

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-8889679 Liddell Battery and Bayswater Ancillary works
Applicant	AGL Macquarie Pty Limited
Consent Authority	Minister for Planning

Decision

The Director, Resources Assessments under delegation from the Minister for Planning has, under section 4.16 (4)(b) of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

8 March 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report;
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision

The key reasons for granting partial consent to the development application are as follows:

- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including the provision of additional dispatchable energy, \$763 million of capital investment, up to 250 construction jobs and up to three operational jobs and improved environmental outcomes at the site
- *Consistent with NSW Government Policy* – the project is consistent with NSW Government policies including the NSW Government's *NSW Electricity Strategy (2019)* and *Net Zero Plan Stage 1: 2020–2030 (2020)*
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects (DPIE, July 2021)*, including the community participation objectives outlined in these guidelines.
 - *Public interest* – weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 16 April 2021 until 14 May 2021 days). Two submissions were received, including 1 objection to the project. The Department also visited the site in June 2021

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts to water resources and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Potential impacts associated with contamination and waste from batteries</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> AGL are investigating options for the recycling of batteries, noting the technology is in the early stages of deployment and recycling options are currently being developed in the industry. Notwithstanding AGL is required to classify, store and handle all waste in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version) and recycle or dispose of waste at a licensed facility <p><i>Conditions</i></p> <ul style="list-style-type: none"> Classify, store and handle waste in accordance with EPA guidelines and ensure waste is recycled or sent to a licensed facility.
<i>Hazards associated with batteries, including combustion</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Key potential hazards and risks include fires associated with electrical and flammable material and the risk of a fire propagating to result in a bushfire. The risks are primarily associated with the battery and decoupling components. A Preliminary Hazard Analysis has been prepared for the Project in accordance with relevant guidelines. The assessment was reviewed by the DPIE Hazards Group The PHA identified that potential hazards and risks can be adequately maintained with the implementation of an asset protection zone and other standard controls and the implementation of applicable standards related to separation distances and setback for nearby infrastructure and staff. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare Fire Safety Study and Emergency Plan
<i>Ability of battery technology to contribute to energy security</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Battery technology is a tested technology capable of providing dispatchable energy to the National Energy Market <p><i>Conditions</i></p> <ul style="list-style-type: none"> None required