



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	DER2023/000156
Premises	BHP Nickel West Kwinana Nickel Refinery Baldivis facility Lot 100 on Deposited Plan 423540 and Lot 820 on Deposited Plan 77252 KWINANA BEACH, WA 6167
Date of Report	12/12/2024
Decision	Revised works approval granted

**Caron Goodbourn,
MANAGER, PROCESS INDUSTRIES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6788/2023/1 (W6788). The amendments are administrative in nature therefore they do not alter the risk profile of the operations at the BHP Nickel West Kwinana Nickel Refinery (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 of Water and Environmental Regulation's (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 has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Background

W6788 is held by BHP Nickel West Pty Ltd (works approval holder) for the premises. The works approval expires on 19 June 2026.

W6788 authorises the construction and time limited operations of a 40ML and a 70ML Chloride Brine Storage Tank (CBST) at the Premises. In accordance with Condition 1 of W6788, the Environmental Compliance Reports (ECRs) for the 70ML and 40ML CBSTs were submitted to the department on 24 June 2024 and 6 September 2024 respectively. Based on the submission of the ECRs, the Time Limited Operations (TLO) periods for the 70ML and 40ML CBST conclude on 21 December 2024 and 5 March 2025 respectively.

The works approval holder identified construction/design defects relating to the liner installation and leak detection system of the tanks while operating within the TLO periods. As a result, the two CBSTs have been unable to operate as originally designed. Rectification works to the tanks have commenced, with works due to be completed by April 2025.

2.3 Amendment summary

On 19 November 2024, the works approval holder submitted an application to extend the length of time limited operations to provide sufficient time to undertake the necessary rectification works to the CBSTs. The amendment is limited only to extending the length of TLO.

3. Consultation

The works approval holder was provided with the draft amendment on 9 December 2024. The works approval holder responded to the department on 10 December 2024 asking to waive the remaining comment period.

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an extension of the length of time limited operations will be made, subject to conditions

commensurate with the determined controls and necessary for administration and reporting requirements.

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	<p>The works approval holder may conduct time limited operations for an item of infrastructure specified in condition 1 (as applicable):</p> <ul style="list-style-type: none">a) for a period not exceeding 360 calendar days from the day the works approval holder meets the requirements of condition 6 for that item of infrastructure; orb) until such time as a licence for that item of infrastructure is granted in accordance with Part V of the <i>Environmental Protection Act 1986</i>, if one is granted before the end of the period specified in condition 9(a).