and the intention is to amend the business address once the onsite administration offices are complete and occupied.	Overall	Within 28 days of change.	Compliant	
MS1085: M3-1	Time limit for substantial commencement	The proposal must be substantially commenced within 5 years from the date of this Statement.	The proposal has substantially commenced. As communicated in the 2020 Compliance Assessment Report (CAR), the date of substantial commencement for the proposal was 2 January 2019.	Construction	Substantial commencement by 26 October 2023.	Completed	
MS1085: M3-2	Time limit for substantial commencement	The proponent must provide to the CEO documentary evidence demonstrating Albemarle Kemerton Plant that they have complied with condition 3-1 no later than 30 days after expiration of 5 years from the date of this Statement.	Section 2.1.1 of 2020 CAR notified DWER of substantial commencement occurring in January 2019.	Construction	Substantial commencement demonstrated by 25 November 2023.	Completed	Refer Section 2.1.1 of this CAR.
MS1085: M4-1	Compliance reporting	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 CAR required by condition 4- 6, or prior to implementation of the proposal, whichever is sooner.	Compliance Assessment Plan (CAP), Revision 0, 12 November 2018 sighted. Email submission to DWER (Edwin Berends to Tania Liaghati) dated 13 November 2018 sighted. CAP approved by DWER on 21 November 2018 (ref. 2018-1542934967508).	Pre-construction	July 2019 or prior to implementation, whichever is sooner.	Compliant	
MS1085: M4-2	Compliance reporting	The CAP 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 CARs; and 6. public availability of CARs.	CAP Revision 0, 12 November 2018 sighted. CAP approved by DWER on 21 November 2018 (ref. 2018-1542934967508).	Pre-construction	CAP to be submitted by 26 July 2019.	Completed	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M4-3	Compliance reporting	After receiving notice in writing from the CEO that the CAP satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the CAP required by condition 4-1.	Letter received from DWER stating the CAP meets the requirements of Condition 4-2 on 21 November 2018 (ref. DWER A-001586). Quarterly audits undertaken to assess compliance with environmental obligations by KASA Consulting (Nick Croston Exemplar registered Lead Environmental Auditor #13656). Annual compliance assessments against MS 1085 undertaken in December 2019, 2020, and October 2021.	Overall	After receiving notice in writing from the CEO.	Compliant	
MS1085: M4-4	Compliance reporting	The proponent shall retain reports of all compliance assessments described in the CAP required by condition 4-1 and shall make those reports available when requested by the CEO.	Albemarle Kemerton Project 2020 annual CAR (P-74211-0000-BA00-RPT-0274) prepared and submitted to CEO on 22 January 2021. Albemarle Kemerton Project 2020 Annual CAR available on the Albemarle website.	Overall	As requested by the CEO.	Compliant	
MS1085: M4-5	Compliance reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance (NC) being known.	No non-compliances against the requirements of MS 1085 were known to have occurred during the reporting period.	Overall	Within 7 days of NC being known.	Compliant	The Compliance Assessment Plan includes the requirement to report non-compliances within 7 days as per this condition.
MS1085: M4-6	Compliance reporting	The proponent shall submit to the CEO the first CAR 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 CAR, or as otherwise agreed in writing by the CEO. The CAR shall: 1. be endorsed by the proponent's CEO 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 CAP; and 5. indicate any proposed changes to the CAP required by condition 4-1.	Albemarle Kemerton Project 2020 CAR (P-74211-0000-BA00-RPT-0274) prepared and submitted to CEO on 22 January 2021. Past CARs include a Compliance Statement, identify any potential non-compliances, are endorsed by the proponents Project Director and are available on the Albemarle website.	Overall	Initial CAR by 26 January 2020 then annually afterwards.	Compliant	
MS1085: M5-1	Public availability of data	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.	Approval documents, including management plans with associated appended datasets relevant to the proposal assessment are publicly available via the Albemarle website. CARs and all associated compliance data are available via the Albemarle website.	Overall	Within a reasonable time period approved by the CEO.	Compliant	
MS1085: M5-2	Public availability of data	If any data referred to in condition 5-1 contains particulars of: 1. a secret formula or process; or 2. confidential commercially sensitive information; 3. 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.	No environmental data considered confidential or commercially sensitive.	Overall	As required.	Not applicable	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M6-1	Flora and vegetation	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 (<i>Drakaea elastica</i>), Dwarf Bee-orchid (<i>Diuris micrantha</i>), Dwarf Hammer-orchid (<i>Drakaea micrantha</i>), Banksia Woodlands of the Swan Coastal Plain and Low lying <i>Banksia attenuata</i> woodlands or shrublands outside of the Albemarle Development Envelope, as shown in Schedule 1.	Albemarle ensures avoidance of direct and indirect impacts to Threatened Flora and communities through implementation of the Albemarle Kemerton Plant Flora and Vegetation Management Plan. Monitoring of the Banksia Woodland threatened ecological community (TEC) undertaken annually to compare the vegetation condition, species richness and species density at permanently established transects and Photographic Monitoring Points (PMPs). Year three monitoring, undertaken in September 2021, identified vegetation to be in very good condition, with no change evident compared to the 2018 – 2020 surveys. Species richness and species density in the 2021 survey was equal or greater than for years 2018, 2019 and 2020.	Overall	For the life of the proposal as approved by the CEO.	Compliant	Also refer to findings in Table 3-2.
MS1085: M6-2	Flora and vegetation	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, <i>Phytophthora cinnamomi</i> (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 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.	Flora and Vegetation Management Plan Rev.1; 30 November 2018 (GHD, 2018a) sighted (available on Albemarle website). Letter acknowledging receipt and satisfaction with the plan received from Anthony Sutton Executive Director of DWER on 3 December 2018 (ref. DWERA-001672).	Pre-construction	Prior to ground-disturbing activities or as otherwise agreed by the CEO.	Completed	Also refer to findings in Table 3-2.
MS1085: M6-3	Flora and vegetation	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 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 Management and Monitoring Plan (FVMMP) and continue implementation of those actions until the trigger criteria are met, or until the CEO has confirmed by notice in writing that it 4. 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.	No criteria had been triggered. Year three monitoring, undertaken in September 2021, identified vegetation to be in very good condition, with no change evident compared to the 2018 – 2020 surveys. Species richness and species density in the 2021 survey was equal or greater than for years 2018, 2019 and 2020.	Overall	Within 21 days of the criteria being triggered.	Not required at this stage	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M6-4	Flora and vegetation	The proponent may review and revise the FVMMP.	FVMMP update submitted to DWER on 24 May 2021. Still awaiting approval at time of writing. Current approved Flora and Vegetation Management Plan Rev.1; 30 November 2018 (Wood, 2018a) current.	Pre-construction Construction	As required.	In progress	
MS1085: M6-5	Flora and vegetation	The proponent shall review and revise the FVMMP as and when directed by the CEO.	The CEO has not requested the Flora and Vegetation Monitoring and Management Plan be reviewed.	Pre-construction Construction	As notified by the CEO.	Not required at this stage	
MS1085: M6-6	Flora and vegetation	The proponent shall implement the latest version of the FVMMP, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-2.	The CEO confirmed the FVMMP satisfied the requirements of condition 6-2 in a letter dated 3 December 2018 (ref. DWERA-001672). The FVMMP has been implemented (see relevant sections of this report for specific findings).	Overall	Following receipt in writing from the CEO that the latest Plan satisfies the requirements set out in condition 6-2.	Compliant	Also refer to findings in Table 3-2.
MS1085: M7-1	Water Management Plan	The proponent shall ensure that construction and ongoing operation of the proposal is undertaken in a manner that: <ul style="list-style-type: none"> maintains the quality and quantity of off-site surface and groundwater, to the receiving environment including but not limited to the Threatened Orchid habitat. 	Water Management Plan Rev. 1, 4 December 2018 (Doc. No. 606541-4500-DV00-PLN-0004). This was in the process of being finalised at the time of writing. See findings below.	Overall	For the life of the proposal as approved by the CEO.	Compliant	
MS1085: M7-2	Water Management Plan	Prior to ground-disturbing activities or as otherwise agreed by the CEO, the proponent shall prepare and submit a Water Management Plan to the CEO, on the advice of the Department of Water and Environmental Regulation. The Plan shall: <ol style="list-style-type: none"> when implemented, substantiate and ensure that condition 7-1 is being met; 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; detail the proposed frequency, timing and indicative locations of groundwater and surface water monitoring for potential contamination; specify trigger criteria that will trigger the implementation of contingency actions to prevent impacts to the receiving environment including Threatened Flora outside of the Development Envelope; specify management or contingency actions to be implemented in the event that the criteria identified required by condition 7-2(4) have been triggered. 	The Water Management Plan Rev.1, 4 December 2018. Correspondence from DWER (ref DWERA-001671) specified the submitted WMP was considered to have met the requirements of condition 7 of MS-1085.	Pre-construction	Prior to ground-disturbing activities or as otherwise agreed by the CEO.	Completed	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M7-3	Water Management Plan	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 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.	Some elevated parameters were detected during 2020 and 2021 monitoring programs; however, monitoring reports specified that results were unlikely to be caused by site activities and are considered a result of background variation (consistent with previous monitoring result advice). Reporting of these exceedances to DWER is therefore not required. At the time of writing the Water Management Plan with site specific trigger values had been updated but was yet to be submitted to DWER for approval.	Overall	Within 21 days of the criteria being triggered.	Compliant	
MS1085: M7-4	Water Management Plan	The proponent may review and revise the Water Management Plan.	At the time of writing the Water Management Plan with site specific trigger values had been updated but was yet to be submitted to DWER for approval.	Pre-construction Construction	As required.	In progress	
MS1085: M7-5	Water Management Plan	The proponent shall review and revise the Water Management Plan as and when directed by the CEO.	CEO has not requested the Water Management Plan be reviewed; however, a revised Water Management Plan which includes revised surface water and groundwater trigger levels based on monitoring undertaken during the construction phase had been updated but was yet to be submitted to DWER for approval.	Pre-construction Construction	As notified by Albemarle or as and when required by the CEO.	Not required at this stage	
MS1085: M7-6	Water Management Plan	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.	Correspondence from DWER (ref DWERA-001671) indicating the submitted Water Management Plan is considered to meet the requirements of condition 7.2 of MS-1085. Surface and groundwater monitoring records demonstrated that quarterly groundwater and monthly surface water monitoring programs had been implemented in accordance with the approved WMP (Wood, 2018d).	Overall	Following receipt in writing from the CEO that the latest Plan satisfies the requirements set out in condition 7-2.	Compliant	
MS1085: M8-1	Terrestrial Environment Quality (Waste management)	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.	Operational condition.	Operation	For the life of the proposal as approved by the CEO.	Not required at this stage	
MS1085: M8-2	Terrestrial Environment Quality (Waste management)	Within 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.	A Waste Management Plan had been prepared and submitted to DWER. At the time of writing the proponent were awaiting notice from the CEO regarding the adequacy of the plan.	Operation	Within 3 years of the publication of the Ministerial Statement or as otherwise agreed by the CEO.	In progress	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M8-3	Terrestrial Environment Quality (Waste management)	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.	See MS-1085: M8-2.	Operation	After receiving notice in writing from the CEO that the Waste Management Plan satisfies the requirements of condition 8-2 and 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.	Not required at this stage	
MS1085: M8-4	Terrestrial Environment Quality (Waste management)	The proponent may review and revise the Waste Management Plan.	See MS-1085: M8-2.	Operation	As required.	Not required at this stage	
MS1085: M8-5	Terrestrial Environment Quality (Waste management)	The proponent shall review and revise the Waste Management Plan as and when directed by the CEO.	See MS-1085: M8-2.	Operation	As notified by Albemarle or as and when required by the CEO.	Not required at this stage	
MS1085: M8-6	Terrestrial Environment Quality (Waste management)	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.	See MS-1085: M8-2.	Operation	Following receipt in writing from the CEO that the latest Plan satisfies the requirements set out in condition 8-2.	Not required at this stage	
MS1085: M9-1	Greenhouse gas (GHG) reporting	The proponent shall manage the implementation of the proposal to meet the following environmental objective: • avoid, where possible, and minimise greenhouse gas emissions as far as practicable.	Greenhouse Gas (GHG) minimisation measures for the construction and operation of the facility include measures related to the selection of fuel and energy sources, plant process and technology that maximise energy efficiency and reduce emissions. Examples where energy efficiency measures have been incorporated in the design include: • - The Causticization heat exchanger is an example of heat recovery. • - The MVR units have intrinsic heat recovery by design. • - Improved water balance example is a general preference of using condensate rather than fresh RO water to produce the process water used on the belt filters.	Overall	For the life of the proposal as approved by the CEO.	Compliant	Note – There are only two controls referenced in the GGMP for the construction phase: • Maintenance of vehicles; and • Selection of low emission producing plant.
MS1085: M9-2	GHG reporting	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.	Greenhouse Gas Management Plan Rev.1 – 29 November 2018 was approved by DWER on 30 November 2018 (2018-1543792895355).	Pre-construction	Prior to construction commencement or as otherwise agreed by the CEO.	Completed	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M9-3	GHG reporting	The Greenhouse Gas (GHG) 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.	Greenhouse Gas Management Plan Rev.1 – 29 November 2018. Correspondence from DWER (ref DWERA-001589) indicates the submitted GHG MP is considered to meet the requirements of condition 9 of MS-1085.	Overall	For the life of the proposal as approved by the CEO.	Completed	
MS1085: M9-4	GHG reporting	The proponent may review and revise the GHG Management Plan.	Albemarle is yet to revise the GHG Management Plan.	Overall	As required	Not required at this stage	
MS1085: M9-5	GHG reporting	The proponent shall review and revise the Greenhouse Gas Management Plan as and when directed by the CEO.	CEO is yet to direct the proponent to review and revise the Greenhouse Gas Management Plan.	Overall	As required	Not required at this stage	
MS1085: M9-6	GHG reporting	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.	Greenhouse Gas Management Plan Rev.1 – 29 November 2018. The GHG Management Plan was being implemented, where applicable for construction, and GHG efficient design being developed for operation (see above findings).	Overall	Until the CEO has confirmed by notice in writing that the plan meets the objective specified in condition 9-1.	Compliant	Construction activities do not require reporting as emissions do not exceed threshold levels (estimated 20,617 t CO ₂ -e (6,774 t CO ₂ -e diesel consumption and 13,843 t CO ₂ -e loss of carbon sink from vegetation clearing).
MS1085: M10-1	Offsets	The proponent shall undertake an offset with the objective of counterbalancing the significant residual impact to 6.37 ha of 'low lying <i>Banksia attenuata</i> woodlands or shrublands' and 45.73 ha of foraging habitat, including 14.45 ha of potential breeding habitat for Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>) and Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) as a result of implementation of the proposal.	Offset strategy prepared and submitted (see findings for MS-1085 10-1 to 10.5 below). A s46 application has been submitted to EPA Services to revise the conditions relating to offsets and is currently being assessed (Assessment 2232). Specifically, those relating to Condition 10-1 and Condition 10-2 (1) of MS-1085 to reflect a reduction in clearing requirements that relate to changes presented in a Section 45C application. Changes included: <ul style="list-style-type: none"> reducing the size of the development envelope by 5.51 ha (and subsequently reduce the extent of clearing by 5.51 ha and amended Figure 1 of Schedule 1 to reflect this change). to remove reference to "6.37 ha of low lying <i>Banksia attenuata</i> woodlands or shrublands". An offset area has been identified and a subdivision application for the offset area has been logged with the Department of Planning (confirmed by email from Development WA, Simon Thompson 17-11-20); however, a letter from DBCA has specified that 'Recognising the potential future significance of industrial development at Kemerton, formal reservation and management of areas within the KSIA core, or buffer areas as dedicated reserves managed under the CALM Act may not be feasible.'	Overall	As defined in the offset strategy.	In progress	S46 and S45C application to change condition 10-1 of MS-1085 to remove reference to "6.37 ha of low lying <i>Banksia attenuata</i> woodlands or shrublands" has been submitted and is currently being assessed by the EPA (Assessment 2232).

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M10-2	Offsets	<p>Within twelve months of the publication of this Statement, the proponent shall prepare and submit an Offset Strategy to the CEO. The Offset Strategy shall:</p> <ol style="list-style-type: none"> 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: 6. the quantum of, and provide funds for, the upfront works associated with establishing the conservation area; 7. the quantum of, and provide a contribution of funds for, the management of this area for the first 20 years after completion of purchase, and 8. an appropriate management body for the ceded land. 9. identify any threats to offset values and provide management and/or rehabilitation actions to be undertaken to address the threats including: 10. the objectives and targets to be achieved, including completion criteria; 11. management and/or rehabilitation actions and a timeframe for the actions to be undertaken; 12. funding arrangements and timing of funding for conservation activities; and 13. monitoring requirements for activities. 14. define the role of the proponent and/or any third parties. 	<p>Offset Strategy prepared and submitted in October 2019 (Albemarle Kemerton Plant Offset Strategy ref- ALB-KEM-PLA-01). The strategy is currently being assessed by DWER.</p> <ul style="list-style-type: none"> • Email to DBCA (15/07/2020) sighted with updated Offset Strategy (Rev 1 25/06/20) and appendices; and formal request for confirmation that the offset strategy and cost estimate is adequate. • Offset report 'Lot 42 Wellesley Road North, Kemerton Offset Site Study Report (June 2018) prepared, including identification of environmental values and assessment against the "six principles". • Offset Strategy includes; management actions (Section 8.3), threats and response mechanisms (Section9), objectives, targets and completion criteria (Section 10), monitoring requirements (Section 11) and roles and responsibilities (Section 13). • Offset strategy states Albemarle is proposing to undertake a land acquisition and transferring it to conservation estate as an offset for the significant residual impact of the Proposal. • Email to Development WA from Clayton Brandwood (20/07/2020) identifying 81ha offset area and requesting subdivision plan to progress transfer of land to the crown. • A subdivision application for the offset area has been logged with the Department of Planning (confirmed by email from Development WA, Simon Thompson 17-11-20) • "Detailed discussion will occur with DBCA on the offset activities and costs once the EPA approve the s46 application. • The Offset Site is proposed to be a conservation estate vested in the Conservation and Parks Commission of WA (The Commission) and managed by DBCA; however, correspondence from DBCA (Nicolas Woolfrey, Manager Environmental Management Branch ref. 2018/002130 dated 19 August 2020) states that 'DBCA's future role in management of lands within the KSIA boundary is uncertain and dependent on Government expectations and resource availability. These aspects will be the subject of consideration and discussion as part of development of the strategic proposal for KSIA. Recognising the potential future significance of industrial development at Kemerton, formal reservation and management of areas within the KSIA core, or buffer areas as dedicated reserves managed under the CALM Act may not be feasible.' • Twenty-year cost management estimate submitted by Albemarle (NACMS, 2018) was considered by DBCA to be commensurate with DBCA's expectations for similar conservation areas. 	Construction	26 October 2019	Compliant	

Audit Code	Subject	Requirement	Evidence	Phase	Timeframe	Status	Further Information
MS1085: M10-3	Offsets	<p>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:</p> <ol style="list-style-type: none"> implement the actions in accordance with the requirements of the approved Offsets Strategy; and 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. 	<p>Albemarle Kemerton Plant awaiting response from the Department whether the Strategy satisfies the requirements of condition 10-2. DBCA have provided initial comment on the Offset Strategy; however, the Department is not expected to provide formal notice regarding the adequacy of the Offset Strategy until the Section 45c is approved by EPA.</p>	Overall	<p>After receiving notice in writing from the CEO, that the Offset Strategy satisfies the requirements of condition 10-2 and 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.</p>	In progress	
MS1085: M10-4	Offsets	<p>The proponent shall review and revise the Offset Strategy as and when directed by the CEO.</p>	<p>No formal request received from CEO to update Offset Strategy; however, email to DBCA (15/07/2020) sighted with updated Offset Strategy (Rev 1 25/06/20) and appendices.</p>	Overall	As required.	Not required at this stage	<p>It is acknowledged that the Strategy will require refining through further discussions with DBCA and EPA.</p>
MS1085: M10-5	Offsets	<p>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.</p>	<p>Albemarle Kemerton Plant awaiting response from the Department whether the Strategy satisfies the requirements of condition 10-2.</p>	Overall	As defined in the Offset Strategy.	Not required at this stage	

Table 3-2: Environmental Management Plans Objective's Status

EMP	Subject	Key Objectives	Target	Status	Comments
FVMMP	Orchids	Avoid indirect impact to known threatened orchid species.	No reportable decline of nearby Endangered/ Declared Rare Flora (DRF) <i>Drakaea elastica</i> individuals or habitat, attributable to the Project.	Compliant	Year 3 annual vegetation survey undertaken in September 2021. The survey report (Onshore Environmental, 2021) identified no reportable decline of nearby Endangered/ Declared Rare Flora (DRF) <i>Drakaea elastica</i> individuals or habitat, attributable to the Project.
FVMMP	TEC/PEC	Avoid indirect impact to vegetation and flora (<i>Banksia</i> Woodland TEC / Low lying <i>Banksia attenuata</i> woodlands or shrublands PEC) outside of the Development Envelope.	No reportable decline to adjacent areas representative of the <i>Banksia</i> Woodlands of the Swan Coastal Plain TEC/ Low lying <i>Banksia attenuata</i> woodlands or shrublands PEC, attributable to the Project. No incidents of fire originating within, and spreading outside of, the Development Envelope.	Compliant	Monitoring of the <i>Banksia</i> Woodland TEC undertaken in September 2021 compared the vegetation condition, species richness and species density at permanently established transects and Photographic Monitoring Points (PMPs). The survey report (Onshore Environmental, 2021) identified no statistical differences ($p > 0.5$) between species richness or species densities between the base survey in 2018 (GHD, 2018b) and the 2019 (GHD, 2019a) or 2020 (GHD, 2020) surveys at any of the monitoring transects or control transects. A review of the project incident register confirmed no incidents of fire had been recorded within the development envelope.
FVMMP	Clearing	Avoid clearing or removal of vegetation and flora (<i>Banksia</i> Woodland TEC / Low lying <i>Banksia attenuata</i> woodlands or shrublands PEC) outside of the Development Envelope.	No incidents of vegetation clearing outside of the approved Development Envelope.	Compliant	No clearing undertaken during the reporting period. No further clearing anticipated.

EMP	Subject	Key Objectives	Target	Status	Comments
FVMMP	Weeds	Prevent introduction and/or spread of weeds into adjacent areas.	<p>No new Declared Weeds or Weeds of National Significance within surrounding vegetation, attributable to the Project.</p> <p>No significant increase in weed cover within immediately adjacent vegetation, attributable to the Project.</p>	Compliant	<p>Quarterly weed surveys have identified no discernible changes in weedy grass or herb densities and new weed species.</p> <p>No occurrences of <i>*Gomphocarpus fruticosus</i> (Narrowleaf Cottonbush), a species listed as Declared Pest under the <i>Biosecurity and Agriculture Management Act 2007</i> have been recorded following identification and removal of two plants in 2019.</p> <p>All vehicles and mobile equipment coming to site are required to complete a hygiene inspection as per the Vehicles, Mobile Plant and Equipment procedure (Doc. No. 606541-7400-AA00-PRO-0011). Records of inspections sighted.</p>
FVMMP	Dieback	Prevent introduction and/or spread of Dieback into adjacent areas.	No evidence of new Dieback infestation identified within immediately adjacent areas/vegetation resulting from the Project.	Compliant	Quarterly Phytophthora dieback surveys have identified no signs of new occurrences of Dieback infestations within the survey area.
Water MP	Water	To ensure that the quality and quantity of surface water and groundwater flows from the site are maintained relative to pre-development conditions, to protect the receiving environment.	To not exceed trigger values for process related analytes.	Compliant	<p>Quarterly groundwater monitoring program in 2020 and 2021 identified some elevated parameters; however, Tier 2 assessments had been undertaken and all exceedances could be attributed to background concentrations that were not associated with site activities.</p> <p>At the time of writing a revised Water Management Plan with site specific trigger values had been submitted to DWER for approval.</p>

EMP	Subject	Key Objectives	Target	Status	Comments
GHG MP	Green-house gas emissions	Avoid, where possible, and minimise greenhouse gas emissions as far as practicable.	The minimisation of scope 1 and scope 2 emissions arising from the construction phase and operation of the facility.	Not required at this stage	There will be no scope 2 emissions during construction. Construction emissions are estimated to be approximately 3% of peak operational emissions.

4 REFERENCES

- Ecoedge. (2018). *Lot 42 Wellesley Road North, Kemerton Offset Site Study Report*. Bunbury, Western Australia: Prepared for GHD on behalf of Albemarle, unpublished.
- GHD. (2017). *Albemarle Kemerton Plant. Environmental Management Plan, Rev 0 (November 2017)*.
- GHD. (2018a). *Flora and Vegetation Management Plan Rev.1; 30 November 2018*.
- GHD. (2018b). *Banksia Woodland Threatened Ecological Community and Drakaea elastica Baseline Monitoring*. Unpublished report prepared for Albemarle Lithium Pty Ltd, Perth.
- GHD. (2019a). *Banksia Woodland Threatened Ecological Community and Drakaea elastica First Year Monitoring (November 2019)*. Unpublished report prepared for Albemarle Lithium Pty Ltd, Perth.
- GHD. (2019b). *Construction Phase Environmental Services Mosquito Management Plan*. Report for Wood PLC (August 2019).
- GHD. (2020). *Kemerton Banksia Woodland Threatened Ecological Community and Drakea elastica - Second Year Monitoring, November 2020*. Perth: Unpublished report prepared for Albemarle Lithium Pty Ltd.
- NACMS. (2018). *Lot 42, Wellesley Road North, Kemerton Offset Site 20 Year Management Estimate*. Perth: Natural Areas Consulting Management Services.
- OEPA. (2012). *Post Assessment Guideline for Preparing a Compliance Assessment Report, Post Assessment Guideline No. 3*. East Perth, WA: Office of the Environmental Protection Authority, Western Australia (August 2012).
- Onshore Environmental. (2021). *Banksia Woodland Threatened Ecological Community and Drakaea elastica Spring 2021 Monitoring (November 2021)*. Perth: Unpublished report prepared for Albemarle Lithium Pty Ltd.
- Preston. (2019). *Albemarle Kemerton Plant Offset Strategy – Ministerial Statement 1085*. Prepared for Albemarle (ALB-KEM-PLA-01) 24 October 2019.
- RPS. (2020). *Annual Compliance Report for 2019 for Water Management Plan (EWP72723.008) Rev 0 (26 March 2020)*.
- Wood. (2018a). *Albemarle Kemerton Plant. Flora and Vegetation Monitoring and Management Plan, Rev 1 (November 2018)*.
- Wood. (2018b). *Albemarle Kemerton Plant. Greenhouse Gas Management Plan, Rev 1 (November 2018)*.
- Wood. (2018c). *Albemarle Kemerton Plant. Compliance Assessment Plan, Rev 1 (November 2018)*.
- Wood. (2018d). *Albemarle Kemerton Plant. Water Management Plan, Rev 1 (December 2018)*.
- Wood. (2019a). *Albemarle Kemerton Plant. Construction Environmental Management Plan, Rev 2 (January 2019)*.
- Wood. (2019b). *Albemarle Kemerton Plant. Emergency Management Plan, Rev 1 (March 2019)*.

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APPENDICES

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Appendix A: Post Assessment Form for Statement of Compliance

Statement of Compliance

1. Proposal and Proponent Details

Proposal Title	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 kms north-east of Bunbury Western Australia. The proposal includes construction of up to five lithium hydroxide product process trains and associated infrastructure.
Statement Number	1085
Proponent Name	Albemarle Lithium Pty Ltd
Proponent's Australian Company Number <i>(where relevant)</i>	618 095 471

2. Statement of Compliance Details

Reporting Period	26/10/20 to 25/10/21
------------------	----------------------

Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))							
Pre-construction	<input type="checkbox"/>	Construction	<input checked="" type="checkbox"/>	Operation	<input type="checkbox"/>	Decommissioning	<input type="checkbox"/>

Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment:	Section 3.1

Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box)			
No (please proceed to Section 3.1.1)	<input type="checkbox"/>	Yes (please proceed to Section 4)	<input checked="" type="checkbox"/>

3. Details of Non-compliance(s) and/or Potential Non-compliance(s)

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

Non-compliance/potential non-compliance 3-1

Which implementation condition or procedure was non-compliant or potentially non-compliant?
Was the implementation condition or procedure non-compliant or potentially non-compliant?
On what date(s) did the non-compliance or potential non-compliance occur (if applicable)?

Was this non-compliance or potential non-compliance reported to the Chief Executive Officer, DWER?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER in writing Date _____	<input type="checkbox"/> No

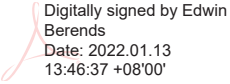
What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance?
What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates)
What was the cause(s) of the non-compliance or potential non-compliance?
What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?
What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence?
Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance)

For additional non-compliance or potential non-compliance, please duplicate this page as required.

Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.
 INITIALS: EMB

4. Proponent Declaration

I, Edwin Berends, VP Engineering - Kemerton Project Director, (full name and position title)
 declare that I am authorised on behalf of Edwin Berends, VP Engineering - Kemerton Project Director
 (being the person responsible for the proposal) to submit this form and that the information
 contained in this form is true and not misleading.

Signature: Edwin Berends  Digitally signed by Edwin Berends
 Date: 2022.01.13 13:46:37 +08'00'
 Date: 13-Jan-2022

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the Chief Executive Officer of the DWER has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

5. Submission of Statement of Compliance

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER does not approve Statements of Compliance.

6. Contact Information

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)

Department of Water and Environmental Regulation

Postal Address: Locked Bag 10
 Joondalup DC
 WA 6919

Phone: (08) 6364 7000

Email: compliance@dwer.wa.gov.au

7. Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au

Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.
 INITIALS: EMB

ATTACHMENT 1

Table 1 Compliance Status Terms

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending.	The term 'In Process' may not be used for any purpose other than that stated in the Definition Column. The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan).

Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.

INITIALS: EMB

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Appendix B: Compliance Status Definitions

Compliance Status	Definition	Notes
Compliant	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> • Ongoing requirements that have been met during the reporting period; and • Requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> • Audit elements have a finite period of application (e.g., construction activities, development of a document); • The requirement has been satisfactorily completed; and • The Office of the Environmental Protection Authority (EPA Services) has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'phase' column of the audit table.
Potentially Non-Compliant	Possible or likely failure to meet the requirements of the audit element.	This term may only be used where during the reporting period the proponent has identified a potential noncompliance and has not yet finalised its investigations to determine whether noncompliance has occurred. Where this term is used, the proponent should advise when investigations will be finalised and provide follow up advice of the outcome.
Non-compliant	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element have not been met during the reporting period and its status is not 'completed'.
In Progress	Where an audit element requires a management or monitoring plan be submitted to the EPA Services or another government agency for approval, that submission has been made and no further information or changes have been requested by the EPA Services or the other government agency and assessment by the EPA Services or other government agency for approval is still pending.	The term 'In process' must only be used for the purpose stated in the definition column. 'In process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires ongoing implementation throughout the life of the project (e.g., implementation of a management plan).