

Mr Hamid Shilani  
Project Director – Broken Hill Battery Project  
AGL Energy Limited  
Level 24, 200 George St  
Sydney NSW 2000

28/02/2023

**Broken Hill Battery Energy Storage System - SSD 11437498  
Request for Approval of Out of Hours Construction Works**

Dear Mr Shilani,

I refer to your post approval (SSD 11437498-PA-26) submitted on 23 February 2023 to the Department of Planning and Environment (the Department) requesting the Planning Secretary's approval for out of hours work (OOHW) for Broken Hill Battery Energy Storage System (BESS) for the construction of the BESS in accordance with Schedule 3 condition 13 of SSD 11437498 (as modified).

The Department has reviewed the document and notes the reasons for the request. It is also noted an Extended Work Hours Strategy and Noise Report by was undertaken Fluence / Valmec Consortium, consultation has occurred with Council, TfNSW, surrounding neighbours and the boarder Broken Hill community in relation to the proposed OOHW.

The Department is satisfied that the OOHW can be supported with the following requirements:

- machinery used during OOHW will only involve a pad roller, grader, 20-tonne and 6-tonne excavators, skid steer loader, truck and dog trailer and water cart;
- no pile driving, jack hammering, use of air compressors and delivery of materials that may disrupt local roads will occur during the OOHW;
- a complaints register will be developed and
- the Construction Environmental Management Plan will be updated to reflect the OOHW.

In accordance with Schedule 3, Condition 13 of SSD 11437498 (as modified) the Planning Secretary approves the OOHW for works associated with the construction of the BESS for the hours from 7am to 6pm on Saturdays and 8am to 1pm on Sundays and NSW public holidays for the duration of the construction phase of the BESS.

The Department requests that a report is provided and submitted via the Major Projects Portal every two months detailing the progress of the project and addressing any complaints received, with the first report due 28 April 2023.

The Department advises that it will continue to monitor the project to ensure that it complies with the conditions of consent, particularly in relation to construction activities. Should complaints be received in relation to the extended construction hours, the Department reserves the right to review (and revoke) the OOHW approval.

Yours sincerely

A handwritten signature in black ink, appearing to be 'BH' followed by a long horizontal flourish.

Benjamin Harrison  
Director  
Compliance  
As nominee of the Planning Secretary