
4 October 2022

Energy Assessments / Planning & Assessment
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
PARAMATTA NSW 2150

Attention: Nicole Brewer

Dear Ms Brewer

State Significant Development 8392 – Request Letter to further split Stage 2b and for conditional approval to commence Stage 2b(i) prior to approval of all plans/strategies for BESS stage of Development

We refer to:

- (a) the development consent associated with development application no. SSD 8392, granted under the *Environmental Planning & Assessment Act 1979* (NSW) on 7 December 2018, and amended upon approval of SSD 8392 MOD 1 via Modification of Development Consent on 22 October 2021 (**Consent**);
- (b) Staging Request (SSD-8392-PA-24) approval letter, received on 13 April 2022, granting approval from the Secretary for the staging of the strategies, plans, program, and sub plans associated with the construction, operation, and decommissioning of the battery energy storage system;
- (c) Revised Staging Request (SSD-8392-PA-31) approval letter, received on 7 June 2022, granting approval from the Secretary for the further staging of Development in five distinct stages (Stage 1 – Construction and operation of the solar farm; Stage 2a – Site Preparation for the BESS; Stage 2b – BESS battery components and connections to the Transgrid Substation; Stage 3 – Operations; and Stage 4 – Decommissioning). This allowed for a staged submission of the strategies, plans and programs, to reflect the scopes of the respective stages (including discretion for the Fire Safety Study (Condition 24 of Schedule 3) to be approved later than ‘one month prior to construction the BESS);
- (d) Post approval tasks (for submission of strategies and plans) lodged via the Major Projects Portal;
- (e) Our discussions with Wayne Jones, Katie Weekes, Andrew Fisher, Anthony Ko, and yourself; and
- (f) Our correspondence with Wayne Jones, Katie Weekes, Andy Nixey, Julia Green, Iwan Davies and yourself.

1. Background to Consent and Modification

- 1.1. As DPE is aware, whilst contained within the single Consent, two key development activities are approved, being the:



- 1.1.1. construction and operation of a solar farm (**Solar Farm**); and
- 1.1.2. construction and operation of a battery energy storage system (**BESS**).
- 1.2. As between the Solar Farm and the BESS, and whilst carried out under the same Consent:
 - 1.2.1. construction and operation of each is and will be carried out by different parties;
 - 1.2.2. the primary development activities of each are being carried out on separate land parcels; and
 - 1.2.3. ownership in the assets of each are owned by different parties.

2. Staging of the development

- 2.1. As approved by the Secretary, the BESS is being progressed as a separate second stage of the development on the basis that it is distinct from the construction and operation of the solar farm stage of the development (**Stage 1**).
- 2.2. As approved by the Secretary, the BESS stage of the Development (**Stage 2**) has been further split into Stage 2a and Stage 2b.

3. Critical timeframes to achieve project deliverables

- 3.1. The majority of the Strategies, Plans or Programs (as noted in 6.1.1 below) were submitted to DPE previously and approval to split Stage 2 and commencement of Stage 2a was granted on 7 June 2022.
- 3.2. Approval of Stage 2b requires conclusion of consultation with Fire and Rescue NSW (**FRNSW**) which has been hampered due to unavailability of resources and extended requests by FRNSW. We anticipate this will continue for several weeks.
- 3.3. Approval of the Development Modification, SSD-8392-MOD-2, has been progressing in parallel and requires conclusion of consultation with Biodiversity, Conservation and Science (**BCS**). This has also been hampered due to unavailability of resources and may continue for several weeks.
- 3.4. The lack of progress with the submitted strategies and plans, to achieve the required consultation and satisfaction of the respective nominated specialised units/departments and the Secretary, and receive written approval from the Secretary, is causing significant issues for the Project deliverables including inability to achieve operation of the battery system in time to meet the summer peak loads (i.e. the time period during which the BESS is most likely to be relied upon to support the security of the electricity grid).

4. Current status of the Project

- 4.1. The Financial Investment has been committed and transactions concluded.
- 4.2. The EPC contract was executed in December 2021, and the construction commenced in June 2022.
- 4.3. The Project is in the midst of again considering standing down local contractors due to uncertainty surrounding the construction commencement date, caused by the delays to conclude this pre-construction approvals process.
- 4.4. Key components are in transit and due to arrive on site in October 2022



5. Request for split of Stage 2b

As raised with you and your team on 21 September, Edify proposes to further split Stage 2b of the Development such that Stage 2b will be delivered in three separate stages, outlined below.

5.1. BESS Mechanical and Electrical Installation – Stage 2b(i)

(indicative timing: September 2022 to June 2023)

Stage 2b(i) activities are summarised below and comprise the delivery and landing of transformers, Megapacks, control and switchgear buildings, and electrical and mechanical installation aspects, excluding the battery connection and the HV transmission and communication cable works. Stage 2b(i) does not involve any native vegetation impacts.

- Major equipment delivery and landing/erection inclusive transformers
- Delivery and landing only of the Megapacks. The Megapacks must not be connected to any other equipment and specifically no cable terminations
- Control and switchgear buildings delivery and landing
- Mechanical and electrical installation of equipment inclusive of structural erection, landing of equipment, cable reticulation works, cabling and terminations (excluding Megapacks electrical installation)
- Connection switch bay construction at Darlington Point Substation

5.2. BESS connections to the Transgrid Substation – Stage 2b(ii)

(indicative timing: October 2022 to June 2023)

Stage 2b(ii) works comprise the installation of the HV transmission and communication cable/s to the Transgrid substation, and the preparation and use of the temporary construction areas within the TransGrid Darlington Point Substation on Lot 2 DP628785. These activities are the subject of SSD-8392-MOD-2.

- Preparation and use of laydown, stockpile and office hardstand areas within Lot 2 DP628785
- 132kV underground cable works between Riverina BESS Substation and Transgrid Darlington Point Substation
- Electrical pit and conduit system installation between Riverina BESS Substation and Transgrid Darlington Point Substation
- Communications cable between Riverina BESS substation and Transgrid Darlington Point Substation

5.3. BESS connections to battery components – Stage 2b(iii)

(indicative timing: November 2022 to June 2023)

Stage 2b(iii) works comprise the electrical works associated with the battery components.

- Electrical installation of the Megapacks inclusive of cabling and terminations
- Testing and commissioning

6. Submission of strategies, plans and programs

- 6.1. To achieve compliance with Schedule 4, Condition 3 of the Consent for the revised staging to further split the construction of the BESS (Stage 2) of the Development into Stage 2a and Stage 2b, prior to commencement of construction of the BESS, the Applicant (or their agents) agreed to submit to DPE all Strategies, Plans or Programs as relevant to the BESS scope of works as follows:



6.1.1. Stage 2a

- Final Layout Plans (Condition 6 of Schedule 2);
- Traffic Management Plan (Condition 7 of Schedule 3);
- Biodiversity Management Plan (Condition 12 of Schedule 3);
- Chance Finds Protocol (Condition 20 of Schedule 3);
- Accommodation and Employment Strategy (Condition 28 of Schedule 3); and
- Environmental Management Strategy (Condition 1 of Schedule 4).

6.1.2. Stage 2b

- Fire Safety Study (Condition 24 of Schedule 3); and
- Emergency Plan (Condition 26 of Schedule 3)

7. Revised submission of strategies, plans and programs for Stage 2b

7.1. Stage 2a plans and strategies (as per 6.11 above) were submitted to achieve compliance with Schedule 4, Condition 3 of the Consent for the revised staging. Stage 2a commenced in July 2022.

7.2. Section 5 of this letter requests a further split of Stage 2b. To achieve compliance with Schedule 4, Condition 3 of the Consent for the proposed revised staging of Stage 2b, the Applicant (or their agents) propose to submit to DPE all updated Strategies, Plans or Programs as relevant to the respective staging scope of works as follows:

7.2.1. Stage 2b(i) updated plans/strategies to be submitted:

- Traffic Management Plan (Condition 7 of Schedule 3);
- Accommodation and Employment Strategy (Condition 28 of Schedule 3); and
- Environmental Management Strategy (Condition 1 of Schedule 4).

7.2.2. Stage 2b(ii) updated plans/strategies to be submitted:

- Traffic Management Plan (Condition 7 of Schedule 3);
- Biodiversity Management Plan (Condition 12 of Schedule 3);
- Accommodation and Employment Strategy (Condition 28 of Schedule 3); and
- Environmental Management Strategy (Condition 1 of Schedule 4).

7.2.3. Stage 2b(iii) updated or new plans/strategies to be submitted:

- Traffic Management Plan (Condition 7 of Schedule 3);
- Fire Safety Study (Condition 24 of Schedule 3);
- Emergency Plan (Condition 26 of Schedule 3)



- Accommodation and Employment Strategy (Condition 28 of Schedule 3); and
- Environmental Management Strategy (Condition 1 of Schedule 4).

- 7.3. We would seek the Secretary's discretion for the Fire Safety Study to be approved later than 'one month prior to the construction of the BESS', as had previously been provided in the approval of the Revised Staging Request (SSD-8392-PA-31).
- 7.4. It was clarified (via email correspondence with your Katie Weekes on 4 August 2022) the Emergency Plan (Condition 26 of Schedule 3) is not required prior to commencement of Stage 2b of the Development. Timing of submission and approval of this plan will be in accordance with Condition 26 of Schedule 3, which requires the Emergency Plan prior to commissioning of the Development (which is proposed in Stage 2b(iii)).

8. Request for Conditional Approval and next stages

We would like to request conditional approval for Stage 2b(i) works on the basis that the Accommodation & Employment Strategy (Rev 1.6), the Construction Environmental Management Plan (Rev 1.5), and the Traffic Management Plan (Rev 1.7) have been updated to include the revised staging of Stage 2b (2b(i)/2b(ii)/2b(iii)) and are limited to the scope of Stage 2b(i). These updated plans will be provided to DPE with this letter. The remaining management plans and strategies currently submitted and approved will cover the scope of works in this Stage.

The Project would move to Stage 2b(ii) upon the approval of SSD-8392-MOD-2, which is currently under assessment by DPE, and upon approval of updated plans/strategies as indicated in section 7.2.2 above. The surrender of the biodiversity offset credits is also required prior to commencement of Stage 2b(ii).

The Project would move to the final stage, Stage 2b(iii), upon acceptance of the Fire Safety Study, and approval of any further updates to plans/strategies as indicated in section 7.2.3 above.

9. Proceeding with confidence

We can confirm that all RFIs received to date have been responded to in full.

We are available to discuss any of the above in further detail. Please let us know if you have any queries.

Yours faithfully,

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