

# Notice of Modification

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



**Steve O'Donoghue**  
**Director**  
**Resource Assessments**

Sydney

23 December 2021

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### SCHEDULE 1

The Development Consent SSD 10313 for the Western Sydney Green Gas Project, granted by the Executive Director – Energy, Resources and Compliance, under delegation from the Minister for Planning and Public Spaces on 10 August 2020.

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### SCHEDULE 2

1. Delete "*Department of Planning, Industry and Environment*" in the footnotes and insert "*Department of Planning and Environment*".
2. Table of Contents have been updated to reflect the revised section names and page numbers.
3. In the list of definitions, delete the definitions for "Department" and "WSP" and insert the following in alphabetical order:

Department	Department of Planning and Environment
GSP	Greater Sydney Parklands
4. In the list of definitions, delete the definition of HRS.
5. In the list of definitions, in the definition of "EIS", delete all words after "dated 16 June 2020", and insert:

" , as modified by the:

  - Western Sydney Green Gas Project Modification One - Environmental Impact Statement, dated 30 June 2021, and accompanying information provided by the Applicant."
6. In Schedule 2, condition A5, delete "52,600" and replace with "87,600".
7. In Schedule 2, delete all words in condition A7, and replace with: "On-site storage of full hydrogen cylinder or compressed natural gas vehicles when not in-use, and on-site high-pressure hydrogen storage facility are not permitted."
8. In Schedule 3 and Schedule 4, delete all references to "WSPT" and replace with "GSP".
9. In Schedule 3, condition B1(b), delete "The study must include a suitably designed firewall with Fire Resistance Level (FRL) of at least 240/240/240 to mitigate potential fire-related impacts from the high-pressure hydrogen storage facility."
10. In Schedule 3, condition B6, delete the entire item (a) and insert "Deleted".
11. In Schedule 3,

- condition B7(a), delete “of the development” and replace with “for the development”; and
  - condition B7(e), delete all words before “, unless otherwise agreed by the Secretary”, and replace with “ensure the frequency of cylinder refilling vehicles entering and leaving the site does not exceed four trips per week”.
12. In Schedule 3, condition B8(g), delete all words in the first dot point and replace with “record and track any light and heavy vehicle movements associated with the development; and”.
13. In Schedule 3, condition B9, Table 1:
- insert “, fuel cell, compressor” after “microturbines” in the first row (not including the heading row) of the table;
  - insert “, fuel cell and compressor” after “Microturbines” in the second row (not including the heading row) of the table; and
  - insert “Cylinder refilling” in the third row (not including the heading row) of the table.
14. In Schedule 4, delete all conditions under the “Incident Notification” and “Non-Compliance Notification” headings and insert the following:

#### **Incident Notification, Reporting and Response**

- C3. The Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

#### **Non-Compliance Notification**

- C4. The Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

*Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

15. In Schedule 4, delete the note under condition C9 and replace with the following:

*Note: A reference to Independent Audit Post Approval Requirements (2020) in this development consent also includes future amendments to this document.*

16. In Schedule 4, after condition C10, insert the following:

C10A. The Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the *Independent Audit Post Approval Requirements (2020)*, upon giving at least 4 weeks’ notice (or timing) to the Applicant of the date upon which the audit must be commenced.

C10B. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)* (or as amended from time to time), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition **Error! Reference source not found.** of this consent, or condition C10A where notice is given by the Secretary;
- (b) submit the response to the Secretary; and

make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Secretary, unless otherwise agreed by the Secretary.

C10C. Independent Audit Reports and the Applicant’s response to audit findings must be submitted to the Secretary within 2 months of undertaking the independent audit site inspection, as outlined in the *Independent Audit Post Approvals Requirements (2020)* (or as amended from time to time) unless otherwise agreed by the Secretary

C10D. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Secretary’s satisfaction that independent operational audits have demonstrated operational compliance.

17. In Schedule 4, after condition C11, insert the following:

**UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS**

- C12 To ensure the studies, strategies and plans for the development are updated on a regular basis and incorporate any required measures to improve the environmental performance of the development, the Applicant may submit revised studies, strategies or plans required for the development under the conditions of consent at any time. With the agreement of the Secretary, the Applicant may also submit any study, strategy or plan required under the conditions of this consent on a staged basis.
- C13 The Secretary may approve a revised strategy or plan required under the conditions of consent, or the stage submission of these documents, at any time. With the approval of the Secretary, the Applicant may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this consent.

*Notes:*

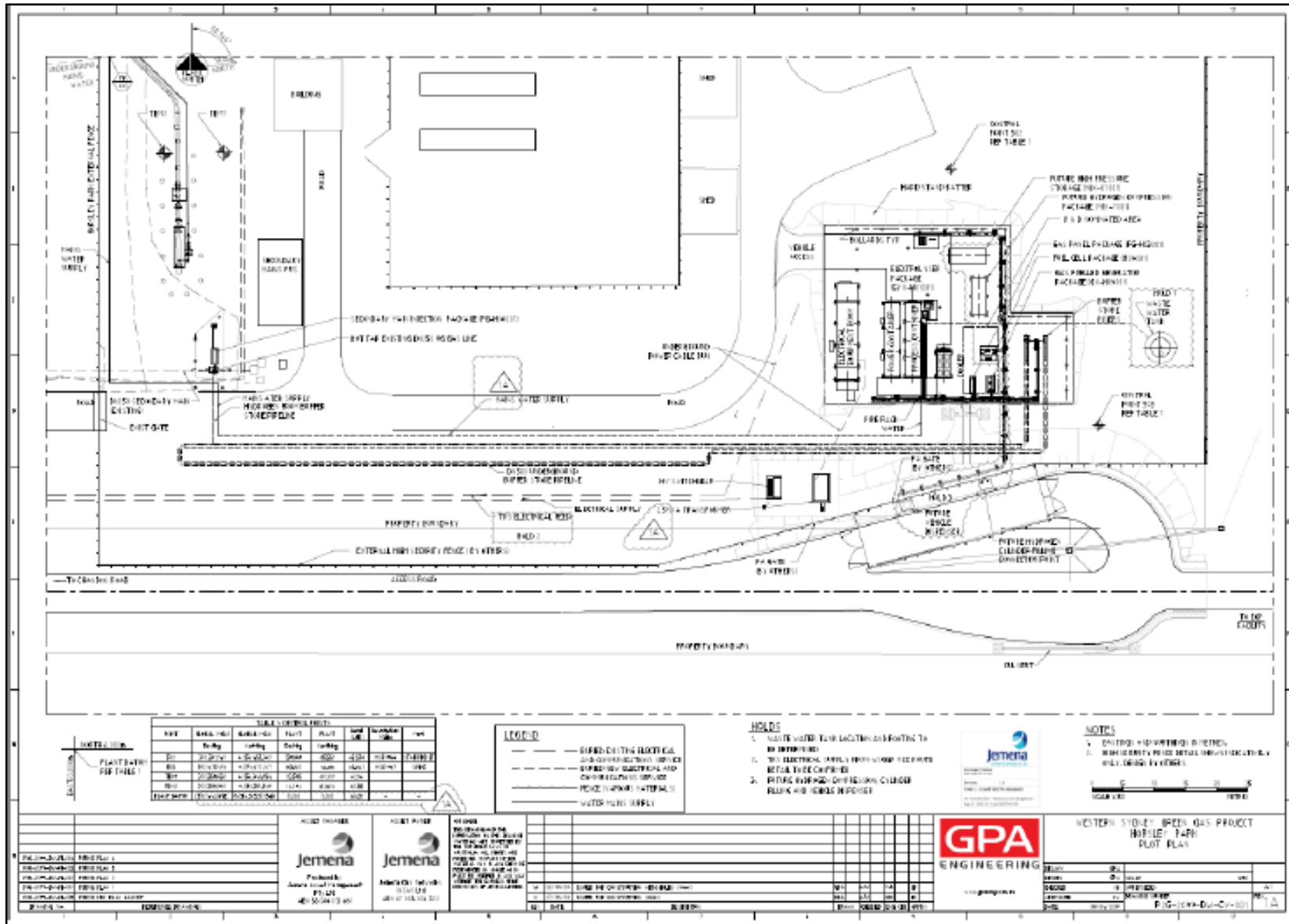
- *While any study, strategy or plan may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.*

18. In Appendix 2, delete all figures and replace with the following:



**Legend**

Approved Project Site Boundary	Operational Natural Gas	 Datum/Projection: GDA 1994 MGA Zone 56
Hydrogen Cylinder Filling Infrastructure	Underground Water Supply	
Fuel Cell Package	Hydrogen Buffer Store	
CNG Trailer Location	Electrical Supply	
Power to Gas Facility	Refueller Turn-Around	 Image captured 27/12/2020
	Current Access Road to EGP Facility (Lot 3 DP 1002746)	
	Power to Gas Access Road	



**TABLE 1: SUMMARY OF PROPOSED TANKS**

NO.	DESCRIPTION	TYPE	DIAMETER (m)	HEIGHT (m)	VOLUME (m³)	STATUS
1	Water	Storage	10.0	10.0	785	Existing
2	Water	Storage	10.0	10.0	785	Proposed
3	Water	Storage	10.0	10.0	785	Proposed
4	Water	Storage	10.0	10.0	785	Proposed
5	Water	Storage	10.0	10.0	785	Proposed
6	Water	Storage	10.0	10.0	785	Proposed
7	Water	Storage	10.0	10.0	785	Proposed
8	Water	Storage	10.0	10.0	785	Proposed
9	Water	Storage	10.0	10.0	785	Proposed
10	Water	Storage	10.0	10.0	785	Proposed

**LEGEND**

- SOLID LINE: SITE BOUNDARY
- DASHED LINE: PROPERTY BOUNDARY
- DOTTED LINE: EXISTING ELECTRICAL AND COMMUNICATIONS SERVICES
- DASHED LINE WITH DOTS: PROPOSED ELECTRICAL AND COMMUNICATIONS SERVICES
- SOLID LINE WITH DOTS: FUTURE ELECTRICAL AND COMMUNICATIONS SERVICES
- DOTTED LINE WITH DOTS: WATER MAINS
- SOLID LINE WITH DOTS: WATER MAINS

- HOLDS**
- THE SITE WATER TANK LOCATION AND ROUTING TO AN INTERFERENCE POINT
  - THE ELECTRICAL INFRASTRUCTURE AND SERVICES TO BE PROVIDED
  - THE PROPOSED ELECTRICAL AND COMMUNICATIONS SERVICES TO BE PROVIDED

**NOTES**

- ALL DIMENSIONS ARE IN METERS
- ALL DIMENSIONS ARE TO BE VERIFIED BY THE CLIENT
- ALL DIMENSIONS ARE TO BE VERIFIED BY THE CLIENT

Scale: 1:1000

<b>WESTERN SYDNEY GREEN GAS PROJECT</b> <b>HABER-TURNER FACILITY</b> <b>PLOT PLAN</b>		<b>REVISIONS</b>	
NO. 1 DATE: 10/10/2023 BY: [Name] REASON: [Reason]	NO. 2 DATE: 10/10/2023 BY: [Name] REASON: [Reason]	NO. 3 DATE: 10/10/2023 BY: [Name] REASON: [Reason]	NO. 4 DATE: 10/10/2023 BY: [Name] REASON: [Reason]

19. After Appendix 2, insert the following:

## **APPENDIX 3: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident;
  - (c) identify how the incident was detected;
  - (d) identify when the Applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a development contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.