



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Works Approval Number	W6639/2022/1
Works Approval Holder	Yara Pilbara Nitrates Pty Ltd
ACN	127 391 422
File Number	DER2021/000662
Premises	Yara Pilbara Nitrates TAN Plant Village Road BURRUP WA 6714 Legal description – Part of Lot 3017 on Deposited Plan 50979 Certificate of Title Volume 2784 Folio 568 As defined by the coordinates in Schedule 2 of the Revised Works Approval
Date of Report	23 August 2024
Proposed Decision	Revised works approval granted

1. Decision summary

The Delegated Officer has determined to make amendments to works approval W6639/2022/1. The amendments do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval, the Department of Water and Environmental Regulation (department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au/government/regulatory-documents).

2.2 Application summary

Works Approval W6639/2022/1 is held by Yara Pilbara Nitrates Pty Ltd (works approval holder, YPN) for the Yara Pilbara Nitrates Technical Ammonium Nitrate (TAN) Plant (the premises), located at part of Lot 3017 on Deposited Plan 50979.

The premises relates to category 31 chemical manufacturing and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing works approval W6639/2022/1.

On 2 April 2024, following the completion of the construction of the remedial infrastructure and submission of both the Critical Containment Infrastructure Reports and Environmental Compliance Report in accordance with the requirements of W6516/2021/1, the works approval holder submitted an amendment application for their existing licence L9223/2019/1 to the department seeking authorization for ongoing operation of the constructed infrastructure. The department is currently assessing the licence amendment application. To ensure the continued lawful operation of the works approval infrastructure while the assessment of the amendment application is finalised, the works approval is being amended under Section 59 of the EP Act, at the initiative of the Chief Executive Officer. This amendment will extend the duration of time-limited operations until the pending licence amendment application is granted or the works approval expires.

The works approval holder commenced time-limited operations for the concentration pond west and precipitation pond on 6 December 2023. The works approval holder was previously granted an amendment to extend the time-limited operation period from 180 to 270 days, hence the time-limited operations period is now due to expire on 1 September 2024.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 19 August 2024. On 20 August 2024 the Works Approval Holder responded and waived the comment period.

4. Decision

The delegated officer has determined that extending the time-limited operations period until the licence amendment application is assessed and granted is appropriate, as it will ensure the continued lawful operation of the works approval infrastructure while providing sufficient time for the department to finalise the assessment and incorporate the infrastructure into premises licence L9223/2019/1.

In determining to amend the works approval time limited operations condition, the following matters were considered by the delegated officer:

- The works approval holder has submitted Critical Containment Infrastructure and Environmental Compliance Reports demonstrating infrastructure has been constructed in accordance with the works approval;
- The works approval holder submitted a licence amendment application on 2 April 2024 to include the infrastructure constructed under the works approval in the premises operational licence L9223/2019/1. The application is currently being assessed by the department but has not yet been finalised.
- An extension to the duration of time limited operations will not change the risk profile of the premises, or change the risks posed by emissions from the premises.
- The premises will continue to operate under the existing works approval conditions specified for time limited operations.
- In the event that risk issues arise in relation to the premises, the CEO may amend the works approval conditions at any point and in the event of an alleged offence, may exercise enforcement powers under the provisions of the EP Act.

The Delegated Officer has therefore amended works approval W6639/2022/1 in accordance with section 59(1) of the EP Act by extending the period of time limited operations until the pending licence amendment application for licence L9223/2019/1 is granted or until the works approval expires.

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

5.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Condition 10	Extension of time limited operations until the works approval expires or until a licence is granted for the associated infrastructure, whichever is sooner.

References

1. Department of Water and Environmental Regulation (DWER) 2019, Guideline: Industry Regulation Guide to Licensing, Perth, Western Australia.
2. DWER 2020, Guideline: Risk Assessments, Perth, Western Australia.