



Application for a licence amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence number	L8437/2010/3
Licence holder	BHP Nickel West Pty Ltd
ACN	004 184 598
File number	2012/000069-1~2
Premises	<ol style="list-style-type: none">1. Kwinana Nickel Refinery Lot 89 on Deposited Plan 411084 Patterson Road KWINANA BEACH WA 6167 Certificate of Title Volume 2958 Folio 2922. Baldivis Facility Lot 820 on Plan 77252 Miller Road BALDIVIS WA 6171 Certificate of Title Volume 2841 Folio 582
Date of report	27 August 2024
Decision	Revised licence granted

1. Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing licence issued under the EP Act for a 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 changing the annual reporting dates to align with the financial year fiscal and the submission date for those reports to the 30 September each year.

In completing the assessment documented in this report, the 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).

1.1 Purpose and scope of amendments

On 17 June 2024 the BHP Nickel West Pty Ltd (Nickel West) (Licence Holder) applied for an amendment to licence L8437/2010/3 to change the annual reporting period from 1 November to 31 October in the following year, to 1 July to 30 June in the following year and to change the due date for the submission of annual reports from the 31 December to the 30 September each year.

Nickel West has suggested it submits a report that covers the remainder of the 2023-2024 reporting period (8 month period from 1 November 2023 to 30 June 2024) with the following reporting period starting on 1 July 2024 to ensure there is no duplication of reporting.

2.1 Licence holder comments on draft decision

The Licence Holder was provided with a draft Amendment Report and draft Licence on 15 August 2024. The Licence Holder waived the 21-day comment period on 26 August 2024.

3. Decision

The delegated officer has determined to grant the amendment to licence L8437/2010/3 to change the annual reporting period to 1 July to 30 June in the following year, and to change the submission date for annual reports to 30 September in each year. The delegated officer considers the change appropriate on the basis it does not alter the risk profile or the premises or change the overall reporting obligations of the licence holder.

In determining to make this amendment the delegated officer noted the licence holder's intention to submit a part year report for the current reporting period (2023-2024) however advises that this is not expressly provided for by the condition change and the conditions should be complied with as written.

4. Conclusion

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

4.1 Summary of amendments

The below table 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 licence as part of the amendment process.

Table 1: Summary of amendment changes

Condition no.	Proposed amendments
19	Annual report submission date changed from 31 December to 30 September. Annual environmental reporting period changed from: <i>“1 November to 31 December in the following year”</i> to <i>“1 July to 30 June in following year”</i> .
20	Annual audit compliance report submission date changed from 31 December to 30 September. Corrected a typographical error.
Definitions	Annual period changed from: <i>“1 November until 31 October”</i> to <i>“1 July until 30 June”</i>