



Department initiated Amendment

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

Works Approval Number	W6788/2023/1
Works Approval Holder	BHP Nickel West Pty Ltd
ACN	004 184 598
File Number	APP-0029406
Premises	BHP Nickel West Kwinana Nickel Refinery 270 Patterson Road KWINANA BEACH, WA 6167 Legal description – Lot 100 on Deposited Plan 423540 and Lot 820 on Deposited Plan 77252
Date of Report	16/06/2025
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 to 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 time-limited operations (TLO) 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/publications/dwer-regulatory-documents).

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. Background

On 20 June 2023, BHP Nickel West Pty Ltd (BHP, works approval holder) was granted works approval W6788/2023/1 for construction and time-limited operations of a 70 ML and a 40 ML Chloride Brine Storage Tanks (CBST) at the Kwinana Nickel Refinery (KNR) (the premises). The works approval expires on 19 June 2026. In accordance with Condition 6 of the works approval, Environmental Compliance Reports (ECR) for the 70ML and 40ML CBST were submitted to the department on 24 June 2024 and 6 September 2024 respectively and time limited operation (TLO) of the tanks commenced in accordance with condition 8 of the works approval following the submission of the ECR.

During the TLO period the works approval holder identified construction/design defects relating to the liner installation and leak detection system of the tanks. As a result, the two CBST were unable to operate as originally designed and further time was required to complete rectification works before the tanks were able to be included in the Kwinana Nickel Refinery operating licence L8437/2010/3. Accordingly, an amendment to the works approval was granted on 12 December 2024 to extend the TLO period to 360 days with the amended TLO period due to end on 19 June 2025.

Following rectification works on the two CBST, BHP submitted a licence amendment application for L8437/2010/3 on 11 March 2025 to include operation of the CBST and make changes to category 62 activities to allow for storage of waste nickel salts at the KNR. A change in the application scope was requested by the works approval holder on 6 June 2025 to withdraw the aspects of the amendment relating to the CBST. BHP advised that a separate amendment application was to be submitted for the CBST which was subsequently received. There is insufficient time to complete the assessment of a licence amendment application for ongoing operation of the CBST before the TLO period expires on 19 June 2025. To facilitate ongoing operation of the CBST 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 TLO period until the expiry date of the works approval.

3. Consultation

The works approval holder was provided with this draft amendment report and revised works approval on 11 June 2025. The works approval holder responded to the department on 12 June 2025 with no comments and requested to waive the remaining comment period.

4. Decision

The delegated officer decided to amend works approval W6788/2023/1 in accordance with section 59(1) of the EP Act by extending the duration of the TLO period to continue for the duration of the works approval (i.e. until 19 June 2026). Extending the TLO period until the expiry of the works approval allows for the lawful operation of the CBST while the application for licence amendment for ongoing operation of the CBST is assessed.

In determining to extend the duration of TLO, the following matters were considered by the delegated officer:

- an extension to the TLO period in the works approval will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises;
- operation of the CBST is subject to the operational requirements specified in condition 10 of the works approval;
- the works approval holder has submitted information to the department on repair works which have been completed for both CBST which is being considered in the assessment of the licence amendment application; 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.

4.1 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 revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
9 (a)	<p>TLO period has been altered from:</p> <p><i>'a period not exceeding 360 days from the day the works approval holder meets the requirements of condition 6 for that item of infrastructure'</i></p> <p>to</p> <p><i>'from the day the works approval holder meets the requirements of condition 6 for that item of infrastructure until the expiry date of the works approval'.</i></p>