



## Application for a Licence Amendment

### Division 3, Part V *Environmental Protection Act 1986*

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<b>Licence number</b>	L5533/1976/11
<b>Licence holder</b>	BHP Billiton Nickel West Pty Ltd
<b>ACN</b>	004 184 598
<b>DWER file number</b>	DER2021/000635
<b>Premises</b>	Kambalda Nickel Concentrator Durkin Rd, KAMBALDA, 6442 ML15/149, ML15/150 Lot 13 DP49832-K173678L Easement over Part lot 13 on DP 48932-K173679E Lease agreement over portion M26/317
<b>Date of report</b>	12 November 2024
<b>Decision</b>	Granted

## Scope of amendment

### Amendment summary

Licence L5533/1976/11 (the licence) is held by BHP Billiton Nickel West Pty Ltd (licence holder) for the operation of Kambalda Nickel Concentrator (the premises), located on Durkin Road in Kambalda, WA 6442. On 15 July 2024, the licence holder submitted an application to the department to amend the licence under section 59B of the *Environmental Protection Act 1986* (EP Act). The application requested changes to licence conditions and to allow ongoing operation of the newly constructed concentrate thickener, approved for construction and commissioning in accordance with W6624/2021/1 (NKC optimisation project). On 18 October 2024, the licence holder provided the department with an addendum to request for additional administrative type changes.

The licence holder submitted an Environmental Compliance Report (ECR) to the department on 3 May 2024, which demonstrated compliance with conditions 1, 2 and 3 of W6624/2021/1. Additional changes and the addition of an infrastructure table have been requested as part of this application, to ensure the alignment of conditions and reporting requirements across the licence holders other licenses.

The licence holder has plans to place the premises operations into temporary suspension 'Care and Maintenance'. As requested by the licence holder, the Delegated Officer has added "During operational periods" to conditions where controls only apply while the premises is operating.

This amendment report documents the department's decision making in respect to this application.

### Decision

As part of this licence amendment, the Delegated Officer has determined to include an infrastructure table, approve majority of the proposed changes and authorise the operation of the Concentrate Thickener constructed under W6624/2021/1. The Delegated Officer has decided to approve all requested changes.

The Delegated Officer has decided to include additional regulatory controls into the infrastructure table to reduce the likelihood of emissions and discharges of contaminated stormwater to nearby receptors. The below table provides a summary of these changes and will act as a record of implemented changes.

All the proposed changes below have been incorporated into the revised Licence infrastructure table, as part of the amendment process.

Condition no.	Additional regulatory controls
1, Table 1- 2	Conditions added to ensure containment of contaminated and potentially contaminated stormwater runoff.
1, Table 1- 4	6 monthly visual inspections of catch pits added to ensure the condition is enforceable at ensuring any spills from pipeline routes are contained.
1, Table 1- 5	Concentrate Thickener controls added into infrastructure table from Works approval W6624/2024/1.

The Delegated Officer has determined the operation of the Concentrate Thickener is unlikely to result in changes to the infrastructure's overall risk profile, assessed during works approval W6624/2021/1.

6 monthly monitoring for wastewater emissions in accordance with Table 2, condition 23 (now condition 2, Table 3) have been included into Table 6 – Environmental reporting requirements.

This reporting requirement has been included due to the original condition wording suggesting that sampling must occur prior to every discharge. The licence holder has previously identified this is extremely costly and impossible due to the premises automatic release into the leach system. Due to history of previous seepage concerns from TSFA and TSFB, the Delegated Officer has included an annual environmental reporting requirement for a summary of monthly piezometer monitoring to ensure the embankments of TSFA and TSFB are not further compromised.

As part of this amendment the delegated officer also amended the licence's annual reporting period, Annual Environmental Report (AER) and Annual Audit Compliance Report (AACR) due dates to align with a fiscal reporting year, consistent with other BHP licence's.

In amending the licence, the delegated officer has also:

- updated the format and appearance of the licence;
- deleted the redundant AACR form set out in schedule 1 of the previous licence;
- revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency;
- corrected clerical mistakes and unintentional errors;
- updated Schedule 1- Premises maps to reflect existing operations;
- updated definitions;
- addition of record and reporting conditions including but not limited to: AACR and AER reporting requirements; and.
- Expiry date updated to reflect amendment notice.

The decision report for the previous licence will remain on the DWER website for future reference and will act as a record of DWER's decision making.

## Conclusion

Based on this assessment, it has been determined to amend the existing licence, subject to conditions which commensurate with the determined controls and are necessary for administration and reporting requirements.

## Appendix 1: Consultation

### Summary of licence holder's comments on draft conditions

Condition	Summary of licence holder's comments received 12/11/2024	Department's response
1, Table 1-2	There is only 1 Stormwater Catchment Dam. The Stormwater Catchment Dam is shown in Figure 5. The Return Water Dam is separate from the Stormwater Catchment Dam. The Return Water Dam is shown in Figure 5. Proposed changes to column 3 to TSF3B.	Accepts changes, table and conditions updated
1, Table 1-4(c)	To include 'during operational periods' in condition	Accepts changes
1, Table 1-5(d)(e)	To remove filter presses and associated infrastructure and condensate storage area from infrastructure table as not constructed	Accepts changes, infrastructure and related conditions removed
3, Table 3	Replace spot sample with bi-annually as explained in DR	Accepts changes
10	To include condition 21 from original licence	Accepts changes
12	To include a note regarding NATA accreditation exemption	Accepts changes
23	AACR reporting due date to be updated to 30 September each year, to reflect fiscal reporting year	Accepts changes, due date updated
24	AER reporting due date to be updated to 30 September each year, to reflect fiscal reporting year	Accepts changes, due date updated
24, Table 6	TSFA to be updated to TSF3A due to inaccuracy of TSF	Accepts changes
Table 7	Annual period definition to be updated to 1 July until 30 June to reflect fiscal reporting year	Accepts changes
Schedule 1	Update figures 1, 2 and 3 of premises maps as provided	Accepts changes, figures updated