



Department initiated Amendment

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

Works Approval Number	W6117/2018/1
Works Approval Holder	BHP Billiton Nickel West Pty Ltd
ACN	004 184 598
File Number	DER2018/000072
Premises	<p>Kwinana Nickel Refinery 270 Patterson Road KWINANA BEACH WA 6167</p> <p>Legal description – Lot 89 on Deposited Plan 411084 Certificate of Title Volume 2958 / Folio 292 As defined by the premises maps attached to Works Approval W6117/2018/1</p>
Date of Report	17 June 2024
Decision	Revised works approval granted

1. Amendment summary

This amendment is made pursuant to section 59 of the Environmental Protection Act 1986 (EP Act) to amend the existing works approval issued in respect the prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment is limited to extending the duration of the works approval and the time limited operation period under the works approval. No other changes have been made to existing conditions or works approval holder obligations.

In completing the assessment documented in this report, 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/department-of-water-and-environmental-regulation/regulatory-documents).

2. Background

On 13 July 2018, BHP Nickel West Ltd (BHP NiW, the works approval holder) was granted works approval W6117/2018/1 for the construction and time-limited operations of a Powder Leach Nickel Sulphate Plant (PLNSP) at the Kwinana Nickel Refinery (KNR). BHP NiW notified the department that the project was completed and subsequently began commissioning and temporary operation on 19 August 2021.

On 30 September 2022, BHP NiW submitted an application to amend licence L8437/2010/3 to authorise ongoing operation of the PLNSP. Assessment of the application is not yet complete as it requires an in-depth and comprehensive analysis of the air emissions dispersion modelling and associated air quality monitoring results provided in the licence amendment application. The department is engaged in discussions with BHP NiW regarding the technical aspects of expected air emissions from the PLNSP as part of its assessment process. To facilitate ongoing operation of the PLNSP while assessment of the licence amendment application is completed, the works approval is being amended under section 59 of the EP Act on the initiative of the Chief Executive Officer to extend the instrument duration and the time-limited operations period.

3. Consultation

The works approval holder was provided with drafts of the amendment report and revised works approval on 16 May 2024. On 6 June 2024, the works approval holder waived the comment period.

4. Decision

Section 63 of the EP Act prescribes that a works approval shall continue in force for such period as is specified in the works approval. Works approval W6117/2018/1 is due to expire on 12 July 2024. The delegated officer decided to amend works approval W6117/2018/1 in accordance with section 59(1) of the EP Act by extending the expiry date from 12 July 2024 to 12 July 2025 and amending the time limited operations period to continue for the duration of the works approval.

The decision to amend the works approval to extend its duration and time limited operations period takes into account that BHP NiW are actively engaging with the department on matters relating to predicted air emission impacts from ongoing operation of the PLNSP. A twelve month extension of the works approval allows for the lawful operation of the PLNSP while the application for licence amendment is comprehensively assessed.

In determining to amend the duration of the works approval, the following matters were considered by the delegated officer:

- an extension to the works approval duration will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises;
- licence L8437/2010/3 continues to specify requirements related to air emissions and discharges that will continue in accordance with existing conditions;
- monitoring of emissions and discharges from the premises will continue in accordance with existing conditions of both the works approval and licence L8437/2010/3;
- the premises will be subject to ongoing compliance inspections and investigations following incidents and complaints, in accordance with the EP Act; and
- in the event that risk issues arise in relation to the premises, the CEO may;
 - a. amend the works approval or licence conditions at any point, and
 - b. in the event of an alleged offence, exercise enforcement powers under the provisions of the EP Act.