



Department initiated Amendment

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

Works Approval Number	W6117/2018/1
Works Approval Holder	BHP Nickel West Ltd
ACN	004 184 598
File Number	DER2018/000072
Premises	Kwinana Nickel Refinery 270 Patterson Road KWINANA BEACH WA 6167 Lot 89 on Deposited Plan 411084 Certificate of Title Volume 2958 / Folio 292 As shown in the premises map in Schedule 1.
Date of Report	08 February 2023
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 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 of the works 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 has considered and given due regard to its regulatory framework and relevant policy documents which are available at <http://dwer.wa.gov.au/regulatory-documents>.

2. Background

On 13 July 2018 BHP Nickel West Ltd (BHP NiW, the Works Approval Holder) were issued with Works Approval W6117/2018/1 for the construction and time limited operations of the Powder Leach Nickel Sulphate Plant (PLNSP) at the Kwinana Nickel Refinery.

BHP NiW advised the Department of Water and Environmental Regulation (the department) that the works were completed, and that commissioning and time limited operations commenced on 19 August 2021.

On 30 September 2022, BHP NiW applied to amend Licence L8437/2010/3 to include the PLNSP. The department is currently reviewing the air modelling that was provided to support the licence amendment application. To allow for the continued operation of the facility while the review of the air emission modelling is finalised, the works approval is being amended under section 59 of the EP Act on the initiative of the Chief Executive Office to extend the duration of time limited operations.

3. Consultation

The Works Approval Holder was provided with drafts of the amendment report and revised works approval on 25 January 2023. On 7 February 2023 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 2023 and time limited operations under the works approval are required to cease on 19 February 2023. The delegated officer has determined that extending the duration by a further 12 months is appropriate on the basis that it will allow sufficient time for the department to review the air emission modeling before finalising the licence amendment with the expectation that this work will be completed well before the extended date for time limited operations.

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;
- monitoring of emissions and discharges from the premises will continue in accordance with existing conditions of the works approval;
- 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.