



## Correction Notification

### Notification of variation to conditions attached to approval, Albemarle Lithium Hydroxide Manufacturing Plant, Kemerton, WA (EPBC 2017/8099)

The Notification of variation to conditions attached to approval, Albemarle Lithium Hydroxide Manufacturing Plant, WA (EPBC 2017/8099) signed on 24 December 2025 contained errors:

The notice incorrectly stated the following:

- a) Condition 10 - The approval holder must prepare a **compliance report** for each 12-month period following 1 January of every year. The date the decision was made is stated as 26 November 2018.
- b) Condition 17p, the definition of **Ministerial Statement 1187**, the words 'means the' has been repeated twice. The word Act 1986 is missing a space between Act and date.
- c) Condition 17q, the definition of **Native vegetation**, has an additional 's' in the sentence.

The correct conditions and spelling should read:

- a) Condition 10 - The approval holder must prepare a **compliance report** for each 12-month period following 1 January of every year – *As varied on the date of this instrument was signed*
- b) Condition 17p - **Ministerial Statement 1187** means the Ministerial Statement number 1187 granted by the Minister for Environment; Climate Change on 15 March 2022 under section 46 of the *Environmental Protection Act 1986 (WA)* or as updated or replaced from time-to-time.
- c) Condition 17q - **Native vegetation** means the flora in the areas designated as 'Marri forest', 'Melaleuca woodland', 'regenerating farmland with *Xanthorrhoea brunonis*', 'sedgeland', 'flooded gum-Melaleuca-pine woodland over sedgeland' and 'Jarrah-Marri woodland' in Attachment A.

A corrected version of the notice is at **Annexure A**.

## Annexure A

### Variation of conditions attached to approval

#### Albemarle Lithium Hydroxide Manufacturing Plant, Kemerton, WA (EPBC 2017/8099)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved action

<b>approval holder</b>	Albemarle Lithium Pty Ltd ACN: 618 095 471
<b>approved action</b>	To construct and operate a lithium hydroxide product manufacturing plant located in Kemerton Strategic Industrial Area, approximately 17 km north-east of Bunbury, Western Australia. See EPBC Act referral 2017/8099
<b>period for which the approval has effect</b>	This approval has effect until 31 October 2050

#### Variation

<b>variation of conditions attached to approval</b>	<p>The variation is:</p> <p>Delete condition 1 attached to the approval and substitute with the condition specified in the table below.</p> <p>Delete condition 3 attached to the approval and substitute with the condition specified in the table below.</p> <p>Delete condition 4 attached to the approval and substitute with the condition specified in the table below.</p> <p>Delete condition 10 attached to the approval and substitute with the condition specified in the table below.</p> <p>Delete definitions of <b>Completion of the action, Compliance records, Compliance report, Incident, Offset attributes, Plan, Sensitive biodiversity data, Shapefile</b> attached to the approval and substitute with the definitions specified in the table below.</p> <p>Addition of definitions <b>Harm, Ministerial Statement 1187, Plan</b>.</p> <p>Delete <b>Attachment A</b> attached to the approval and substitute with a new Attachment A, specified in the table below.</p>
<b>date of effect</b>	This variation has effect on the date this instrument is signed.

#### Person authorised to make decision

<b>name and position</b>	Rachel Short Branch Head Environment Assessments (Vic, Tas) & Post Approvals Branch
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signature



date of decision

24 December 2025

**ANNEXURE A – CONDITIONS OF APPROVAL**

**Part A – Conditions specific to the action**

date of decision	conditions attached to approval
<i>As varied on the date this instrument was signed</i>	1) To avoid and mitigate <b>harm</b> to <b>protected matters</b> , the approval holder must not <b>clear</b> : <ul style="list-style-type: none"> <li>a. outside of the <b>project area</b></li> <li>b. more than 48.8 hectares of <b>native vegetation</b></li> <li>c. more than 33.39 ha of <b>pine plantation</b> within the <b>project area</b>.</li> </ul>
Original dated 26/11/2018	2) To mitigate the impacts of the action to the <b>protected matters</b> , the approval holder must comply with and implement conditions 6-1 to 6-6 and 7-1 to 7-6 of <b>Ministerial Statement 1085</b> .
<i>As varied on the date this instrument was signed</i>	3) To offset the impact of the action to the <b>protected matters</b> , the approval holder must: <ul style="list-style-type: none"> <li>a. implement conditions 10-1 to 10-5 of <b>Ministerial Statement 1187</b>.</li> <li>b. within 20 <b>business days</b> of finalising the Offset Strategy required by conditions 10-1 to 10-5 of <b>Ministerial Statement 1187</b>, provide the <b>department</b> with the <b>offset attributes</b> and a <b>shapefile</b> for the offset area required by condition 3a.</li> <li>c. within 20 <b>business days</b> of securing the offset area under a protection mechanism, as required by condition 10-2(4) of <b>Ministerial Statement 1187</b>, provide the <b>department</b> with the final <b>offset attributes</b> and a final <b>shapefile</b> for the secured offset area.</li> </ul>
<i>As varied on the date this instrument was signed</i>	4) The approval holder must: <ul style="list-style-type: none"> <li>a. notify the <b>department</b> in writing of any proposed changes to the conditions of the <b>Ministerial Statement 1085 and Ministerial Statement 1187</b>, no later than 2 <b>business days</b> after the approval holder:                             <ul style="list-style-type: none"> <li>i. proposes such a change in writing; or</li> <li>ii. becomes aware of a proposal for such a change.</li> </ul> </li> <li>b. publish each management plan/offset strategy provided for under conditions 2 and 3 on the approval holder's <b>website</b> within 20</li> </ul>

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**business days** of the date the management plan/offset strategy is approved by the Western Australian Government.

c. keep management plans and offset strategy published on the approval holder's **website** until at least the end date of this approval.

d. exclude or redact **sensitive ecological data** from management plans/offset strategy published on the **website** or provided to a member of the public.

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## Part B – Standard administrative conditions

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### Notification of date of commencement of the action

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Original dated 26/11/2018	5) The approval holder must notify the <b>department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .
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Original dated 26/11/2018	6) If the <b>commencement of the action</b> does not occur within 5 years from the date of this approval, then the approval holder must not <b>commence the action</b> without the prior written agreement of the <b>Minister</b> .
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### Compliance records

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Original dated 26/11/2018	7) The approval holder must maintain accurate and complete <b>compliance records</b> .
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Original dated 26/11/2018	8) If the <b>department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance</b> records to the <b>department</b> within the timeframe specified in the request.
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Note: Compliance records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the department's website or through the general media.

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Original dated 26/11/2018	9) The approval must ensure that any <b>monitoring data</b> (including <b>sensitive ecological data</b> ), surveys, maps and other spatial and metadata required under conditions of this approval, is prepared in accordance with the <b>department's</b> Guidelines for biological survey and mapped data (2018) and submitted electronically to the <b>department</b> within three months of the submission of the <b>compliance report</b> .
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### Annual compliance reporting

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<i>As varied on the date this instrument was signed</i>	10) The approval holder must prepare a <b>compliance report</b> for each 12-month period following 1 January of every year.
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<i>As varied on the date this instrument was signed</i>	<p>10a) The approval holder must ensure each compliance report includes:</p> <ul style="list-style-type: none"> <li>i. accurate and complete details of compliance and any non-compliance with the conditions and the <b>plans</b>, and any <b>incidents</b>.</li> <li>ii. one or more <b>shapefile</b> showing all <b>clearing of protected matters</b>, and/or their habitat, undertaken within the 12-month period at the end of which that <b>compliance report</b> is prepared.</li> <li>iii. a schedule of all <b>plans</b> in existence in relation to these conditions and accurate and complete details of how each <b>plan</b> is being implemented.</li> </ul>
<i>As varied on the date this instrument was signed</i>	<p>10b) The approval holder must ensure each <b>compliance report</b> is completed to the satisfaction of the <b>Minister</b> and is consistent with the <i>Annual Compliance Report Guidelines, Commonwealth of Australia 2023</i>.</p>
<i>As varied on the date this instrument was signed</i>	<p>10c) The approval holder must publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the end of the 12-month period for which that <b>compliance report</b> is required.</p>
<i>As varied on the date this instrument was signed</i>	<p>10d) The approval holder must notify the <b>department</b> electronically, within 5 <b>business days</b> of the date of publication that a <b>compliance report</b> has been published on the <b>website</b>.</p>
<i>As varied on the date this instrument was signed</i>	<p>10e) The approval holder must provide the weblink for the <b>compliance report</b> in the notification to the <b>department</b>.</p>
<i>As varied on the date this instrument was signed</i>	<p>10f) The approval holder must keep all published <b>compliance reports</b> required by these conditions on the <b>website</b> until the expiry date of this approval.</p>
<p><b>Note:</b> <b>Compliance reports</b> may be published on the <b>department’s</b> website.</p>	
<i>As varied on the date this instrument was signed</i>	<p>10g) The approval holder must:</p> <ul style="list-style-type: none"> <li>i. Exclude or redact <b>sensitive biodiversity data</b> from each <b>compliance report</b> and <b>shapefile</b> published on the <b>website</b> or otherwise provided to a member of the public.</li> <li>ii. If <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>compliance report</b> published or otherwise provided to a member of the public, submit the full <b>compliance report</b> to the <b>department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.</li> </ul>

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- iii. If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
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### Reporting non-compliance

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Original dated  
26/11/2018

- 11) 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:
- a. the condition which is or may be in breach; and
  - b. a short description of the **incident** and/or non-compliance.
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Original dated  
26/11/2018

- 12) The approval holder must provide to the **department** the details of any **incident** or non-compliance 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:
- 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.
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### Independent audit

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Original dated  
26/11/2018

- 13) The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
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Original dated  
26/11/2018

- 14) For each **independent audit**, the approval holder must:
- 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.
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Original dated 26/11/2018	15) The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.
<b>Completion of the action</b>	
Original dated 26/11/2018	16) Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>department</b> in writing and provide <b>completion data</b> .
<b>Part C – Definitions</b>	
Original dated 26/11/2018	17) In these conditions, except where contrary intention is expressed, the following definitions are used:
Original dated 26/11/2018	a. <b>Business days</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 26/11/2018	b. <b>Clearing/clear</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see <i>Australian weeds strategy 2017 to 2027</i> for further guidance).
Original dated 26/11/2018	c. <b>Commencement of the action</b> means the first instance of any specified activity associated with the action including clearance of vegetation and <b>construction</b> of any infrastructure. Commencement does not include minor physical disturbance necessary to: <ul style="list-style-type: none"> <li>i. undertake pre-clearance surveys or monitoring programs;</li> <li>ii. install signage and /or temporary fencing to prevent unapproved use of the project area; and</li> <li>iii. protect environmental and property assets from fire, weeds and pests, including erection or <b>construction</b> of fencing and signage, and maintenance or use of existing surface access tracks where these protective actions have been pre-agreed by the <b>department</b> in writing.</li> </ul>
Original dated 26/11/2018	d. <b>Completion data</b> means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The <b>department's</b> preferred spatial data format is shapefile.

<i>As varied on the date this instrument was signed</i>	e. <b>Completion of the Action</b> means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.
<i>As varied on the date this instrument was signed</i>	f. <b>Compliance records</b> means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in plans) in the approval holder’s possession, or that are within the approval holder’s power to obtain lawfully.
<i>As varied on the date this instrument was signed</i>	g. <b>Compliance report</b> means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in <b>plans</b> ).
<i>As varied on the date this instrument was signed</i>	h. <b>Department</b> means the Australian Government Department responsible for the <b>Environment Protection and Biodiversity Conservation Act 1999</b> .
Original dated 26/11/2018	i. <b>EPBC Act</b> means <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
<i>As varied on the date this instrument was signed</i>	j. <b>Harm</b> means to cause any measurable direct or indirect disturbance of deleterious change as a result of any activity associated with the Action.
<i>As varied on the date this instrument was signed</i>	k. <b>Incident</b> means any: <ul style="list-style-type: none"> <li data-bbox="635 1283 1321 1350">i. event which has the potential to, or does, <b>harm</b> any <b>protected matter</b>,</li> <li data-bbox="635 1391 1278 1458">ii. potential non-compliance with these conditions, including the administrative requirements,</li> <li data-bbox="635 1498 1358 1565">iii. actual non-compliance with these conditions, including the administrative requirements,</li> <li data-bbox="635 1606 1385 1673">iv. potential non-compliance with one or more commitment made in a <b>plan</b>, and/or</li> <li data-bbox="635 1713 1350 1780">v. actual non-compliance with one or more commitment made in a <b>plan</b>.</li> </ul>
Original dated 26/11/2018	l. <b>Independent audit:</b> means an audit conducted by an independent and <b>suitably qualified person</b> as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> (2015).

Original dated 26/11/2018	m. <b>Monitoring data</b> means the data required to be recorded under the conditions of this approval.
Original dated 26/11/2018	n. <b>Minister</b> means the Australian Government Minister administering the <b>EPBC Act</b> including any delegate thereof.
Original dated 26/11/2018	o. <b>Ministerial Statement 1085</b> means the Ministerial Statement number 1085 granted by Minister for Environment; Disability Services Deputy Leader of the Legislative Council on 26 October 2018 under section 45 of the Environmental Protection Act 1986 (WA) or as updated or replaced from time-to-time.
<i>As varied on the date this instrument was signed</i>	p. <b>Ministerial Statement 1187</b> means the Ministerial Statement number 1187 granted by the Minister for Environment; Climate Change on 15 March 2022 under section 46 of the <i>Environmental Protection Act 1986</i> (WA) or as updated or replaced from time-to-time.
Original dated 26/11/2018	q. <b>Native vegetation</b> means the flora in the areas designated as 'Marri forest', 'Melaleuca woodland', 'regenerating farmland with <i>Xanthorrhoea brunonis</i> ', 'sedgeland', 'flooded gum-Melaleuca-pine woodland over sedgeland' and 'Jarrah-Marri woodland' in <u>Attachment A</u> .
<i>As varied on the date this instrument was signed</i>	r. <b>Offset attributes</b> is an excel file ('.xls' or '.xlsx') or other electronic or digital format capturing relevant attributes of the offset area, including the corresponding <b>EPBC Act</b> reference ID number, the physical address of the offset area, coordinates of the boundary points in decimal degrees, the <b>EPBC Act</b> protected matters that the offset area compensates, any additional <b>EPBC Act</b> protected matters which benefit from the offset area, the size of the offset area in hectares and the legal mechanism used to protect and conserve the offset area.
Original dated 26/11/2018	s. <b>Pine plantation</b> means the trees in the areas designated as 'pine plantation' and 'pine plantation with flooded gum' in <u>Attachment A</u> .
<i>As varied on the date this instrument was signed</i>	t. <b>Plan</b> means any action management plan or strategy that the approval holder is required by these conditions to implement.
Original dated 26/11/2018	u. <b>Project area</b> is the area marked with a blue boundary line designated as 'Albemarle Kemerton Plant Development Envelope in <u>Attachment A</u> .

Original dated 26/11/2018	v. <b>Protected matter</b> means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect including Carnaby's Black Cockatoo ( <i>Calyptohynchus latirostris</i> ), Forest Red-Tailed Black Cockatoo ( <i>Calyptohynchus banksii naso</i> ), Baudin's black cockatoo ( <i>Calyptohynchus baudinii</i> ), Banksia Woodlands of the Swan Coastal Plain Ecological Community, Glossy-Leafed Hammer Orchid ( <i>Drakaea elastica</i> ), Dwarf Bee-Orchid ( <i>Diuris micrantha</i> ) and Dwarf Hammer Orchid ( <i>Drakaea micrantha</i> ).
<i>As varied on the date this instrument was signed</i>	w. <b>Sensitive biodiversity data</b> means <b>biodiversity data</b> which, if released, published or otherwise exposed, may result in <b>harm</b> to the relevant <b>protected matter</b> as a result of the intentional or unintentional misuse of that <b>biodiversity data</b> .
<i>As varied on the date this instrument was signed</i>	x. <b>Shapefile</b> means location and attribute information about the Action provided in an Esri shapefile format containing: <ul style="list-style-type: none"> <li>- '.shp', '.shx', '.dbf' files,</li> <li>- a '.prj' file which specifies the projection or geographic coordinate system used, and</li> <li>- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.</li> </ul>
Original dated 26/11/2018	y. <b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
<i>As varied on the date this instrument was signed</i>	<b>Attachment A</b> – replace existing map with a new map of the development envelope.

**ATTACHMENTS**  
**Attachment A**

