



## Application for Works Approval Amendment

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

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Works Approval Number	W6339/2019/1
Works Approval Holder	BHP BILLITON NICKEL WEST PTY LTD
ACN	004 184 598
File Number	DER2019/000639
Premises	Leinster Townsite Landfill Crown Reserve 46801 LEINSTER WA 6437  Legal description – Lot 163 on Deposited Plan 30116  As defined by the Premises maps attached to the Revised Works Approval
Date of Report	01 September 2020
Decision	Revised works approval granted

**Steve Checker**  
**MANAGER WASTE INDUSTRIES**  
**REGULATORY SERVICES**

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

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## 1. Decision summary

Works Approval W6339/2019/1 is held by BHP Billiton Nickel West Pty Ltd (Works Approval Holder) for the Leinster Townsite Landfill (the Premises), located at Crown Reserve 46801, Leinster.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during construction of the Premises. As a result of this assessment, Revised Works Approval W6339/2019/1 has been granted.

The Revised Works Approval issued as a result of this amendment consolidates and supersedes the existing Works Approval previously granted in relation to the Premises. The Revised Works Approval has been granted in a new format with existing conditions being transferred to the new format, but not reassessed.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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 Application summary

On 4 August 2020, the Works Approval Holder submitted an application to the department to amend Works Approval W6339/2019/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendment was sought:

- Amendment of Condition 9 to allow construction activities to take place between the hours of 06:00 to 19:00hrs, 7 days a week (including public holidays).

The basis for the requested amendment is that the Works Approval Holder proposes to engage a contractor based outside the Leonora region to undertake the works associated with the expansion of the landfill. To enable the contractor to complete the works as efficiently as possible, it is proposed that the contractor undertakes the works during available daylight hours (0600hrs – 1900hrs) 7 days per week for the duration of the construction period.

The previously issued Works Approval contains a condition which restricts the times during which approved works may be undertaken to between 07:00 -- 19:00 hours, Monday to Saturday (excluding public holidays).

## 3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

## 3.1 Source-pathways and receptors

### 3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction which have been considered in this Amendment Report are detailed in Table 1 below. Table 1 also details the control measures the Works Approval Holder has proposed to assist in controlling these emissions, where necessary.

**Table 1: Works Approval Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Noise	Machinery movement and excavation activities	Air/windborne pathway	<ul style="list-style-type: none"><li>• Separation distance to sensitive receptors</li><li>• Preparation and implementation of an Outside of Hours Noise Management Plan for the Premises.</li><li>• Where practical, noisy work will be scheduled to be undertaken between 0700-1700hrs (Monday – Saturday)</li><li>• Use of non-tonal reversing beepers (during Outside of Hours)</li><li>• Selection of quiet-running machinery to the extent practically possible</li></ul>

In addition to the existing separation between the Premises and the Leinster townsite, the Works Approval Holder has prepared an Outside of Hours Noise Management Plan for the Premises. The plan has been prepared to manage noise effectively on site when conducting approved works outside of daytime hours. The proposed hours for construction works are 0600hrs – 1900hrs, Monday to Sunday (including public holidays).

### 3.1.2 Receptors

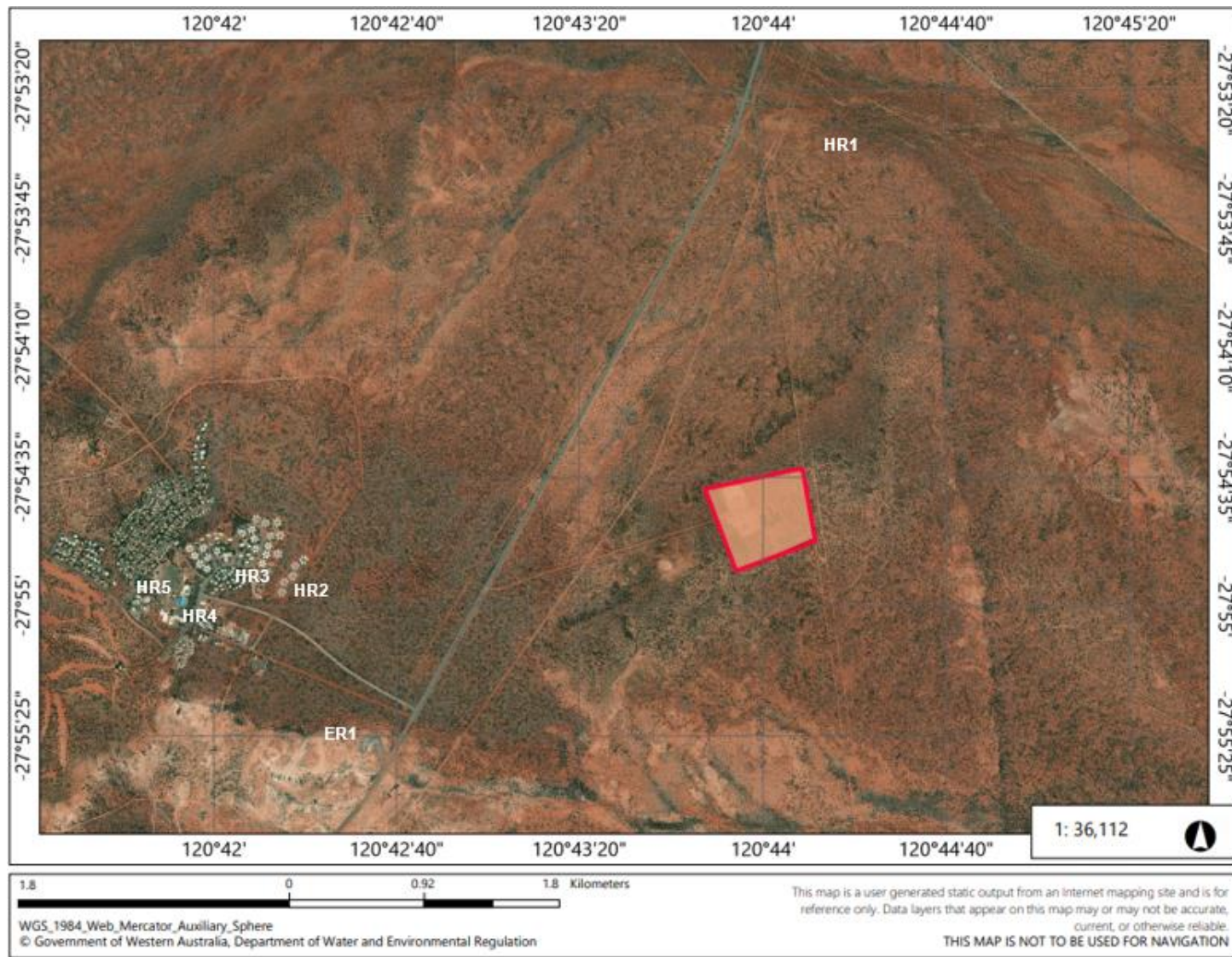
In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Works Approval Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* (DER 2016)).

**Table 2: Sensitive human and environmental receptors and distance from prescribed activity**

Receptor number	Human receptors	Distance from prescribed activity
HR1	Leinster groundwater borefield (provides water to mine and township)	Distance from Prescribed Premises

HR2	Leinster single person accommodation, Mansbridge Street, Leinster	Approximately 2.5 km southwest of premises boundary
HR3	Leinster residential area, Gledden Drive, Leinster	Approximately 3 km west of premises boundary
HR4	<i>Leinster town pool</i>	<i>Approximately 3.2 km west of premises boundary</i>
HR5	<i>Leinster oval and sports courts</i>	Approximately 3.3 km west of premises boundary
<b>Receptor number</b>	<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
ER1	Threatened and Priority Flora (16517)	2.9 km southwest of premises boundary



**Figure 1: Proximity of identified human and environmental receptors to Premises Boundary**

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## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Works Approval Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Works Approval Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the Works Approval Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The Revised Works Approval W6339/2019/1 that accompanies this Amendment Report authorises construction activities. The conditions in the Revised Works Approval have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

**Table 3. Risk assessment of potential emissions and discharges from the Premises during construction.**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Works Approval Holder's controls sufficient?	Conditions <sup>2</sup> of works approval	Justification for regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Works Approval Holder's controls				
Construction								
Machinery movement and excavation activities	Noise	Air/windborne pathway causing impacts to health and amenity	Leinster residents	Separation distance, Preparation and implementation of an outside of hours noise management plan	C = Slight L = Possible <b>Low Risk</b>	Y	9	The Delegated Officer considers that the separation distance to receptors is sufficient to mitigate impacts associated with out of hours noise emissions from construction activities. The proponent is still required to comply with the Environmental Protection (Noise) Regulations 1997 during construction which will afford a high degree of regulatory control should noise impacts arise.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed Works Approval Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.



## 4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

**Table 4: Consultation**

Consultation method	Comments received	Department response
Local Government Authority (Shire of Leonora) advised of proposal by applicant prior to application submission - 27/07/2020)	<p><i>"Thanks for providing relevant information in support of your submission to Amend Works Approval at the Leinster Landfill Site.</i></p> <p><i>I am pleased to advise that the Shire of Leonora has no objection to your proposal to amend condition 9 of the Works Approval Number W6339/2019/1 to allow for works between the hours 0600hrs and 1900hrs 7 days a week.</i></p> <p><i>As a consequence, consent to submit the amendment application is hereby provided"</i></p>	Noted
Works Approval/Licence Holder was provided with draft amendment on (28/08/2020)	<p><i>"BHP Nickel West have no changes/comments on the draft Works Approval, however we request the following changes to the amendment report.</i></p> <ol style="list-style-type: none"> <li>1. Section 3.1.1, Page 2, Table 1. Proposed controls               <ol style="list-style-type: none"> <li>a. Amend "Use of non-tonal reversing beepers" to "Use of non-tonal reversing beepers <b>(during Outside of Hours)</b>"</li> <li>b. Amend "Selection of quiet-running machinery" to "Selection of quiet-running machinery <b>to the extent practically possible</b>"</li> </ol> </li> </ol>	Noted, Decision Report modified accordingly

## 5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised 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 5 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Works Approval as part of the amendment process.

**Table 5: Summary of works approval amendments**

Condition no.	Proposed amendments
9	<i>The works approval holder must ensure that works undertaken at the premises in accordance with this works approval only occur between the hours of 0600hrs – 1900hrs,</i>

	Monday through to Sunday (including public holidays).
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## References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

## Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)					
<b>Application type</b>					
<del>Works approval</del>	<input type="checkbox"/>				
Licence	<input type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>
		Has the works approval been complied with?			Yes <input type="checkbox"/> No <input type="checkbox"/>
		Has time limited operations under the works approval demonstrated acceptable operations?			Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?			Yes <input type="checkbox"/> No <input type="checkbox"/>
		Date Report received:			
Renewal	<input type="checkbox"/>	Current licence number:			
Amendment to works approval	<input checked="" type="checkbox"/>	Current works approval number:	W6339/2019/1		
Amendment to licence	<input type="checkbox"/>	Current licence number:			
		Relevant works approval number:		N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:		None	<input type="checkbox"/>
Date application received					
<b>Applicant and Premises details</b>					
Applicant name/s (full legal name/s)		BHP Billiton Nickel West Pty Ltd			
Premises name		Leinster Townsite Landfill			
Premises location		Crown Reserve 46801, Leinster			
Local Government Authority		Shire of Leonora			
<b>Application documents</b>					
HPCM file reference number:		DER2019/000639-1			
Key application documents (additional to application form):		Leinster Town Landfill - Outside of Hours Noise Management Plan - 27 July 2020			
<b>Scope of application/assessment</b>					
Summary of proposed activities or changes to existing operations.		<p><i>Works approval amendment</i></p> <p><i>Deletion of condition limiting hours of construction activity.</i></p>			

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 89 - Putrescible landfill Site	Assessed - 2,500 tonnes per year	N/A

**Legislative context and other approvals**

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.

Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Name: N/A</p> <p>Type: <del>Proclaimed Groundwater Area/Surface Water Area</del></p> <p><del>Has Regulatory Services (Water) been consulted?</del></p> <p><del>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></del></p> <p><del>Regional office: Swan Avon / Mid-West Gascoyne / Kwinana Peel / North West / South West / Goldfields / South Coast</del></p>
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Name: N/A</p> <p>Priority: P1 / P2 / P3 / N/A</p> <p><del>Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)?</del></p> <p><del>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></del></p> <p><del>Note: If the proposed activity is not listed as a compatible land use with the PDWSA please consult with the relevant regional office (Regulatory Services - Water) and Water Source Protection (Science and Planning).</del></p>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i> )	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><del>If Yes include details here.</del></p> <p><del>Classification: N/A / possibly contaminated - investigation required (PC-IR) / not contaminated - unrestricted use (NC-UU) / contaminated - restricted use (C-RU) / remediated for restricted use (RRU) / contaminated - remediation required (C-RR) / decontaminated (Decon)</del></p> <p><del>Date of classification: N/A</del></p>