



Aboriginal Heritage Management Plan (Construction and Operation)

PROJECT NUMBER 01				YARA PILBARA NITRATES PTY LTD			
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1 Introduction

Yara Pilbara Nitrates Pty Ltd (**YPNPL**) proposes to construct and operate a Technical Ammonium Nitrate Production Facility (**TANPF**) located at Site D within the Burrup Maitland Industrial Estate. The TANPF will be located in the Pilbara region of Western Australia, adjacent to the existing Yara Pilbara Fertiliser Pty Ltd's Ammonia plant.

The TANPF Project Area (**Project Area**) is located on the Burrup Peninsula in the Dampier Archipelago. In 2007 the Australian Federal Government placed areas adjacent to the TANPF area on the National Heritage List to recognise the national significance of the cultural heritage values present in this region. The Project Area is contained within the precinct set aside by Government for industrial development that is balanced against the broader national heritage and environmental values of the region. The Dampier Archipelago (including Burrup Peninsula) contains one of the densest concentrations of rock engravings in Australia and an exceptionally diverse range of engraving motifs.

YPNPL is acutely aware of its responsibilities to maintain the integrity of the local environment and to observe regional heritage sensitivities.

YPNPL is currently developing clear policies for the proposed TANPF in conjunction with expert consultants and Government departments. These policies will be strictly observed during construction and commissioning, and closely followed in the company's day-to-day operations of the TANPF.

YPNPL recognises and values the richness of Aboriginal culture in the Burrup Peninsula, where indigenous communities have lived for thousands of years. Accordingly, YPNPL, in conjunction with the relevant Aboriginal Stakeholder groups, expert consultants and government agencies, has developed this Aboriginal Heritage Management Plan (**AHMP**) to help avoid or minimise any impact on Aboriginal Heritage Sites within the Project Area and on the National Heritage Values of the adjacent area.

As part of the impact assessment process, an Aboriginal heritage review of the Project Area was undertaken to identify Aboriginal Heritage Sites located within the Project Area. There are three Aboriginal Stakeholder groups who claim traditional links to the Project Area. These are:

- The Ngarluma Aboriginal Corporation (**NAC**);
- The Wong-Goo-Tt-Oo group; and
- The Yaburara and Coastal Mardhunera Aboriginal Corporation (**YACMAC**).

YPNPL has consulted with these Aboriginal Stakeholder groups in relation to the project in general, the section 18 consent and the development of this AHMP. YPNPL is cognisant of the fact that the Ngarluma people have been found to hold native title over the surrounding region, albeit not on the Burrup Peninsula and specifically not within the Burrup Maitland Industrial Estate.



YPNPL has consulted with the following Federal and State Government agencies to ensure compliance with the relevant legislation and to obtain Ministerial approvals regarding the protection of heritage.

1. The Federal Department of Sustainability, Environment, Water, Population and Communities (**DSEWPaC**) to ensure compliance with the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**).
2. The WA Department of Indigenous Affairs (**DIA**) to ensure compliance with the *Aboriginal Heritage Act 1972* (WA) (**AHA**)

YPNPL's goal is to construct and operate the TANPF in a manner that will minimize the industrial footprint and the impact on National Heritage Values. During construction, indigenous monitors will be engaged to ensure that all Aboriginal heritage within the site is protected and preserved. All work in sensitive areas will be carried out strictly in accordance with the *conditions imposed by the State Minister for Indigenous Affairs and the Federal Minister for Sustainability, Environment, Water, Population and Communities*.

2 Purpose

The purpose of this AHMP is to ensure that YPNPL constructs and operates the TANPF in a manner that respects Aboriginal heritage and protects Aboriginal Heritage Sites. YPNPL has developed the AHMP to help avoid or minimise any impact on Aboriginal Heritage sites within the Project Area.

In particular the AHMP will:

- (a) Protect Aboriginal heritage by complying with all State and Federal Ministerial conditions; and
- (b) Prevent archaeological and ethnographic site disturbance and where disturbance is unavoidable, minimise the impacts on archaeological and ethnographic sites; and
- (c) Comply with the recommendations of heritage reports that detail the proposed disturbance areas.

3 Scope

This AHMP applies to:

- all activities associated with the construction, commissioning, operation and decommissioning of YPNPL's TANPF; and
- all YPNPL employees and contractors.



4 Target audience

All YPNPL employees and contractors working on the construction and operation of the TANPF and the Aboriginal Stakeholder groups whose heritage this AHMP is designed to protect.

5 Definitions

Aboriginal Heritage Site: A site identified as an archaeological or ethnographic site under the *Aboriginal Heritage Act 1972 (WA)*.

Aboriginal Stakeholders: The identified Aboriginal groups with cultural interests in the area namely the: The Ngarluma Aboriginal Corporation (NAC); The Wong-Goo-Tt-Oo group; and the Yaburara and Coastal Marduhunera Aboriginal Corporation (YACMAC).

ACMC: Aboriginal Cultural Materials Committee.

AHA: *Aboriginal Heritage Act 1972 (WA)*.

AHMP: Aboriginal Heritage Management Plan.

YPNPL Air Quality Monitoring Program: Part of the conditions set by the Federal Department of Sustainability, Environment, Water, Population and Communities for the Environmental Management Plan. These conditions will be addressed in a specific plan for Air Quality Management.

Burrup Rock Art Monitoring Program: The Committee oversees studies that are being conducted to establish whether industrial emissions could affect the petroglyphs.

DEC: Department of Environment and Conservation.

DEC Managed Monitoring Program: Department of Environment and Conservation managed colour contrast and spectral mineralogy Monitoring Program.

DIA: Western Australia Department of Indigenous Affairs.

DIA AHIS: Department of Indigenous Affairs Aboriginal Heritage Information System.

Disturbance Area: The area covered by the TANPF plant that will be cleared for plant construction and lay down (same area as referred below for TANFP Project Area (Project Area)).

DSEWPaC: The Federal Department of Sustainability, Environment, Water, Population and Communities.

EPBC Act: *Environment Protection and Biodiversity Conservation Act 1999*.

Environmental Officer: Person employed by YPNPL to supervise heritage work on site, monitor compliance with this AHMP and to record activities associated to Aboriginal heritage. Reports to the Senior Manager Health, Safety, Environment & Quality (Senior Manager HSE&Q).



Event: The date that changes in the patination of the rock art surface/s is reported.

Heritage Approval Permit: Means the approval issued following assessment of a proposed activity by the Environmental Officer to ensure it complies with the AHMP.

Lease Area: Means the total area leased by YPNPL from the State of Western Australia for the TANPF.

Management or monitoring plan: Management plan(s) and/or monitoring program(s).

NAC: Ngarluma Aboriginal Corporation.

National Heritage Values: as defined by section 324D of the *Environment Protection and Biodiversity Conservation Act 1999 - Section 528* (Cth)

National Heritage Place: The Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites.

Notice: YPNPL Section 18 Notice under the *Aboriginal Heritage Act 1972* (WA).

OEMP: Operational Environmental Management Plan.

Project Location: The Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites (as per Attachment 1).

Registrar: Registrar of Aboriginal Heritage Sites, Western Australia Department of Indigenous Affairs.

Senior Manager HSE&Q: Senior Manager Health, Safety, Environment and Quality person employed by YPNPL to manage health, safety, environment and heritage issues.

Site Disturbance: Ground activity that results in the disturbance of any Aboriginal Heritage Site.

TANPF: Technical Ammonium Nitrate Production Facility.

TANPF Project Area (Project Area): Means the area covered by the TANPF plant and associated infrastructure .

YACMAC: The Yaburara and Coastal Marduhunera Aboriginal Corporation.

6 Health & safety

All heritage management activities will be undertaken in accordance with YPNPL's health and safety procedures.

Random drug and alcohol testing will be conducted on site. Any person engaged to take part in heritage monitoring or surveys or any activity for YPNPL who fails a drug or alcohol test will be asked to leave the site and escorted out of the YPNPL site and



will not be paid for the time they are absent. A passed test will be required prior to re-entry of the site being granted by YPNPL.

7 Regulatory requirements

This AHMP will be implemented in order to comply with Aboriginal Heritage Government approval conditions and has been drafted with reference to the following legislation:

- *Aboriginal Heritage Act 1972 (WA)*;
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*;
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

8 Background

In 2007 the Australian Government placed areas adjacent to the Project Area on the National Heritage List thus recognising the national significance of the cultural heritage values present in this region. The Project Area is contained within the precinct set aside by government for industrial development that is balanced against the broader national heritage and environmental values of the region. Specifically the TANPF is located on Site D, which is within the boundary of the designated “Industrial Area” in the Burrup Land Use Management Plan and Management Strategy (1996).

YPNPL recognises and values the richness of Aboriginal culture in the Burrup Peninsula, where indigenous communities have lived for thousands of years. These National Heritage Values include an exceptionally diverse array of rock engravings comprising images of avian, marine and terrestrial fauna, schematised human figures, figures with mixed human and animal characteristics and geometric designs. The area also contains standing stones, stone pits and other archaeological evidence of human occupation. Implementation of the AHMP is aimed at supporting the National Heritage Values of the region.

YPNPL recognise the cultural values of the Burrup Peninsula to Aboriginal people from this region. There is a commitment to minimising the industrial footprint and the implementation of plans that ensure levels of sustainable development. There is also a commitment to ongoing consultation with the relevant Aboriginal Stakeholder groups.

9 Current situation

A large number of archaeological and ethnographic heritage surveys have been undertaken within the Project Area in the past. More recently, heritage surveys



specific to the TANPF were undertaken in 2010 by the Aboriginal Stakeholder groups. The location of a number of Aboriginal Heritage Sites has been confirmed during the course of these surveys. The following Aboriginal Heritage Sites, as recorded on the DIA AHIS and as stated in the Section 18 Consent, are located within the Project Area:

DIA Site ID	Site Type	Action
9639	Artefact scatter and grinding stone.	Will be subject to salvage.
23263	Artefact scatter and engraving.	Site to be fenced and avoided.
29174	Artefact scatter, midden scatter (BUR1001).	Will be subject to salvage.
29175	Artefact scatter, Grinding patches & grooves (BUR1002).	Will be subject to salvage.

The following Aboriginal Heritage Sites, as recorded on the DIA AHIS, are located in areas adjacent to the Project Area and recommendations concerning them were made in the heritage survey reports:

DIA Site ID	Site Type	Action
19212	Engraving	Cover with rubber matting during any blasting in the vicinity.
11722	Engraving	Cover with rubber matting during any blasting in the vicinity.

As part of the project approval process YPNPL has obtained both State and Federal Approvals in relation to the Aboriginal Heritage Sites located within the Project Area. These are in the form of conditions attached to the Section 18 Consent (State) and EPBC Approval (Federal).

Both sets of conditions require that YPNPL:

- Undertake ongoing assessment of airborne pollutants to monitor their impact on the petroglyphs located on the Burrup Peninsula and report on these results.
- Engage Aboriginal Heritage Monitors from the Aboriginal stakeholder groups to undertake the monitoring of all initial ground disturbing works and salvage of heritage material.
- Engage an archaeologist to oversee and report on the salvage of heritage material.

The details of both sets of conditions and the actions required to comply with them are set out in Section 11 of the AHA.

10 Objectives

The following points constitute the objectives of this AHMP and must be met.



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- Contain all ground disturbing and construction activities to within the Disturbance Area.

- Compliance with:
 - EPBC Approval conditions set by the Federal Minister.
 - Section 18 Consent conditions set by the State Minister.



11 Actions

The actions required to meet the objectives are listed below. The following management hierarchy outlines the YPNPL positions that will be accountable for the implementation of these objectives.

- Environmental Officer
- Senior Manager HSE&Q
- Plant Manager
- Chief Executive Officer

Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
The Federal Minister for DSEWPaC Conditions of Approval				
Compliance with all approval conditions set by the Federal Minister that pertain to Aboriginal cultural heritage.	1. To protect the values of the National Heritage Place the person taking the action must ensure that: a) Chain mesh of at least 2.5m in height is installed around the perimeter of the Project Area prior to construction. b) Signs are installed. These must be at least 1m ² in size and attached to fencing at the entrance to the Project Area at no less than 50m intervals along the fence. The signs must state that no construction and operation staff are permitted to enter areas surrounding the Project Area that contain manmade structures of a type mentioned in the National Heritage Place Gazette notice and/or engravings and/or standing stones and/or archaeological material associated with any of the aforementioned items. If their work specifically requires them to do so, they must receive permission from the construction and project archaeologist before entering. c) The relevant supervisor must record the names of all those required to access areas containing rock art sites inside the National Heritage Place boundary. The relevant supervisor must be able to provide these records to DSEWPaC if asked to do so. Unauthorised access to areas containing rock art sites inside the National Heritage Place boundary must be reported	EPCM contractor, subcontractors executing works.	Environmental Officer	<ul style="list-style-type: none"> • Chain mesh fence of at least 2.5m in height installed around the perimeter of the Project Area before construction commenced. • Signage of at least 1m² size is installed at maximum 50m intervals prior to construction commencing. • Procedures developed and implemented to record all access to rock art sites within the National Heritage Place.



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Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
	<p>to DSEWPaC within 72 hours.</p> <p>d) From the time construction commences the person taking the action must at least once annually, engage a heritage monitor or other suitably qualified person to survey the rock art sites within 2km radius of the Project Area to provide advice on any changes to the appearance or cultural value of rock art sites within the examined area. The heritage monitor must provide a written report to the person taking the action following each survey within 1 month of completing a survey; The person taking the action must provide the report to DSEWPaC within 1 month of receiving it from the heritage monitor.</p> <p>e) Any impact the action has on the heritage values of the National Heritage Place must be reported to the DSEWPaC in writing within 72 hours. Impacts may include (but will not necessarily be limited to) any impacts caused by construction or operation; spillage of potentially corrosive materials into the National Heritage Place; impacts from blasting activity.</p> <p>2. To protect the National Heritage Place, the person taking the action must undertake an air-quality monitoring program. The management measures to meet this condition will be detailed in the OEMP as per the requirement of the DSEWPaC and should be referred to for more detail.</p> <p>3. To protect the values of the National Heritage Place, the person taking the action must participate in DEC Managed Monitoring Program by:</p> <p>a) Contributing an annual amount for a period of not less than 2 years from the beginning of construction to DEC for the 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. Payments to be in line</p>		<p>Environmental Officer</p> <p>Senior HSE&Q Manager</p>	<ul style="list-style-type: none"> • YPNPL will engage a suitably qualified person to survey the rock art sites within 2km radius of the Project Area. A report will be submitted to DSEWPaC regarding surveyed rock art sites for change in appearance or cultural value. • Compliance with the YPNPL Air Quality Management Plan No. 250-200-PLN-YPN-0002. • Financial contributions to DEC Managed Monitoring Program paid. • The approved Air Quality Management Plan will be implemented during complete life cycle of the YPNPL project.



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Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
	<p>with that currently utilized by the DEC.</p> <p>b) If the DEC Managed Monitoring Program continues after the completion of the 2 year period, the person taking the action must continue to provide the agreed annual contribution referenced in condition 10(a), for an additional period of 5 years maximum, or until the DEC Managed Monitoring Program is concluded (which ever is first).</p> <p>c) The person taking the action must provide the results of the DEC Managed Monitoring Program upon completion to the DSEWPaC within 2 months.</p> <p>4. If the results of the DEC Managed Monitoring Program show there is evidence of changes in patination, including but not limited to, discolouration of the surface rock art motif of the surrounding rock surface, including patina, upon being notified of the evidence of changes, the person taking the action must:</p> <p>a) Notify the DSEWPaC in writing of this reported change in the surface of the rock art within 72 hours;</p> <p>b) From the date of 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 5 years (maximum) from the Event date;</p> <p>c) Within 2 months of the Event, provide a management plan to DSEWPaC regarding the reported changes. This management plan must include:</p> <ul style="list-style-type: none"> • A summary of the results of the DEC Managed Monitoring Program and the YPNPL Air Quality Monitoring Program to that date; • A detailed description of the changes detected in the surface of the rock motif; • 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 		<p>Environmental Officer</p>	<ul style="list-style-type: none"> • YPNPL participation in DEC Managed Monitoring Program. • Notification of an Event completed within 72 hours. • Amended management plan submitted within 2 months of an Event.



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Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
	<p>taking the action must comply with any such request. The revised approved management or monitoring plan must be implemented. Unless the Federal Minister has approved the revised management or monitoring plan the person taking the action must continue to implement the management or monitoring plan originally approved, as specified in the conditions.</p> <p>7. Unless otherwise agreed to in writing by the Federal Minister, the person taking the action must publish all management or monitoring plans referred to in these conditions of approval on their website, within 1 month of being approved.</p> <p>8. If 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 Federal Minister.</p>		Environmental Officer	<ul style="list-style-type: none"> All management or monitoring plans are published on YPNPL's website within 1 month of being approved.
The State Minister for the Department of Indigenous Affairs s18 Conditions of Approval				
Compliance with section 18 approval conditions set by State Minister that pertain to cultural heritage.	<p>1. Prior to commencement of works and in conjunction with the Aboriginal groups consulted in the Notice ("the Consulted Groups"), develop an AHMP, to the satisfaction of the Registrar to properly protect and report all places and Objects on the Land to which the AHA applies. Once approved by the Registrar, the updated AHMP is to be implemented. Such a plan should include, but not be limited to, the following:</p> <p>a) Procedures to avoid impact to the engraving located at DIA 23263 (WDGO1);</p> <p>b) Procedures to deal with objects within the meaning of section 6 of the AHA ("Objects") that will be affected by works associated with the Purpose including a commitment to engage a suitably qualified Archaeologist and at least two representatives from each of the Consulted Groups to salvage and analyse all</p>	EPCM contractor, subcontractors executing works	Environmental Officer	<ul style="list-style-type: none"> AHMP is submitted to the Registrar and approved prior to construction commencing. No impact to the engraving at DIA 23263 (WDGO1) occurs during construction or operation of the TANPF. All salvage of heritage objects is conducted in accordance with this



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Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
	<p>affected Objects, including residue and use-wear analysis of salvaged grinding material, if deemed appropriate by the Archaeologist;</p> <p>c) Undertake ongoing monitoring of airborne pollutants released from works associated with the Purpose and consider the effect of these on the petroglyphs located on the Burrup Peninsula;</p> <p>d) The engagement of two monitors from each of the Consulted Groups, to undertake the monitoring of all initial ground disturbing works;</p> <p>e) A commitment to relocate all collected Objects to a place satisfactory to the Consulted Groups.</p> <p>2. Provide all reports and publications resulting from Condition 1 to the Registrar.</p> <p>3. Immediately cease carrying out the Purpose if human skeletal remains (“Remains”) are found and report the matter to the Western Australian Police and the Registrar. Where it is determined that the Remains are Aboriginal in origin and not a police matter, they must remain in situ and undisturbed until the Registrar makes a decision about how to proceed in respect of the Remains. The Landowner must, at its expense, manage the Remains in accordance with the Registrars decision and notify the whereabouts of the Remains to the Registrar.</p> <p>4. Provide to the Registrar annually, or at the completion of the Purpose if the Purpose is completed within 1 year, a written report advising the Registrar whether and to what extent the Purpose has impacted on all or any Aboriginal Heritage Sites or Objects that may be located on the Land and to assist the APMC to reassess the status of the Aboriginal Heritage Sites. This</p>		<p>Environmental Officer</p> <p>Senior HSE&Q Manager</p> <p>Manager HSE&Q</p>	<p>condition prior to construction commencing.</p> <ul style="list-style-type: none"> • Compliance with the Yara Pilbara Nitrates Air Quality Management Plan No. 250-500-PLN-ERM-0002. • Heritage monitors are engaged for all initial ground disturbing works. • All salvaged objects are relocated prior to the commencement of construction, in consultation with the three Aboriginal stakeholder groups. • Salvage report is submitted to the Registrar. • All three Aboriginal stakeholder groups will be informed immediately of any discovery of human remains, along with the Registrar and the WA Police. • Section 18 annual report is provided to the Registrar on time.



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Objective	Actions	Responsible Party	Accountable Party	Key Performance Indicators
	<p>report is to include a detailed description of:</p> <ul style="list-style-type: none">a) Whether such Aboriginal Heritage Sites or Objects have been partially or entirely impacted by the Purpose;b) The level, type and effect of any such impact (including where possible, the provision of photographs taken during and after the impact);c) Where Aboriginal Heritage Sites or Objects have been salvaged, when and how such salvage took place, who was present at the salvage and, subject to issues of cultural confidentiality, to where the material was re-located. <p>This Condition should not be construed as preventing the proponent from advising the Registrar in writing of all or any of the matters outlined above at any time prior or the completion of the Purpose. The Registrar and the ACMC welcome the provision of comprehensive and ongoing information about Aboriginal Heritage Sites and Objects in Western Australia.</p> <p>Failure to comply with these conditions may constitute an offence under section 55 of the AHA. The DIA carries out routine checks on compliance with conditions of Ministerial consent.</p>			



12 Procedures

The Procedures to ensure that YPNPL employees and contractors comply with this AHMP are set out in Attachment 1.

13 Heritage Management

Containing all construction works within the Disturbance Area will ensure that no Aboriginal heritage is damaged and that government approval conditions are met. To achieve this the following heritage management process must be followed:

- Undertake all construction work within the Disturbance Area.
- If your work activities involve the disturbance of ground for the first time or what appears to be the first time do not start without obtaining a Heritage Approval Permit.
- Obtain a Heritage Approval Permit if access is required to areas outside the Disturbance Area.
- Stop work immediately and notify your supervisor if you are not working under a Heritage Approval Permit and find what you think is an Aboriginal Heritage Site or human skeletal remains. All three Aboriginal stakeholder groups are to be contacted in the event of sub-surface cultural material, including skeletal, being uncovered.

14 Accountability and Responsibility

Parties responsible and accountable for the objectives and actions are listed in Section 11 above.

15 Assurance

The Environment Officer will conduct annual reviews of compliance with this AHMP and the outcome of these reviews will be reported to the Senior Manager HSE&Q.

16 Review

The Environment Officer will conduct a review of the AHMP 12 months after the commencement of construction. Personnel involved with implementing this AHMP should send feedback to the Environmental Officer. Subsequently, this AHMP will be reviewed every two years.

If there are any questions in relation to the legislation, heritage reports, agreements, procedures and protocols referred to in this document, they should be directed to YPNPL's Environmental Officer in the first instance.



17 Deviations from this Plan

There shall be no deviation from this AHMP without written consent from the Senior Manager HSE&Q. Consent will not be granted until there is a plan in place to achieve conformance within a reasonable time frame and unless alternative actions are in place for the duration of the deviation.

18 Incident Reporting

All breaches of the AHMP, specifically Aboriginal Heritage Site disturbance and or disturbance outside the Disturbance Area will be documented by the Environment Officer. Accordingly, all events must be reported to the Environment Officer immediately.

If YPNPL staff, subcontractors or visitors damage, trespass or otherwise interfere with an Aboriginal Heritage Site identified for protection then the following shall occur:

- a. Work is immediately stopped in the vicinity of the area of the suspected breach and the area is to be cordoned off with a 5m surrounding buffer;
- b. The Environment Officer will report the event immediately to the Site Manager and the Senior Manager HSE&Q;
- c. An Incident Report Form which identifies the activity taking place, who was present and how the event occurred is to be completed within 24 hours of the event. The completed Incident Report Form must be submitted to the Senior Manager HSE&Q;
- d. The Senior Manager HSE&Q will ensure that the necessary notifications, investigations and take any action deemed necessary take place. All three Aboriginal stakeholder groups will be offered the opportunity of viewing the Heritage Site and providing input into subsequent management processes.

19 References

1. Anthropos Australia Pty Ltd and Context Anthropology Pty Ltd (August 2010) *The Report of an Aboriginal Heritage Survey, Aboriginal Site Recording, Cultural Significance Assessment and Consultation Under Section 18 of the AHA, of the Proposed Yara Pilbara Nitrates Technical Ammonium Nitrate Project Area, Burrup Peninsula, West Pilbara Region Western Australia.*
2. Australian Government Department of the Environment and Heritage, Australian heritage Database *Places for Decisions. Class Indigenous. List, Place ID 105727. File number 5/08/203/0056. Web address: www.environment.gov.au/heritage/ahc/.../dampier-archipelago.rtf.*
3. Australian Government Department of Sustainability, Environment, Water, Population and Communities. *National Heritage List, Australian Heritage Places Inventory Dampier Archipelago (including Burrup Peninsula) Identifier: 105727. Place File No 5/08/203/0056: Web address: <http://www.heritage.gov.au/cgi-bin/ahpi/record.pl?NHL105727>.*



4. Burrup Peninsula Advisory Management Board (1996) *Burrup Peninsula Land Use Plan and Management Strategy*, September 1996.
5. Department of Environment and Conservation (WA) *Burrup Rock Art Monitoring Program*. Web address: <http://www.dec.wa.gov.au/content/view/full/6039/2137/>.
6. Fordyce, B (2010) *Aboriginal Site Identification and Verification Report of the Proposed Yara Pilbara Nitrates Technical Ammonium Nitrates Production Facility at Burrup Industrial Estate Site D, Western Australia* prepared by B Fordyce for Yara Pilbara Nitrates Pty Ltd on behalf of the Yaburara and Coastal Marduhunera Aboriginal Corporation, May 2010.
7. O'Connor, R (2010) *Report on an Ethnographic Survey of Site D, Burrup Peninsula* prepared by R & E O'Connor Pty Ltd for Yara Pilbara Nitrates Pty Ltd on behalf of the Wong-Goo-Tt-Oo People, April 2010.



APPENDIX 1 – ABORIGINAL MANAGEMENT PLAN PROCEDURES

1 Purpose

The purpose of this document is to describe the procedures that must be applied during the construction and operation of the TANPF.

2 Scope

These procedures apply to all YPNPL employees and contractors working on the TANPF.

3 Target Audience

All YPNPL employees and contractors working on the TANPF.

4 Cultural Awareness

All YPNPL employees and contractors working within the Project Area will complete cultural awareness and heritage protection training as part of their site induction. This training will include information about the National Heritage Values of the area adjacent to the Project Area, the State and Federal approvals that apply to the protection of Aboriginal heritage within the Project Area, the AHMP and the AHMP Procedures.

5 Heritage Approval Permit

No ground disturbing activity is to be conducted within the Project Area unless a Heritage Approval Permit has been obtained for that activity. Heritage Approval Permits can only be issued by the Environmental Officer.

The Environmental Officer will be responsible for Heritage Approval Permit procedures and maintaining a record of all Heritage Approval Permits that are issued (refer table below under State Ministerial Consent – Section 18).

6 Procedures if Skeletal Remains are Discovered

There is the possibility that skeletal remains may be uncovered during excavation and construction activity. The discovery of human remains brings into play the following legislation:

- a. *Coroners Act 1996 (WA)* – all human remains:
- b. *Aboriginal Heritage Act 1972 (WA)* – Aboriginal burials; and
- c. *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* - Aboriginal burials.

Should human remains be found during construction:



- a. Work is immediately stopped in the area of the suspected object and the area is to be cordoned off to a distance of 5 metres around the object. The Environmental Officer is to be immediately notified.
- b. The Environmental Officer is to notify the relevant person(s) as set out below:
 - a. Under Section 17 of the *Coroners Act* 1996 the local Police / Coroner's office must be notified.
 - b. If human remains are suspected to be Aboriginal, the Registrar as well as the Federal Minister for Aboriginal Affairs needs to be informed.
 - c. At the same time as other individuals and agencies are contacted, YPNPL will notify the three Aboriginal Stakeholder groups of the discovery. The three Aboriginal Stakeholder groups are to be consulted as to the management of the material once Aboriginal origin has been determined. Appropriate arrangements are to be made for nominated Aboriginal people to attend the site, if not already present.
 - d. A suitable keeping place or re-interment location should be agreed between YPNPL, the three Aboriginal Stakeholder groups and the DIA.

The remains must remain *in situ* and undisturbed until the Registrar makes a decision about how to proceed in respect of the remains. YPNPL will, at its expense, manage the remains in accordance with the Registrar's decision and notify the whereabouts of the remains to the Registrar.

7 Procedures if Possible New Heritage Site is Located

There is the possibility that unknown archaeological material may be discovered during excavation and construction activity. If it is suspected that new archaeological material has been discovered, the following procedure must be adopted:

- a. Work is immediately stopped in the area of the suspected object and the area is to be cordoned off to a distance of 5m around the suspected object. The Environmental Officer is to be immediately notified.
- b. YPNPL will engage the services of an archaeologist to assess the archaeological material and provide a report for the relevant Aboriginal Stakeholder groups and YPNPL.
- c. The Environmental Officer will liaise with the DIA to determine whether a section 18 application is required if this course of action is deemed necessary.

The Senior Manager HSE&Q (or designate) will advise YPNPL staff and contractors when the above process has been completed and work can continue on the area.

8 State Ministerial Consent (Section 18) – Conditions

YPNPL has obtained Ministerial Consent under section 18 of the AHA to disturb some Aboriginal Heritage Sites within the Project Area. The section 18 Consent is subject to



Aboriginal Heritage Management Plan

conditions and these conditions must be complied with. The following procedures must be followed in order to ensure that the section 18 conditions are complied with.

DIA Site ID	Site Type	Protection Strategies	Actions Required
9639	Artefact scatter and grinding stone.	Two monitors from the three Aboriginal Stakeholder groups to be present during initial ground disturbance within the Project Area boundary.	Heritage Approval Permit required prior to initial ground disturbance. Heritage Monitors and an archaeologist to conduct salvage and/or relocation of heritage material. Report on salvage and relocation to be provided to Registrar. YPNPL will provide all three Aboriginal Stakeholder groups with an opportunity to perform a ceremony prior to the commencement of salvage and relocation of this site.
23263	Artefact scatter and engraving.	No impact on the engraving is authorised. Site is to be avoided during construction and operation.	Site boundary to be fenced prior to construction commencing. No Heritage Approval Permit to be issued for any activity within the site boundary.
29174		Two monitors from the three Aboriginal Stakeholder groups to be present during initial ground disturbance within the Project Area boundary.	Heritage Approval Permit required prior to initial ground disturbance. Heritage monitors and an archaeologist to conduct salvage and/or relocation of heritage material. Report on salvage and relocation to be provided to Registrar. YPNPL will provide all three Aboriginal Stakeholder groups with an opportunity to perform a ceremony prior to the commencement of salvage and relocation of this site.
29175		Two monitors from the three Aboriginal Stakeholder groups	Heritage Approval Permit required prior to initial ground



		to be present during initial ground disturbance within the Project Area boundary.	<p>disturbance.</p> <p>Heritage monitors and an archaeologist to conduct salvage and/or relocation of heritage material.</p> <p>Report on salvage and relocation to be provided to Registrar.</p> <p>YPNPL will provide all three Aboriginal Stakeholder groups with an opportunity to perform a ceremony prior to the commencement of salvage and relocation of this site.</p>
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9 Federal Ministerial Conditions

YPNPL has obtained environmental approval from the Federal Minister responsible for administering the EPBC Act. The following procedures must be followed in order to ensure that the Federal approval conditions are complied with.

Condition	Action
Fencing	All fencing and chain mesh to be installed as per approval conditions set by the Federal Minister (and outlined in Section 11) before construction commences.
Signage	All signage to be installed as per approval conditions set by the Federal Minister (and outlined in Section 11) before construction commences.
Access to areas within National Heritage Place boundary	<p>Access records to be kept of the names of those required to access areas containing rock art sites inside the National Heritage boundary.</p> <p>These records are kept in a form that may be provided to DSEWPaC upon request.</p>
Rock art monitoring	An annual survey conducted by a suitably qualified heritage professional, of rock art sites within a 2km radius of the Project Area. This survey is to provide advice on any changes to the appearance or culture value of rock art sites.
Annual Reporting	<p>A report of the above rock art survey to be provided by the heritage professional within one month of the annual survey.</p> <p>This report to be provided to DSEWPaC on an annual basis (as per the requirements of the survey) within 1 month of receiving the report from the heritage specialist.</p>
Incident Reporting	Project development activities that impact on National Heritage Values of the National Heritage Place, to be reported to DSEWPaC in writing within 72 hours. These may include (but not limited to) impacts caused by: Blasting activity; construction and operations and spillage of potentially corrosive



	materials.
Air Quality Monitoring	Participation in air quality monitoring program. Refer to details outlined in the Air Quality Management Plan.
DEC Managed Monitoring Program	<p>Participation in DEC managed monitoring program.</p> <p>Contribution of pro-rata annual amount in line with current DEC requirements for a period of not less than 2 years from the date beginning construction.</p> <p>Provision of the pro-rata annual contribution for a period of 5 years maximum or, until monitoring program is concluded if DEC-managed monitoring program continues after 2 years.</p> <p>Provision of continued funding for DEC Managed Monitoring Program in the event of reported changes to rock art surfaces for a maximum period of 5 years or, until monitoring program is concluded (as per above).</p>
Reporting DEC Managed Monitoring Program	<p>Results of DEC Managed Monitoring Program to be reported to DSEWPaC within 2 months of completion.</p> <p>Results of evidence of any changes to the rock art surfaces from the DEC Managed Monitoring Program reported in writing to DSEWPaC within 72 hours of notification of changes.</p> <p>Management plan (as per details in Section 11 of this document) provided to DSEWPaC within 2 months of any changes reported under DEC Managed Monitoring program.</p>
Approval of Amended Management Plans	<p>Submission to DSEWPaC for written Ministerial approval of all revisions made to management plan and monitoring program (as per details included in Section 11 of this document).</p> <p>Ensure commencement of any revised activities do not take place until receipt of the Federal Minister's written approval of revised activities.</p> <p>Replacement of original management plan and monitoring program with the relevant revised plan/s that have been approved by the Federal Minister.</p>
Publication of Management Plans	Publication of management plan/s and or monitoring program/s on the YPNPL website within 1 month of being approved unless otherwise agreed in writing by the Federal Minister.
Project Approval Time Frame	<p>Developments are commenced within 2 years of the Federal approval.</p> <p>Written agreement from the Federal Minister is sought before commencing construction if it has not commenced within 2 years of the original approval.</p>

10 Consultation with Aboriginal Stakeholder Groups

YPNPL is committed to ongoing consultation with all three Aboriginal Stakeholder groups with respect to heritage matters regarding the company's construction and future operation of the TANPF. This consultation has included meetings to outline the project and consultation in relation to the section 18 Consent.



YPNPL has sought input on this AHMP from all three Aboriginal Stakeholder groups. Following approval of the AHMP by government regulators a copy of the final AHMP will be provided to each of the Aboriginal Stakeholder groups.

YPNPL will provide annual updates on the project and copies of relevant documentation, including the annual section 18 report submitted to the Registrar, to each of the Aboriginal Stakeholder groups.

11 Access to Project Area by Aboriginal Stakeholder Groups

If the Aboriginal Stakeholder groups wish to access Aboriginal Heritage Sites within the Project Area this will be co-ordinated by the Environmental Officer. All group members participating in site visits must comply with occupational health and safety requirements and will be accompanied by a YPNPL employee.

12 Heritage Monitors

YPNPL will engage two heritage monitors from the three Aboriginal Stakeholder groups to oversee initial ground disturbance and to participate in salvage and relocation activities. The Environmental Officer will be the point of contact for the engagement of heritage monitors and will keep records of their engagement.

YPNPL will reach agreement with the NAC in regard to the payments that will be made to the Ngarluma heritage monitors. YPNPL will make all requests for Ngarluma heritage monitors through the NAC.

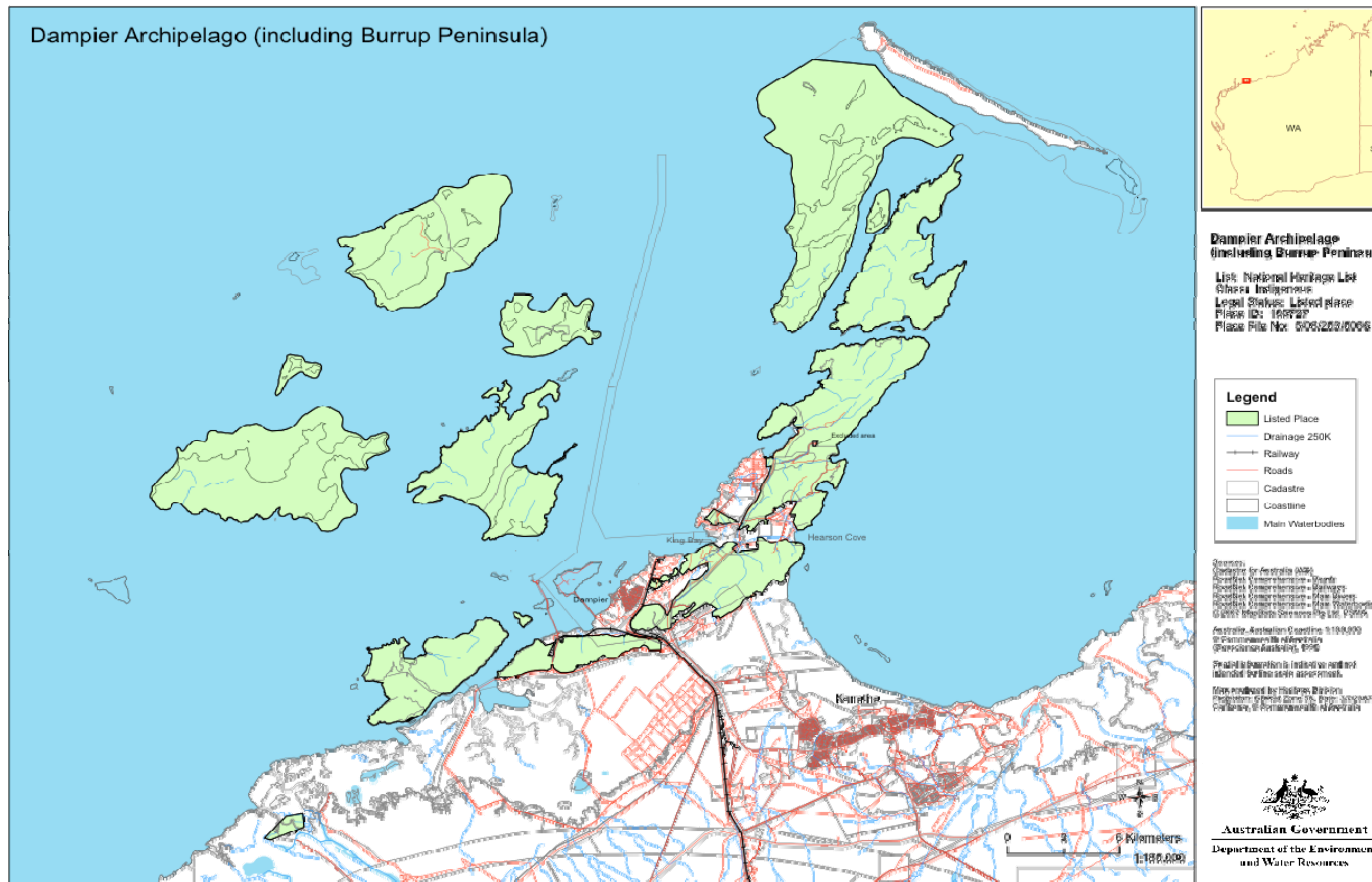
YPNPL will reach agreement with the Wong-Goo-Tt-Oo group and the YACMAC individually with regard to payments to heritage monitors.

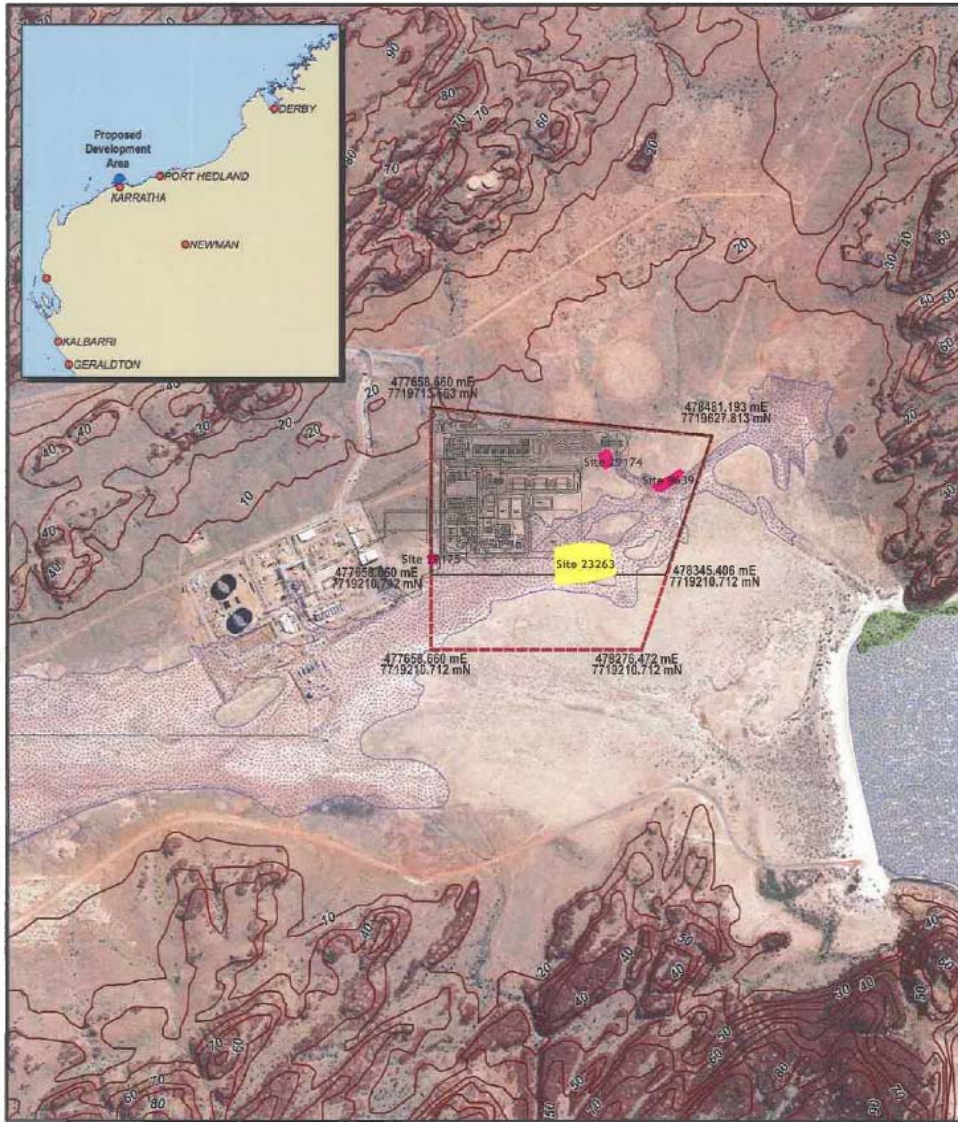
13 Records

The Environmental Officer will be responsible for recording all breaches of the AHMP or these Procedures and the subsequent investigation. An annual report on the number of Heritage Approval Permits issued, any breaches of the AHMP or these Procedures will be provided to the Senior Manager HSE&Q (or designate).


APPENDIX 2 – MAPS

1. Dampier Archipelago (including Burrup Peninsula) National Heritage Listed Place location map.
2. TANPF project area and Aboriginal heritage site locations





Legend:

-  Lease Boundary
-  Disturbance Area (Fenced)
-  TANPP Layout
-  Saline Coastal Flat
-  Contour Elevation
-  DIA Heritage Site: Fenced and Avoided
-  DIA Heritage Site: Subject to Salvage / Relocation

Scale : 1:10 000 as A4

