



**Alcoa of Australia Limited**  
ACN 004 879 298

**Corporate Office**  
PO Box 7439  
Cloisters Square WA 6850  
Australia

30 January 2026

**Commercial in confidence**

Senator the Hon Murray Watt  
Minister for the Environment and Water  
PO Box 6100  
Senate, Parliament House  
Canberra ACT 2600

Dear Minister Watt

**Application for section 158(1) exemption**

Alcoa of Australia (**AoA**) is applying for an exemption under section 158(1) (**Exemption**) of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the action as described in section 4, paragraph 22 of the attached submission (**Submission**). The 18-month Exemption requested will enable business continuity of AoA's alumina refining operations, while the strategic assessment is undertaken and continued advancement of its nationally and internationally significant critical minerals gallium project.

Further detail in support of AoA's application for an Exemption is outlined in the Submission.

AoA takes approvals modernisation at its operations in Western Australia seriously, and has committed to a number of important measures including:

**1) Resolving alleged historical non-compliance with the EPBC Act by executing two Enforceable Undertakings relating to its Huntly mine**

Two Enforceable Undertakings have been given with respect to the Huntly mine. Those EUs support the delivery of A\$55M worth of conservation projects associated with clearing conducted during the periods 2019-2023 and 2024-2025, with those conservation projects proposed to be conducted in accordance with the Department of Climate Change, Energy, Environment and Water (DCCEEW's) EPBC Act offsets policy.

**s. 37(1)(a)**

**3) Offsets offered with the NIE**

AoA is in the process of planning environmental offsets for its operations for the requested Exemption period and has currently earmarked A\$4.2M towards those offsets.

**4) Execution of a Strategic Assessment Agreement.**

Along with this application AoA undertakes to execute a Strategic Assessment Agreement as soon as possible for a landscape-scale strategic assessment of Alcoa's bauxite mining operations at its Huntly and Willowdale mines through to 2045 under Part 10 of the EPBC Act. Alcoa will have a dedicated team

to work with DCCEEW to ensure the strategic assessment is completed prior to the end of the term of the requested Exemption.

AoA is confident that these measures will enable better environmental outcomes, management of cumulative impacts and better coordination of offsets.

We have included a map for your reference to show the area to be covered by the intended strategic assessment, the Enforceable Undertakings and the requested Exemption (which will be limited to clearing of 1200 hectares for the life of the requested Exemption).

I respectfully request that you grant the Exemption. If you require any further information in support of this application, please contact s. 47F(1) s. 47F(1) @alcoa.com).

Yours sincerely,

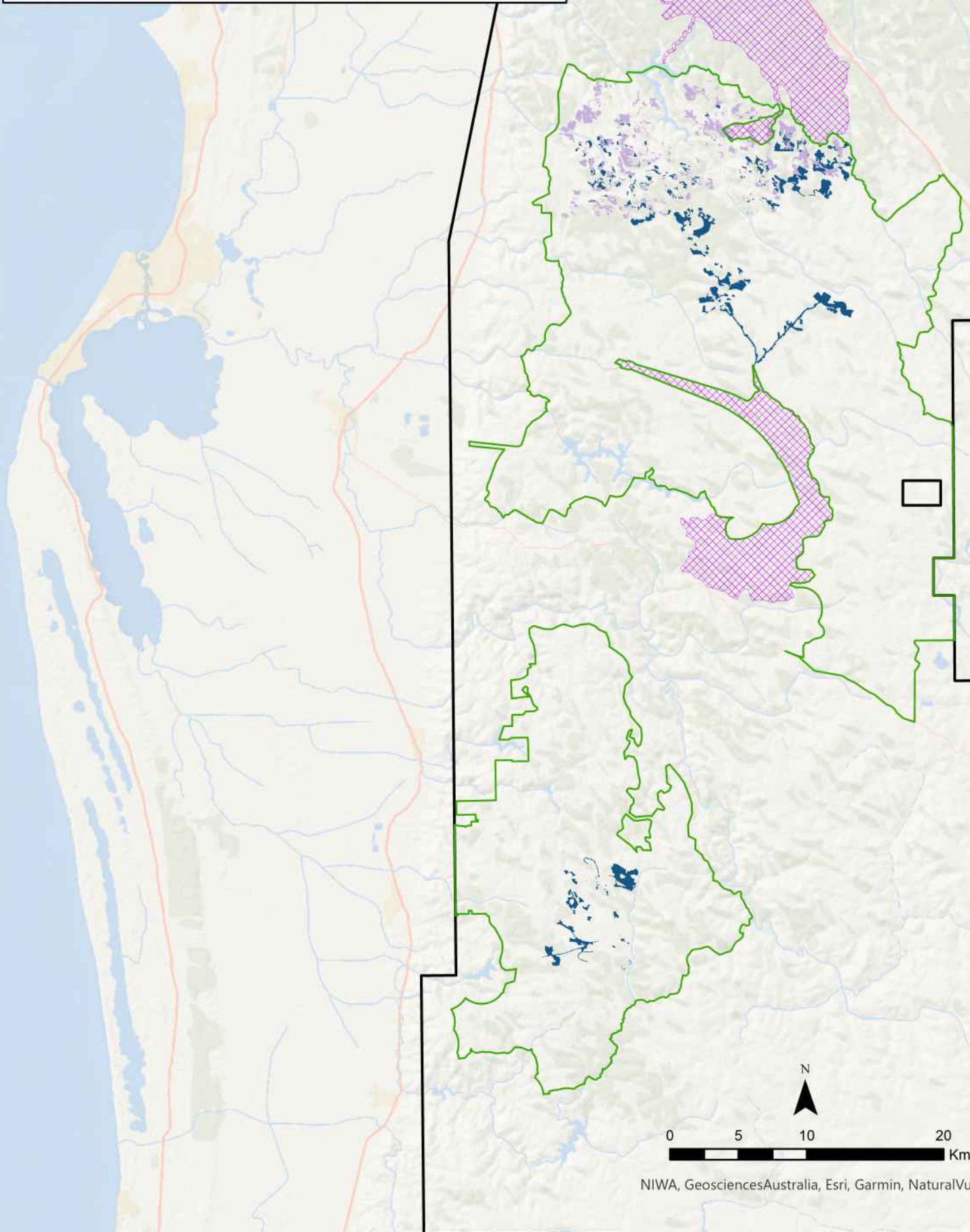
s. 47F(1)

s. 47F(1)

President Alcoa Australia

**Legend**

-  Historical Huntly Clearing (2019-2025)
-  Conceptual Clearing Area over term of requested exemption (up to 1200 ha)
-  Existing Referral 2022/09204 (Huntly Bauxite Mine Transition)
-  Proposed Strategic Assessment Boundary
-  ML1SA Boundary



# Submission in support of application for exemption under section 158 of the EPBC Act

## 1 Legislation

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Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

### **158 Exemptions from Part 3 and this Chapter**

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
  - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
  - (b) give a copy of the notice to the person specified in the notice.

## 2 Background

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s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)

- 14 AoA is a critical global producer of alumina and aluminium, expected to produce around 5% of global alumina production in 2025. The global alumina market is dominated by a single country, China, who is estimated to produce almost 60% of global alumina production in 2025. Maintaining sovereign capability to continue to provide alumina for domestic use and to our strategic partners is critical for Australia's, and its allies, defence, aerospace, renewable energy, construction and manufacturing needs.

s. 47G(1)(a), s. 47G(1)(b)

### 3 Amendments to the EPBC Act

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- 17 A package of 7 bills to implement the recommendations of the 2020 Independent Review of the EPBC Act were introduced to parliament on 30 October 2025. This included the Environment Protection Reform Bill 2025 (Cth) (**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on 6 November 2025.

s. 47G(1)(a), s. 47G(1)(b)

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s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)

## ENFORCEABLE UNDERTAKING

## Environment Protection and Biodiversity Conservation Act 1999 – section 486DA

## Undertaking to the Minister for the Environment

## 1. Person giving undertaking

The person giving the undertaking is **Alcoa of Australia Limited** (ABN 93 004 879 298) (**Alcoa**), the registered office of which is Level 2, 235 St Georges Terrace, Perth 6000 WA.

## 2. Background

2.1 Between 1 January 2019 and 31 December 2023, Alcoa cleared approximately 1,777 hectares of land identified at map 1, comprising of known habitat for species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), at the Huntly Bauxite Mine, near Pinjarra, Western Australia, within the mining lease ML 1SA, as part of pre-mining operations (the **action**).

The listed species include:

- a. Baudin's Black-cockatoo, Long-billed Black-cockatoo (*Zanda baudinii*) (listed as endangered as *Calyptorhynchus baudinii*) listed as endangered
- b. Carnaby's Black-cockatoo, Short-billed Black-cockatoo (*Zanda latirostris*) (listed as endangered as *Calyptorhynchus latirostris*) listed as endangered
- c. Forest Red-tailed Black-cockatoo, Karrak (*Calyptorhynchus banksii naso*) listed as vulnerable
- d. Woylie (*Bettongia penicillata ogilbyi*) listed as endangered
- e. Chuditch, Western Quoll (*Dasyurus geoffroii*) listed as vulnerable
- f. Numbat (*Myrmecobius fasciatus*) listed as endangered
- g. Quokka (*Setonix brachyurus*) listed as vulnerable

2.2 A delegate of the Minister considers that the action taken by Alcoa has contravened a civil penalty provision of Part 3 of the EPBC Act, as section 18 applies, and the action has had, or is likely to have had, a significant impact on listed endangered and vulnerable species contrary to subsections 18(3) and 18(4).

2.3 The delegate has concluded that none of the circumstances of the action give rise to exemption under section 19 of the EPBC Act.

## 3. The undertaking

Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that the action resulted in the loss of habitat for protected species, Alcoa undertakes, for the purpose of section 486DA of the EPBC Act, to implement the following measures:

- 3.1. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$5 million AUD to the Australian Wildlife Conservancy for the purpose of carrying out conservation programs for the impacted protected matters identified in clause 2. Notification must be provided to the department within 7 business days of payment, including proof of transfer.
- 3.2. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$6 million AUD to the Western Australian Department of Biodiversity, Conservation and

Attractions' Western Shield Program for the purpose of undertaking invasive flora and fauna control in South-West of Western Australia. Notification must be provided to the department within 7 business days of payment, including proof of transfer.

- 3.3. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$4 million AUD to the University of Western Australia for the purpose of undertaking research into novel methods and new technologies for controlling invasive fauna and protecting impacted protected matters in the Northern Jarrah Forest. Notification must be provided to the department within 7 business days of payment, including proof of transfer and specific research plans with deliverables.
- 3.4. If, six (6) months from the date of signing this Enforceable Undertaking, provision of a payment of a specified amount as provided in clauses 3.1, 3.2, and/or 3.3 has not occurred because the recipient identified in those paragraphs has declined to accept that payment:
- Alcoa must notify the department of that fact within 7 days; and
  - Within 90 days after receiving a notification under clause 3.4(a), the Minister or the Minister's delegate may nominate an alternative recipient for the specified amount and, if agreed by Alcoa, Alcoa must make payment to that recipient within 28 days of receiving written notice of that nomination; and
  - If no alternative recipient is nominated under clause 3.4(b) at the end of the 90 days, Alcoa must pay the specified amount to the Commonwealth within 28 days of the 90-day period elapsing: or
  - If an alternative recipient is nominated under clause 3.4(b) but that recipient declines to accept the payment, Alcoa must pay the specified amount to the Commonwealth within 28 days of the recipient declining to accept the payment.

#### 4. Reporting

- 4.1. Alcoa will provide the department with periodic reports addressing:
- the status of discharge of the financial commitments made by Alcoa pursuant to clause 3 of this undertaking; and
  - any other steps taken by Alcoa to implement this undertaking.
- 4.2. The reports referred to in clause 4.1 will be provided annually, commencing 12 months from the date of acceptance of the undertaking, until a period of five years has elapsed or until the Minister or the Minister's delegate notifies Alcoa in writing of the Minister or delegate's satisfaction that this undertaking has been fully complied with (whichever occurs earlier).

#### 5. Acknowledgement

- 5.1. The delegate acknowledges and agrees that, on the basis that Alcoa complies with this undertaking, the Minister will not take steps to pursue further enforcement action against Alcoa in relation to Alcoa's conduct described in clause 2 of this undertaking.
- 5.2. Alcoa confirms that each measure contained in this undertaking is new and is in addition to any other projects or programs that are currently being implemented, or are required to be implemented, by the State of Western Australia or other regulatory bodies.

5.3. Alcoa acknowledges that the Minister may make this undertaking available for public inspection including on a public register.

Signed by Alcoa of Australia Limited (ABN 93 004 879 298)

s. 47F(1)

Signature of director

s. 47F(1)

Name of director (print)

s. 47F(1)

Signature of director/secretary

s. 47F(1)

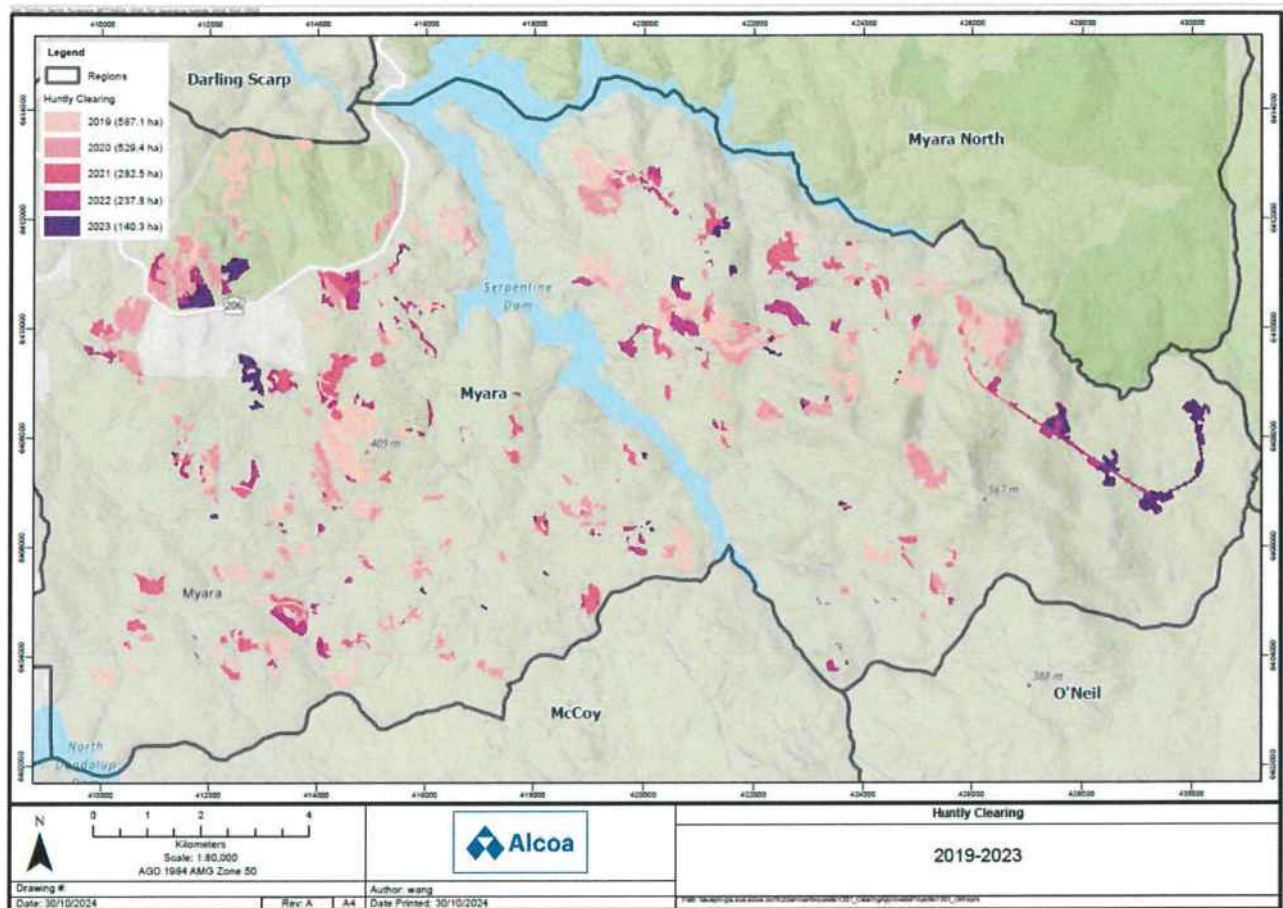
Name of director/secretary (print)

Accepted by the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water, a delegate of the Minister, under s486DA of the EPBC Act.

on this \_\_\_\_\_ day of \_\_\_\_\_ 2026

Signature of \_\_\_\_\_

Map 1: 2019-2023 clearing: Huntly Bauxite Mine, near Pinjarra, WA within the mining lease ML 15A



## ENFORCEABLE UNDERTAKING

*Environment Protection and Biodiversity Conservation Act 1999 – section 486DA*

Undertakings given to the Minister for the Environment

**1. Person giving undertaking**

The person giving the undertaking is **Alcoa of Australia Limited** (ABN 93 004 879 298) (**Alcoa**), the registered office of which is Level 2, 235 St Georges Terrace, Perth 6000 WA.

**2. Conduct to which the undertaking relates**

2.1 Between 1 January 2024 and 31 December 2025, Alcoa cleared 318.3 hectares of land identified at map 1, comprising of known habitat for species listed under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, at the Huntly Bauxite Mine, near Pinjarra, Western Australia, within the mining lease ML 1SA, as part of pre-mining operations (the **action**).

These listed species include:

- a. Baudin's Black-cockatoo, Long-billed Black-cockatoo (*Zanda baudinii*) (listed as endangered as *Calyptorhynchus baudinii*) listed as endangered.
- b. Carnaby's Black-cockatoo, Short-billed Black-cockatoo (*Zanda latirostris*) (listed as endangered as *Calyptorhynchus latirostris*) listed as endangered.
- c. Forest Red-tailed Black-cockatoo, Karrak (*Calyptorhynchus banksii naso*) listed as vulnerable.
- d. Woylie (*Bettongia penicillata ogilbyi*) listed as endangered.
- e. Chuditch, Western Quoll (*Dasyurus geoffroii*) listed as vulnerable.
- f. Numbat (*Myrmecobius fasciatus*) listed as endangered.
- g. Quokka (*Setonix brachyurus*) listed as vulnerable.

2.2 A delegate of the Minister considers that the action taken by Alcoa has contravened a civil penalty provision of Part 3 of EPBC Act, as section 18 applies, and the action has had, or is likely to have had, a significant impact on listed endangered and vulnerable species contrary to subsections 18(3) and 18(4).

2.3 The delegate has concluded that none of the circumstances of the action give rise to exemption under section 19 of the EPBC Act.

**3. Undertaking**

Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that the action resulted in the loss of habitat for protected species, Alcoa undertakes, for the purpose of section 486DA of the EPBC Act, to pay no less than \$40 million AUD (the **specified amount**) to the persons specified below to implement the measures specified in those subclauses:

- 3.1 By 31 December 2026, make payment to a landowner (or landowners) to be nominated by Alcoa and approved by the department, to purchase land (the **Offset Property**) approved by the department for the purpose of establishing an ecological offset for the protected matters identified in clause 2, in accordance with the EPBC Act Environmental Offsets Policy 2012 (updated 2022) (**Offsets Policy**) and the Offsets Assessment Guide.

- 3.2 Within 6 months of purchase, the Offset Property must be secured in perpetuity by a legally binding instrument acceptable to the department, which ensures permanent protection for the Offset Property and management of the Offset Property consistent with the Offset Policy. Alcoa are required to pay any additional reasonable associated costs incurred in securing that outcome, including to lawyers or governmental authorities.
- 3.3 If, by 31 December 2026, Alcoa has not purchased the Offset Property in accordance with clauses 3.1 and 3.2, then:
- Alcoa must notify the department of that fact by no later than 7 January 2027 or the timeframe as extended under 3.3(b).
  - If Alcoa notify the Minister that they are unable to purchase the Offset Property within the timeframe in 3.3(a), the Minister or Minister's delegate may provide an extension of time for compliance with clauses 3.1 and 3.2.
  - Within 90 days after receiving a notification under 3.3(a) the Minister or the Minister's delegate may nominate one or more alternative landowner(s) from whom Alcoa must purchase property, if agreed by Alcoa, to be nominated by the department, for the purpose of establishing the Offset Property under clauses 3.1 and 3.2. If the purchase is agreed by Alcoa, Alcoa must make payment of the purchase price of the property to the nominated landowner within 28 days of receiving written notice of that nomination.
  - If no alternative landowner is nominated under 3.3(c) at the end of the 90 days referred to in clause 3.3(c), Alcoa must pay the whole of the specified amount to the Commonwealth within 28 days of the elapsing 90-day period: or
  - If an alternative landowner is nominated pursuant to clause 3.3(c) but that landowner declines to accept payment in consideration for the sale of the property, Alcoa must pay the whole of the specified amount to the Commonwealth within 28 days of the recipient declining to accept the payment.
- 3.4 Within 6 months after the date of acceptance of this undertaking, Alcoa must engage a suitability qualified expert, approved by the department, to prepare and submit for approval by the department, a Biodiversity Offset Management Plan (**BOMP**), in relation to the Offset Property. The BOMP must be prepared in accordance with the Offsets Policy and the Environmental Management Plan Guidelines. The BOMP must be implemented. Alcoa must pay the expert the expert's reasonably incurred charges for preparing, submitting and implementing the BOMP.
- 3.5 Engage an independent, suitably qualified auditor, approved by the department, to verify the BOMP implementation and outcomes by no later than the end of the fifth year after commencement of implementation of the BOMP. Alcoa must provide the resulting audit report to the department. Alcoa must pay to the auditor the reasonably incurred charges of the audit.
- 3.6 The total value of the purchase price of the Offset Property and the activities undertaken to ensure the successful implementation of the BOMP in relation to the Offset Property must be no less than \$40 million AUD.

#### 4. Reporting

- 4.1 Alcoa will provide the department with a report addressing:
- the status of discharge of the financial commitments made by Alcoa pursuant to clause 3 of this undertaking; and

b. any other steps taken by Alcoa to implement this undertaking.

4.2 The report will be provided annually, commencing 12 months from the date of acceptance of the undertaking, until a period of six years has elapsed or until the Minister or the Minister's delegate notifies Alcoa in writing of the Minister or delegate's satisfaction that this undertaking has been fully complied with (whichever occurs earlier).

## 5. Acknowledgement

5.1 The delegate acknowledges and agrees that, on the basis that Alcoa complies with this undertaking, the Minister will not take steps to pursue further enforcement action against Alcoa in relation to Alcoa's conduct referred to in clause 2 of this undertaking.

5.2 Alcoa confirms that each measure contained in this undertaking is new and in addition to any other projects or programs that are currently being implemented, or are required to be implemented, by the State of Western Australia or any other regulator.

5.3 Alcoa acknowledges that the Minister may make this undertaking available for public inspection including on a public register.

Signed by Alcoa of Australia Limited (ABN 93 004 879 298):

s. 47F(1)

Signature of director

s. 47F(1)

Name of director (print)

s. 47F(1)

Signature of director/secretary

s. 47F(1)

Name of director/secretary (print)

Accepted by the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water, a delegate of the Minister, under s486DA of the EPBC Act.

on this \_\_\_\_\_ day of \_\_\_\_\_ 2026

Signature of \_\_\_\_\_

Map 1: Huntly Mine 2024 (red) and 2025 (purple) clearing





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ACN 004 879 298

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30 January 2026

**Commercial in confidence**

Senator the Hon Murray Watt  
Minister for the Environment and Water  
PO Box 6100  
Senate, Parliament House  
Canberra ACT 2600

Dear Minister Watt

**Application for section 158(1) exemption**

Alcoa of Australia (**AoA**) is applying for an exemption under section 158(1) (**Exemption**) of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the action as described in section 4, paragraph 22 of the attached submission (**Submission**). The 18-month Exemption requested will enable business continuity of AoA's alumina refining operations, while the strategic assessment is undertaken and continued advancement of its nationally and internationally significant critical minerals gallium project.

Further detail in support of AoA's application for an Exemption is outlined in the Submission.

AoA takes approvals modernisation at its operations in Western Australia seriously, and has committed to a number of important measures including:

**1) Resolving alleged historical non-compliance with the EPBC Act by executing two Enforceable Undertakings relating to its Huntly mine**

Two Enforceable Undertakings have been given with respect to the Huntly mine. Those EUs support the delivery of A\$55M worth of conservation projects associated with clearing conducted during the periods 2019-2023 and 2024-2025, with those conservation projects proposed to be conducted in accordance with the Department of Climate Change, Energy, Environment and Water (DCCEEW's) EPBC Act offsets policy.

**s. 37(1)(a)**

**3) Offsets offered with the NIE**

AoA is in the process of planning environmental offsets for its operations for the requested Exemption period and has currently earmarked A\$4.2M towards those offsets.

**4) Execution of a Strategic Assessment Agreement.**

Along with this application AoA undertakes to execute a Strategic Assessment Agreement as soon as possible for a landscape-scale strategic assessment of Alcoa's bauxite mining operations at its Huntly and Willowdale mines through to 2045 under Part 10 of the EPBC Act. Alcoa will have a dedicated team

to work with DCCEEW to ensure the strategic assessment is completed prior to the end of the term of the requested Exemption.

AoA is confident that these measures will enable better environmental outcomes, management of cumulative impacts and better coordination of offsets.

We have included a map for your reference to show the area to be covered by the intended strategic assessment, the Enforceable Undertakings and the requested Exemption (which will be limited to clearing of 1200 hectares for the life of the requested Exemption).

I respectfully request that you grant the Exemption. If you require any further information in support of this application, please contact **s. 47F(1)** @alcoa.com).

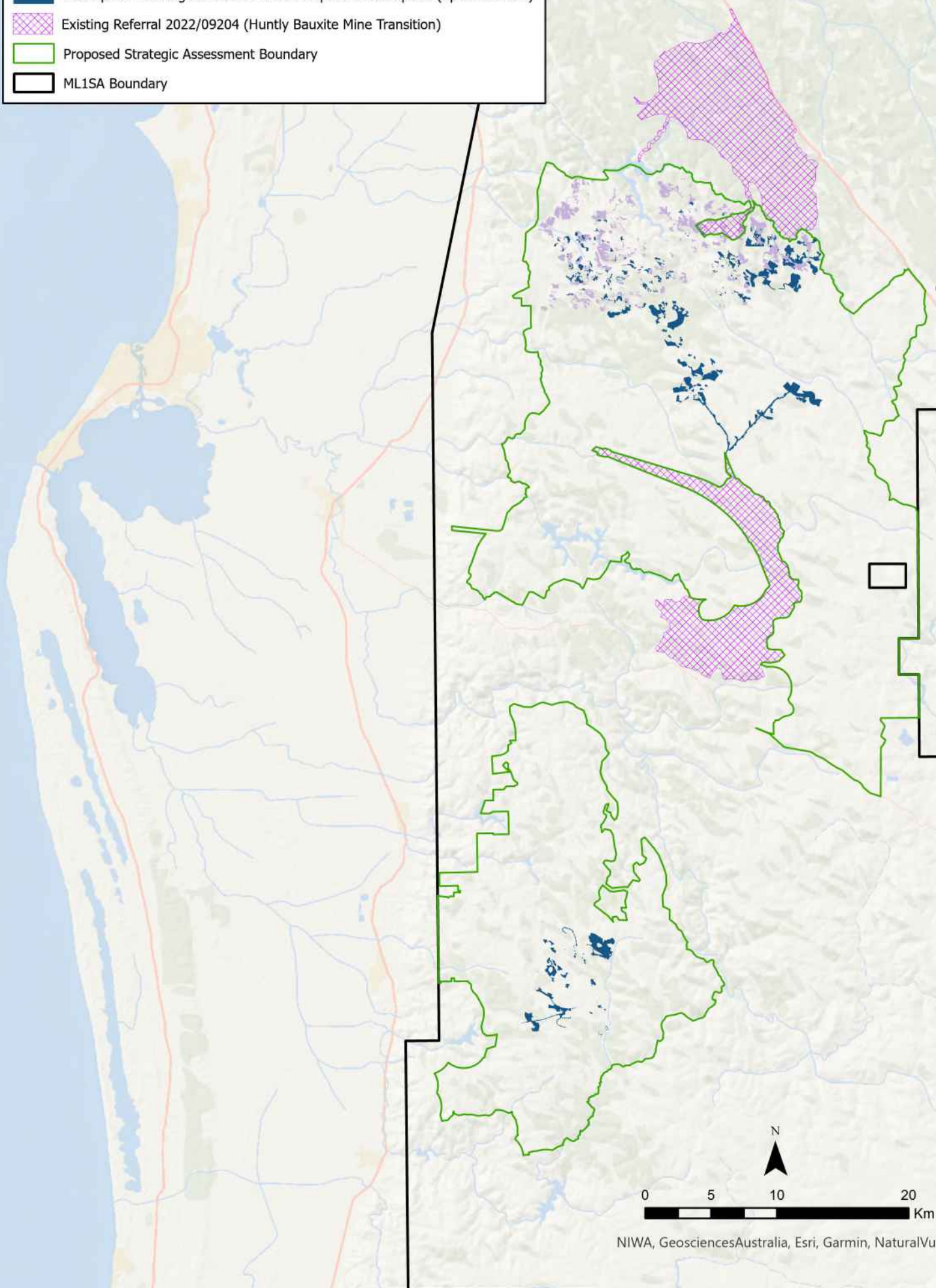
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President Alcoa Australia

**Legend**

-  Historical Huntly Clearing (2019-2025)
-  Conceptual Clearing Area over term of requested exemption (up to 1200 ha)
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-  Proposed Strategic Assessment Boundary
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# Submission in support of application for exemption under section 158 of the EPBC Act

## 1 Legislation

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Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

### **158 Exemptions from Part 3 and this Chapter**

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  - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
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## 2 Background

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s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)

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## ENFORCEABLE UNDERTAKING

## Environment Protection and Biodiversity Conservation Act 1999 – section 486DA

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## 2. Background

2.1 Between 1 January 2019 and 31 December 2023, Alcoa cleared approximately 1,777 hectares of land identified at map 1, comprising of known habitat for species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), at the Huntly Bauxite Mine, near Pinjarra, Western Australia, within the mining lease ML 1SA, as part of pre-mining operations (the **action**).

The listed species include:

- a. Baudin's Black-cockatoo, Long-billed Black-cockatoo (*Zanda baudinii*) (listed as endangered as *Calyptorhynchus baudinii*) listed as endangered
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2.2 A delegate of the Minister considers that the action taken by Alcoa has contravened a civil penalty provision of Part 3 of the EPBC Act, as section 18 applies, and the action has had, or is likely to have had, a significant impact on listed endangered and vulnerable species contrary to subsections 18(3) and 18(4).

2.3 The delegate has concluded that none of the circumstances of the action give rise to exemption under section 19 of the EPBC Act.

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Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that the action resulted in the loss of habitat for protected species, Alcoa undertakes, for the purpose of section 486DA of the EPBC Act, to implement the following measures:

- 3.1. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$5 million AUD to the Australian Wildlife Conservancy for the purpose of carrying out conservation programs for the impacted protected matters identified in clause 2. Notification must be provided to the department within 7 business days of payment, including proof of transfer.
- 3.2. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$6 million AUD to the Western Australian Department of Biodiversity, Conservation and

Attractions' Western Shield Program for the purpose of undertaking invasive flora and fauna control in South-West of Western Australia. Notification must be provided to the department within 7 business days of payment, including proof of transfer.

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- a. Alcoa must notify the department of that fact within 7 days; and
  - b. Within 90 days after receiving a notification under clause 3.4(a), the Minister or the Minister's delegate may nominate an alternative recipient for the specified amount and, if agreed by Alcoa, Alcoa must make payment to that recipient within 28 days of receiving written notice of that nomination; and
  - c. If no alternative recipient is nominated under clause 3.4(b) at the end of the 90 days, Alcoa must pay the specified amount to the Commonwealth within 28 days of the 90-day period elapsing: or
  - d. If an alternative recipient is nominated under clause 3.4(b) but that recipient declines to accept the payment, Alcoa must pay the specified amount to the Commonwealth within 28 days of the recipient declining to accept the payment.

#### **4. Reporting**

- 4.1. Alcoa will provide the department with periodic reports addressing:
- a. the status of discharge of the financial commitments made by Alcoa pursuant to clause 3 of this undertaking; and
  - b. any other steps taken by Alcoa to implement this undertaking.
- 4.2. The reports referred to in clause 4.1 will be provided annually, commencing 12 months from the date of acceptance of the undertaking, until a period of five years has elapsed or until the Minister or the Minister's delegate notifies Alcoa in writing of the Minister or delegate's satisfaction that this undertaking has been fully complied with (whichever occurs earlier).

#### **5. Acknowledgement**

- 5.1. The delegate acknowledges and agrees that, on the basis that Alcoa complies with this undertaking, the Minister will not take steps to pursue further enforcement action against Alcoa in relation to Alcoa's conduct described in clause 2 of this undertaking.
- 5.2. Alcoa confirms that each measure contained in this undertaking is new and is in addition to any other projects or programs that are currently being implemented, or are required to be implemented, by the State of Western Australia or other regulatory bodies.

5.3. Alcoa acknowledges that the Minister may make this undertaking available for public inspection including on a public register.

Signed by Alcoa of Australia Limited (ABN 93 004 879 298):

s. 47F(1)

Signature of director

s. 47F(1)

Name of director (print)

s. 47F(1)

Signature of director/secretary

s. 47F(1)

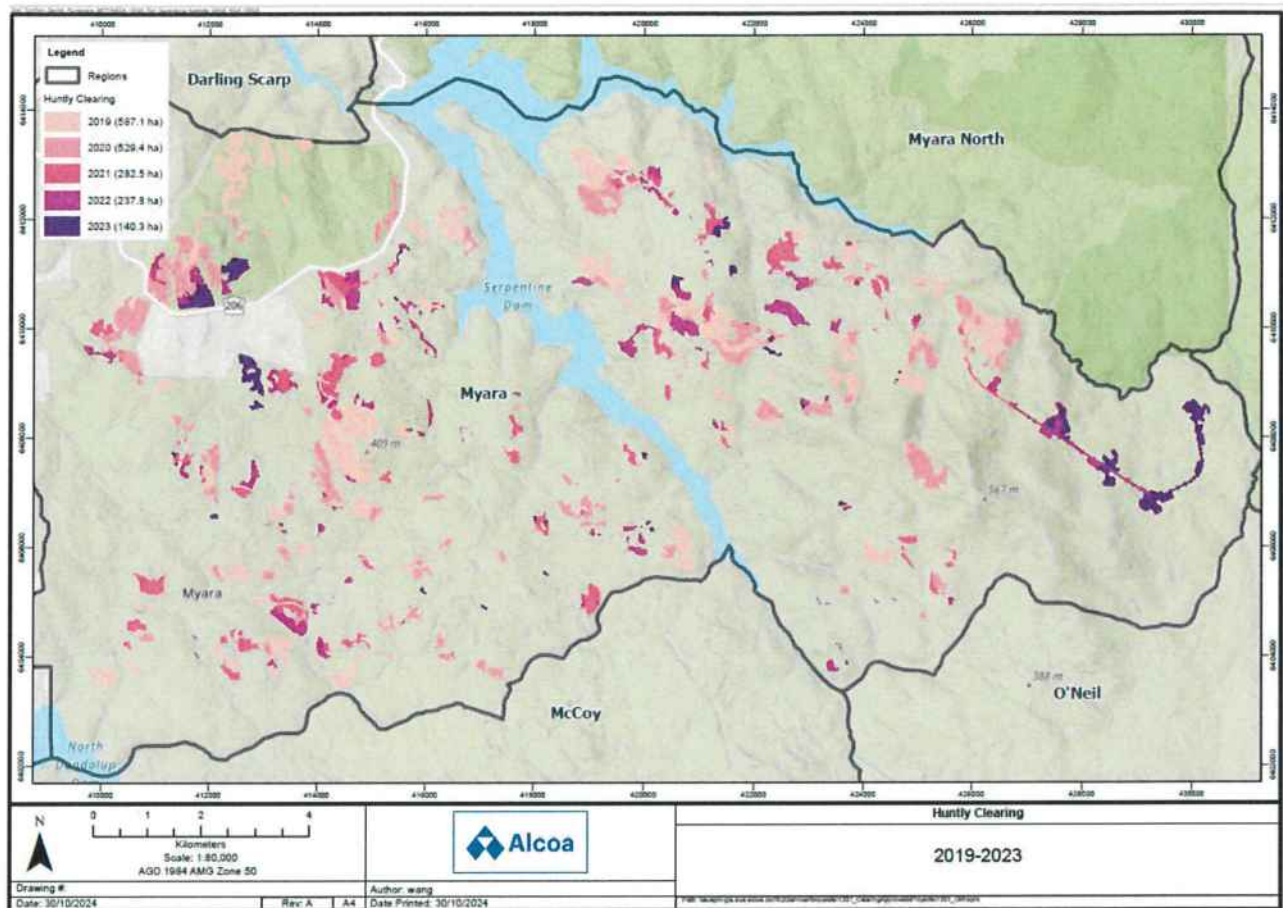
Name of director/secretary (print)

Accepted by the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water, a delegate of the Minister, under s486DA of the EPBC Act.

on this \_\_\_\_\_ day of \_\_\_\_\_ 2026

\_\_\_\_\_  
Signature of \_\_\_\_\_

Map 1: 2019-2023 clearing: Huntly Bauxite Mine, near Pinjarra, WA within the mining lease ML 15A



## ENFORCEABLE UNDERTAKING

*Environment Protection and Biodiversity Conservation Act 1999 – section 486DA*

Undertakings given to the Minister for the Environment

**1. Person giving undertaking**

The person giving the undertaking is **Alcoa of Australia Limited** (ABN 93 004 879 298) (**Alcoa**), the registered office of which is Level 2, 235 St Georges Terrace, Perth 6000 WA.

**2. Conduct to which the undertaking relates**

2.1 Between 1 January 2024 and 31 December 2025, Alcoa cleared 318.3 hectares of land identified at map 1, comprising of known habitat for species listed under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, at the Huntly Bauxite Mine, near Pinjarra, Western Australia, within the mining lease ML 1SA, as part of pre-mining operations (the **action**).

These listed species include:

- a. Baudin's Black-cockatoo, Long-billed Black-cockatoo (*Zanda baudinii*) (listed as endangered as *Calyptorhynchus baudinii*) listed as endangered.
- b. Carnaby's Black-cockatoo, Short-billed Black-cockatoo (*Zanda latirostris*) (listed as endangered as *Calyptorhynchus latirostris*) listed as endangered.
- c. Forest Red-tailed Black-cockatoo, Karrak (*Calyptorhynchus banksii naso*) listed as vulnerable.
- d. Woylie (*Bettongia penicillata ogilbyi*) listed as endangered.
- e. Chuditch, Western Quoll (*Dasyurus geoffroii*) listed as vulnerable.
- f. Numbat (*Myrmecobius fasciatus*) listed as endangered.
- g. Quokka (*Setonix brachyurus*) listed as vulnerable.

2.2 A delegate of the Minister considers that the action taken by Alcoa has contravened a civil penalty provision of Part 3 of EPBC Act, as section 18 applies, and the action has had, or is likely to have had, a significant impact on listed endangered and vulnerable species contrary to subsections 18(3) and 18(4).

2.3 The delegate has concluded that none of the circumstances of the action give rise to exemption under section 19 of the EPBC Act.

**3. Undertaking**

Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that the action resulted in the loss of habitat for protected species, Alcoa undertakes, for the purpose of section 486DA of the EPBC Act, to pay no less than \$40 million AUD (the **specified amount**) to the persons specified below to implement the measures specified in those subclauses:

- 3.1 By 31 December 2026, make payment to a landowner (or landowners) to be nominated by Alcoa and approved by the department, to purchase land (the **Offset Property**) approved by the department for the purpose of establishing an ecological offset for the protected matters identified in clause 2, in accordance with the EPBC Act Environmental Offsets Policy 2012 (updated 2022) (**Offsets Policy**) and the Offsets Assessment Guide.

- 3.2 Within 6 months of purchase, the Offset Property must be secured in perpetuity by a legally binding instrument acceptable to the department, which ensures permanent protection for the Offset Property and management of the Offset Property consistent with the Offset Policy. Alcoa are required to pay any additional reasonable associated costs incurred in securing that outcome, including to lawyers or governmental authorities.
- 3.3 If, by 31 December 2026, Alcoa has not purchased the Offset Property in accordance with clauses 3.1 and 3.2, then:
- a. Alcoa must notify the department of that fact by no later than 7 January 2027 or the timeframe as extended under 3.3(b).
  - b. If Alcoa notify the Minister that they are unable to purchase the Offset Property within the timeframe in 3.3(a), the Minister or Minister's delegate may provide an extension of time for compliance with clauses 3.1 and 3.2.
  - c. Within 90 days after receiving a notification under 3.3(a) the Minister or the Minister's delegate may nominate one or more alternative landowner(s) from whom Alcoa must purchase property, if agreed by Alcoa, to be nominated by the department, for the purpose of establishing the Offset Property under clauses 3.1 and 3.2. If the purchase is agreed by Alcoa, Alcoa must make payment of the purchase price of the property to the nominated landowner within 28 days of receiving written notice of that nomination.
  - d. If no alternative landowner is nominated under 3.3(c) at the end of the 90 days referred to in clause 3.3(c), Alcoa must pay the whole of the specified amount to the Commonwealth within 28 days of the elapsing 90-day period: or
  - e. If an alternative landowner is nominated pursuant to clause 3.3(c) but that landowner declines to accept payment in consideration for the sale of the property, Alcoa must pay the whole of the specified amount to the Commonwealth within 28 days of the recipient declining to accept the payment.
- 3.4 Within 6 months after the date of acceptance of this undertaking, Alcoa must engage a suitability qualified expert, approved by the department, to prepare and submit for approval by the department, a Biodiversity Offset Management Plan (**BOMP**), in relation to the Offset Property. The BOMP must be prepared in accordance with the Offsets Policy and the Environmental Management Plan Guidelines. The BOMP must be implemented. Alcoa must pay the expert the expert's reasonably incurred charges for preparing, submitting and implementing the BOMP.
- 3.5 Engage an independent, suitably qualified auditor, approved by the department, to verify the BOMP implementation and outcomes by no later than the end of the fifth year after commencement of implementation of the BOMP. Alcoa must provide the resulting audit report to the department. Alcoa must pay to the auditor the reasonably incurred charges of the audit.
- 3.6 The total value of the purchase price of the Offset Property and the activities undertaken to ensure the successful implementation of the BOMP in relation to the Offset Property must be no less than \$40 million AUD.

#### 4. Reporting

- 4.1 Alcoa will provide the department with a report addressing:
- a. the status of discharge of the financial commitments made by Alcoa pursuant to clause 3 of this undertaking; and

b. any other steps taken by Alcoa to implement this undertaking.

4.2 The report will be provided annually, commencing 12 months from the date of acceptance of the undertaking, until a period of six years has elapsed or until the Minister or the Minister's delegate notifies Alcoa in writing of the Minister or delegate's satisfaction that this undertaking has been fully complied with (whichever occurs earlier).

## 5. Acknowledgement

5.1 The delegate acknowledges and agrees that, on the basis that Alcoa complies with this undertaking, the Minister will not take steps to pursue further enforcement action against Alcoa in relation to Alcoa's conduct referred to in clause 2 of this undertaking.

5.2 Alcoa confirms that each measure contained in this undertaking is new and in addition to any other projects or programs that are currently being implemented, or are required to be implemented, by the State of Western Australia or any other regulator.

5.3 Alcoa acknowledges that the Minister may make this undertaking available for public inspection including on a public register.

Signed by Alcoa of Australia Limited (ABN 93 004 879 298):

s. 47F(1)

Signature of director

s. 47F(1)

Name of director (print)

s. 47F(1)

Signature of director/secretary

s. 47F(1)

Name of director/secretary (print)

Accepted by the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water, a delegate of the Minister, under s486DA of the EPBC Act.

on this \_\_\_\_\_ day of \_\_\_\_\_ 2026

Signature of \_\_\_\_\_

Map 1: Huntly Mine 2024 (red) and 2025 (purple) clearing





**SENATOR THE HON MURRAY WATT**  
**MINISTER FOR THE ENVIRONMENT AND WATER**

MS26-000144

**s. 47F(1)**

President

Alcoa Australia

PO Box 7439

CLOISTERS SQUARE WA 6850

Dear **s. 47F(1)**

I refer to your correspondence dated 30 January 2026, requesting an exemption under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to clear up to 1200 hectares of vegetation associated with Alcoa's mining operations at Huntly and Willowdale within ML1SA until 18 months from approval of exemption to maintain critical bauxite supply to Alcoa's two alumina refineries located in Pinjarra and Wagerup.

I agree that it is in the national interest that the application of the provisions of Part 3 and Parts 7 through 9 of the EPBC Act, should not apply in relation to this action. I appreciate Alcoa of Australia's commitment to minimising, where possible, any impacts on matters protected under national environmental law throughout the conduct of these works and to voluntarily compensate for residual significant impacts through the exercise of offsets in accordance with the EPBC Act *Environmental Offsets Policy, 2012*.

Please find enclosed with this correspondence a copy of the notice granting this exemption. Note that the exemption covers actions necessary to continue operations as outlined in the enclosed notice.

A copy of the notice and a statement of my reasons for granting it will be published on the Department of Climate Change, Energy, the Environment and Water's website within 10 business days.

Yours sincerely

MURRAY WATT / /2026

Enc Decision notice



**SENATOR THE HON MURRAY WATT  
MINISTER FOR THE ENVIRONMENT AND WATER**

MS26-000144

**S. 47F(1)**

President  
Alcoa Australia  
PO Box 7439  
CLOISTERS SQUARE WA 6850

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Please find enclosed with this correspondence a copy of the notice granting this exemption. Note that the exemption covers actions necessary to continue operations as outlined in the enclosed notice.

A copy of the notice and a statement of my reasons for granting it will be published on the Department of Climate Change, Energy, the Environment and Water's website within 10 business days.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Murray Watt'.

MURRAY WATT

18 / 2 / 2026

Enc    Decision notice



***ENVIRONMENT PROTECTION AND  
BIODIVERSITY CONSERVATION ACT 1999 (Cth)***

**Part 10 Strategic Assessment**

**Section 146 Agreement**

Agreement to undertake a Strategic Assessment of the impacts of a Plan for actions to be taken in the Strategic Assessment Area on matters protected by Part 3 of the EPBC Act.

between

**THE COMMONWEALTH MINISTER FOR THE ENVIRONMENT AND WATER**

and

**ALCOA OF AUSTRALIA LIMITED**

**ACN 004 879 298**

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on  
matters protected by Part 3 of the EPBC Act - section 146 Agreement

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Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

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## 1. Parties

### 1.1 The Parties to this Agreement are:

The Commonwealth Minister for the Environment and Water  
and

Alcoa of Australia Limited ACN 004 879 298

## 2. Commencement of Agreement

### 2.1 This Agreement will commence on the date on which the Agreement is signed by both Parties.

## 3. Definitions

### 3.1 Unless the context indicates otherwise, in this Agreement the definitions, meanings, and terms in the EPBC Act apply to this Agreement including its attachments.

### 3.2 In this Agreement:

**Agreement** means this Strategic Assessment agreement entered into by the Parties on the date the last party executes this Agreement and includes any attachments and any variations.

**Attachment** means an attachment to this Agreement.

**Alcoa** means Alcoa of Australia ACN 004 879 298.

**Commonwealth Minister** means the Minister with responsibility for administering the EPBC Act and includes a person to whom that Minister's power under section 146(1) of the EPBC Act has been delegated.

**Disclosable Information** means Information that both Parties agree is relevant and appropriate to be disclosed or published to third parties in the course of the Strategic Assessment or thereafter. For the purposes of this definition, Disclosable Information will not include Information that in the reasonable opinion of either of the Parties is Information:

- a) that if disclosed or published, would constitute a prohibited or unauthorised disclosure or publication under any West Australian or Commonwealth written law;
- b) that if disclosed or published would:
  - i. be reasonably anticipated to give rise to any legal or equitable claim or liability; or

Strategic Assessment of the Impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- 
- ii. constitute a waiver of privilege in the absence of consent of the Party possessing that privilege;
  - c) that is confidential in nature, personal Information or likely to be considered sensitive by an Aboriginal group in circumstances where authorisation or consent to disclose or publish such Information has not been obtained; or
  - d) is environmentally sensitive Information which, if published or published in a particular manner, may increase a risk of damage to the protected matters to which the Information relates.

**Environment** has the meaning given by section 528 of the EPBC Act.

**Environment Department** means the Commonwealth Agency with responsibility for administering Part 10 of the EPBC Act, from time to time.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), as amended from time to time.

**Impact** has the meaning given by section 527E of the EPBC Act.

**Impacts to which this Agreement relates** means an Impact of actions under the Plan on a Protected Matter.

**Information** includes data, information, knowledge and understanding developed for the purpose of the Strategic Assessment of the Strategic Assessment Area for use in:

- a) the development of the Plan and other documents; and
- b) the assessment of the Impacts of implementing the Plan.

**Parties** means the Parties to this Agreement as set out in clause 1.

**Plan** means the documentation (which constitutes a 'policy, plan or program' pursuant to section 146 of the EPBC Act) to be prepared by Alcoa, under which the Operations will be taken.

**Operations** means bauxite mining operations and ancillary activities as set out in Attachment 3 undertaken in the Strategic Assessment Area.

**Protected Matter** means a matter protected by a provision of Part 3 of the EPBC Act.

**Strategic Assessment** means the assessment referred to in clause 4.1 of this Agreement.

**Strategic Assessment Area** means the area identified as the strategic assessment area in the map at Attachment 1.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

**Strategic Impact Assessment Report (SIAR)** means the report describing and assessing the Impacts to which this Agreement relates, as contemplated by section 146(2)(a) of the EPBC Act and prepared in accordance with clauses 7 and 8 of this Agreement.

**Supplementary SIAR** means a report, provided for in clause 7.5, which includes:

- a) a summary of all the public comments received in response to the draft SIAR; and
- b) sets out how comments have been addressed through modification/s to the SIAR, if any, following the public comment period on the draft SIAR and draft Plan.

**Sustainable development** means development in accordance with the principles of ecologically sustainable development set out in section 3A of the EPBC Act, namely:

- a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- c) the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- e) improved valuation, pricing and incentive mechanisms should be promoted.

**Terms of Reference** means the Terms of Reference for the SIAR prepared in accordance with clause 6 of this Agreement, unless otherwise specified.

In this Agreement references to the singular include the plural, subject to any contrary intention.

#### 4. Background

- 4.1 Section 146(1) of the EPBC Act allows the Commonwealth Minister to agree in writing with a person responsible for the adoption or implementation of a policy, plan or program that an assessment be made of the impacts of actions under the policy, plan or program on a matter protected by a provision of Part 3 of the EPBC Act.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- 4.2 The Parties acknowledge that the Strategic Assessment Area has environmental values that must be considered alongside the economic and social benefits of development in the region.
- 4.3 A Strategic Assessment Agreement is a step toward endorsement of the Plan and approval of actions under the Plan which, if endorsed and approved, will enable development and environmental protection. It will support the consideration of future land uses and opportunities in an open and transparent manner and provide greater certainty to stakeholders.
- 4.4 In consultation with Alcoa, the Environment Department will prepare a Terms of Reference for the SIAR that will assess the Impacts to which the Agreement relates.
- 4.5 In consultation with the Environment Department, Alcoa will prepare:
  - a) a draft Plan, for endorsement by the Commonwealth Minister under the EPBC Act if the relevant requirements are met; and
  - b) a draft and then a final SIAR, which considers the cumulative Impacts to which this Agreement relates and may include consideration of social and economic matters.
- 4.6 The draft Plan and draft SIAR will be made available for public comment, following review and comment by the Environment Department.
- 4.7 After considering the final SIAR, the Commonwealth Minister may decide to endorse the draft Plan if the Commonwealth Minister is satisfied that:
  - a) the SIAR adequately addresses the Impacts of implementing the Plan; and
  - b) any recommended modifications to the draft Plan, or modifications having the same effect, have been made by Alcoa.
- 4.8 The Parties acknowledge that endorsement of the Plan itself does not constitute any approval under the EPBC Act for the taking of actions within the Strategic Assessment Area.
- 4.9 If the Commonwealth Minister decides to endorse the draft Plan, the Commonwealth Minister may then, under section 146B of the EPBC Act, decide to approve the taking of actions in accordance with the endorsed Plan.
- 4.10 The Plan will aim to support sustainable development of the Strategic Assessment Area and provide for operations until approximately 2045 (this date may change and will be clarified under the Plan). Operations under the Plan may include bauxite mining operations and ancillary activities as set out in Attachment 3 Scope of Strategic Assessment undertaken in the Strategic Assessment Area.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

4.11 For the removal of doubt, the statements in this clause are intended to be statements of information only and do not form part of the operative terms of this Agreement.

## 5. Development of the Plan

- 5.1 The Parties agree that Alcoa will develop a Plan that will detail the sustainable development of the Strategic Assessment Area.
- 5.2 The Plan will seek to ensure and promote conservation of Protected Matters from Impacts to which this Agreement relates.
- 5.3 The Plan must be developed in accordance with the requirements of the endorsement criteria (Attachment 2) and must include, but may not be limited to:
- a) the identification of areas for development;
  - b) the identification of the action, or the classes of actions, proposed to be undertaken within the Strategic Assessment Area, including a description of how these actions are related to development activities regulated and/or managed under State legislative requirements<sup>1</sup>;
  - c) outcomes and commitments for the conservation of Protected Matters, based on the 'avoid, mitigate and offset' hierarchy of principles;
  - d) outcomes and commitments for regulatory and administrative efficiencies, including for governments;
  - e) an implementation framework that describes how the Plan will be efficiently and effectively implemented (including how commitments for the conservation of Protected Matters set out in the Plan will be achieved);
  - f) an assurance framework that describes how the named approval holder (or holders) will demonstrate and adaptively manage the effectiveness of proposed regulatory, administrative and Protected Matter outcomes; and
  - g) an offsets framework that describes how offsets for residual significant impacts on Protected Matters will be efficiently and effectively implemented.
- 5.4 Alcoa agrees to consult on the development of the draft Plan. The Parties agree to establish an agreed list of stakeholders.

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<sup>1</sup> For an action, or a class of actions, to be covered by the Part 10 approval, they must be identified pre-endorsement and adequately assessed through the SIAR.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- 5.5 The processes for the review and publication of the draft Plan are detailed at clause 7, the processes for assessing the suitability of the Plan are at clause 8, and the established criteria for endorsement of the Plan by the Commonwealth Minister are at clause 9.

#### **6. Terms of Reference for the SIAR**

- 6.1 The Environment Department will prepare a Terms of Reference, in consultation with Alcoa.
- 6.2 Pursuant to section 146(1B)(a) of the EPBC Act, the Parties agree that the Terms of Reference will be prepared for a SIAR that will assess the Impacts to which this Agreement relates.
- 6.3 If the Commonwealth Minister is satisfied that the Terms of Reference will provide for a SIAR that adequately addresses the Impacts of implementing the Plan, the Commonwealth Minister will approve the Terms of Reference and notify Alcoa that the Terms of Reference can be finalised. On receipt of notification from the Commonwealth Minister that the Terms of Reference can be finalised, Alcoa must finalise the Terms of Reference.
- 6.4 The Terms of Reference will be published on the Environment Department and Alcoa websites (or any other appropriate website approved by the Environment Department) for a period ending no earlier than the date of the decision made by the Commonwealth Minister whether or not to endorse the Plan.

#### **7. Preparation of the Plan and SIAR**

- 7.1 In accordance with this Agreement and the Terms of Reference, Alcoa must prepare a draft Plan, as well as a draft SIAR that provides an assessment of the Impacts to which this Agreement relates.
- 7.2 The Environment Department will collaborate with Alcoa and provide comments on the draft Plan and draft SIAR throughout the development of these documents. The Environment Department will provide comments in a timely manner including comments on whether the Environment Department considers the draft SIAR adequately addresses the Impacts to which this Agreement relates, including the suitability of proposed avoidance, mitigation and offset measures, and the extent to which the draft Plan and draft SIAR adequately addresses the requirements for strategic assessments described in Part 10 of the EPBC Act.
- 7.3 Alcoa will amend the draft Plan and draft SIAR to incorporate the Environment Department's comments. The updated draft Plan and draft SIAR will be provided to the Environment Department accompanied by a summary document that

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

demonstrates how any comments from the Environment Department have been or have not been addressed.

- 7.4 Following completion of the process set out in clauses 7.1 - 7.3 of this Agreement, Alcoa will publish the draft Plan and draft SIAR, and by notice invite public comment on the draft SIAR. Alcoa must ensure that the notification:
- a) is posted on the Alcoa website (or any other appropriate website approved by the Environment Department) at a minimum for the period of public consultation specified by the Commonwealth Minister (of at least 28 days);
  - b) is circulated to key stakeholder groups agreed between the Environment Department and Alcoa;
  - c) is published in a national daily newspaper on the first day of the period mentioned in clause 7.4(a);
  - d) invites public comment on the draft SIAR for the period mentioned in clause 7.4(a); and
  - e) mentions:
    - i. that the draft SIAR is available for public comment;
    - ii. the period for public comment specified by the Commonwealth Minister;
    - iii. the provision of the EPBC Act that requires the draft SIAR to be published (i.e. section 146(2)(b));
    - iv. where and how copies may be obtained in an electronic and hard copy form without charge or at a reasonable cost;
    - v. contact details for obtaining further information, including reasonable access for persons with special needs; and
    - vi. the address to which public comments should be provided.
- 7.5 Following consideration of any public comments received, Alcoa will prepare, and then submit to the Environment Department for further comment:
- a) a copy of all public comments;
  - b) a revised draft SIAR (if required) that takes into account the public comments received (if any);
  - c) a revised draft Plan (if required) that is informed by public comments received on the draft SIAR (if any); and

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- 
- d) a Supplementary SIAR which addresses how all public comments have been addressed through revisions to the draft SIAR or Plan (if required).
- 7.6 The Environment Department agrees to assist Alcoa in ensuring that the draft SIAR and draft Plan provided under clause 7.5 adequately addresses the requirements for Strategic Assessments described in Part 10 of the EPBC Act by providing comments on the documents provided under clause 7.5 in a timely manner.
- 7.7 Alcoa will update and finalise the draft Plan and draft SIAR (if required) to reflect any further comments provided by the Environment Department following the public comment period, and prepare another summary document that demonstrates how any comments from the Environment Department following the public comment period have been or have not been addressed.
- 7.8 Alcoa must then finalise and submit the following documents to the Commonwealth Minister for endorsement under clause 9.1, as required by section 146(2)(f) of the EPBC Act:
- a) the final SIAR prepared under clause 7.7;
  - b) the draft Plan prepared under clause 7.7; and
  - c) if required, the Supplementary SIAR.

#### **8. Consideration of the SIAR and the Plan**

- 8.1 Following receipt of the final SIAR, the draft Plan and, if required, the Supplementary SIAR (as detailed in clause 7.8 of this Agreement), the Commonwealth Minister may make recommendations to Alcoa about the draft Plan, including recommendations for the modification of the draft Plan.
- 8.2 The Commonwealth Minister may request any additional Information they consider necessary in order to consider whether the final SIAR adequately addresses the Impacts to which this Agreement relates.
- 8.3 If the Commonwealth Minister makes recommendations about the draft Plan as outlined in clause 8.1 (specified in section 146(2)(e) of the EPBC Act), Alcoa:
- a) may seek clarification from the Commonwealth Minister on the recommendations;
  - b) must, unless otherwise agreed, modify the draft Plan to give effect or in a manner that has the same effect to the Commonwealth Minister's recommendations.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

8.4 Where Alcoa modifies the draft Plan in response to the Commonwealth Minister's recommendations, Alcoa must submit to the Commonwealth Minister for consideration:

- a) the modified draft Plan; and
- b) a summary of how the Commonwealth Minister's recommendations were given effect.

#### 9. Endorsement of the Plan

9.1 The Commonwealth Minister may endorse the draft Plan prepared under clause 7.8 or the modified draft Plan prepared under clause 8.4 (as the case may be) if satisfied that:

- a) the final SIAR adequately addresses the Impacts to which this Agreement relates; and
- b) if relevant, either the recommended modifications to the draft Plan, or modifications having the same effect, have been made.

9.2 In considering whether to endorse the draft Plan, the Commonwealth Minister will have regard to the criteria for endorsement of the Plan at Attachment 2.

9.3 If the draft Plan is endorsed by the Commonwealth Minister, Alcoa and the Environment Department must publish agreed versions of the final SIAR, endorsed Plan and (if relevant) Supplementary SIAR on Alcoa and Environment Department's websites (or any other appropriate website approved by the Environment Department).

#### 10. Approval of actions

10.1 The Parties acknowledge that, under section 146B of the EPBC Act, the Commonwealth Minister may approve the taking of an action, or class of actions, in accordance with an endorsed Plan. The effect of this approval decision is that any actions or classes of actions approved under section 146B would not need further approval by the Commonwealth Minister under the EPBC Act if taken in accordance with the endorsed Plan and any conditions attached to the approval.

10.2 The Parties agree that an approval holder (or holders) may be named for any approval of actions, or classes of actions, granted under section 146B of the EPBC Act, noting that any approval may, by reference to the endorsed Plan, permit persons other than the named approval holder to undertake actions in accordance with the endorsed Plan.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

10.3 If the Commonwealth Minister decides to approve the taking of an action, or class of actions, in accordance with the endorsed Plan, the Commonwealth Minister will:

- a) provide a copy of draft conditions of approval to the named approval holder (or holders) for comment prior to finalising the conditions;
- b) where appropriate, seek to ensure that conditions are outcomes-based;
- c) where appropriate, identify in the condition a named approval holder with responsibility for the condition; and
- d) where the approval relates to actions to be taken in a State, tell the appropriate Minister of the State that this Agreement has been made and what those actions are (in general terms).

10.4 The approval must be provided to anyone upon request. However, this may be subject to section 146B(4) of the EPBC Act.

#### 11. Information management

11.1 The Parties agree to work cooperatively and share Information, to the fullest extent practical, so as to avoid duplication of work in undertaking the Strategic Assessment pursuant to this Agreement. The Parties commit to the following open access objectives with respect to Disclosable Information:

- a) It is accessible and can be used by the community, business, government and other stakeholders.
- b) It is published under an open licence (preferably Creative Commons licence), and available in the public domain.
- c) It is published and described in a way that maximises discovery and reuse, preferably online, and in open formats.
- d) It is published at the highest resolution and accuracy available.
- e) It is released electronically at no cost to users or, if other formats are required, at minimal cost.

11.2 Nothing in this Agreement derogates from any legal obligation on the part of the Parties or their respective officers in respect of disclosure of information generally or the exercise of any legal right or privilege of the Parties in respect of disclosure of information as between the Parties, but otherwise the Parties will not disclose information other than Disclosable Information.

11.3 The exchange or submission of Information to the other Party will be subject to appropriate agreed information management practices and protocols.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

11.4 The Parties agree to develop and maintain a data management plan to record the key pieces of data and information generated for the Strategic Assessment.

## **12. Governance arrangements and dispute resolution**

- 12.1 The parties acknowledge that this Agreement is not legally binding but nevertheless agree to carry out their respective obligations and conduct themselves as though they were bound. The Parties agree to use best endeavours to establish agreed timelines for arrangements to progress the Strategic Assessment in a cooperative, timely and efficient manner.
- 12.3 The Parties agree to use reasonable efforts to resolve by negotiation any problem that arises between them in the course of carrying out this Agreement (a Dispute). A Party will not terminate this Agreement as a result of a Dispute until the following process has been exhausted:
- a) If there is a Dispute between the Parties concerning this Agreement, either Party may give written notice of the Dispute to the other party which will state that it is a notice under this clause and will specify the details of the Dispute concerned.
  - b) Management representatives (Director equivalent) of each of the Parties will endeavour in good faith to agree upon a resolution to a Dispute.
  - c) Should management representatives fail to reach a resolution within 10 business days of receipt of a notice of Dispute (or another timeframe agreed to in writing between the Parties), the Dispute will be taken to Senior Executive Service (SES) or equivalent representatives of each of the Parties.
  - d) SES representatives will endeavour in good faith to agree upon a resolution of the Dispute.
  - e) Should the SES representatives fail to resolve the Dispute within 10 business days (or other timeframe agreed to in writing between the Parties), the Dispute will be taken to the:
    - i. relevant Deputy Secretary of the Environment Department, and
    - ii. relevant Director Strategy, Planning and Approvals of Alcoa's Australian Operations who will endeavour to reach agreement regarding the Dispute.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

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### **13. Variation**

- 13.1 The Parties may vary this Agreement by written agreement only to the extent that the varied Agreement is consistent with the provisions of the EPBC Act.
- 13.2 Any variation to this Agreement shall be published on the Environment Department and Alcoa websites (or any other appropriate website approved by the Environment Department).

### **14. Termination**

- 14.1 This Agreement may be terminated at any time by written notice from either Party, except where the termination relates to a dispute and the procedure at clause 12.2 has not been followed.

### **15. General**

- 15.1 Any notice given by a Party under this Agreement must be in writing and hand delivered or sent by pre-paid post, or email, to the appropriate representative at the specified address. The appropriate representative for each Party is:
- a) StrategicAssessment306@Alcoa.com
  - b) EADSouthWA@dcceew.gov.au
- 15.2 Notwithstanding any other provision of this Agreement, the Parties may disclose Information, including personal information and Information that is not Disclosable Information, where required or permitted to be disclosed by law.
- 15.3 The understanding of the Parties is that fees may be payable for this strategic assessment under Division 1 of Part 10 of the Act.
- 15.4 This Agreement may be executed in counterparts. All executed counterparts constitute one document.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

### Signatures

The Hon. Murray Watt, Minister for the Environment

s. 47F(1)

Name of Witness



Signature

s. 47F(1)

Signature of Witness

18/2/26

Date

SIGNED by Alcoa of Australia Limited:

s. 47F(1) /ice President Australian Operations

s. 47F(1)

Name of Witness

s. 47F(1)

Signature

s. 47F(1)

Signature of Witness

9 February 2026

Date

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

### Attachment 1: Map of the Strategic Assessment Area

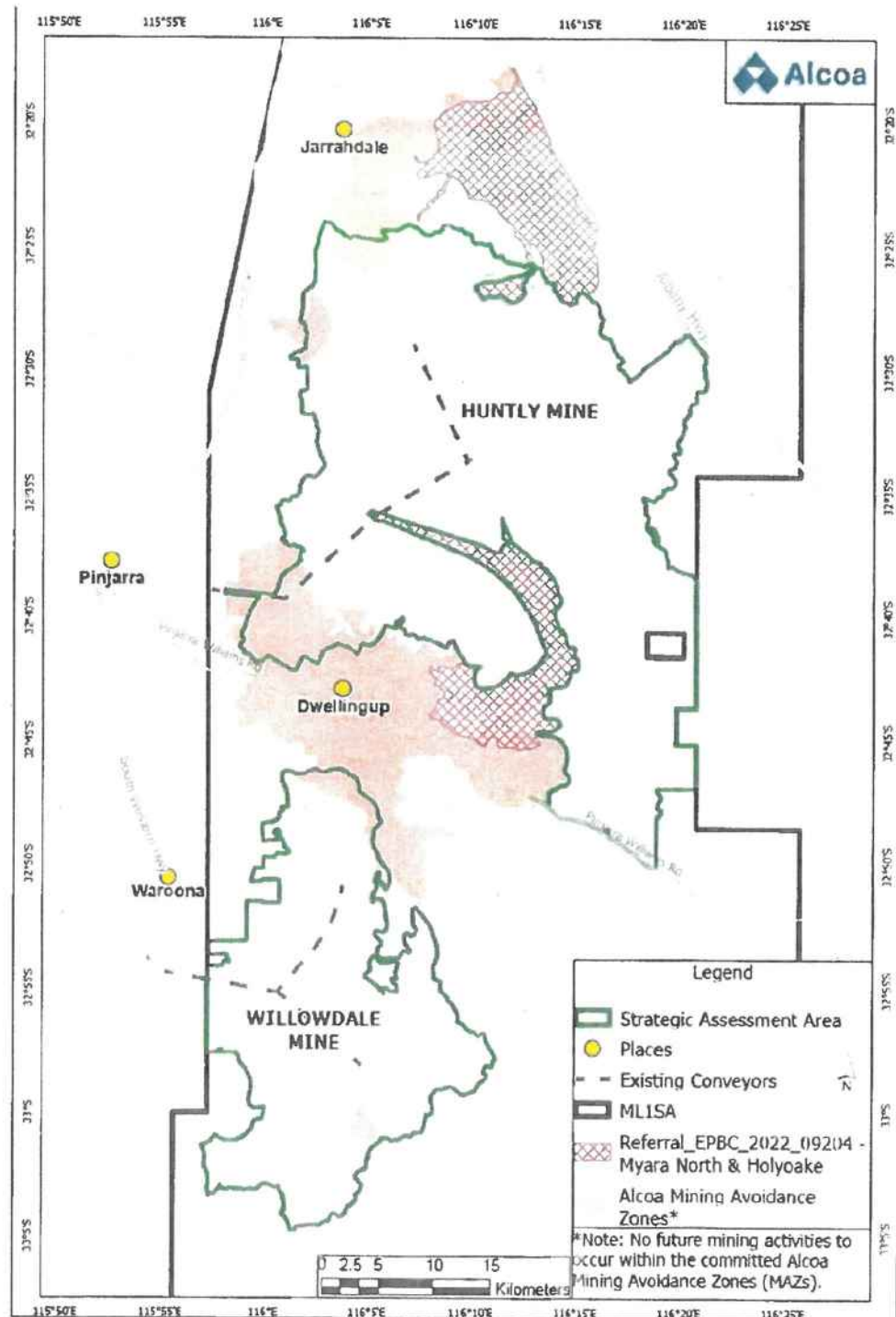


Figure 1: Map of the Strategic Assessment Area in and around the Huntly and Willowdale Mines, Western Australia.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

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## Attachment 2: Endorsement Criteria for the Plan (Clause 9)

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In determining whether or not to endorse the draft Plan, the Commonwealth Minister may consider the following criteria.

### General

- 1) In determining whether they are satisfied that the SIAR adequately addresses the Impacts to which this agreement relates, the Commonwealth Minister must have regard to the extent of which the draft Plan meets the objectives of the EPBC Act, including how it:
  - a) protects those aspects of the environment that are Protected Matters under Part 3 of the EPBC Act;
  - b) promotes ecologically sustainable development (as per section 3A of the EPBC Act);
  - c) promotes the conservation of biodiversity and provides for the protection and conservation of heritage;
  - d) promotes a cooperative approach to the protection and management of the environment; and
  - e) assists in the cooperative implementation of Australia's international environmental responsibilities.

### Scope

- 2) The Plan will:
  - a) describe how the Plan is to operate;
  - b) use plain English and be written in a way that assists readers who do not have background in or detailed knowledge of the EPBC Act;
  - c) provide a named approval holder (or holders);
  - d) describe the role and responsibilities of the named approval holder (or holders), the Environment Department and other relevant agencies;
  - e) define the action or classes of actions that have been assessed in the SIAR, including how these are related to development activities regulated and/or managed under State legislative requirements;
  - f) define persons who can take an action under the Plan;
  - g) define the timeframe of the Plan;
  - h) define the spatial area of the strategic assessment;
  - i) define the class of action boundary; and
  - j) define matters excluded from the scope of the Plan, including but not limited to:

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- 
- i) actions that have already been found not to be controlled actions under section 75(1) of the EPBC Act;
  - ii) actions that have already been approved under section 133(1) of the EPBC Act; and
  - iii) actions not assessed or specifically excluded from the Plan.

**Environmental, administrative and regulatory strategic assessment outcomes**

**3) The Plan will:**

- a) identify the Protected Matters that are relevant to the Plan;
- b) summarise the expected duration, extent and likely severity of the Impacts of implementing the Plan on Protected Matters;
- c) demonstrate how the cumulative Impacts to which this agreement relates identified in the SIAR will be avoided and mitigated;
- d) provide for appropriate offsets in accordance with the EPBC Act Environment Offsets Policy<sup>2</sup>, in the event that impacts to which this agreement relates cannot be fully avoided or mitigated;
- e) define clear and measurable outcomes and commitments for the management and conservation of Protected Matters that are relevant to the Plan, including specific, measurable, achievable, relevant and timely performance indicators to demonstrate progress towards achieving these outcomes and commitments; and
- f) define clear and measurable outcomes and commitments for the achievement of administrative and regulatory efficiencies, including specific, measurable, achievable, relevant and timely performance indicators to demonstrate progress towards achieving these outcomes and commitment

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<sup>2</sup> As amended from time to time, or any other Commonwealth policy relating to offsets that replaces this policy.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

### Implementation and Assurance

- 4) The Plan must commit to, and outline, an effective and efficient:
  - a) implementation framework that:
    - i) describes a verification process to administer and track the use of the Part 10 approval by persons who are undertaking an action in accordance with the endorsed Plan;
    - ii) ensures persons undertaking actions under the Part 10 approval are informed of, and understand, their obligations under the endorsed Plan and approval;
    - iii) details how outcomes and commitments for protected matters and regulatory and administrative efficiencies will be monitored, documented, delivered, and adequately resourced throughout the life of the Plan; and
    - iv) details all governance arrangements including the roles and responsibilities of the Parties and the named approval holder (or holders), including in the post approval phase, for the implementation of the Plan and Part 10 approval.
  - b) assurance framework that:
    - i) outlines how the named approval holder (or holders) will monitor, evaluate, review, audit and adaptively manage the effectiveness of proposed regulatory, administrative and protected matter outcomes, commitments and approval conditions, including a process for auditing and reporting to provide transparency for stakeholders; and
    - ii) identifies the timing and frequency of all assurance activities.
  - c) offsets framework that:
    - i) outlines how offsets will produce an overall conservation outcome that improves or maintains the viability of the relevant Protected Matters that will be impacted by a residual significant impact; and
    - ii) outlines how offsets will be measured, monitored, audited and enforced in accordance with the EPBC Act Environment Offsets Policy<sup>3</sup>.
  - d) process for adaptive management and corrective action;
  - e) process for data management and sharing of data (in line with any arrangement for handling sensitive and classified information); and
  - f) process for stakeholder engagement (including with the Commonwealth).

<sup>3</sup> As amended from time to time, or any other Commonwealth policy relating to offsets that replaces this policy.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

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### Attachment 3: Strategic Assessment Scope

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The Strategic Assessment Area includes bauxite mining operations and ancillary activities proposed to be taken by Alcoa within the Strategic Assessment Area from the date of any approval issued under section 146B of the EPBC Act as generally described below:

#### Clearing of Vegetation

- Salvaging of commercial timber, which is then provided to third parties.
- Clearing of remaining vegetation, with some supplied to third parties; the rest is mulched.
- Topsoil and overburden removed and either stockpiled separately for re use at a later time or re-used immediately on an area undergoing rehabilitation. Stockpiles are preferentially located on ore bodies, to reduce the amount of required vegetation clearing.

#### Bauxite Mining

- Bauxite occurs as tabular ore bodies averaging 3.5 metres in depth and varying approximately 0.5 to 150 hectares in area. The bauxite ore is overlaid with gravel and soils in depth from 0 to 1.5 metres. The upper part of the ore frequently presents as cemented caprock, ranging in thickness from 0 to 2.5 metres.
- At the pit locations caprock is broken by drilling and blasting, and in some areas by mechanical fragmentation.
- Beneath the caprock is a friable zone containing the majority of the ore body, this then merges into clay with uneconomic quantities of bauxite. Once the overburden is removed, the economic extent of the bauxite ore in each pit will be mined.
- The ore is removed from the pits by excavators and deposited into trucks which haul the ore to central processing facilities for primary and secondary crushing. Ore is then transported on conveyor networks to the refineries

#### Infrastructure

- The development of bauxite mining regions requires infrastructure including processing hubs, overland conveyors, haul roads, heavy vehicle access roads, public access roads, electrical power, and other infrastructure.
- Mine facilities provide a range of administrative and operational support functions including but not limited to workshops, hydrocarbon storage, explosive storage, laydown areas, offices, water storage and treatment, and wastewater treatment.
- Electrical power infrastructure may include diesel generators, diesel fuel storage, above and below ground electrical powerlines, substations, transformers and control equipment.
- Construction and operation of other minor infrastructure activities, such as fencing, access tracks, installation of environmental monitoring equipment.

Strategic Assessment of the impacts of actions taken in the Huntly and Willowdale Mine regions on matters protected by Part 3 of the EPBC Act - section 146 Agreement

- Installation of surface water drainage infrastructure to maintain surface water flows along natural waterways and to manage surface water runoff and sediment from new mining and internal haul road areas. Drainage infrastructure to be constructed will include culverts, sumps, bunds and open drains.

#### Rehabilitation

- Following mining, exhausted pits and haul roads in the Strategic Assessment Area will be rehabilitated to Jarrah Forest by:
  - Removing compaction of pit floors/ road surfaces.
  - Recontouring the surface.
  - Returning gravels and topsoil.
  - Seeding, planting of nursery-raised seedlings and fertilising.
  - Coarse woody debris in the form of logs and stumps is also returned as fauna habitat.

#### The following is not within the scope of the Strategic Assessment:

- Actions referred under EPBC 2022/09204 Huntly Bauxite Mine Transition.
- Low impact activities that will not or are not likely to have a significant impact on Protected Matters, including:
  - exploration drilling and associated activities (such as upgrades or maintenance to existing roads/tracks) for the purpose of resource evaluation,
  - geotechnical assessment,
  - hydrogeological investigation, and
  - environmental, heritage and other studies/investigations involving fieldwork.

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## Fw: Alcoa Confidential - Draft National Interest Exemption

Thursday, 19 March 2026 10:11 AM

|         |                                                                   |
|---------|-------------------------------------------------------------------|
| Subject | <b>Fw: Alcoa Confidential - Draft National Interest Exemption</b> |
| From    | Mike KAISER                                                       |
| To      | Michelle HEALY                                                    |
| Sent    | Saturday, 29 November 2025 12:31 PM                               |

**From:** Mike KAISER

**Sent:** Friday, November 28, 2025 8:42:33 PM

**To:** s. 47F(1)

**Subject:** Re: Alcoa Confidential - Draft National Interest Exemption  
Receipt acknowledged s. 47F(1)  
Mike

**From:** s. 47F(1)

**Sent:** Friday, November 28, 2025 8:26:21 PM

**To:** Mike KAISER

**Subject:** Alcoa Confidential - Draft National Interest Exemption  
***Commercial in confidence***

Dear Mike

Thank you for your time today.

As we discussed, I have attached a draft cover letter to the Minister requesting a National Interest Exemption. I have also attached a draft submission document that sets out the reasons for Alcoa's request in more detail and that may also assist the Department in preparing its reasons for decision. I have also attached copies of the very strict State approval conditions that we currently operate under. In summary, our proposal is that any National Interest Exemption granted by the Minister is:

- Subject to Alcoa complying with these State approval conditions;
- Limited to 800 ha per annum; and
- Time bound to 31 December 2029 – we have proposed this date as this allows for Alcoa to receive its approvals (currently undergoing a bi-lateral assessment with the State EPA and DCCEEW which we aim to secure in late 2026), construct infrastructure (approx. 2-2.5 years) and commence mining at the proposed Myara North and Holyoake mining areas which we target commencement of in late 2028/2029.

Given the critical nature of this issue, we look forward to concluding this matter early next week. We also propose to extend the draft Enforceable Undertaking to cover the period ending 2025 so we are eager to also discuss the scope of the projects and value.

Kind regards

s. 47F(1)

# Fw: Alcoa Confidential - Draft National Interest Exemption

Thursday, 19 March 2026 10:15 AM

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject     | <b>Fw: Alcoa Confidential - Draft National Interest Exemption</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| From        | Mike KAISER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| To          | Michelle HEALY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Sent        | Sunday, 30 November 2025 12:06 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Attachments | <div>  <p>25.11.28<br/>Draft sub...</p> </div> <div>  <p>Environme<br/>ntal Prote...</p> </div> <div>  <p>Ministerial<br/>Approval ...</p> </div> <div>  <p>25.11.28<br/>Draft cov...</p> </div> |

**From:** S. 47F(1)

**Sent:** Friday, November 28, 2025 8:26:21 PM

**To:** Mike KAISER

**Subject:** Alcoa Confidential - Draft National Interest Exemption

***Commercial in confidence***

Dear Mike

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- Subject to Alcoa complying with these State approval conditions;
- Limited to 800 ha per annum; and
- Time bound to 31 December 2029 – we have proposed this date as this allows for Alcoa to receive its approvals (currently undergoing a bi-lateral assessment with the State EPA and DCCEEW which we aim to secure in late 2026), construct infrastructure (approx.

2-2.5 years) and commence mining at the proposed Myara North and Holyoake mining areas which we target commencement of in late 2028/2029.

Given the critical nature of this issue, we look forward to concluding this matter early next week. We also propose to extend the draft Enforceable Undertaking to cover the period ending 2025 so we are eager to also discuss the scope of the projects and value.

Kind regards

s. 47F(1)

# Submission in support of application for exemption under section 158 of the EPBC Act

## 1 Legislation

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Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

### **158 Exemptions from Part 3 and this Chapter**

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
  - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
  - (b) give a copy of the notice to the person specified in the notice.

## 2 Background

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s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)

### 3 Amendment to section 43B of the EPBC Act

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- 8 A package of 7 bills to implement the recommendations of the 2020  
Independent Review of the EPBC Act were introduced to parliament on 30  
October 2025. This included the Environment Protection Reform Bill 2025 (Cth)  
(**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on  
6 November 2025.
- 9 AoA's operations at Huntly mine and Willowdale mine (to the extent not within  
the scope of a prior authorisation for the purposes of section 43A of the EPBC  
Act) are a lawful continuation of use of the land comprising ML1SA prior to the  
commencement of the EPBC Act on 16 July 2000.
- 10 On 24 November 2025, the EPR Bill was introduced to the Senate. On  
27 November 2025, amendments were proposed by the Australian Greens to  
support the passage of a package of reforms to the EPBC Act.
- 11 Item 12 of the Schedule of the amendments made by the Senate to the EPR Bill  
in respect to AG (3) [sheet 3566] amends section 43B of the EPBC Act as  
follows:

*(2B) Subsection (1) also does not apply to an action if:*

- (a) the action consists of, or involves, clearing vegetation from land; and*
- (b) at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and*
- (c) the action is not a forestry operation.*

- 12 This amendment was agreed, and the EPR Bill then passed, by the Senate on 27 November 2025. The House of Representatives agreed to the Senate amendments on 28 November 2025. The EPR Bill has now passed both houses of parliament and is awaiting Royal Assent.
- 13 This means any clearing of vegetation that has not been cleared in the prior 15 years in the course of a lawful continuation of use of land will now require Part 9 approval if it has, will have or is likely to have, a significant impact on a matter protected by Part 3 of the EPBC Act.

## 4 Exemption being sought

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- 14 Clearing of vegetation is an integral part of the mining operations undertaken by AoA on ML1SA. It is not possible for AoA to maintain ongoing supply of bauxite to its refineries at Pinjarra and Wagerup without clearing in advance of mining. In turn, this will impact the future production of alumina and gallium (in due course).
- 15 Without an exemption being granted under section 158 of the EPBC Act, AoA will be placed the position of being unable to continue conduct (ie clearing) that may be otherwise than in accordance with the EPBC Act.
- 16 AoA had no prior notice of the amendment to section 43B, which was proposed and then passed within hours. It has therefore had no opportunity to either assess its immediate clearing activities against Part 3.
- 17 AoA seeks to operate in accordance with all applicable laws, including the EPBC Act. The amendments to section 43B in the EPR Bill prejudice its ability to do so. AoA is therefore requesting a temporary exemption under section 158 of the EPBC Act in respect of clearing associated with its operations on ML1SA that is required to ensure business continuity, to the extent such clearing is a controlled action.
- 18 Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:
- (a) The taking of limited clearing on ML1SA which has not been cleared of vegetation for a period of at least 15 years.
  - (b) Limited clearing on ML1SA means clearing:
    - (1) Associated with AoA's operations at the Huntly mine and Willowdale mine (to the extent not within the scope of a prior authorisation for the purposes of section 43A of the EPBC Act);
    - (2) of no more than 800 hectares per annum;

- (3) undertaken in accordance with AoA's Mining Management Program (**MMP**) as annually approved by the Western Australian Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
- (4) undertaken from the date the exemption takes effect until 31 December 2029.

19 AoA respectfully requests the Minister grant an exemption under section 158(3) of the of the EPBC Act on or before Royal Assent to the amendments described in section 3 above.

s. 47G(1)(a), s. 47G(1)(b)

s. 47G(1)(a), s. 47G(1)(b)



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**Alcoa of Australia Limited**  
ACN 004 879 298

**Corporate Office**  
PO Box 7439  
Cloisters Square WA 6850  
Australia

28 November 2025

**Commercial in confidence**

Senator the Hon Murray Watt  
Minister for the Environment and Water  
PO Box 6100  
Senate, Parliament House  
Canberra ACT 2600

Dear Minister Watt

**Application for section 158 exemption from Part 3 of the EPBC Act**

I write seeking your urgent attention to Alcoa of Australia's (**AoA**) application for an exemption under section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) in respect of limited clearing associated with our Western Australian mining operations.

On 27 and 28 November 2025, amendments to the EPBC Act were passed that fundamentally alter the operation section 43B, being the lawful continuation of land use grandfathering provision. The amendments have excluded the clearing of vegetation of land that has not been cleared for a period of at least 15 years from the operation of this provision. Section 43B is not exclusively applicable to agricultural land, as has been suggested in commentary regarding the amendment, and has direct consequences for the ongoing conduct of AoA's operations.

AoA had no prior notice of the proposed amendment to section 43B of the EPBC Act and understands that the change is intended to take effect from the date the proposed amendments receive Royal Assent. Accordingly, AoA has been unable to assess its immediate clearing activities against Part 3, or take steps to seek Part 9 approval (if required). An exemption under section 158 of the EPBC Act is the only available avenue to ensure business continuity.

Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:

- (a) The taking of **limited clearing on ML1SA** which has not been cleared of vegetation for a period of at least 15 years.
- (b) **Limited clearing on ML1SA** means clearing:
  - (1) Associated with AoA's operations at the Huntly mine and Willowdale mine (to the extent not within the scope of a prior authorisation for the purposes of section 43A of the EPBC Act);
  - (2) of no more than 800 hectares per annum;
  - (3) undertaken in accordance with AoA's Mining Management Program (**MMP**) as annually approved by the Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
  - (4) undertaken from the date the exemption takes effect until 31 December 2029.

We have requested that the exemption is valid until to 31 December 2029 as this allows for Alcoa to receive its approvals, construct infrastructure and commence mining at the proposed Myara North and Holyoake mining areas.

Attached to this letter is a submission in support of AoA's application for a section 158 exemption. It sets out in further detail the unique and exception circumstances that have arisen, and why grant of an exemption is clearly in the national interest.

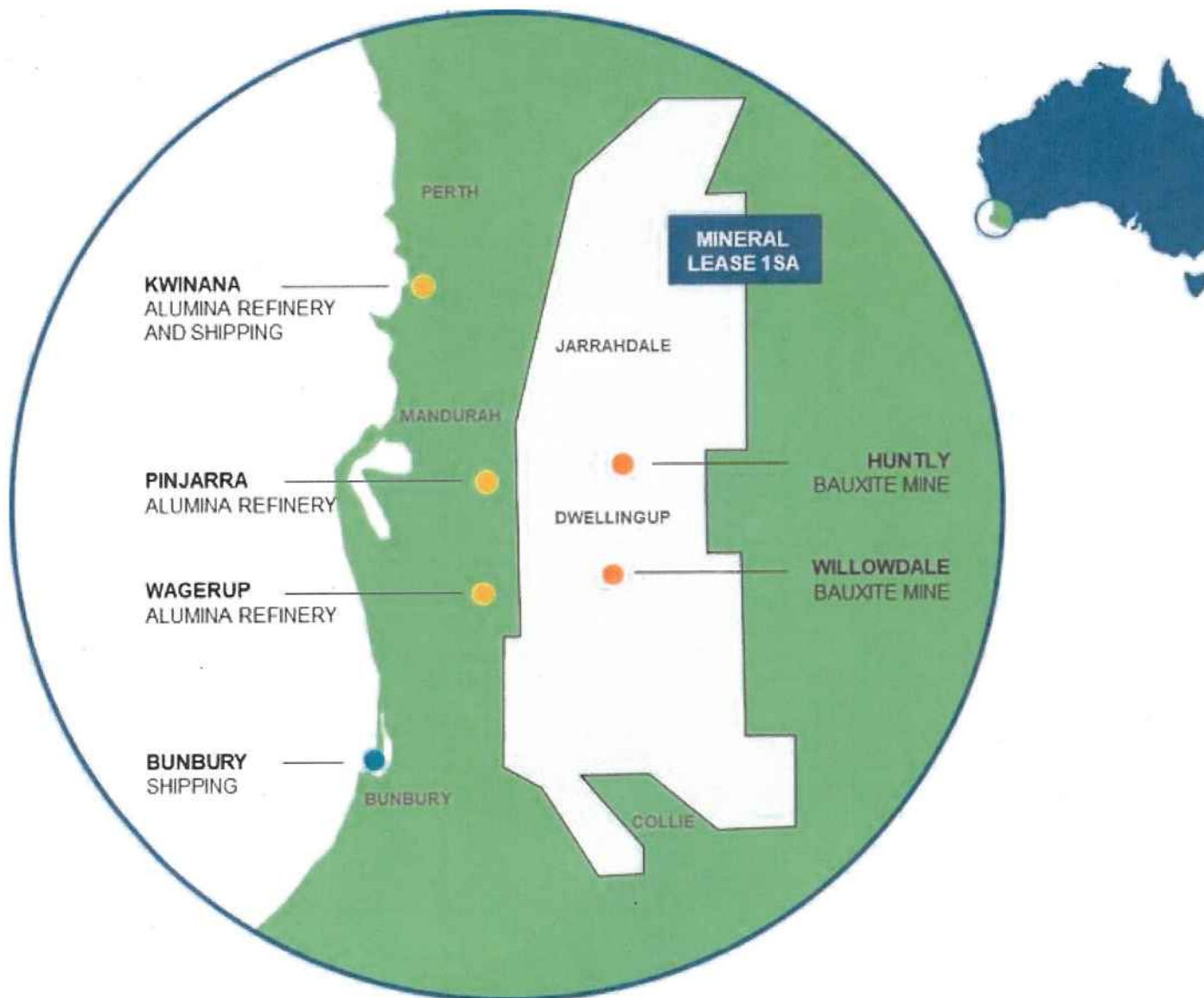
I respectfully request that you grant an exemption under section 158(3) of the EPBC Act on or before Royal Assent to the amendments described above. If you require any further information in support of this application, please contact [s. 47F\(1\)](#) @alcoa.com.

Yours sincerely

[s. 47F\(1\)](#)

President Alcoa Australia

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OFFICIAL

From: [S. 47F\(1\)](#) <[@alcoa.com](#)>

Sent: Friday, 6 February 2026 3:16 PM

To: [S. 22\(1\)\(a\)\(ii\)](#) <[@dcceew.gov.au](#)>

Subject: Strategic Assessment Area Map

Hi [S. 22\(1\)\(a\)\(ii\)](#)

See attached an updated Strategic Assessment Area Map. If you could please include in Attachment 1 for the updated Agreement you plan to send back later today.

Regards

[S. 47F\(1\)](#)

Director of Regulatory Approvals

[S. 47F\(1\)](#) (Mobile)

Level 2, 235 St Georges Tce, Perth WA 6000

[S. 47F\(1\)](#) <[@alcoa.com](#)>

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Our Purpose:  
Turn Raw Potential Into Real Progress

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