



Application for Licence Amendment

Part V Division 3 of the *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	19 October 2021
Decision	Revised licence granted

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1. Decision summary

Licence L8437/2010/3 is held by BHP Billiton Nickel West Pty Ltd (Licence Holder) for the Kwinana Nickel Refinery in located at Lot 89 Patterson Road Kwinana Beach (Premises).

This Amendment Report documents the decision to allow an extension of the licence by a period of 5 years and some minor administrative changes. The licence amendment includes changes to the Licence to incorporate the following prescribed categories: Category 12: Screening etc., of material; Category 62: Soild waste depot and includes and increase in Category 31: Chemical Manufacturing by 100,000 tonnes per annum from the manufacture of nickel sulphate. The Delegated Officer has also made administrative changes to the Licence including updating the format of the licence, conditions and definitions within the Licence, as well as the removal of redundant conditions. The Delegated Officer has not reassessed the risk profile of the Premises because these alterations to activities, emissions and receptors have previously been approved under Works Approvals W6117 and W6275. As a result, the Revised Licence has been granted pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

2. Scope of assessment

2.1 Regulatory framework

In amending the licence, the Delegated Officer has considered and given due regard to the Department of Water and Environmental Regulation's (department) Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Amendment summary

On 26 July 2021 the Licence Holder applied for an amendment to Licence L8437/2010/3, which relates to the Kwinana Nickel Refinery in Kwinana Beach (Premises). The Licence Holder applied for the licence period to be extended with 5 years.

In addition to this amendment the Delegated Officer has incorporated changes to the premises that have been approved under Works Approvals W6117 and W6275. The changes include updated the format of the Licence, removed the works conditions relating to the effluent storage tanks, as these have been constructed and compliance verified. Administrative updates include definitions and standard conditions relating to the Annual Audit Compliance Report. The categories and capacity per category have been updated to reflect the increase assessed under works approvals (W6275/2019/1 and W6117/2018/1).

The Revised Licence issued as a result of this amendment supersedes the existing Licence and does not incorporate any change to the risk assessment of emissions and discharges from the Premises. Significant works that been approved under recent works approval include ambient monitoring data for nickel and ammonia, and an emission verification and management plan which is to be submitted within six months of the issue of this Revised Licence. The submission of this information, together with the completion of the Powder Leach Nickel Sulfate Plant, will enable a more comprehensive risk assessment at that time, which may inform a further amendment and review of Licence conditions as appropriate. The extension of the licence period with 5 years is appropriate as this period lines up with the expected timeframe of completion of the outstanding works approved under Works Approval W6275/2019/1.

3. Consultation

The Licence Holder was provided with the draft Revised Licence and draft Amendment Report on 16 September 2021. The Licence Holder provided some minor administrative type comments on 30 September 2021, which have been included in the final version.

4. Decision

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

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 Licence as part of the amendment process.

Table 1: Summary of amendments

Condition no.	Amendments
Cover page	Updated categories and assessed production capacity
Duration	Extended to 29/10/2026
Interpretation	Updated based on departmental legal advice
Condition 3(a) Table 1	Updated locations to match the new Emission points map
Condition 20	Updated to reflect the current AACR condition with reference to the AACR form on DWER's website
Condition 35 – 38	Deleted. These conditions have been fulfilled
Attachment 4	Removed as this attached related to conditions 35 - 38
Definitions	Updated
Premises maps Emission points map	Updated

References

1. Department of Environment Regulation (DER) (October 2015), Guidance Statement: Setting Conditions, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER), Guideline: Environmental Siting (November 2016), Perth, Western Australia (Plain English version, December 2020).
3. DWER: Guideline: Risk Assessments (February 2017), Perth, Western Australia (Plain English version, December 2020).