



AGL Energy Limited

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Stephen O'Donoghue  
Director - Resource Assessments  
Department of Planning and Environment  
Level 16, 4PSQ  
12 Darcy Street  
Parramatta NSW 2150

25<sup>th</sup> January 2023

Dear Stephen,

**SSD – 8889679: Request to stage Fire Safety Study and retirement of offsets**

AGL Energy Limited (**AGL**) received development consent under section 4.38 of the NSW *Environmental Planning and Assessment Act 1979* to construct the Liddell Battery and Bayswater Ancillary Works Projects on 8<sup>th</sup> March 2022 (**Development Consent**). Approval to stage these plans for the Liddell Battery components of works was granted on 18<sup>th</sup> October 2022.

Construction of the Project is currently scheduled to commence in July 2023, with the first stage of works comprising the demolition of the existing solar array infrastructure on site. Construction of the battery will be undertaken by a different contractor and is not scheduled to commence until Q1 2024. As such, the battery components are not anticipated to arrive on site until the end of 2024. Prior to their arrival, there will be no practical application of the Fire Safety Study (**FSS**) required by Schedule 2, Condition B2 of the Development Consent (**Condition B2**) as there will be no potentially hazardous materials present on site.

In accordance with Schedule 2, Condition A7 (a) (Condition A7) of the Development Consent, the Applicant (AGL) may prepare and submit any strategy, plan or program required by this consent on a staged basis. AGL writes to seek a minor practical adjustment to Condition B2 so that approval of the final FSS for the battery components is not required until the components to which this study applies are due to arrive at site. AGL has not yet awarded a contract to construct the battery and, consequently, consultation with FRNSW has not commenced.

AGL is requesting this minor practical adjustment to Condition B2 as, on its face, it prevents construction from commencing as planned in July 2023 without the FSS being in place. As the first stage of construction is demolition of existing redundant infrastructure, the FSS is not directly related to that activity.

Condition B2 of the Development Consent states:

*Prior to commencing construction, of the battery energy storage system, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary. The study must:*

- (a) *Be consistent with the*
  - (i) *Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline; and*
  - (ii) *NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems; and*
- (b) *Describe the final design of the battery storage facility and verify that the final design is consistent with all findings and recommendations in the Preliminary Hazard Analysis dated 25 March 2021.*



AGL write to request approval from the Department and FRNSW to adjust Condition B2 in **bold underline** as follows to align with the arrival of the equipment on site:

**No later than 3 months prior to battery units arriving at the battery energy storage system site, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary unless otherwise agreed by the Planning Secretary. The study must:**

- (a) Be consistent with the
  - (i) Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline; and
  - (ii) NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems; and
- (b) Describe the final design of the battery storage facility and verify that the final design is consistent with all findings and recommendations in the Preliminary Hazard Analysis dated 25 March 2021.

AGL will engage a suitably qualified contractor to complete the design and construction of the Liddell Battery, which includes development of the FSS. The FSS assesses the appropriate fire management controls and response for any materials considered to be potentially hazardous, such as the battery components and associated equipment.

AGL welcomes any condition wording that imposes a restriction on the delivery of battery products to site until the Fire Safety Study has been approved by the Planning Secretary.

### **Staging of biodiversity offsets**

In AGL's submission of 1<sup>st</sup> December 2022, it was requested to further stage the biodiversity offsets for the BESS location. AGL discussed this request with DPE on 18<sup>th</sup> January and understand that it will not be possible to further stage offsets without seeking an administrative amendment to the development consent.

Consequently, AGL withdraws the request to further stage biodiversity offsets at this stage of the project.

### **Conclusion**

AGL considers the proposed minor practical adjustment as described above to be a practical change that would allow the for commencement of demolition activities prior to the commencement of construction, in order to meet the target operational date at the end of 2025, in time to meet the vital summer energy demand as part of the energy transition.

By approving a minor practical adjustment to Condition B2, the Department will be greatly supporting AGL and our demolition contractor to commence construction as demolition activities, whilst continuing to manage the future risk profile associated with the battery infrastructure.

If you require any further information, please do not hesitate to contact Vicki Brady, Manager, Environment – Energy Hubs on [VBrady@agl.com.au](mailto:VBrady@agl.com.au) or 0499 304 473.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

Julian Dichiera  
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