



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

**Approval**

**Proposed technical ammonium nitrate production facility (EPBC 2008/4546)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

<b>person to whom the approval is granted</b>	Burrup Nitrates Pty Ltd
<b>proponent's ACN (if applicable)</b>	127 391 422
<b>proposed action</b>	The construction of an ammonium nitrate production facility within the King Bay/Hearson Cove Industrial Precinct, Burrup Peninsula, WA [See EPBC Act referral 2008/4546].

**Approval decision**

<b>Controlling Provision</b>	<b>Decision</b>
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved


**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2040

**Decision-maker**

<b>name and position</b>	Barbara Jones Assistant Secretary Environment Assessment Branch
<b>signature</b>	
<b>date of decision</b>	14 September 2011

## **Conditions attached to the approval**

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1. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plan(s) and program(s) required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
3. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans and monitoring programs as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
4. The person taking the action must ensure that wastewater from the facility meets the requirements set out in **Statement 594** for discharges into the Multi User Brine Return Line (MUBRL).
5. To ensure the protection of listed threatened species and listed migratory species, the person taking the action must notify the **Department** of any proposal to apply **larvicide** or **adulticide** within the project site (**Attachment 1**) and develop a management plan for such an application(s). This management plan must be approved by the Minister and include details as to:
  - the chemical make-up to be applied;
  - the areas in which spray will be applied;
  - the timeframe over which spray will be applied;
  - the season in which spray will be applied;
  - potential impacts of the larvicide or adulticide on listed threatened and listed migratory species; and
  - mitigation measures proposed for potential impacts on listed threatened and migratory species.

This notification must be provided to the **Department** in writing at least six (6) months prior to any proposed application.

Any proposal to apply larvicide or adulticide within the project site must be undertaken in accordance with the management plan.

6. To ensure the protection of listed threatened species and listed migratory species, the person taking the action must:
  - a) Employ such structures and apparatus as are necessary and agreed by the Western Australian Department of Environment and Conservation to deter birds from entering the contaminated water pond, clean water pond, and sewage wastewater treatment station evaporation pond, as per Condition 7.1 (Appendix 4) in the **Environmental Protection Authority's recommendation report**; and
  - b) Ensure these structures and apparatus are in place prior to **commissioning**.

7. To ensure the protection of the listed threatened species; listed migratory species and the values of the **Dampier Archipelago (including Burrup Peninsula) National Heritage Place**, the person taking the action must submit to the **Department** those management plans containing management actions aimed at reducing impacts upon these relevant matters of national environmental significance, including:
- a) Construction Environmental Management Plan (CEMP), which must be submitted to the **Department** at least two (2) months prior to **construction** and must include, but not be limited to, management measures for the following:
    - Air Quality and Dust;
    - Water Quality;
    - Erosion Control and Storm Water;
    - Waste;
    - Traffic; and
    - Blasting (if required).
  - b) Operational Environmental Management Plan (OEMP), must be submitted to the **Department** at least two (2) months prior to **operation** and must include, but not be limited to, management measures for the following:
    - Erosion Control and Storm Water;
    - Water Quality;
    - Air Quality and Dust;
    - Waste;
    - Traffic; and
    - Blasting (if required).
  - c) Additional management plans, including those covering both **construction** and **operation**, must be submitted to the **Department** at least two (2) months prior to **construction**, including:
    - Aboriginal Heritage Management Plan;
    - Hazardous Materials Management Plan; and
    - Emergency Response Management Plan.

**Construction** and **operation** cannot begin until the management plans mentioned above have been approved by the **Minister**.

The contents of these management plans, and any other **construction** or **operation** management plans required for the project, must not contain management actions that are inconsistent with these approval conditions or the **National Heritage management principles**.

- 8 To protect the values of the **Dampier Archipelago (including Burrup Peninsula) National Heritage Place**, particularly the **rock art sites**, the person taking the action must ensure that:
- a) Chain mesh fencing of at least 2.5 metres in height is installed around the perimeter of the project site prior to construction.
  - b) Signs of at least 1m<sup>2</sup> in size are attached to fencing at the entrance to the project site and at no less than 50 metre intervals along the fence. These signs must clearly indicate that no construction and operation staff are permitted to enter areas surrounding the project site that contain manmade structures of a type mentioned in the **Dampier Archipelago (including Burrup Peninsula) National Heritage Place Gazette notice** and/or engravings and/or standing stones and/or archaeological material associated with any of the afore mentioned items unless their work specifically requires them to do so, and they have received permission from the construction manager and project archaeologist.
  - c) The relevant supervisor records the names of all those required to access areas containing **rock art sites** inside the National Heritage boundary and is able to provide

these records if asked to do so by the Department. Unauthorised access to areas containing rock art sites inside the National Heritage boundary must be reported to the Department in writing within 72 hours.

- d) (i) The person taking the action must at least once annually, beginning from the time construction commences, engage a heritage monitor or other suitably qualified person (Heritage) to survey the rock art sites within a two (2) kilometre radius of the project site, to provide advice on any changes to the appearance, or cultural value, of rock art sites within the examined area. The heritage monitor must, within one (1) month of completing a survey, provide a written report to the person taking the action following each survey undertaken.
- (ii) The person taking the action must, within one (1) month of the report of the heritage monitor being provided to the person taking the action, provide that report to the Department.

- e) Any impact the action has on the heritage values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place must be reported to the Department in writing within 72 hours. Impacts may include (but will not necessarily be limited to) any impacts caused by construction activity; vandalism perpetrated by personnel involved in plant construction or operation; spillage of potentially corrosive materials into the National Heritage Place; impacts from blasting activity.

9. To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites, the person taking the action must undertake an air quality monitoring program. The air quality monitoring program must:

- a) Undertake air quality monitoring at three (3) sites as shown in Attachment 2. These sites being sites previously selected, designed, fenced off and used in the original Western Australian Department of Environment and Conservation (WA DEC)/CSIRO air quality monitoring program.

- Site 5 – Burrup Road site;
- Site 6 – Water tanks site; and
- Site 7 – Deep Gorge site.

The air quality monitoring must be undertaken for a period of not less than 24 months beginning from the commencement of construction. The results of this monitoring will be used to establish baseline data on levels of:

- Ammonia (NH<sub>3</sub>);
- Nitrogen Oxides (NO<sub>x</sub>);
- Sulphur Oxides (SO<sub>x</sub>); and
- Total suspended particulates (TSP), including dust at those rock art sites.

- b) Ensure that the monitoring of air quality at rock art sites is undertaken by a suitably qualified person (Air Quality).
- c) Ensure air quality readings during the twenty four (24) months of baseline monitoring are taken at least four (4) times in every 12 months.
- d) Ensure that the baseline data established from the air quality monitoring is reported to the Department in writing within 12 months of the completion of construction or following twenty four (24) months of baseline monitoring (whichever finishes last). The report must include a map clearly showing the location of each rock art site being monitored.
- e) Ensure air quality monitoring of the rock art monitoring sites (sites 5, 6 and 7) is continued for an additional period of five (5) years, following the establishment of baseline data and once operation has commenced, to record levels of NH<sub>3</sub>, NO<sub>x</sub>, SO<sub>x</sub> and TSP, including dust.
- f) Report the results of the five (5) years of monitoring following the establishment of baseline, as per condition 9(e) above, to the Department, in writing, within two (2) months of that year's monitoring having been completed.

Refer to  
Variation  
dated 18.12.2013

10. To protect the values of the **Dampier Archipelago (including Burrup Peninsula) National Heritage Place**, particularly the rock art sites, the person taking the action must participate in the **DEC-managed Monitoring Program** by:

- a) Contributing a **pro-rata amount** annually (in line with that currently utilised by the WA DEC, but not exceeding \$15,000/year) for a period of not less than two (2) years from the beginning of construction to DEC for the DEC-managed colour contrast and spectral mineralogy Monitoring Program (**DEC-managed Monitoring Program**), which is an independent scientific program of monitoring, to detect any changes in patination, including any discolouration, of the surface of the rock art or the surrounding rock surface;
- b) If the **DEC-managed Monitoring Program** continues after the completion of the two year period referenced in condition 10(a) above, the person taking the action must continue to provide the agreed annual contribution referenced in condition 10(a), for an additional period of five (5) years maximum or until the **DEC-managed Monitoring Program** is concluded (whichever is reached first).
- c) The person taking the action must within two (2) months of the results of the **DEC-managed Monitoring Program** being completed, provide these results to the Department.

Refer to Variation dated 18.12.2013

11. If the results of the **DEC-managed Monitoring Program** (colour contrast and spectral mineralogy monitoring) show there is evidence of changes in patination, including but not limited to, discolouration of the surface of the rock art motif or the surrounding rock surface, including patina, the person taking the action must:

- a) Upon being notified that evidence of changes in patination of monitored rock art surfaces have been identified, notify the Department within 72 hours in writing of this reported change in the surface of the rock art;
- b) From the date that changes in patination of the rock art surface/s is reported (the event), continue to provide funds annually in the amount specified in condition 10(b) to the **DEC-managed Monitoring Program** for a period of a further five (5) years (maximum) from the event date;
- c) Within two (2) months of the date that changes in patination of the rock art surface is reported, provide a management plan to the Department regarding the reported changes. This management plan must include:
  - a summary of the results of the **DEC-managed Monitoring Program** and the BNPL air quality monitoring program to that date;
  - a detailed description of the changes detected in the surface of the rock art motif (the event);
  - if identifiable, an analysis of the cause or causes of the detected change in the rock art surface. This analysis must be provided by a suitably qualified person from the **DEC-managed Monitoring Program**;
  - details of consultation with a suitably qualified person to determine appropriate mitigation to further protect those rock art sites surrounding the project site from degradation; and
  - a detailed plan for the continuation, for a further period of five (5) years from the date of the reported event, of the **DEC-managed Monitoring Program** and the BNPL air quality monitoring program. The plan for the continuation of these monitoring programs may not be approved unless it meets the requirements of the Minister. If approved, the plan must be implemented.

Refer to Variation dated 18.12.2013

12. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) and or monitoring program(s) as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan(s) and or monitoring program(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) and or monitoring program(s) in writing. The Minister will not approve a varied management plan(s) and or monitoring program(s) unless the revised management plan(s) and or monitoring program(s) would result in an

equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan(s), and or monitoring program(s) that management plan(s) and or monitoring program(s) must be implemented in place of the management plan(s) and or monitoring program(s) originally approved.

13. If the **Minister** believes that it is necessary or convenient for the better protection of National Heritage Place, listed threatened species and communities and listed migratory species to do so, the **Minister** may request that the person taking the action make specified revisions to the management plan(s), monitoring program(s) specified in the conditions and submit the revised management plan(s), monitoring program(s) for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan(s), monitoring program(s), must be implemented. Unless the **Minister** has approved the revised management plan(s), monitoring program(s), then the person taking the action must continue to implement the management plan(s), monitoring program(s) originally approved, as specified in the conditions.
14. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plan(s) and monitoring program(s) referred to in these conditions of approval on their website. Each management plan(s) and monitoring program(s) must be published on the website within 1 month of being approved.
15. If, at any time after 2 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

#### Definitions

**Adulticide** is any chemical or combination of chemicals designed to prevent the breeding of adult mosquitoes.

**Appropriate mitigation** refers to measures that are agreed between the proponent and a suitably qualified person, and with the Department, and will result in a reduction of the impact of emissions upon the rock art sites.

**Commissioning** means the process by which the operation of the facility is brought into effect, for example, turning on of machines to start operation.

**Construction** includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

**Dampier Archipelago (including Burrup Peninsula) National Heritage Place Gazette notice** refers to the Commonwealth Government's special gazette (No. S127) dated 3 July 2007.

**Dampier Archipelago (including Burrup Peninsula) National Heritage place** is a national heritage listed area in the Dampier Archipelago whose location has been defined and values described in the Commonwealth Government's special gazette (No. S127) dated 3 July 2007.

**DEC-managed Monitoring Program** is the existing Burrup Rock Art Monitoring Program which is administered by the Western Australia Department of Environment and Conservation and financially supported by various Burrup industries.

**Degradation** is where changes in rock art patination, including discolouration of the surface of the rock art or the surrounding rock surface, including patina, has rendered the rock art site more difficult to interpret.

**Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Refer to  
Variation  
18.12.2013

**Environmental Protection Authority's recommendation report** is the recommendation report containing the state approval conditions prepared by the Western Australian Office of the Environmental Protection Authority for the Technical Ammonium Nitrate Production Facility, dated January 2011.

**Event** means any changes in patination, including any discolouration, of the rock art motif, including patina, as well as an increase in NH<sub>3</sub>, NO<sub>x</sub>, SO<sub>x</sub> and TSP, including dust, baseline levels established during previous monitoring.

**Heritage Monitor** means a suitably qualified expert with at least five (5) years experience in Indigenous heritage or archaeology.

**Larvicide** is any chemical or combination of chemicals designed to prevent the hatching or development of larval mosquitoes.

**Minister** is the Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

**National Heritage management principles** are set out in Schedule 5B of the Environment Protection and Biodiversity Conservation Regulation 2000 and in an Australian Government publication entitled 'Australia's National Heritage – applying the principles' dated June 2008.

**Operation** means the full and normal functioning of the facility, following commissioning.

**Pro-rata amount** is defined as BNPL contributing 1/6<sup>th</sup> of the funds for the DEC-managed Monitoring Program, with Woodside (2/6<sup>th</sup>), Rio Tinto (2/6<sup>th</sup>) and BFPL (1/6<sup>th</sup>) the other current contributors. As additional industries come on board in the area, the pro-rata amount may change at the discretion of the DEC and in discussions with all relevant contributing parties.

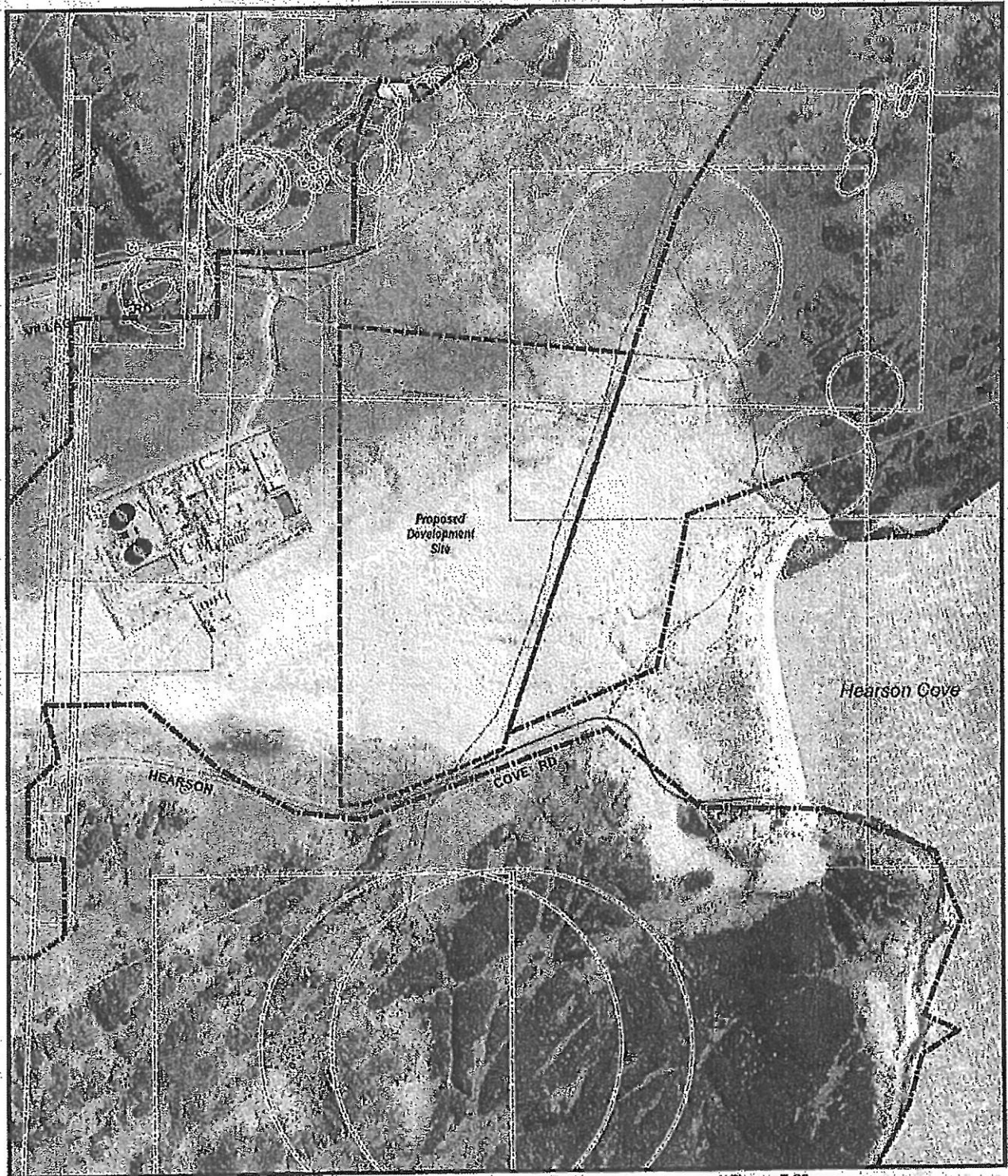
Refer to  
Variation  
18.12.2013

**Rock art sites** means manmade structures of a type mentioned in the National Heritage Place *Gazette* notice S127 and/or engravings, etchings, peckings and/or standing stones and/or archaeological material associated with any of the aforementioned items.




**Statement 594** is the Statement to amend conditions applying to a proposal (pursuant to the provisions of Section 46 of the *Environmental Protection Act 1986*) (Western Australia), Desalination Water and Seawater Supplies Project, Burrup Peninsula, Shire of Roeburne, Water Corporation, issued 5 June 2002 by the Western Australian Environmental Protection Authority to the WA Minister for the Environment and Heritage.

**Suitably qualified person (Air Quality)** is a person with at least five (5) years experience in air quality monitoring, including taking air samples and testing those samples to obtain results.

**Suitably qualified person (Heritage)** is a person with at least a bachelor's degree with Honours in archaeology or five (5) years experience in Indigenous heritage or archaeology recognised by a relevant body such as the Australian Association of Consulting Archaeologists.



**Legend**

-  Site D Boundary
-  National Heritage Listed Place (Site ID 105727)
-  Closest Rock Art Aboriginal Heritage Sites

Client: Burrup Natives Pty Ltd  
 Project: PER  
 Drawing No: 0086269p\_GIS22\_PER\_Suffit N: R0  
 Date: 21/12/2009 Drawing size: A4  
 Drawn by: DID Reviewed by: BC  
 Source: Base information LANDGATE  
 Scale: 1:40 000



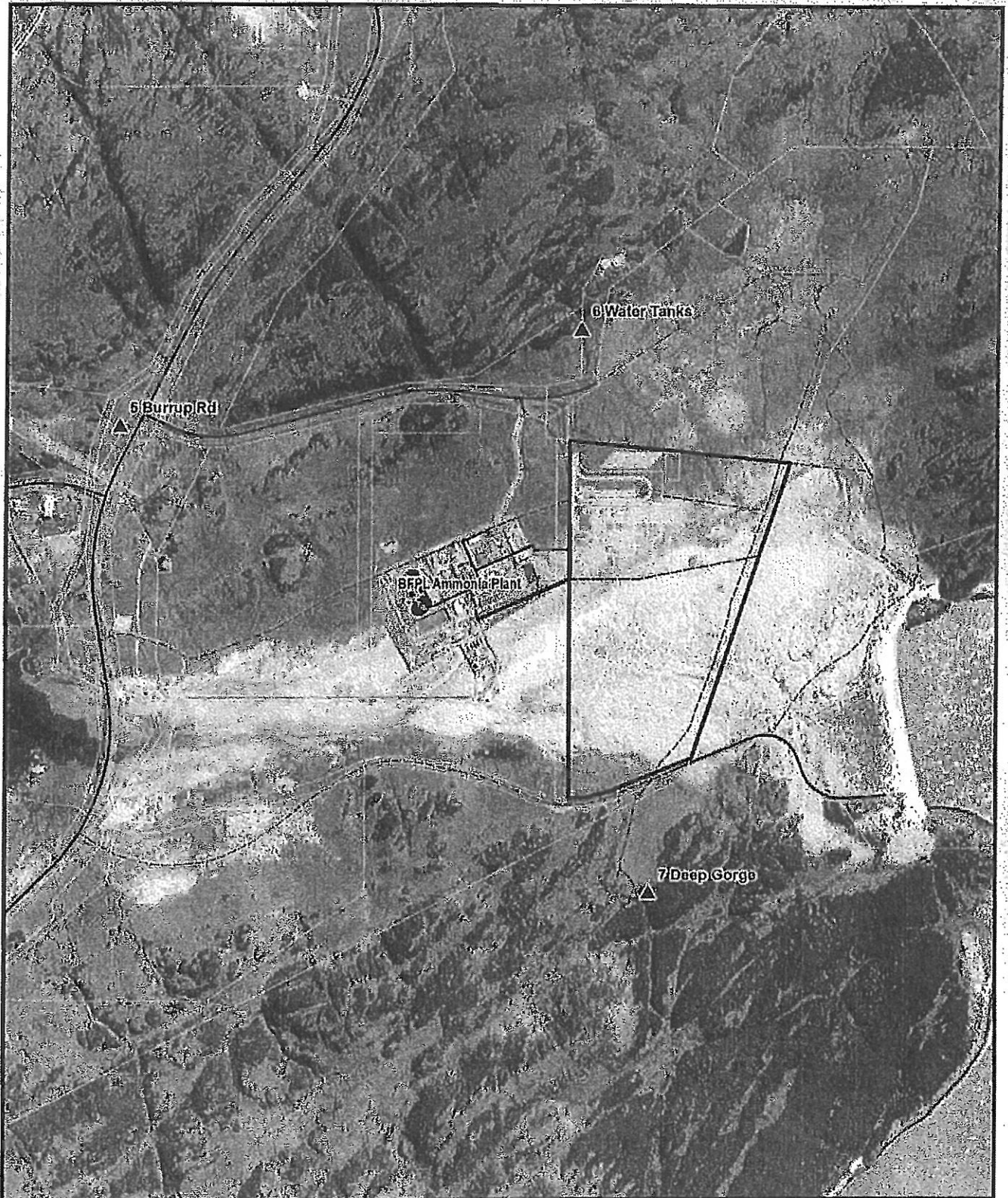
Figure 7.20

**Aboriginal Heritage Engraving Sites within the National Heritage Listed Area (Site ID 105727)**

Environmental Resources Management Australia Pty Ltd  
 8th Floor, 172 St Georges Terrace, Perth, WA, 6000  
 Telephone +61 9 321 5200



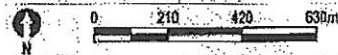




**Legend**

- Site D Boundary
- Area of Disturbance The Site
- Schematic TANPF Layout
- Pipeline
- Air Quality Monitoring Sites (offsite)

Client:	Burrup Nitrates Pty Ltd
Project:	APPROVALS
Drawing:	D084269p_APPROVALS_G001_R0.mxd
Date:	24/08/2011
Drawn By:	DN
Projection:	GDA 1994 MGA Zone 50
Scale:	Refer to scale bar



Maps and figures contained within this document may be based on third party data, may not be to scale and is intended for use as a guide only. ERM does not warrant the accuracy of any such maps or figures.

**Figure 1**  
BNPL Air Quality Monitoring Sites (offsite)

Environmental Resources Management Australia Pty Ltd  
Adelaide, Brisbane, Canberra, Hunter Valley, Melbourne, Perth, Port Macquarie, Sydney







## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Proposed technical ammonium nitrate production facility <EPBC 2008/4546>

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

### Approved action

Person to whom the approval is granted Yara Pilbara Nitrates Pty Ltd  
(previously named Burrup Nitrates Pty Ltd)  
  
ACN 127 391 422

Approved action The construction of an ammonium nitrate production facility within the King Bay/Hearson Cove Industrial Precinct, Burrup Peninsula, WA [See EPBC Act referral 2008/4546]

### Variation

Variation of conditions of approval The variation is:  
Delete condition 8(d), 10 and 11 attached to the approval dated 14 September 2011 and substitute condition 10 and 11 specified below.  
  
Also, delete the definitions for **DEC-managed Monitoring Program** and **Pro-rata amount** attached to the approval dated 14 September 2011 and substitute with definitions for **DER-managed Monitoring Program** and **Pro-rata amount** specified below.

*Note: For ease of reference, all relevant definitions for conditions 10 and 11 are included below.*

Date of effect This variation has effect on the date the instrument is signed

### Person authorised to make decision

name and position Shane Gaddes  
Assistant Secretary  
Compliance and Enforcement Branch

Signature

*S. Gaddes*

Date of decision

*18 December 2013*

10. To protect the values of the **Dampier Archipelago (including Burrup Peninsula) National Heritage Place**, particularly the **rock art sites**, the person taking the action must participate in monitoring of rock art by:

- a) Contributing a **pro-rata amount** annually (in line with that currently utilised by the WA DER, but not exceeding \$15,000/year) for a period of not less than two (2) years from the beginning of **construction** to DER for the DER-managed colour contrast and spectral mineralogy Monitoring Program (**DER-managed Monitoring Program**), which is an independent scientific program of monitoring, to detect any changes in patination, including any discolouration, of the surface of the rock art or the surrounding rock surface;
- b) If the **DER-managed Monitoring Program** continues after the completion of the two year period referenced in condition 10(a) above, the person taking the action must continue to provide the agreed annual contribution referenced in condition 10(a), for an additional period of five (5) years maximum or until the **DER-managed Monitoring Program** is concluded (which ever is reached first).
- c) In addition to the above condition 10(a) and 10(b) requirements, the person taking the action must provide for additional monitoring of rock art sites in a manner that is consistent with the **DER-managed Monitoring Program**. The monitoring of additional rock art sites must meet the following requirements:
  - i. Engage a **heritage monitor** or other **suitably qualified person (Heritage)** to survey **rock art sites** within a two (2) kilometre radius of the project site, to provide advice on any changes to the appearance, or cultural value, of **rock art sites** within the examined area.
  - ii. The monitoring must be undertaken in a manner that is consistent with and complementary to the monitoring of rock art sites undertaken through the **DER-managed Monitoring Program**. If agreed by DER the monitoring of additional rock art sites may be integrated with the **DER managed Monitoring Program**, with the person taking the action providing full contribution to the DER for the additional site monitoring.
  - iii. Prior to undertaking condition 10(c) monitoring, provide the **department** with written endorsement from a **heritage monitor** or other **suitably qualified person (Heritage)** on the suitability of the rock art monitoring proposed under condition 10(c).
  - iv. Undertake the condition 10(c) rock art monitoring at least once annually, beginning from the time **construction** commences
  - v. The monitoring must continue for at least five (5) years of the plant's **operations** and until the person taking that action has demonstrated in writing, to the satisfaction of the **Minister**, that **operation** is not having unacceptable impacts on the **rock art sites**.
  - vi. At least once annually, engage with the Murujuga Aboriginal Corporation in the planning and reporting associated with the annual survey of **rock art sites** required under condition 10(c).
- d) Within two (2) months of the results of the **DER-managed Monitoring Program** and monitoring undertaken under condition 10(c) being completed, the person taking the action must provide the results, including a report on the condition 10(c) monitoring to the **Department** and to the Murujuga Aboriginal Corporation. The person taking the action must also publish the monitoring report on their website at the same time as submitting it to the department.

AMENDED  
Refer to Variation  
dated 10.02.2014

11. If the results of the **DER-managed Monitoring Program** (colour contrast and spectral mineralogy monitoring) or additional monitoring required under condition 10(c) show there is evidence of changes in patination, including but not limited to discolouration of the surface of the rock art motif or the surrounding rock surface, including patina, the person taking the action must:

- a) Upon being notified that evidence of changes in patination of monitored rock art surfaces have been identified, notify the **Department** within 72 hours in writing of this reported change in the surface of the rock art;

- b) From the date that changes in patination of the rock art surface/s is reported (the **event**), continue to provide funds annually in the amount specified in condition 10(b) to the **DER-managed Monitoring Program** for a period of a further five (5) years (maximum) from the **event date**;
- c) Within two (2) months of the date that changes in patination of the rock art surface is reported, provide a management plan to the **Minister** for approval regarding the reported changes. This management plan must include:
- i. a summary of the results of the **DER-managed Monitoring Program** and the air quality monitoring program required under condition 9 to that date;
  - ii. a detailed description of the changes detected in the surface of the rock art motif (the event);
  - iii. if identifiable, an analysis of the cause or causes of the detected change in the rock art surface. This analysis must be provided by a suitably qualified person from the **DER-managed Monitoring Program**;
  - iv. details of consultation with a suitably qualified person to determine **appropriate mitigation** to further protect those rock art sites surrounding the project site from **degradation**; and
  - v. a detailed plan for the continuation, for a further period of five (5) years from the date of the reported event, of the **DER-managed Monitoring Program** and the air quality monitoring program required under condition 9.
- If the **Minister** approves the management plan(s) required under condition 11(c), then the approved plan(s) must be implemented.

**Varied definitions:**

**DER-managed Monitoring Program** is the existing Burrup Rock Art Monitoring Program which is administered by the Western Australia Department of Environment Regulation (WA DER) and financially supported by various Burrup industries.

**Pro-rata amount** is defined as the person taking the action contributing 1/6<sup>th</sup> of the funds for the **DER-managed Monitoring Program**, with Woodside (2/6<sup>th</sup>), Rio Tinto (2/6<sup>th</sup>) and BFPL (1/6<sup>th</sup>) the other current contributors. As additional industries come on board in the area, the pro-rata amount may change at the discretion of the WA DER and in discussions with all relevant contributing parties.

**Definitions (unchanged) relevant to conditions 10 and 11:**

**Appropriate mitigation** refers to measures that are agreed between the proponent and a suitably qualified person, and with the Department, and will result in a reduction of the impact of emissions upon the rock art sites.

**Dampier Archipelago (including Burrup Peninsula) National Heritage place** is a national heritage listed area in the Dampier Archipelago whose location has been defined and values described in the Commonwealth Government's special gazette (No. S127) dated 3 July 2007.

**Degradation** is where changes in rock art patination, including discolouration of the surface of the rock art or the surrounding rock surface, including patina, has rendered the rock art site more difficult to interpret.

**Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

**Event** means any changes in patination, including any discolouration, of the rock art motif, including patina, as well as an increase in NH<sub>3</sub> NO<sub>x</sub>, SO<sub>x</sub> and TSP, including dust, baseline levels established during previous monitoring.

**Heritage Monitor** means a suitably qualified expert with at least five (5) years experience in Indigenous heritage or archaeology.

**Minister** is the Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

**Operation** means the full and normal functioning of the facility, following commissioning.

**Rock art sites** means manmade structures of a type mentioned in the National Heritage Place Gazette notice S127 and/or engravings, etchings, peckings and/or standing stones and/or archaeological material associated with any of the aforementioned items.

**Suitably qualified person (Heritage)** is a person with at least a bachelor's degree with Honours in archaeology or five (5) years experience in Indigenous heritage or archaeology recognised by a relevant body such as the Australian Association of Consulting Archaeologists.



**VARIATION TO CONDITIONS ATTACHED TO APPROVAL**

Proposed technical ammonium nitrate production facility <EPBC 2008/4546>

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

**Approved action**

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Person to whom the approval is granted	Yara Pilbara Nitrates Pty Ltd (previously named Burrup Nitrates Pty Ltd)  ACN 127 391 422
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Approved action	The construction of an ammonium nitrate production facility within the King Bay/Hearson Cove Industrial Precinct, Burrup Peninsula, WA [See EPBC Act referral 2008/4546]
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**Variation**

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Variation of conditions of approval	The variation is: Delete condition 10(c)iv attached to the approval dated 14 September 2011 and substitute the condition specified below.
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Date of effect	This variation has effect on the date the instrument is signed
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**Person authorised to make decision**

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name and position	Shane Gaddes Assistant Secretary Compliance and Enforcement Branch
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Signature

*S. Gaddes*

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Date of decision

10 February 2014

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**Condition attached to the approval**

- 10 (c) iv.** Undertake the condition 10(c) rock art monitoring at least once annually, where the first rock art monitoring event must be undertaken within 16 months of the commencement of **construction**.