

# Modification of Infrastructure Approval

## Section 5.25 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under the Instrument of Delegation dated 11 October 2017, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Mike Young  
**Executive Director**  
**Energy, Resources and Compliance**

Sydney

16 April 2020

---

### SCHEDULE 1

**Infrastructure Approval:**

SSI 9471 granted by the Minister for Planning and Public Spaces on 24 April 2019

**For the following:**

Port Kembla Gas Terminal

**Modification:**

Modification 1

## SCHEDULE 2

1. In the list of DEFINITIONS:

- i. delete the definitions for OEH and DoI Lands & Water;
- ii. in the definition for Department, after “Department of Planning”, insert “, Industry”;
- iii. replace the definition of EIS with:

The Environmental Impact Statement titled *Port Kembla Gas Terminal Volume 1 Environmental Impact Statement* dated November 2018 and associated:

- submissions report titled Port Kembla Gas Terminal Submissions Report dated February 2019;
- biodiversity assessment titled Australian Industrial Energy Port Kembla Gas Terminal Biodiversity Development Assessment Report, dated February 2019;
- letter from AIE dated 19 February 2019;
- letter from GHD, Port Kembla Gas Terminal Marine Growth Protection System, dated 19 February 2019; and
- emails from AIE dated 26 February 2019 titled *Total Residual Chlorine, Other Technology Alternatives, and Scenarios for Marine Diesel*.

as modified by:

- the modification report titled *Port Kembla Gas Terminal Proposed Modification Environmental Assessment* dated November 2019, and associated submissions report dated January 2020;

iv. insert the following definitions in alphabetical order:

BCD	Biodiversity and Conservation Division within the Department
DPIE Water	Water Group within the Department
DPI Fisheries	NSW Department of Primary Industries - Fisheries

2. Delete all references to “OEH” and replace with “BCD”.
3. Delete all references to “DPI Lands & Water” and replace with “DPIE Water”.
4. In Condition 6 of Schedule 2, replace “26” with “52”.
5. After Condition 2 of Schedule 3 insert:

**Discharge Limits**

- 2A. The water discharge rate from the FSRU from the regasification process must not exceed 13,000 cubic metres per hour.
- 2B. The average annual water discharge rate from the FSRU from the regasification process must not exceed 8,125 cubic metres per hour.

6. In the title above Condition 3 of Schedule 3:

- i. delete the word “Discharge; and after the words “Quality Verification”, insert “and Monitoring”.

7. In Condition 3 of Schedule 3:

- i. in the first sentence of the condition delete the word “discharge” and after the word “Verification”, insert “and Monitoring”;
- ii. after the words “in consultation with the EPA”, insert “and DPI Fisheries”;
- iii. before the first bullet point in 3(a), insert:
  - verify the assumptions and parameters used to model water discharges, including intake and ambient water quality variables;
- iv. in the last bullet point of 3(a), after the words “assessed in the EIS”, insert “and that the impacts from water discharges from the FSRU are no greater than predicted in the EIS”;
- v. after the last bullet point in 3(a), insert:
  - determine the impacts on marine biota from the water intake;
- vi. in 3(d), after the words “Port Kembla Harbour”, insert “, using a calibrated thermal plume model and validated model predictions based on the results of the monitoring program”;
- vii. in 3(g):
  - a. after the words “to address any”, insert “exceedances of predicted cold water impacts or TRC concentrations,”;
  - b. after the words “chemical by-products”, insert “or measures to reduce the entrainment of marine biota in the water intakes”; and
  - c. delete the words “the contingency” and replace with “these”;
- viii. in 3(h):
  - a. delete the words “recommend changes”, and replace with “make recommendations for”; and
  - b. After the words “monitoring and management”, insert “including trigger levels for investigating and responding to any potential or actual adverse impacts associated with discharges on water quality and the ecology of Port Kembla Harbour”; and
- ix. in 3(i):
  - a. after the word “include”, insert “routine and milestone”; and
  - b. after the words “verification program”, insert “, including a final report to be prepared in consultation with EPA and DPI Fisheries within 18 months of the commencement of operations, unless otherwise agreed by the Secretary”
8. In Condition 4 of Schedule 3, after the word “Verification” insert “and Monitoring”.
9. In Condition 21 of Schedule 3, after the words “commencement of operations,”, insert “unless otherwise agreed by the Secretary,”.
10. In Condition 21 (b) of Schedule 3, insert before the first bullet point:
  - be prepared in consultation with the Port Authority of NSW;
11. In Condition 21 (c) of Schedule 3:
  - i. after the words “Safework NSW”, insert “and the Port Authority of NSW”; and

ii. after the last bullet point, insert:

and

- be undertaken based on recent site specific and local meteorological data;

12. After Condition 32 of Schedule 3, insert:

**Air Quality Verification Program**

32A. Prior to the commencement of operations, the Proponent must prepare an Air Quality Verification Program plan in consultation with the EPA and to the satisfaction of the Planning Secretary. The verification program must:

- (a) be undertaken in accordance with the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (Approved Methods), unless otherwise agreed by the EPA;
- (b) identify how the assumptions and parameters used in the EIS air quality assessment will be verified;
- (c) confirm whether point source emissions from the site and predicted ground level concentrations are consistent with the predictions in the EIS using operational data;
- (d) include routine and milestone reporting procedures for the results of the verification program, including a final report to be prepared in consultation with EPA within 6 months of the commencement of operations, unless otherwise agreed by the Secretary; and
- (e) if required, identify contingency measures that will be implemented to address any exceedances of predicted ground level concentrations and impacts on sensitive receivers, including the timing for implementation of these measures.

32B. The Proponent must implement the approved Air Quality Verification Program.

END