



EPBC 2017/8099 Annual Compliance Report 2021

Albemarle Lithium Hydroxide Manufacturing Plant, Kemerton WA

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0	10-Jan-22	Final	E. Ganser	N. Croston	J. Day	B. Prowse	E. Berends

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:	
Full name (please print):	Edwin Berends
Position (please print):	VP Engineering - Kemerton Project Director
Organisation (please print including ABN/ACN if applicable):	Albemarle Lithium Pty Ltd. ACN 618 095 471
Date:	12-Jan-2022

EXECUTIVE SUMMARY

This Annual Compliance Report (ACR) has been prepared by KASA Consulting on behalf of Albemarle Lithium Pty Ltd (ACN 618 095 471). The purpose of this ACR is to satisfy the requirements of Condition 10 of *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval (EPBC 2017/8099) for the Albemarle Lithium Hydroxide Manufacturing Plant Project (the Project).

The approved action is to construct and operate a lithium hydroxide product manufacturing plant located in Kemerton Strategic Industrial Area (KSIA), approximately 17 km north-east of Bunbury, Western Australia. The Project commenced in January 2019. The first ACR covered the period from 2 January 2020 – 1 January 2021; however, following discussions with the Department of Agriculture, Water and the Environment (DAWE), DAWE has approved Albemarle's request to align the ACR reporting period with the Compliance Assessment Report (CAR) reporting period, required under the State approval, Ministerial Statement 1085. This report has therefore been prepared for the period 2 January 2021 to 25 October 2021. The report has been prepared in accordance with the Annual Compliance Report Guidelines (DoE, 2014).

A review of the Project compliance against the conditions of EPBC 2017/8099 identified that no conditions were non-compliant.

GLOSSARY

Term	Definition
ACN	Australian Company Number
ACR	Annual Compliance Report
CAP	Compliance Assessment Plan
CAR	Compliance Assessment Report
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
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
OEMP	Operational Environmental Management Plan
PMP	Photographic Monitoring Point
SWIS	South West Interconnected System
TEC	Threatened Ecological Community
The Project	Albemarle Lithium Hydroxide Manufacturing Plant Project
WMP	Water Management Plan

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1 DESCRIPTION OF ACTIVITIES

1.1 Purpose of Report

This Annual Compliance Report (ACR) has been prepared by KASA Consulting on behalf of Albemarle Lithium Pty Ltd (ACN 618 095 471). The purpose of this ACR is to satisfy the requirements of Condition 10 of *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval EPBC 2017/8099 for the Albemarle Lithium Hydroxide Manufacturing Plant Project (the Project).

The approved action is to construct and operate a lithium hydroxide product manufacturing plant located in Kemerton Strategic Industrial Area (KSIA), approximately 17 km north-east of Bunbury, Western Australia. The Project commenced in January 2019.

This ACR has been prepared to meet the requirements imposed on the Project by the Commonwealth Minister for Environment, through EPBC 2017/8099.

Condition 10 of EPBC 2017/8099 specifically states:

The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:

- a. publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- c. keep all compliance reports publicly available on the website until this approval expires;*
- d. exclude or redact sensitive ecological data from compliance reports published on the website; and*
- e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

This ACR provides the status of compliance against all audit elements prescribed under EPBC 2017/8099, as well as an assessment of how implementation of the environmental management plans has met defined environmental objectives during the reporting period 2 January 2021 through 25 October 2021¹.

1.2 Report Structure

This ACR has been prepared in accordance with the former Department of Environment and Energy (DoEE) (now Department of Agriculture, Water and the Environmental (DAWE)) Annual Compliance Report Guidelines, 2014.

¹ In a letter to DAWE dated 2 June 2021 Albemarle requested a change to the annual reporting period under Condition 10 of EPBC 2017/8099 from 2 January – 1 January, to align with the MS 1085 reporting period of 26 October – 25 October. Approval was granted on 2 August 2021 (see Appendix A of this report). As this is the transitional year, the reporting period covers 2 January 2021 to 25 October 2021.

1.3 Project Details

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

The Kemerton Lithium Hydroxide 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 lithium hydroxide product and sodium sulphate by-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.

Figure 1-1: Project Site Regional Location



2 SUMMARY OF PROPOSAL'S IMPLEMENTATION STATUS

2.1 Project Milestones

The Project was environmentally assessed and approved by DoEE (now DAWE) under sections 130(1) and 133(1) of the EPBC Act, and under Part IV of the Western Australian *Environmental Protection Act 1986* (EP Act) by the Environmental Protection Authority (EPA). A summary of Environmental approvals issued is provided in Table 2-1 below.

Table 2-1: Summary of Key Environmental Approvals History

Jurisdiction	Instrument	Description	Date
Federal	EPBC 2017/8099	Granted approval for action to construct and operate a lithium hydroxide manufacturing plant.	26 November 2018
State	Ministerial Statement– (MS) - 1085	Gained environmental approval, Part IV, EP Act.	26 October 2018
State	Works Approval W6154/2018/1	Granted to the Works Approval Holder, subject to the prescribed conditions.	16 November 2018
State	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 on 2 January 2019 and has progressed in accordance with the defined program. DoEE were provided with notice of substantial commencement by email on 10 January 2019 and acknowledged receipt via letter (DoEE ref. 2017/8099).

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 comprises five lithium hydroxide conversion trains 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 that would have had a potential impact on environmental performance 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.

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 Western Australian *Environmental Protection Act, 1986* was submitted to the EPA on 17 October 2019 to address the following proposed changes to MS-1085:

- 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.
- Include construction and operation of a power station.

An application was also 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.

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 Conditions prescribed in EPBC 2017/8099. Refer to Table 3-2 for the Statement of Compliance for MS-1085 Conditions referred to in the EPBC approval.

No non-compliances with EPBC 2017/8099 were identified during the current reporting period.

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

3.1 Designations to Record Compliance

For the purposes of this report, compliance classifications were in accordance with Annual Compliance Report Guidelines (2014). The definitions of each status are as follows:

- Compliant – ‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
- Non-compliant – A designation of ‘non-compliance’ should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
- Not applicable - A designation of ‘not applicable’ should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

3.2 Environmental Management Plans

This ACR 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 (OEMPs) are listed in Table 3-3 below.

Table 3-1: Audit Findings – EPBC Approval 2017/8099 – Conditions

Condition No.	Area	Condition	Evidence / Comments	Status
1	Vegetation	For the protection of the protected matters, the approval holder must not clear more than 54.31 hectares of native vegetation and 33.39 ha of pine plantation within the project area.	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).	Compliant
2	Vegetation	To mitigate the impacts of the action to the protected matters, the approval holder must comply with and implement conditions 6-1 to 6-6 and 7-1 to 7-6 of Ministerial Statement 1085.	See findings for conditions 6-1 to 6-6 and 7-1 to 7-6 of Ministerial Statement 1085 in Table 3-2 below.	Compliant
3	Offsets	To offset the impacts of the action to the protected matters, the approval holder must:		
3a	Offsets	Implement conditions 10-1 to 10-5 of Ministerial Statement 1085	Status of implementation of Ministerial Conditions 10-1 to 10-5 detailed in Table 3-2 below.	Not Applicable
3b	Offsets	Within 20 business days of finalizing the Offset Strategy required by conditions 10-1 to 10-5 of Ministerial Statement 1085, provide the Department with the offset attributes and a shapefile for the offset area required by condition 3a.	The Offset Strategy is dated 25th June 2020. Email sighted from DAWE (Assessment Officer Connor Skeels) dated 15 July acknowledging receipt of Offset Strategy from Gavin Edwards.	Compliant
3c	Offsets	Within 20 business days of securing the offset area under a protection mechanism, as required by condition 10-2(4) of Ministerial Statement 1085, provide the Department with the final offset attributes and a final shapefile for the secured offset area.	Offset area currently being secured. The 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). Still awaiting decision (Sept 2021).	Not Applicable

Condition No.	Area	Condition	Evidence / Comments	Status
4	Reporting	The approval holder must:		
4a	Reporting	Notify the Department in writing of any proposed changes to the conditions of the Ministerial Statement 1085 no later than 2 business days after the approval holder: i.) proposes such a change in writing; or ii.) becomes aware of a proposal for such a change.	A s46 application was submitted to EPA Services, dated 26 Oct 2019, to revise Condition 10-1 and Condition 10-2 (1) of MS-1085 and reflect the changes presented in the Section 45c application. Letter to DoEE dated 28 Oct 2019 notifying them of the proposed change and email submission sighted; dated 26 Oct 2019. Still awaiting decision from EPA (June 2021).	Compliant
4b	Reporting	Publish each management plan/offset strategy provided for under conditions 2 and 3 on the approval holder's website within 20 business days of the date the management plan / offset strategy is approved by the Western Australian Government.	Flora and Vegetation Management and Monitoring Plan (FVMMP) and Water management plans available on the Albemarle website. Letter from DBCA dated 19 August 2020 acknowledges receipt of Offset Strategy; however, no formal approval provided. DBCA letter specifies formal reservation of areas within KSIA under the CALM Act may not be feasible. The Offset Strategy is not available on Albemarle's website as it is not yet formally approved.	Compliant
4c	Reporting	Keep management plans and offset strategy published on the approval holder's website until at least the end date of this approval.	See comment above.	Compliant
4d	Reporting	Exclude or redact sensitive ecological data from management plans/offset strategy published on the website or provided to a member of the public.	Ecological data in management plans not considered sensitive.	Not Applicable
5	Reporting	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Letter from DOEE dated January 2019 (reference 2017/8099) acknowledging email notification (10 January 2019) from Albemarle of commencement of action on 2 January 2019.	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
6	Stakeholder	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Action has commenced therefore condition not applicable.	Not Applicable
7	Records	The approval holder must maintain accurate and complete compliance records.	At the time of the audit sampled records were readily available, well maintained and accurate.	Compliant
8	Records	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	No formal written request for records sighted; however, compliance records provided with submission of CAR to state regulators (DWER) in January 2021.	Compliant
9	Records	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department within three months of the submission of the compliance report.	Monitoring data associated with the 2021 Compliance report provided via an electronic link in the report appendix. Report published on Albemarle website.	Compliant
10	Reporting	The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> a) publish each compliance report on the website within 60 business days following the relevant 12-month period; b) notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c) keep all compliance reports publicly available on the website until this approval expires; d) exclude or redact sensitive ecological data from compliance reports published on the website; and 	Correspondence from DAWE requested that a CAR for the period 2nd January 2020 - 1st January 2021 be prepared in accordance with Commonwealth Guidelines to be submitted before the 22 May 2021. Report submitted to DAWE on 17 May 2021 (transmittal to Thomas Long sighted) and published on Albemarle website. DAWE specified that no action will be taken regarding the initial failure to submit the CAR within 60 days of original reporting period (2nd January). Request submitted to DAWE on 1 June 2021 to align EPBC reporting period with DWER reporting requirements. Report uploaded to Albemarle website.	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
		e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.		
11	Reporting	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a) the condition which is or may be in breach; and b) a short description of the incident and/or non-compliance.</p>	<p>Notification was provided to DWER (Rowan English) on 2 September 2021 in letter titled 'Water Management Plan Temporary Drainage' that specifies wash outs have occurred whereby clean fill material has been washed outside the development envelope. This occurrence recognises that the temporary drainage as required by the Water Management Plan has not functioned as designed; however, the event is not considered to have adversely impacted the quality of the receiving environment, including the threatened orchid habitat; therefore, it was not considered noncompliant, and no notification was therefore required to be provided to DAWE.</p>	Not applicable
12	Reporting	<p>The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder.</p>	<p>No incidents or non-compliances with conditions or commitments recorded to date.</p>	Not applicable

Condition No.	Area	Condition	Evidence / Comments	Status
13	Auditing	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	No audits yet requested by the Minister; however, quarterly audits are conducted by KASA Consulting.	Not applicable
14	Auditing	For each independent audit, the approval holder must: <ul style="list-style-type: none"> a) provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b) only commence the independent audit once the audit criteria have been approved in writing by the Department; and c) submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	No audits yet requested by the Minister.	Not applicable
15	Auditing	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	No audits yet requested by the Minister.	Not applicable
16	Reporting	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data. NOTE: Completion data means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The Department's preferred spatial data format is shapefile.	The action is not yet complete.	Not applicable

Table 3-2: Audit Findings – EPBC Approval 2017/8099 – MS 1085 Conditions

Condition No.	Area	Condition	Evidence / Comments	Status
6-1	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.	<p>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.</p> <p>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).</p> <p>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.</p> <p>Species richness and species density in the 2021 survey was equal or greater than for years 2018, 2019 and 2020.</p>	Compliant
6-2	Flora and vegetation	<p>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:</p> <ol style="list-style-type: none"> when implemented, substantiate and ensure that condition 6-1 is being met; 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; 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; 	<p>Flora and Vegetation Management Plan Rev. 1; 30 November 2018 (GHD, 2018a) sighted (available on Albemarle website).</p> <p>Letter acknowledging receipt and satisfaction with the plan received from Anthony Sutton Executive Director of DWER on 3 Dec 2018 (ref. DWERA-001672).</p>	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
		<ol style="list-style-type: none"> 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. 		
6-3	Flora and vegetation	<p>In the event that the monitoring specified in the Plan indicates that the criteria specified in the Plan have been triggered, the proponent shall:</p> <ol style="list-style-type: none"> 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 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 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. 	<p>No criteria had been triggered.</p> <p>Year three monitoring, undertaken in September 2021 (Onshore Environmental, 2021), identified vegetation to be in very good condition, with no change evident compared to the 2018 – 2020 surveys.</p> <p>Species richness and species density in the 2021 survey was equal or greater than for years 2018, 2019 and 2020.</p>	Not applicable
6-4	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.	Compliant
6-5	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.	Not applicable

Condition No.	Area	Condition	Evidence / Comments	Status
6-6	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 and annual monitoring, undertaken in September 2021, identified no decline of nearby Endangered/ Declared Rare Flora (DRF) <i>Drakaea elastica</i> individuals or habitat, attributable to the Project, and no 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. Vegetation was found 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.	Compliant
7-1	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.	Compliant
7-2	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 (WMP) 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; 	Water Management Plan Rev.1, 4 December 2018. (Doc. No. 606541-4500-DV00-PLN-0004) Correspondence from DWER (ref DWERA-001671) specified the submitted WMP was considered to have met the requirements of condition 7 of MS-1085.	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
		<ol style="list-style-type: none"> 4. specify trigger criteria that will trigger the implementation of contingency actions to prevent impacts to the receiving environment including Threatened Flora outside of the Development Envelope; and 5. specify management or contingency actions to be implemented in the event that the criteria identified required by condition 7-2(4) have been triggered. 		
7-3	Water Management Plan	<p>In the event that the monitoring specified in the Plan indicates that the criteria specified in the Plan have been triggered, the proponent shall:</p> <ol style="list-style-type: none"> 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. 	<p>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.</p> <p>At the time of writing a revised WMP with site specific trigger values had been submitted to DWER for approval.</p>	Compliant
7-4	Water Management Plan	The proponent may review and revise the WMP.	An updated WMP had been submitted to DWER and the proponent was waiting on comments/approval at the time of writing.	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
7-5	Water Management Plan	The proponent shall review and revise the WMP as and when directed by the CEO.	CEO has not requested the WMP be reviewed; however, a revised WMP which includes revised surface water and groundwater trigger levels based on monitoring undertaken during the construction phase had been submitted to DWER for approval at the time of writing.	Not applicable
7-6	Water Management Plan	The proponent shall implement the latest version of the WMP, 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 WMP is considered to meet the requirements of condition 7.2 of MS-1085. Quarterly audits and surface and groundwater monitoring records demonstrated that the WMP, including quarterly groundwater and monthly surface water monitoring programs had been implemented in accordance with the approved WMP (Wood, 2018d).	Compliant
10-1	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 also remove reference to "6.37 ha of low lying <i>Banksia attenuata</i> woodlands or shrublands". 	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
			<p>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.'</p>	
10-2	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; 	<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 (Section 9), 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. 	Compliant

Condition No.	Area	Condition	Evidence / Comments	Status
		<p>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</p> <p>8. an appropriate management body for the ceded land.</p> <p>9. identify any threats to offset values and provide management and/or rehabilitation actions to be undertaken to address the threats including:</p> <p>10. the objectives and targets to be achieved, including completion criteria;</p> <p>11. management and/or rehabilitation actions and a timeframe for the actions to be undertaken;</p> <p>12. funding arrangements and timing of funding for conservation activities; and</p> <p>13. monitoring requirements for activities.</p> <p>define the role of the proponent and/or any third parties.</p>	<ul style="list-style-type: none"> • 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. 	

Condition No.	Area	Condition	Evidence / Comments	Status
10-3	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"> 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. 	<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>	Not applicable
10-4	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>	Not applicable
10-5	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>	Not applicable

Table 3-3: 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.
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	A review of the project incident register confirmed no incidents of fire had been recorded within the development envelope.

EMP	Subject	Key Objectives	Target	Status	Comments
FVMMP	Weeds	Prevent introduction and/or spread of weeds into adjacent areas.	No new Declared Weeds or Weeds of National Significance within surrounding vegetation, attributable to the Project. No significant increase in weed cover within immediately adjacent vegetation, attributable to the Project.	Compliant	No clearing undertaken during the reporting period. No further clearing anticipated.
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 weed surveys have identified no discernible changes in weedy grass or herb densities and new weed species.
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	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. At the time of writing a revised Water Management Plan with site specific trigger values had been prepared but was yet to be submitted to DWER for approval.

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). *Banksia Woodland Threatened Ecological Community and Drakaea elastica Second Year Monitoring (November 2020)*. Unpublished report prepared for Albemarle Lithium Pty Ltd, Perth.
- 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)*.

APPENDICES

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Appendix A: Change of Annual Compliance Report Timing



Australian Government

Department of Agriculture, Water and the Environment

Ref: 2017/8099

Renae Srdarev
Approval Coordinator
Albemarle
Level 7, 197 St Georges Terrace
Perth, WA, 6000, Australia

Albemarle lithium hydroxide manufacturing plant, Kemerton, WA (EPBC 2017/8099) – Change of annual compliance report timing

Dear Ms Srdarev

Thank you for your correspondence dated 02 June 2021 to the Department requesting a change to the timeframe for annual compliance reporting specified in condition 10 attached to the approval dated 26 November 2018.

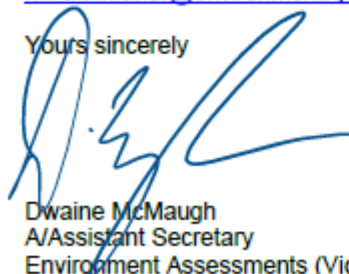
Officers of this department have reviewed the request and briefed me regarding your request. As condition 10 includes the qualification 'or as otherwise agreed to in writing by the Minister', as a delegate of the Minister I am able to specify such a change to annual compliance reporting without varying the conditions.

I advise that annual compliance reporting as required under condition 10 of EPBC Act approval 2017/8099, should now to be undertaken so as to end each 12-month reporting period on 25 October each year. The next compliance report must be for the period ending on 25 October 2021.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Mikala Maher, Assessment Officer, Post Approvals Section, on 02 627 4 2854 or by email:
Mikala.Maher@environment.gov.au

Yours sincerely



Dwaine McMaugh
A/Assistant Secretary
Environment Assessments (Vic, Tas) and Post Approvals Branch
Environment Approvals Division

2 August 2021