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Statement No. 1187

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

ALBEMARLE KEMERTON PLANT

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

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

Proponent Address: Level 7, 197 St Georges Terrace
Perth, Western Australia 6000

Assessment Number: 2230 and 2296

Report of the Environmental Protection Authority: 1717

Preceding Statement/s Relating to this Proposal: 1085

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 1085, be changed as specified in this Statement.

Conditions 9 and 10 of Ministerial Statement 1085 are deleted and replaced with:

9 Greenhouse Gas Management

9-1 Subject to condition 9-3, the proponent shall take measures to ensure that **PS Net GHG Emissions** do not exceed:

- (1) 956,000 tCO₂-e for the period 1 January 2021 to 31 December 2024;
- (2) 1,195,000 tCO₂-e for the period 1 January 2025 to 31 December 2029;
- (3) 1,186,000 t CO₂-e for the period 1 January 2030 to 31 December 2034;

- (4) 1,110,000 tCO₂-e for the period between 1 January 2035 and 31 December 2039;
- (5) 960,000 tCO₂-e for the period between 1 January 2040 and 31 December 2044;
- (6) 700,000 tCO₂-e for the period between 1 January 2045 and 31 December 2049; and in any event; and
- (7) zero tonnes of CO₂-e for every five (5) year period from 1 January 2050 onwards.

9-2 Subject to condition 9-3, the proponent shall take measures to ensure that **Plant Net GHG Emissions** do not exceed;

- (1) 1,240,000 tCO₂-e for the period between 1 January 2021 and 31 December 2024;
- (2) 1,550,000 tCO₂-e for the period between 1 January 2025 and 31 December 2029
- (3) 1,000,000 tCO₂-e for the period between 1 January 2030 and 31 December 2034;
- (4) 1,000,000 tCO₂-e for the period between 1 January 2035 and 31 December 2039;
- (5) 1,000,000 tCO₂-e for the period between 1 January 2040 and 31 December 2044;
- (6) 740,000 tCO₂-e for the period between 1 January 2045 and 31 December 2049; and in any event; and
- (7) zero tonnes of CO₂-e for every five (5) year period from 1 January 2050 onwards.

9-3 Where the time between the **Commencement of Operations** and the end of a period specified in conditions 9-1 and 9-2 is less than five (5) years, the **PS Net GHG Emissions** or **Plant Net GHG Emissions** limit for that period is to be determined in accordance with the following formula:

$$\text{Reduced Net GHG Emissions limit} = \frac{A}{B} * C$$

Where:

A is the relevant **Net GHG Emissions** limit for the periods as specified in condition 9-1 or 9-2.

B is the time (in days) in the relevant period

C is the days remaining between the **Commencement Date** and the end of the relevant period.

9-4 The proponent shall implement the *Albemarle Kemerton Plant Greenhouse Gas Management Plan (Final Version, 8 October 2021)* which includes the following:

- (1) is consistent with the achievement of the **PS Net GHG Emissions** and **Plant Net GHG Emissions** limits in conditions 9-1 and 9-2 subject to the adjustment provided for in condition 9-3 (or achievement of emission reductions beyond those required by those emission limits);
- (2) estimated **Proposal GHG Emissions** and **Emissions Intensity** for the life of the proposal;
- (3) compare estimated **Proposal GHG Emissions** and **Emissions Intensity** for the life of the proposal against other comparable facilities;
- (4) identify and describe any measures that the proponent will implement to avoid, reduce and/or offset **Proposal GHG Emissions** and/or reduce the **Emissions Intensity** of the proposal; and
- (5) provide a program for the future review of the plan to:
 - (a) assess the effectiveness of measures referred to in condition 9-4(4); and
 - (b) identify and describe options for future measures that the proponent may or could implement to avoid, reduce, and/or offset **Proposal GHG Emission** and/or reduce the **Emissions Intensity** of the proposal.

9-5 The proponent:

- (1) may revise and submit to the CEO the **Confirmed** Greenhouse Gas Management Plan at any time;
- (2) must revise and submit to the CEO the **Confirmed** Greenhouse Gas Management Plan if there is a material risk that conditions 9-1 and 9-2 will not be complied with, including but not limited to as a result of a change to the proposal;
- (3) must revise and submit to the CEO the **Confirmed** Greenhouse Gas Management Plan by the date that the first five (5) yearly consolidated report is required to be submitted under condition 9-10(1) and every five (5) years after that date; and
- (4) must revise and submit to the CEO the **Confirmed** Greenhouse Gas Management Plan as and when directed to by the CEO.

9-6 Within one (1) month of receiving confirmation in writing from the CEO that:

- (1) the Greenhouse Gas Management Plan referred to in condition 9-4 satisfies condition 9-4; or

- (2) any subsequent version of the **Confirmed** Greenhouse Gas Management plan submitted under condition 9-5 satisfies condition 9-4,

the proponent must submit a separate summary of the relevant plan to the CEO for public disclosure, which must:

- (3) include a summary of the matters specified in conditions 9-4(1) to 9-4(4); and
- (4) be published as required by condition 9-11(2).

9-7 The proponent shall implement the most recent version of the **Confirmed** Greenhouse Gas Management Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the **Net GHG Emission** limits in conditions 9-1 and 9-2 have been met.

9-8 The proponent shall submit an annual report to the CEO each year by 31 March, commencing on the first 31 March after the **Commencement of Operations**, or such other date within that financial year as is agreed by the CEO to align with other reporting requirements for **GHG**, specifying for the previous calendar year:

- (1) the quantity of **Proposal GHG Emissions** and lithium hydroxide produced; and
- (2) the **Emissions Intensity** for the proposal.

9-9 The proponent shall submit to the CEO by 31 March 2030 or such other date within that financial year as is agreed by the CEO to align with other reporting requirements for GHG, and every fifth year thereafter:

- (1) a consolidated report specifying:
 - (a) for each of the preceding five (5) calendar years, the matters referred to in conditions 9-8(1) and (2);
 - (b) for the period specified in condition 9-1 and 9-2 that ended on 30 June of the year before the report is due:
 - i. the quantity of **Proposal GHG Emissions**;
 - ii. the **Net GHG Emissions, PS Net GHG Emissions** and **Plant Net GHG Emissions**;
 - iii. the type, quantity, identification or serial number, and date of retirement or cancellation of any **Authorised Offsets** which have been retired or cancelled and which have been used to calculate the **Net GHG Emissions, PS Net GHG Emissions** and **Plant Net GHG Emissions**; referred to in

condition 9-9(1)(b) ii, including written evidence of such retirement or cancellation; and

iv. any measures that have been implemented to avoid or reduce **Proposal GHG Emissions**;

(2) an audit and peer review report of the consolidated report required by condition 9-9(1), carried out by an independent person or independent persons with suitable technical experience dealing with the suitability of the methodology used to determine the matters set out in the consolidated report, whether the consolidated report is accurate and whether the consolidated report is supported by credible evidence.

9-10 A consolidated report referred to in condition 9-9(1) must be accompanied by:

(1) a revision of the **Confirmed** Greenhouse Gas Management Plan under condition 9-5(3); and

(2) a separate summary report, for the period specified in conditions 9-1 and 9-2 that ended on 30 June of the year before the report is due and any previous periods specified in condition 9-1 and 9-2, and which includes:

(a) a graphical comparison of **PS Net GHG Emissions** with the **PS Net GHG Emissions** limits detailed in conditions 9-1 (subject to the adjustment provided for in condition 9-3);

(b) a graphical comparison of **Plant Net GHG Emissions** with the **Plant Net GHG Emissions** limits detailed in condition 9-2 (subject to the adjustment provided for in condition 9-3);

(c) proposal **Emissions Intensity** compared to comparable facilities;

(d) a summary of measures undertaken by the proponent to avoid or reduce **Proposal GHG Emissions** for compliance periods detailed in conditions 9-1 and 9-2; and

(e) a clear statement as to whether limits for **PS Net GHG Emissions** and **Plant Net GHG Emissions** set out in conditions 9-1 and 9-2 have been met, and whether future **PS Net GHG Emissions** and **Plant Net GHG Emissions** limits are likely to be met, including a description of any reasons why those limits have not been, and/or are unlikely to be met.

9-11 The proponent shall make the **Confirmed** Greenhouse Gas Management Plan, the summary of that plan, and all reports required by condition 9 publicly available on the proponent's website within the timeframes specified below for the life of the proposal, or in any other manner or time specified by the CEO:

- (1) any **Confirmed** Greenhouse Gas Management Plan, within two (2) weeks of receiving written confirmation from the CEO as referred to in condition 9-6;
- (2) the summary of any **Confirmed** Greenhouse Gas Management Plan referred to in condition 9-6 and the reports referred to in conditions 9-8, 9-9 and 9-10 within two (2) weeks of submitting the document to the CEO.

10 Offsets

- 10-1 The proponent shall undertake an offset with the objective of counterbalancing the significant residual impact to 40.4 ha of foraging habitat, including 9.12 ha of potential breeding habitat for Carnaby's black cockatoo (*Calyptorhynchus latirostris*), forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) and Baudin's black cockatoo (*Calyptorhynchus baudinii*) as a result of implementation of the proposal.
- 10-2 Within twelve (12) months of the publication of this Statement, the proponent shall prepare and submit an Offset Strategy to the CEO. The Offset Strategy shall:
- (1) identify an initially unprotected area or areas to be protected and managed for conservation that contains the foraging habitat values identified in condition 10-1;
 - (2) demonstrate how the proposed offset counterbalances the significant residual impact through consideration of the six principles and completion of the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines 2014*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012) in conjunction with the associated Offsets assessment guide;
 - (3) identify the environmental values of the offset area(s);
 - (4) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under other suitable mechanisms as agreed by the CEO;
 - (5) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will identify:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;
 - (b) the quantum of, and provide a contribution of funds for, the management of this area for the first twenty (20) years after completion of purchase; and

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

[signed on 15 March 2022]

Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Affected decision-making authorities consulted under section 46(8A):

Department of Water and Environmental Regulation Department of Mines, Industry Regulation and Safety Chief Health Officer, Department of Health Shire of Harvey
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