



## Application for Works Approval Amendment

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

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| <b>Works Approval Number</b> | W6275/2019/1  |
| <b>Works Approval Holder</b> | BHP Billiton Nickel West Pty Ltd  |
| <b>ACN</b>                   | 004 184 598   |
| <b>File Number</b>           | DER2019/000398 / APP-0026369  |
| <b>Premises</b>              | Kwinana Nickel Refinery<br>270 Patterson Road, Kwinana Beach WA 6167<br><br>Legal description –<br>Lot 100 on Deposited Plan 423540 |
| <b>Date of Report</b>        | 26 May 2025   |
| <b>Decision</b>              | Revised works approval granted  |

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## 1. Decision summary

The Delegated Officer has determined to make amendments to works approval W6275/2019/1. The amendments are administrative in nature therefore they 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 Protection (the department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://www.wa.gov.au/service/building-utilities-and-essential-services/integrated-essential-services/dwer-regulatory-documents>.

### 2.2 Background

W6275/2019/1 (works approval) is held by BHP Billiton Nickel West Pty Ltd (works approval holder, BHP NiW) for the Kwinana Nickel Refinery (NKW) (the premises), located at 270 Patterson Road, Kwinana Beach. The works approval authorises works associated with a debottlenecking project intended to increase the refinery nickel production capacity from 75 ktpa to 90 ktpa.

In July 2024, BHP NiW announced its Nickel West Operations will be temporarily suspended from October 2024 with a review of this decision to be undertaken by February 2027. During this period:

- BHP NiW's mining and processing operations, including operations at NKW, will be suspended; and
- A care and maintenance program of work will be implemented to ensure the ongoing safety and integrity of BHP NiW's sites and related infrastructure.

The NKW licence L8437/2010/1 was amended in December 2024 to reflect the temporary suspension of operation of the NKW. The amended licence includes a requirement for BHP NiW to notify the department in writing within 30 days of recommencement of operation of the refinery.

### 2.3 Amendment summary

The works approval holder submitted an application to the department to amend W6275/2019/1 under section 59 and 59B of the EP Act on 13 November 2024. The amendment is limited to extending the works approval expiry date to 24 September 2028 due to operation of the NKW being temporarily suspended and placed into care and maintenance. The works approval holder advised construction of the high-rate thickener and wet metals upgrade projects are mostly complete however remaining work on these and construction of the remaining infrastructure specified in the works approval are now on hold with plans to recommence work either during or following the temporary suspension period.

A further amendment was requested by the works approval holder on 11 April 2025 to amend ambient ammonia monitoring condition 4 to allow for ambient ammonia

monitoring to cease while operation of the premises is temporarily suspended and resume within three months of operation of the NKW recommencing.

### 2.3.1 Ambient ammonia monitoring

In accordance with condition 4 of the works approval, BHP NiW installed and commissioned an ambient ammonia monitor at Governor Road, East Rockingham in 2021 and commenced monitoring on 1 April 2021. The works approval holder has been operating the monitoring station at this location and providing quarterly monitoring results to the department since the installation. Ambient ammonia monitoring was specified in the works approval due to ammonia emissions being predicted to increase as production increases, and the monitoring being required to verify model predicted ambient ammonia impact.

## 3. Consultation

The works approval holder was provided with the draft Amendment Report on 8 May 2025. The works approval holder responded to the department on 22 May 2025 via email communication and requested the remaining consultation period be waived.

## 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 W6275/2019/1 is due to expire on 24 September 2025. The delegated officer decided to amend works approval W6275/2019/1 in accordance with section 59(1) of the EP Act by extending the expiry date from 24 September 2025 to 24 September 2028. In determining to extend the duration of the works approval, the following matters were considered:

- an extension to the works approval will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises, noting that the premises is currently in a temporary suspension period;
- the risks posed by emissions and discharges from the premises were assessed for the grant of the works approval and operational controls were applied in the works approval based on this assessment;
- the premises will continue to be subject to the conditions of the works approval during the temporary suspension period; and
- in the event that risk issues arise in relation to the premises, the CEO may;
  - a. amend the works approval conditions at any point; and
  - b. in the event of an alleged offence, exercise enforcement powers under the provisions of the EP Act.

The delegated officer determined the requested change to condition 4 to allow for ambient ammonia monitoring to cease until the KMW recommences operation will not alter the risk profile of ammonia emissions and is appropriate taking into consideration:

- The refinery is not operating therefore the monitor is only capturing background data; and
- The department will be notified when operation of the refinery recommences in accordance with the conditions of L8437/2010/1 and ambient monitoring will recommence within three months.

The delegated officer also determined it appropriate to clarify the timeframe for ambient monitoring in condition 4 by removing the minimum 12 consecutive month specification as the

intent of the ambient monitoring is that it should continue until the production capacity increase is achieved to allow comparison of measured ambient air quality with model predicted air quality and confirm ammonia emission impacts are acceptable.

In addition to the requested amendments the delegated officer has made an administrative change to the premises details to align with the updated cadastral details for the premises.

## 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 amended works approval as part of the amendment process.

**Table 1: Summary of works approval amendments**

| Condition no.                 | Proposed amendments  |
|-------------------------------|--|
| Cover page - Duration         | Extended to 24/09/2028   |
| Cover page – Premises details | Legal description of the premises refined to remove reference to Lot 820 on Deposited Plan 77252 which is outside the defined boundary shown in Schedule 1: Premises map, and to update Lot 89 of Deposited Plan 411084 to Lot 100 on Deposited Plan 423540.   |
| Condition 4                   | Adjusted condition wording to require ambient monitoring to recommence within three months of recommencement of refinery operations and clarify that continued ambient monitoring is required throughout the works approval duration following recommencement. |