

Prepared for WSP

Independent Audit Report

Waratah Super BESS

SSI-48492458, NSW

January 2024

Project Number: 230681

Document verification

Project Title:	Waratah Super BESS
Project Number:	230681
Project File Name:	230681 Waratah Super BESS IA_Final V1.docx

Revision	Date	Prepared by	Approved by
Draft V1	21/12/2023	Olivia Merrick	Natascha Arens
Draft V2	24/1/2024	Olivia Merrick	Natascha Arens
Final V1	25/1/2023	Olivia Merrick	Natascha Arens

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Executive summary

The Waratah Super Battery Energy Storage System (the Project) involves the construction of an 850 megawatt (MW) / 1,680 MW hour (MWh) standby network battery, located within the decommissioned Munmorah Power Station, 40 kilometres southwest of Newcastle in New South Wales (NSW). The Waratah Super Battery Energy Storage System (Super BESS) is designed to support the transmission grid by providing reserve transmission capacity and stability and allow Sydney, Newcastle, and Wollongong consumers access to energy from renewable electricity generation, following the scheduled closer of the Eraring Power Station in 2025. The Project is being delivered by Energy Corporation of NSW (EnergyCo), on behalf of the NSW Government.

Akaysha Energy was appointed as the service provider, responsible for delivery of the Waratah Super BESS. Under Part 5, Division 5.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Project was classed as Critical State Significant Infrastructure (CSSI-48492458).

Natascha Arens, Exemplar Global certified Lead Environmental auditor is the nominated lead auditor for this project and is supported by Olivia Merrick. The audit period for this initial audit is from construction commencement until the site inspection component of this audit, which spanned 11 and 12 December 2023.

The objective of this Independent Audit is to assess compliance with the conditions of consent. The audit scope was developed by reviewing the SSI-48492458 Conditions and the Independent Audit Post Approval Requirements (2020). The audit comprised of offsite document review; site inspection and onsite document review; and offsite audit analysis and reporting.

Interviews with staff were undertaken throughout the course of the site inspection component to gather evidence and included project managers, site management personnel and quality, health, safety and environmental representatives.

The audit found three (3) non-compliances out of a total 66 Conditions of Approval. Recommended actions for these identified non-compliances are provided in Section 4 of the main body of the audit report.

No agency notices, orders, penalty notices or prosecutions occurred during the audit period.

A review of the required management plans and strategies required by the conditions of consent found that these were generally being implemented across site. The audit noted a series of recommendations to further improve the adequacy of management plans and strategies, and to ultimately improve the environmental performance of site. These are expanded on in more detail in Section 3.14 of the body of this audit report.

1. Introduction

1.1. Background

The Waratah Super Battery Energy Storage System (the Project) involves the construction of an 850 megawatt (MW) / 1,680 MW hour (MWh) standby network battery, located within the decommissioned Munmorah Power Station, 40 kilometres southwest of Newcastle in New South Wales (NSW). The Waratah Super Battery Energy Storage System (Super BESS) is designed to support the transmission grid by providing reserve transmission capacity and stability and allow Sydney, Newcastle, and Wollongong consumers access to energy from renewable electricity generation, following the scheduled closer of the Eraring Power Station in 2025. The Project is being delivered by Energy Corporation of NSW (EnergyCo), on behalf of the NSW Government.

Akaysha Energy was appointed as the service provider, responsible for delivery of the Waratah Super BESS. Under Part 5, Division 5.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Project was classed as Critical State Significant Infrastructure (CSSI-48492458).

The approved project incorporates a System Integrity Protection Scheme (SIPS) control and standby network battery system, dedicated to supporting the transmission grid. The SIPS system is designed to reserve and deploy battery power to support the NSW electricity grid when triggered by a contingency event.

The project will feature 288 collector segments and 2,592 battery units (modular enclosures) within the proposed battery storage area and will also include ancillary infrastructure required for the project such as (access road, operation and maintenance building, storage yard and services including power, water, on-site sewage management, stormwater drainage, and telecommunications).

1.2. Audit team

Natascha Arens, Exemplar Global certified Lead Environmental auditor is the nominated lead auditor for this project and is supported by Olivia Merrick. Natascha has around 30 years' experience as an environmental professional and 20 years of auditing experience. Olivia has over 20 years' of environmental management/ construction experience and approximately 15 years of auditing experience.

The audit team's CVs are provided at Appendix A.

1.3. Objectives

The objective of this Independent Audit is to assess compliance with the conditions of consent.

1.3.1. Audit Scope and period

The scope of the audit will include:

- An assessment of compliance of all the conditions of consent relevant to the works at the time of the audit (as detailed in Appendix B).
- An assessment of the adequacy and implementation of the site environmental management plans including:
    - Traffic Management Plan (B7)
    - Biodiversity Management Plan (B11)
    - Environmental Management Strategy (C1)
- An assessment of performance of the project in relation to implementation of environmental plans.

The audit period for this initial audit is from construction commencement until the site inspection component of this audit, which spanned 11 and 12 December 2023.

2. Audit Methodology

2.1. Selection of the Audit Team

WSP nominated Natascha Arens, supported by Olivia Merrick as the Independent Auditors for this project and provided their CVs and independence declarations to the Department Planning and Environment (the Department) on 29 November 2023 (refer Appendix A for audit team endorsement).

2.2. Independent Audit scope development

The audit scope was developed by reviewing the SSI-48492458 Conditions and the Independent Audit Post Approval Requirements (2020).

The audit comprised of offsite document review; site inspection and onsite document review; and offsite audit analysis and reporting.

An audit plan was provided to the auditee prior to the site audit detailing the timing of the audit and requirements regarding accessing the site and documentation.

2.3. Compliance evaluation

The audit consisted of offsite document review, onsite document review, site inspection and interviews. Offsite document review was undertaken prior to the site component of the audit with further request for information following the site inspection. The site component of the audit included:

- Opening meeting to introduce all parties and discuss the scope and objectives of the audit
- Document and records review to check compliance with conditions
- Interviews with staff including construction site personnel
- Site inspection
- Closing meeting to summarise the findings of the site audit and to discuss additional audit evidence required.

The document review included a review of the Conditions of Approval relevant to the stage of works of the Project and all management. The audit table was developed and refined and submitted prior to the site inspection component of the audit (Appendix B).

An Opening Meeting was held on 11 December 2023 at 2 pm.

Document review occurred throughout the day and offsite until report completion.

2.4. Site interviews

Interviews with staff were undertaken throughout the course of the site inspection component to gather evidence and included project managers, site management personnel and quality, health, safety and environmental representatives.

2.5. Site inspection

A site inspection was undertaken at 8 am on the 12 December 2023. The inspection viewed the entire site including the surface water drainage network and sediment detention ponds, environmental protection no go zones, hazardous materials storage areas, biodiversity mitigation measures (frog fencing), active construction

area, progressive rehabilitation zones, materials laydown areas, cri areas, notice boards and spill response kits.

Photos of the inspection are provided in Appendix C and a discussion on site management practices are presented in the audit findings below.

2.6. Consultation

Consultation was undertaken with site personnel (as per Section 2.4). An email was sent to Transport for New South Wales (TfNSW), Department of Planning and Environment (DPE) and Central Coast Council regarding the audit scope. A copy of the correspondence is provided in Appendix D. A response from the DPE was received, and is provided below:

- DPE: assess the implementation of the environmental management plans and EMS, surface water management (including sediment and erosion controls), ascertain the progress of the remedial actions following the environmental incident (discharge of sediment laden water) on 14 November 2023, and review dust management and sediment tracking
    - IA response: refer Section 3.10 and 3.12 below.

2.7. Compliance status descriptors

The compliance status descriptors from DPIE (2020) have been used to assess compliance and these are presented below.

Table 1: Compliance status descriptors

Status	Description
Compliant (C)	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant (NC)	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered (NT)	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

3. Audit Findings

3.1. Approval and documents list

The following documents were reviewed to check compliance with conditions or for implementation of plans.

Design plans and approval documentation

- Consent Conditions
- Primary Design Basis Report (CPP Reference: 12590-EL-RP-10001)
- Road Design
- Site Layout Plan 12590-EL-DR-1000

Correspondence

- DPE letter (ref SSI-48492458-PA-16) dated 17 November 2023
- Post approval lodgement receipt - Construction Commencement (reference SSI-48492458-PA-13) 9 June 2023
- DPE acceptance of TMP (SSI-48492458-PA-9)
- DPE acceptance of BMP (SSI-48492458-PA-1)
- DPE approval letter (reference SSI-48492458-PA-10)
- Out of Hours request letter (3 November 2023)
- Post approval lodgement receipt (Waratah Super Battery - SSI-48492458-PA-12)
- DPE approval letter (reference SSI-48492458-PA-3)
- Notification of construction commencement (SSI-48492458-PA-13)
- Site Layout Notification (reference SSI-48492458-PA-11)
- DPE letter (ref SSI-48492458-PA-19) dated 1 December 2023

Reports and plans

- Biodiversity Management Plan (31 May 2023)
- Traffic Management (7 June 2023)
- Dilapidation Report (May, 2023)
- Waratah Lighting Report
- Environmental Incident Report (14 November 2023)
- Fire Safety Study (Advitech, 2023)
- Remediation Action Plan (Consulting Earth Scientists, 27 March 2023)
- Validation Report (Consulting Earth Scientists, 18 May 2023)
- Environmental Management Strategy (Revision D, 4 May 2023)

Design certification, record, monitoring and inspections

- Site direction sheet
- Section 6.33 certificate
- Waste Tracking Register
- Environmental Incident Notification 001 (1 December 2023)
- Stakeholder Management Register
- Engeny Environmental Inspection (6 December 2023)
- Plant and equipment Maintenance records database (QEST portal)
- Inspection and tracking register records (QEST portal)
- Incident reporting and corrective action detail records (electronic QEST portal)
- Project website: https://akayshaenergy.com/projects/waratah-super-battery

3.2. Compliance performance

In summary the audit found three (3) non-compliances out of a total 66 Conditions of Approval

Condition Part	Compliances	Non Compliances	Not triggered
A (16)	6	1	9
B (30)	23	1	6
C (20)	9	1	10

Note: In relation to the tally above whole conditions of consent have been used to generate the tally. i.e. where a condition contains part a), b), c) etc this has been counted as one condition.

3.3. Summary of agency notices, orders, penalty notices or prosecutions

No agency notices, orders, penalty notices or prosecutions occurred during the audit period.

3.4. Non compliances

Four (4) non-compliances were raised in this audit.

3.5. Previous audit recommendations

This is the first audit of the project.

3.6. Environmental plans, sub plans and post approval documents

A summary of the implementation of key management plans relevant to this stage of works is provided below.

All plans required by the approval are discussed in the audit protocol table provided in Appendix B of this report. The suite of environmental management plans includes:

3.6.1. Traffic Management Plan (TMP) B7

A review of the TMP found that it is compliant with the requirements of this condition. The TMP Revision 4 was developed 7 June 2023. The TMP has been staged (as per the requirements of condition C3) such that the initial TMP (Stage 1) covers all traffic management with the exception of over size over mass (OSOM) vehicles. The TMP would be updated late December 2023 to include OSOM information and therefore cover traffic management for the project in entirety. The Stage 2 TMP had been prepared (Revision 5, September 2023) awaiting updated in late December 2023 for the OSOM information.

The audit found that the requirements of the Stage 1 TMP are largely being implemented with authorised access route to site clearly communicated, car parking facility clearly identified and sufficient for the volume

of vehicles, site conditions identified via site traffic signage and the use of traffic controllers as needed throughout site.

Pre-construction dilapidation reports were found to have been undertaken also, such that any damage from vehicular use of the surrounding traffic/ road network as a result of project vehicles, is able to be recorded and rectified where required.

3.6.2. Biodiversity Management Plan (BMP) B11

The BMP was approved in accordance with the requirements of B11 on 31 May 2023. The document lists mitigation measures to protect and retain vegetation and habitat features prior to construction commencement, and further details construction phase measures to ensure impacts to biodiversity values of significance are avoided or where that is not possible, minimised.

The audit found that many mitigation measures listed in the approved BMP, were not particularly relevant to the current stage of works as of December 2023, with the detailed pre-construction elements, having already been actioned and no longer relevant. Most construction-based mitigation measures were found to be implemented; however some construction-phase biodiversity mitigation measures were noted to not reflect the actual day to day operations of the construction site.

Specifically, predator species monitoring and weed control measures are recommended to be reviewed and the BMP updated to reflect more accurately, the construction phase of works and list relevant and achievable mitigation measures.

3.6.3. Environmental Management Strategy (EMS) C1

The conditions of approval (C1) requires that an EMS is prepared to the satisfaction of the Planning Secretary, prior to construction commencement. The audit found that the EMS had been approved by DPE on 1 June 2023.

The site inspection component of the audit found that site was largely being managed in accordance with the requirements of the EMS. The EMS is underpinned by a Construction Environmental Management Plan, which identifies the monitoring framework and frequency to regularly confirm the adequacy of required environmental controls. The Audit found the weekly WHSE inspections were being carried out and any actions raised were tracked through to completion (FRM-S063 Weekly Inspection).

The EMS incorporates required environmental management obligations, such as the Erosion and Sediment Control Plan (ESCP). The site was observed as having site (dirty) water drains present, leading to sediment basins as per the requirements of the ESCP. However it was noted that there were minimal other erosion and sediment control measures installed (refer Appendix C for photos of conditions on site), owing to the fact the approved ESCP was developed earlier in 2023 and doesn't accurately reflect the current state of works on site. The two sediment basins were to successfully capture dirty water runoff for treatment, prior to it exiting site. It is recommended that a suitably qualified person update the ESCP to more adequately mitigate any potential erosion and sedimentation risks associated with constructing the project, and that the ESCP is reviewed regularly and before a change in work stage (Progressive ESCPs).

The EMS also contains a placeholder for the contaminated lands Site Audit Statement and Site Audit Report. These documents were unable to be located during the audit and confirming these had been submitted to the regulators as per the requirements of condition B28 could not be verified. It is recommended that the EMS is comprehensively reviewed and updated to align with current site information and work practices.

3.6.4. Site Inspections, incidents and other records

Weekly site inspections occur with representatives of the project team. The inspections include an review process and give recommendations /actions. A review of actions raised in the checklist found that actions are closed out as evidenced via QEST portal.

Further to this, a Subject Matter Expert (SME) (Engeny) conducts targeted environmental inspections approximately monthly, and after significant rainfall events and also following any environmental incidents. The SME has developed a further inspection checklist that identifies some requirements of the conditions of consent and requirements of the CEMP, which are checked regularly. It is recommended also, that a compliance matrix/ similar be developed to support this checklist, that captures the conditions of consent and all the monitoring requirements of the EMS and CEMP, wholistically.

There has been one incident raised to date. This was associated with a post-rainfall event sediment basin discharge, whereby a pump had been left unattended and bottom sediment was discharged. Refer to Section 3.10 below for further details.

3.7. Environmental Performance

Environmental performance of the project is measured via weekly and monthly inspections and reporting. The audit found that these inspections are occurring.

The audit found that key environmental controls are in places including:

- Erosion and sediment controls
- Waste management including waste separation and appropriate disposal of concrete waste
- Dust suppression with a water cart
- Noise monitoring as required
- Biodiversity mitigation measures (temporary frog fence)

3.8. Consultation outcomes

Relevant stakeholders were consulted as required by the conditions in the preparation of the management plans for the site, undertaken in 2022. Specifically:

- DPE regarding construction commencement
- DPE regarding EMS and TMP
- TfNSW regarding the Traffic Management Plan
- Central Coast Council

3.9. Complaints

A review of the complaints register found that there have been no reportable complaints in this audit period (up to 12 December 2023).

3.10. Incidents

There has been one environmental incident in the audit period. Following a significant rainfall event, dirty water had been treated in the one of the sites sediments basins and on 14 November 2023, was actively being discharged via pump and flexi-hose. The pump was left unattended and the water level dropped such

that turbid water was extracted from the sediment basin and discharged to a nearby concrete lined drain (offsite). This incident was investigated and the turbid water discharged was below threshold criteria for discharge and as such, no environmental harm was sustained.

The incident was investigated and reported via Incident Reporting, with corrective actions submitted via the QEST portal. No outstanding actions remained with all having been closed, at the time of audit (11 and 12 December 2023).

This incident, however, was not reported to DPE within the required timeframe as per the requirements of condition C10. Refer Table 4-1 for non-compliance details.

3.11. Actual versus predicted impacts

Section 6 of the Environmental Impact Statement (EIS) provides an assessment of the environmental impacts of the project (GHD, November 2022). A summary is of impacts as identified in the EIS versus the actual impacts found during this audit is provided below.

Biodiversity

The project occurs at Munmorah Power Plant, a largely disturbed site. The project however, requires the removal of approximately 0.46ha of native vegetation. The EIS identified this native vegetation as "insignificant at the regional scale and is unlikely to threaten the persistence of populations of native plants and vegetation communities."

The EIS stated that potential indirect impacts are considered limited as they would have a low likelihood and consequence, based on the range of proposed mitigation and management measures to be employed during pre-construction construction and operation of the project.

Actual Impacts

The EIS details mitigation measures to protect vegetation at the pre-construction phase (clearing and grubbing, tree felling procedures etc) and throughout construction (environmental protection no go zones, temporary frog fencing). These measures have been reflected in the approved BMP and were noted as being actioned during the site inspection component of the audit. With regard to biodiversity impacts, it is considered that no further impacts to biodiversity, than those assessed in the EIS have been incurred as a result of constructing the project.

Heritage (Aboriginal and non-Aboriginal)

The EIS heritage assessment indicated that the project is unlikely to result in any heritage-related impacts.

Actual Impacts

No unexpected heritage finds have been recorded to date.

Contaminated Lands

The Munmorah Power Station was subject to site contamination assessments and any necessary remediation, prior to the development of the Waratah Super BESS project. As the site was assessed and remediation works being completed, the EIS predicted minimal contamination risks associated with construction of the project.

The EIS and conditions of consent required the preparation of an unexpected finds procedure, which was noted as being prepared and understood by site personnel.

The EIS noted a potential increase in risk of erosion and sedimentation and potential impacts to sensitive receiving environments (waterways and retained vegetation/ habitat) and the potential for fuel and chemical spills from equipment, if not appropriately managed.

Actual impacts

The audit noted that the construction of the site is on predominantly imported fill, with maximum likely excavation depth to 1.5m. No unexpected finds have been recorded to date. No loss of containment had been reported outside threshold criteria (i.e. turbid water) during the audit period, therefore any potential issues associated with contamination have not been encountered to date.

Visual

Based on a visibility assessment, the EIS determined that the project would only be visible from limited offsite locations, and determined visual impacts to be unlikely to the surrounding areas (including from public roads and dwellings. The EIS determined that visual impacts to be negligible.

Actual Impacts

No issues relevant to visual impacts were noted as present due to the vast distance and existing vegetation cover between the project and sensitive receivers.

Noise and vibration

The EIS predicted construction noise levels during site preparation to result in noise levels above the Noise Management Level (NML) at three residential receivers within the study area. These exceedances were not greater than 5 dBA above the NML (1-2 dBA). Noise modelling was then undertaken in the EIS and assessed against project noise trigger levels during the day, evening, and night periods. The assessment was based on worst-case operating conditions likely to occur during these assessment periods and is considered a conservative assessment. The noise modelling indicates compliance at all residential sensitive receiver locations for all modelled operations during the day and evening periods and compliance should also be achieved during the night-time period for expected ambient conditions.

Actual Impacts

No noise complaints have been received to date.

Bushfires

The EIS stated that the design of the project is inherently bushfire resilient being comprised of batteries housed within steel-walled housings (non-combustible) in which any vents are dust-proof (ember proof) with internal climate control to maintain internal operating temperatures within design parameters. The EIS further stated that site access would be via an extension of the existing access route, which could meet the requirements of the Planning for Bushfire Protection guidelines (NSW Rural Fire Service (RFS), 2019), and the proposed all-weather access perimeter road around the battery energy storage system would provide suitable access for firefighting, and an appropriate defendable space.

Actual Impacts

The project was in construction phase (December 2023) and compromised predominantly of an imported fill pad with some minor concrete and metal footing type structures with limited potential to intensify any potential bushfire threats. Access roads are well maintained and clear, and the site has sufficient water

Waste

According to the assessment undertaken in the EIS, the project is not expected to generate large volumes of waste during construction, operation, or decommissioning and rehabilitation. Waste generated during construction would be managed via the waste hierarchy approach (avoidance and reuse before consideration is given to disposal).

Actual Impacts

Construction waste was found to be managed appropriately with segregation actively visible during the site inspection component and recycling evident as per the waste register.

3.12. Site inspection

The site inspection found the site to be generally maintained. The entire site was viewed at the inspection. The purpose of the site inspection was to check that environmental controls were implemented and maintained. The site visit found that:

- There were significant exposed surfaces that have the ability to generate dust, cause erosion or sedimentation due to the project being situated on an exposed imported fill site, commensurate with an active construction site. It was noted that dirty water drains capture site runoff adequately with the water retained within one of the two sediment basins on site for settlement/ treatment prior to discharge. Dirty water was observed to be treated prior to release in accordance with threshold requirements.

  Given the frequent and significant rainfall events of the last half of 2023 however, it is recommended that the project develops a Wet-weather Protocol to ensure everything possible is being undertaken to ensure turbid water runoff is reduced form significant rainfall events (forecast of 80% chance or higher of more than 20mm in a 24hour period), as much as practicable. This may include such measures as having adequate volume of flocculant on site at all times, process for deploying flocculant to drainage areas for mechanical mixing as dirty water enters the sediment pond, and other such measures.

- The site was clearly fenced
- Site signage was in place
- Waste receptacles were available
- There was some minor tracking of mud on internal access routes, however this is normal for an active construction site and did not extend to the main road

Photos of the site are provided in Appendix C.

3.13. Site Interviews

Site interviews occurred with staff from the site project team during the course of the audit. The interviews found that staff understood the requirements of the conditions of consent and were well versed on the requirements of the EMS and associated management plans.

3.14. Improvement opportunities

In addition to closing out the non-compliance raised in this audit, improvement opportunities identified throughout this report are summarised below:

- The BMP is recommended to be reviewed and updated to reflect more accurately, the construction phase of works and work practices;
- A suitably qualified person be commissioned to update the ESCP to more adequately mitigate any potential erosion and sedimentation risks associated with constructing the project, and that the ESCP is reviewed regularly and before a change in work stage (Progressive ESCPs).
- The EMS be comprehensively reviewed and updated to align with current site information and work practices.
- A compliance matrix/ similar be developed to support the SME environmental inspection checklist, that captures all conditions of consent and monitoring requirements of the EMS, CEMP and associated management plans entirely.
- A Wet-weather Protocol/ similar is developed as an Appendix to the ESCP, to ensure everything possible is being undertaken to prevent a turbid water discharge from significant rainfall events (forecast of 80% chance or higher of more than 20mm in a 24hour period), should existing controls

fail. This may include such measures as having adequate volume of flocculant on site at all times, process for deploying flocculant to drainage areas for mechanical mixing as dirty water enters the sediment pond, and other such measures.

- The project website contains generally the required information as per the conditions of consent (C20), however it was noted that although there are no specific, formal requirements under the conditions of consent for environmental parameters to be monitored during construction phase, the project has been required to monitor and report on such elements as:
    - The BMP details in Sections 6.2.3, and 6.2.5 require respectively “Tree clearing Reports” and “Microbat Monitoring Reports”; and
    - The TMP Section 6.1 “Pre-construction” identifies the requirement to complete a pre-construction dilapidation report.
    - It is therefore recommended that a summary of the ecological results are made available on the project website, and that the dilapidation survey is also uploaded to the projects website (noting approval of the dilapidation report is available on the NSW Major Projects portal, but that the dilapidation survey itself is not present).

3.15. Key strengths

The key strength of this project is the committed team. The site project team have a good understanding of the conditions and dedicate enough resources to manage the site.

4. Recommendations

The audit findings with recommended actions (as relevant) are listed in Table 4-1. Section 3.14 Improvement Opportunities should also be viewed as recommendations.

4.1. Summary of Compliance and non-compliances against conditions

Three (3) non-compliances were raised in this audit (see Table 4-1 below).

Table 4-1: Summary of non-compliances

Condition #	Requirement	Audit finding	Recommendations/ Actions
A2	The development may only be carried out: (a) in compliance with the conditions of this approval; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS; and (d) generally in accordance with the Development Layout in Appendix 1.	The audit found three non-compliances; therefore the development was not being carried out in compliance with the conditions of this approval	Refer below for each condition
B28	Within six months of the completion of remediation works the Proponent must submit a Site Audit Report and Site Audit Statement to the EPA, Council and the Planning Secretary. The reports must be prepared by the Site Auditor in accordance with relevant guidelines produced or approved under the Contaminated Lands Management Act 1997 and must confirm: (a) the remedial works have been completed in accordance with the RAP and REMP and the site is suitable for its intended land use; and (b) the risks to human health and the environment have been addressed in accordance with the objectives of the RAP.	The audit was unable to determine if the Site Audit Report and Site Audit Statement had been prepared and submitted to the EPA, Council and the Planning Secretary as WSP, delivery partners and contractors were not involved in the remediation works. This was conducted by the proponent EnergyCo and GPM.	Obtain confirmation that the required documents were submitted to required parties in accordance with the requirements of this condition.
C10	The Department must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the project approval number and the name of the	On the 14th Nov 2023, following significant rainfall, the sediment pond pump was left unattended and sediment laden water left site. The audit found no evidence that DPE were	For any future incidents, the project to notify DPE immediately via major projects planning portal and as per the requirements of this Condition (i.e. Appendix 4).

Condition #	Requirement	Audit finding	Recommendations/ Actions
	project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.	notified via major projects planning portal. The audit also found no evidence that DPE were notified immediately. The audit found that the incident was reported and submitted to DPE 1st December 2023, two weeks following the date of the incident.	

5. Conclusion

The audit found three (3) non-compliances with the Conditions of Approval. The document review found that Environmental Management Plans and sub plans are relevant to the site and are being implemented.

Condition Part	Compliances	Non Compliances	Not triggered
A (16)	6	1	9
B (30)	23	1	6
C (20)	9	1	10

Appendix A Audit Team Endorsement, CVs and Independence Declarations

Department of Planning and Environment

Our ref: SSI-48492458-PA-19

Andrew Sheed
Senior Project Manager
Akaysha Energy
Waratah Super Battery

01/12/2023

Sent via the Major Projects Portal only

Subject: Waratah Super Battery - Auditor Endorsement Request

Dear Mr Sheed

Reference is made to your post approval matters, SSI-48492458-PA-16 and SSI-48492458-PA-19, request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Audit of the Waratah Super Battery, submitted as required by Condition C15 of SSI-48492458 (the approval).

NSW Department of Planning and Environment (NSW Planning) has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed persons are suitably qualified, experienced, and independent.

Consequently, as nominee of the Planning Secretary, I endorse the following independent audit team:

- Natascha Arens – Lead Auditor
- Olivia Merrick – Auditor

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of approval and the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact me on 02 65753401 or email compliance@planning.nsw.gov.au

Yours sincerely

Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor
Project Name: Waratah Super BESS
Consent Number SSI 48492458
Description of Project The key components of the development involve installing, constructing, and operating: • 850 megawatts (MW) / 1,680 MW-hours (MWh) network battery within the landholding of the decommissioned Munmorah Power Station; • transmission lines and related infrastructure; • a System Integrity Protection Scheme; and • ancillary development.
Project Address: 301 Scenic Drive, Colongra
Proponent: WSP on behalf of Akaysha Energy (Service Provider)
Date 19/10/2023

I declare that:

i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;

ii. I do not have any pecuniary interest in the project, proponent or related entities.Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;

iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;

iv. I am not an Environmental Representative for the project; and

v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of and

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor: Natascha Arens



Signature

Qualifications RABQSA (Exemplar Global) Lead Environmental Auditor (B App Sc Conservation Management MEBM)

Company: NGH PTY LTD

6. Appendices

Appendix A – Declaration of Independence Form Template

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b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor: Olivia Merrick



Signature
Qualifications RABQSA (Exemplar Global) Leading Management Systems Audits [BSc Cons Biol, BEnvSc (Hons)]
Company: NGH PTY LTD

Natascha Arens | BAppSc (Conservation Mgt), MBEM, CEnvP, MEIANZ, Certified Lead Auditor

Principal Environmental Consultant

Systems Manager



Natascha launched the Sydney Branch of NGH in 2006. She has around 30 years of professional experience in environmental management and impact assessment and began her career as an ecologist in South Eastern NSW.

She has worked in both the public and private sector. Natascha has a wealth of experience in environmental impact assessment for large infrastructure projects. She is an Exemplar Global Lead Environmental Auditor and has extensive auditing experience across a range of industries.

The diversity of her planning experience coupled with her onsite and project management experience has equipped her with an excellent understanding of environmental issues, legislation and planning in regional and urban environments. Natascha gives clients assurance that NGH will use innovation and breadth of company history to drive sustainable outcomes for projects.

Natascha has a leading role in the operational performance of the company. Instigating improved environmental performance is something Natascha pursues with enthusiasm.

Focus areas

- Environmental auditing
- Environmental Impact Assessments
- Legislation interpretation
- Environmental Management Plans
- Preliminary Environmental Constraints Assessments & Scoping Reports
- Expert reviewer (CEnvP-IA)
- Stakeholder and Community Engagement
- Environmental training and workshops

Professional associations and accreditations

- Environmental Institute of Australia and New Zealand (EIANZ) member
- Certified Environmental Practitioner – CEnvP # 130
- Exemplar Global Certified Principal Environmental Auditor # 105783
- NGH Director
- CCRSS Director and Secretary (Voluntary Role)

Project experience

Renewable energy

Maxwell Solar Farm (Maxwell), Muswellbrook, NSW

The $40m, 25MW solar farm on a rehabilitated coal mine site will produce electricity for the Maxwell infrastructure and export to the grid, the first large scale example in New South Wales. As **Project Director** Natascha undertook the final review of reports, from the initial constraints and Scoping Report to the EIS and Submissions Report. She worked with the project team to overcome challenges with approvals.

Gunning Windfarm (Acciona), Gunning, NSW

Gunning Wind Farm is a 46.5MW wind farm comprising 31 turbines and located 35km north east of Canberra. Natascha provided was the **Senior Environment Adviser** throughout the construction phase of this project. She ensured management plans complied with the Department of Plannings requirements and the conditions of consent and oversaw effective implementation of the plans on site throughout the construction phase.

Dunedoo Solar Farm (IBVoigt) Dunedoo NSW

Dunedoo Solar Farm is a 55-MW AC solar farm generally comprising a solar array, access roads, on-site substation and a 66-kV Transmission Line. As **Project Director** for this project, Natascha undertook senior review and final sign off on the EIS. She also worked with the client and the NGH team to navigate some challenging road access and gird connection requirements.

Linear infrastructure

Albion Park Rail Bypass (TFNSW) Albion Park, NSW

The Albion Park Rail bypass is a $630 million project funded by the NSW Government that completes the 'missing link' for a high standard road between Sydney and Bomaderry. It is an important freight, bus and tourist route.

As **Project Director** for this project, Natascha worked closely with the TFNSW and Cardno team to prepare the Scoping Report, Biodiversity Assessment and Preferred Activity report. Later in the project she undertook a **Project Management** role for the preparation of the Construction Environmental Management Plans for the early works package.

Pacific Highway Upgrades (Lend Lease) Karuah Bulahdelah, Nabiac, Yelgun-Chinderah, Brunswick -Yelgun, Tugun Bypass , NSW

The Pacific Highway upgrade is the largest road infrastructure project in Australia. It connects Sydney and Brisbane, and is a major contributor to the country's economic activity. The Australian and NSW governments have been jointly funding the Pacific Highway upgrade since 1996.

Natascha was the **Environmental Manager** on over 100kms of the Pacific Highway upgrade during the first ten years of operation. She undertook regular inspections and audits of these projects to ensure operation of the highway met the TfNSW specifications and standards.

Bringelly Road Upgrade (TfNSW) Bringelly, NSW

The Australian and NSW governments are upgrading Bringelly Road between Camden Valley Way, Leppington and The Northern Road Bringelly as part of the Western Sydney Infrastructure Plan, a $3.6 billion road investment program.

Natascha was **Project Director** for Stage 1 of the Bringelly Road upgrade. She led the NGH team who prepared the environmental impact assessment, including specialist studies for biodiversity and heritage.

Empire Bay Drive Upgrade Project REF (AT&L, RMS), Kincumber, NSW

A significant upgrade to two lanes each direction of a highly trafficked section of the Central Coast, Empire Bay Drive at The Scenic Road, Kincumber. As **Project Director**, Natascha liaised reviewed all outputs associated with the Project REF and specialist biodiversity and Aboriginal Heritage studies, along with an Addendum REF, Submissions Report and Environmental Management Plans.

Natascha worked with the project team to resolve issues and to ensure that deadlines were met and a high-quality document was put on display.

Mining and resources

Coraki Quarry (KIS), Coraki, NSW

Coraki Quarry is a hard rock quarry, classified as State Significant Development (SSD) under the EOA&A Act. As the Department of Planning approved **Independent Environmental Auditor** on the Project, Natascha was responsible for auditing compliance with the operational requirements of the SSD condition of consent and the Environmental Protection Licence.

Defence

Holsworthy Barracks Mid-Term Refresh (Beca & Defence), Sydney, NSW

Holsworthy Barracks Mid-Term Refresh was an interim project aimed as sustaining operations until the Holsworthy Barracks Redevelopment Project. Natascha was the **Project Director** leading the environmental impact assessment. Natascha worked with the client to untangle the planning pathway for the project which occurred on both public and defence land.

HMAS Platypus (Sydney Harbour Foreshore Trust), Neutral Bay, NSW

The former HMAS Platypus site (Platypus) was formally transferred to the Harbour Trust on 23 July 2005 has had a diverse history including as gas works, a Naval torpedo maintenance facility, the HMAS Platypus submarine base and now as an emerging new public park.

Natascha was the **Project Manager** for various projects undertaken on this site by NGH between 2010 and 2016 including marine surveys aquatic biodiversity assessment and subsequent sea horse relocation and management plan.

Government

Foxground to Berry (TfNSW & Fulton Hogan), Berry, NSW

The Foxground to Berry Bypass is a four-lane highway with median separation for 12.5 km of the Princes Highway south of Wollongong. As **Project Director**, Natascha undertook final review of all reports. Natascha worked on this project for five years, reviewing all outputs of the construction and post-construction ecological monitoring. Performance criteria were set at the EIS stage and during the construction phase. Monitoring included weed, aquatic, frog, and fauna surveys (Spotlighting, call playback, camera detection and scat and track surveys) and water quality (including macroinvertebrates). Roadkill was also monitored during construction and the first year of operation. Heat maps of roadkill hotspots were identified and used to make recommendations for further exclusion fencing.

Elizabeth Bay Marina (RMS), Elizabeth Bay, Sydney, NSW

The 100 year old Elizabeth bay Marina was upgraded in 2018; the marina was vulnerable to flooding and had begun to deteriorate due to its age. Natascha was the **Project Director** overseeing the delivery of the environmental impact assessment and specialist Biodiversity and heritage assessments under an incredibly tight timeline. She also worked with RMS to undertake public consultation both prior to the impact assessment and during the public exhibition of the impact assessment.

Water

Murrumbidgee to Googong Pipeline (Iconwater), Canberra, ACT

A 12-kilometre pipeline that can transfer water from the Murrumbidgee River into the Googong Reservoir, developed as part of a suite of water security projects initiated during the Millennium Drought. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project**.** Natascha reviewed the project against the measures committed to in the consent and the operational management plan for the project. She made recommendations to the project team to facilitate continuous improvement.

Industrial

St Marys Intermodal (Pacific National), Sydney, St Marys, NSW

St Marys Freight Hub a State Significant Development project services major retail distribution centres and warehouses across Greater Western Sydney, including major industrial estates. Natascha was the Department of Planning approved **Independent Environmental Auditor** for this project. Natascha undertook compliance audits for this project from the early works phase and throughout the construction of the project.

Land development

Sydney Childrens Hospital (Health Infrastructure), Bowral, NSW

The $658 million Sydney Children's Hospital Stage 1 and Minderoo Children's Comprehensive Cancer Centre brings world-leading clinical care, research and education together under one roof to transform kids' health. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project. This project is part of the greater Randwick Campus Redevelopment

New Maitland Hospital (Health Infrastructure), Maitland, NSW

The NSW Government has invested $470 million in delivering the new Maitland Hospital, to meet the growing health service needs for the surrounding communities of the Hunter Valley now and into the future. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project. This project was undertaken on a green field site with native vegetation communities and potential Aboriginal deposits present. Natascha undertook compliance audits for this project from the early works phase through to operation of the hospital.

Campbelltown Hospital redevelopment (Health Infrastructure), Campbelltown, NSW

The NSW Government has invested 632 million upgrade of Campbelltown Hospital and the redevelopment which will see a new clinical services building as well as refurbishment of existing buildings.. As the approved **Independent Environmental Auditor** for this project Natascha undertook compliance audits for this project from the early works phase through construction. This project was undertaken adjacent to an operating hospital and subject to stringent noise and vibration requirements.

Royal Hall of Industries (Sydney Swans), Sydney, NSW

Sydney Swans transformed the historic Royal Hall of Industries into a world-class sporting and community hub for not-for profits and elite training facility for the Sydney Swans and their youth Academy. As the approved **Independent Environmental Auditor** for this project Natascha undertook compliance audits for this project from the early works phase through construction.

Olivia Merrick | BSc Cons Biol, BEnvSc (Hons)

Principal Consultant - Compliance



Olivia is an environmental management professional, experienced in leading teams to deliver environmental compliance excellence. She has over 20 years consulting, industry and public sector experience. She has delivered complex multidisciplinary projects for transport, major infrastructure construction (rail, highway, pipeline, power transmission); and large-scale resources development (exploration; underground mining; upstream and downstream oil and gas) from a technical base that spans ecology, weed and pathogen management, rehabilitation, acid sulfate soils, contaminated sites, erosion and sediment control, stakeholder engagement, heritage considerations and noise management. Olivia has supported clients across Australia and has a wide understanding of each state's nuanced environment and planning pathways at both the development approval and on-ground post-approval and compliance implementation stages.

Focus areas

- Environmental project management for post approval (construction phase) delivery for Major Projects/ State Significant Infrastructure; renewable energy sectors
- Environmental compliance and assurance programs, environmental auditing
- Environmental impact/ due-diligence assessments

Professional associations and accreditations

- ISO 9001 Quality Management Systems: Lead Auditor (BSBAUD503B)
- Biobanking Accredited Assessor
- Construction Induction (white card)
- Rail Industry Safety Card
- Certificate III Conservation and Land Management
- Site Environmental Management (Observe Environmental Work Practices RTC2702A; Conduct Erosion and Sediment Control RTD2202A)
- Acid Sulfate Soils–Identification, Assessment and Management
- Erosion and Sediment Control certification (Water Management on Construction Sites, Prepare and Review ESC Plans, Best Practice Erosion and Sediment Control)
- *Phytophthora cinamomi* (Dieback Disease) Management Accreditation; Weed Stop certification
- Emergency Responder:
  - Certificate II Public Safety (Firefighting and Emergency Operations)
  - Provide Cardiopulmonary Resuscitation (HLTAID001)
  - Perform Rescue form Live LV Panel (UETTDRRF068)
  - Provide First Aid (HLTAID003)
  - Advanced (Level 3) First Aid certification (HLTFA402B)
  - Operate Breathing Apparatus (MSAPMOHS216A)
  - Rope Rescue - Participate in Rescue Operation (PUASAR022A); Rope Rescue, Provide Emergency Care (PUAEME001B); Height Safety Equipment Inspector (PUAEQU001B); Work Safely at Heights (RIIWHS202D)
  - Confined Space Entry – Undertake Confined Space Rescue (PUASAR025A); Enter and Work in a Confined Space (RIIWHS202D)
  - Defensive Driving on Gravel, Four wheel Drive Recovery

Project experience

Renewable energy

Frasers Solar Farm (South Energy), Toongabbie, Victoria

Frasers Solar Farm will install a 75 megawatt solar facility for connection into the national grid (National Electricity Market). **Principal Consultant** post approval environmental management documentation.

Dunedoo Solar Farm (ib vogt), Warrumbungle LGA, NSW

Dunedoo Solar Project proposes to develop a 55MW (AC) solar farm. **Principal Consultant**. Compliance review and options assessment for design.

Linear infrastructure

Pacific Highway upgrade Woolgoolga to Ballina (TfNSW), Grafton, NSW

Upgrade of 155kms to four lane highway **Environmental Lead** Environmental project management onsite, for post-approval (construction phase); influencing internal and external departments to achieve environmental excellence; technical oversight of environmental management program; subcontractor management; consistency assessments for design change; managing site compliance in accordance with legislation and project approvals, environmental audits

Hunter8 Alliance (John Holland), Maitland, NSW

Triplication of the main North Rail Line between Singleton and Maitland to increase the capacity of the Hunter Valley Rail Freight Corridor **Senior Consultant** Supplementary environmental impact assessments, influencing internal and external departments to achieve environmental excellence; managing site compliance in accordance with legislation and project approvals

Route Options Assessment (Western Power), Great Southern, W.A

Regional scale route selection for the determination of overhead powerline installation connecting from Collie Power Station to south-west Western Australian customers **Area Manager** Environmental approvals, stakeholder engagement.

Government

Sydney Maintenance Contract, West Zone (TfNSW), Sydney, NSW

Sydney West Zone maintenance Forward Works Program **Environmental Manager** Environmental planning and approvals for development consent, consistency assessments for design change, drafting/ approval/ implementation of Construction Environmental Management Plans; managing site compliance in accordance with legislation and project approvals, environmental audits.

Sydney Metro North West Line (TfNSW) Chatswood, NSW

Conversion of the existing Epping to Chatswood Rail Link to metro standards and connects the suburbs of Rouse Hill and Chatswood via Castle Hill and Epping **Environmental Manager** Technical oversight of environmental management program; consistency assessments for design changes, works approvals/ permits for construction activities outside of approved times.

Northern Beaches B-Line Project (TfNSW), Mona Vale NSW

Bus Lane upgrades and associated infrastructure improvements for the 10 stops between Mona Vale in the northern beaches of Sydney and Wynyard station in the CBD **Environmental Manager** Technical oversight of environmental management program; consistency assessments for design changes, works approvals/ permits for construction activities outside of approved times.

Australian Nuclear Science Technology Organisation (ANSTO) Expansion Project, Sydney, NSW

Development expansion of the existing ANSTO facility in Lucas Heights, Sydney **Senior Consultant** Environmental impact assessment for development, post approval management plans and assurance documentation.

Mining and resources

Wheatstone LNG (Chevron), Onslow, WA

Construction of two LNG trains, combined capacity of 8.9 MTPA. **Environmental Lead.** Environmental project management onsite, post-approval (construction phase); technical oversight of environmental management program, subcontractor management; managing site compliance in accordance with legislation and project approvals; environmental audits.

Gladstone LNG Upstream (Fluor/Santos), Roma, QLD

Roma Coal Seam Gas field development compressor station construction. **Environmental Lead.** Environmental project management for Train 1 Gas Field Development [gas and water gathering network (150+km); roadworks and infrastructure upgrades (30+km), powerline installation (200+km); and 12 construction camps (and associated sewerage treatment plants)], managing site compliance in accordance with legislation and project approvals; environmental audits.

Macedon Gas Field (BHP), Onslow, WA

Onshore domestic gas plant development, estimated 400 and 750 billion cubic feet of gas produced; approximately 70km of pipeline from the Indian Ocean near Onslow to the Dampier to Bunbury Gas Pipeline tie-in government. **Environmental Lead.** Project construction advice to identify and comply with environmental requirements, influencing internal and external departments to achieve environmental excellence, environmental audits.

Water

Highland Source Project (Goulburn Mulwaree Council), Goulburn, NSW

Drinking water supply project from Goulburn to Wingecarribee Reservoir. **Senior Consultant.** Environmental Impact Assessment and post approval (construction phase) environmental management plans.

Harcourt Modernisation Project (Coliban Water), Castlemaine, Victoria

Supply and installation of 45km of HDPE pipeline, transfer pump station construction. **Environmental Management Representative.** Preparing scopes of work and oversight of environmental subcontractors, and compiling environmental baseline information; drafting Environmental Compliance Plans, Construction Environmental Control Plans, and other required project-specific environmental plans.

Sugarloaf Pipeline Alliance (John Holland, GHD, SKM), Melbourne, Victoria

Seventy (70) kilometres of pipe linking the Goulburn River (Northern Victoria) to the Sugarloaf Reservoir in Melbourne's north-east **Senior Advisor.** Site based environmental project management for construction activities; liaising with regulators regarding environmental permitting needs, permit compliance activities, and design and construction changes with the potential for permit/regulatory impacts.

Land development

Hoxton Park development (Stockland), Sydney, NSW

Land subdivision to develop the area as residential node **Senior Consultant** Environmental Impact assessment and approvals for development

Banksia Grove (LWP Group), Perth, W.A.

Land subdivision to develop the area as a residential node **Area Manager** Environmental Impact assessment and approvals for development

Appendix B Audit table (protocol)

Development Consent Compliance Status - December 2023

Reference	Approval or licence requirement	Evidence collected	Audit Finding	Compliance status
Development Consent SSI 48492458				
Schedule 2 - Part A Administrative Conditions				
Obligation to minimise harm to the environment				
A1.	In meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, operation, rehabilitation or decommissioning of the development.	Site inspection: site displayed evidence of environmental controls in place to prevent/minimise environmental harm. Evidence of regular environmental inspections being carried out to prevent/minimise environmental harm with corrective actions raised (Quest system) being tracked through to completion Interview with Site Manager: dedicated consultant commissioned by the project as Subject Matter Expert: Environment to conduct frequent and regular environmental inspections and provide advice to the project with regards to environmental harm minimisation and prevention initiatives as required.	The project was generally carried out to ensure reasonable and feasible measures were implemented to prevent and minimise material harm to the environment. Required Management Planning documents were developed, approved and noted as being implemented. A dedicated Subject Matter Expert: Environment had been commissioned by the project to oversee the implementation of environmental controls and undertake regular inspections.	Compliant
Terms of consent				
A2.	The development may only be carried out: (a) in compliance with the conditions of this approval; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS; and (d) generally in accordance with the Development Layout in Appendix 1.	DPE letter (ref SSI-48492458-PA-16) dated 17 November 2023 Site inspection: environmental controls installed and maintained. Development Layout, Appendix 1	(a) the audit found three non-compliances, therefore the development was not being carried out in compliance with the conditions of this approval (b) the audit was conducted on 12 December as per DPE written direction and therefore compliant with the requirements of part b. (c) potential risks and mitigation measures identified in the EIS had been generally carried over to the Management Plans required for the project and as approved by DPE prior to construction commencement. These were evident in the field and were noted as being present. (d) site boundary fencing and construction areas consistent with the development layout.	Not-compliant
A3.	The Proponent must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of: (a) any strategies, plans or correspondence that are submitted in accordance with this approval; (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and (c) the implementation of any actions or measures contained in these documents.	noted		Not triggered
A4.	The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	noted		Not triggered
A5.	Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under condition D6.	DPE letter (ref SSI-48492458-PA-16) dated 17 November 2023	Audit frequency is required by Condition C14(a) to occur within 12 weeks of commencement of construction, however, the project received written notification from the Planning Secretary that the audit may be conducted on/ before 12 December 2023, with documentation (audit report) required to be submitted on/ before 12 February 2024, despite construction having commenced June of 2023.	Compliant
Laps of approval				
A6.	This approval will lapse five years after the date on which it is granted, unless construction has physically commenced on or before that time	Post approval lodgement receipt - Construction Commencement (Waratah Super Battery - SSI-48492458-PA-13) 9 June 2023	Construction commenced June 2023	Not triggered
Battery storage restrictions				
A7.	The battery storage associated with the development must not exceed a total delivery capacity of 850 MW. Note: This condition does not prevent the Proponent from seeking to lodge a separate request to modify this approval to increase the capacity of the battery storage in the future.	Primary Design Basis Report (CPP Reference: 12590-EL-RP-10001).	By reviewing the Design Basis Report, the total installed power capacity measured at the point of connection is 850MW import (charge) and export (discharge). The project therefore appears to comply with the requirements of this condition.	Compliant
Upgrading of battery storage and ancillary infrastructure				
A8.	The Proponent may upgrade the battery storage and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Proponent must provide revised layout plans and project details of the project to the Planning Secretary incorporating the proposed upgrades	Interview with Site Manager: no plans to upgrade infrastructure over and above what is designed and approved, however, the requirements of this condition understood.		Not triggered
Structural adequacy				
A9.	The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.	noted, no new buildings, structures, alterations additions to existing buildings and structures for the audit period.		Not triggered
Demolition				
A10.	The Proponent must ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	noted, no demolition undertaken during the audit period.		Not triggered
Protection of public infrastructure				
A11.	Unless the Proponent and the applicable authority agree otherwise, the Proponent must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Interview with Site Manager: the project site sits within the old Munmorah Power Station, therefore adequate infrastructure is in place already, meaning delivery and access roads are sufficient and public infrastructure damage is unlikely. Irrespective of the sites current infrastructure, the requirements of this condition were understood,		Not triggered
Operation of plant and equipment				
A12.	All plant and equipment used on site, or in connection with the development, must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Quest - HSE Administration' App maintenance records Contractor machinery prestarts, site inspection	The audit found that prior to site access, all plant and machinery must be on-boarded with service history and inspected prior to mobilisation. Service history, maintainence schedules and records were sighted during the audit. Contractors also maintain daily pre-starts where any maintenance defects are rectified (vehicle taken out of service as needed).	Compliant
Applicability of guidelines				
A13.	References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a			Not triggered
Compliance				
A14.	The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the development.	Site Induction, Tool-box talk topics, 'issue specific" posters (threatened biota)	Site personnel were found to have been made aware of the requirements of these conditions relevant to their work tasks.	Compliant
Evidence of consultation				
A15.	Where conditions of this approval require consultation with an identified party, the Proponent must: (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.	DPE acceptance of TMP (SSI-48492458-PA-9). DPE acceptance of BMP (SSI-48492458-PA-1).	The audit found that evidence of adequate consultation was undertaken, as per the requirements of this condition.	Compliant
Subdivision				
A16.	The Proponent may subdivide land comprising the site for the purposes of carrying out the development as identified in Appendix 3 and in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation, Conveyancing Act 1919 (NSW) and the NSW Land Registration Services (or its successor).			Not triggered
Part B Environmental Conditions - General				
Transport				
Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions				
B1.	The Proponent must ensure that the: (a) development does not generate more than: (i) 65 heavy vehicle movements a day during construction, upgrading and decommissioning; (ii) 12 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and (b) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed 26 metres, unless the Planning Secretary agrees otherwise.	Vehicle Movements Register. Interview with Site Manager.	The audit found that truck forecasting (inbound) is updated at the daily progress meetings. Trucking forecasts are combined into a spreadsheet (vehicle movements register) confirming compliance with the requirements of this condition. Register confirms no over-size over-mass vehicles to date	Compliant
B2	The Proponent must keep accurate records of the number of heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the development.	not triggered		Not triggered
Access route				

<table>
<tr><td>B3.</td><td>All heavy vehicles requiring escort and heavy vehicles associated with the development must travel to and from the site via the Pacific Highway, Scenic Drive and Station Road.
Note: The Proponent is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of heavy vehicles requiring escort on the road network.</td><td>not triggered</td><td>Register confirms no over-size over-mass vehicles to date</td><td>Not triggered</td></tr>
<tr><td colspan="5">Site access</td></tr>
<tr><td>B4.</td><td>All vehicles associated with the development must enter and exit the site via the access point off Station Road, as identified in Appendix 1</td><td>site direction sheet identifying access route to the project.
Updated VMP</td><td>The project occupies the old Munmorah Power Station site, which is fenced with established all-weather access roads directing traffic via the required route. In addition, all onboarding/visiting personnel to the project site (including the Auditor) are provided a Site Direction Sheet that identifies the route, in accordance with the requirements of this condition.</td><td>Compliant</td></tr>
<tr><td colspan="5">Road maintenance</td></tr>
<tr><td>B5.</td><td>The Proponent must:
(a) undertake an independent dilapidation survey to assess the:
(i) existing condition of Station Road on the transport route, prior to construction, upgrading or decommissioning works; and
(ii) condition of Station Road on the transport route, following construction, upgrading or decommissioning works;
(b) repair Station Road on the transport route if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works;

in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.
If there is a dispute about the repair of Station Road between the Proponent and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision on the matter must be final and binding on both parties.</td><td>Dilapidation Report (May, 2023)

DPE approval letter (reference SSI-48492458-PA-10).</td><td>The project was found to be compliant with the requirements of this condition</td><td>Compliant</td></tr>
<tr><td colspan="5">Operating conditions</td></tr>
<tr><td>B6.</td><td>The Proponent must ensure:
(a) the internal roads are constructed as all-weather roads;
(b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
(c) the capacity of the existing roadside drainage network is not reduced;
(d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
(e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.</td><td>Road Design. Interview with Site Manager.</td><td>road access design criteria confirm all weather, installed drainage networks, and bituminized and road base. 240 car parking spaces. Field warehousing/ laydown areas on site. Invoices are only paid once delivered to site. Inbound deliveries follow a one-way loop, internal roads continue as bitumen with any debris form vehicles contained within the project site before vehicles leave ad enter public road network.</td><td>Compliant</td></tr>
<tr><td colspan="5">Traffic Management Plan</td></tr>
<tr><td>B7.</td><td>Prior to commencing construction, the Proponent must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This plan must include:
(a) details of the transport route to be used for all development-related traffic;
(b) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
(i) temporary traffic controls, including detours and signage;
(ii) notifying the local community about development-related traffic impacts;
(iii) procedures for receiving and addressing complaints from the community about development related traffic;
(iv) minimising potential cumulative traffic impacts with other State significant development and State significant infrastructure projects and community events in the area;
(v) minimising dirt tracked onto the public road network from development-related traffic;

(vi) scheduling of heavy vehicle movements to minimise convoy length or platoons;
(vii) measures for managing light vehicle peak numbers;
(viii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
(ix) responding to any emergency repair or maintenance requirements; and
(x) a traffic management system for managing heavy vehicles requiring escort;
(c) a driver's code of conduct that addresses:
(i) driver fatigue;
(ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
(iii) procedures to ensure that drivers implement safe driving practices.
(d) a program to ensure drivers working on the project receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

Following the Planning Secretary's approval, the Proponent must implement the Traffic Management Plan.</td><td>TMP (Rev 4) 7 June 2023, approved by DPE (ref SSI-48492458-PA-9)</td><td>TMP approved by DPE 7 June 2023 and therefore satisfied the requirements of this condition.</td><td>Compliant</td></tr>
<tr><td colspan="5">Biodiversity</td></tr>
<tr><td colspan="5">Vegetation clearance</td></tr>
<tr><td>B8.</td><td>The Proponent must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.</td><td></td><td>The project occupies the old Munmorah Power Station site, which is fenced</td><td>Compliant</td></tr>
<tr><td colspan="5">Biodiversity offsets</td></tr>
<tr><td>B9.</td><td>Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Proponent must retire biodiversity credits as specified in Table 1 and Table 2 below.
The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:
(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;
(b) making payments into an offset fund that has been developed by the NSW Government; or
(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.
Table 1: Ecosystem Credit Requirements
<table><tr><th>Vegetation Community</th><th>PCT ID</th><th>Credits Required</th></tr><tr><td>Scribbly Gum - Red Bloodwood – Angophora inopina heathy woodland on lowlands of the Central Coast</td><td>1636</td><td>4</td></tr><tr><td>Broad-leaved Paperbark - Swamp Oak - Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast</td><td>1724</td><td>3</td></tr></table>Table 2: Species Credit Requirements
<table><tr><th>Species Credit Species</th><th>Credits Required</th></tr><tr><td>Charmhaven Apple (Angophora inopina)</td><td>4</td></tr><tr><td>Eastern Pygmy-possum (Cercartetus nanus)</td><td>4</td></tr><tr><td>Large-eared Pied Bat (Chalinolobus dwyeri)</td><td>11</td></tr><tr><td>Wallum Froglet (Crinia tinnula)</td><td>5</td></tr><tr><td>Giant Burrowing Frog (Heleioporus australiacus)</td><td>3</td></tr><tr><td>Pale-headed Snake (Hoplocephalus bitorquatus)</td><td>7</td></tr><tr><td>Green and Golden Bell Frog (Litoria aurea)</td><td>7</td></tr><tr><td>Green-thighed Frog (Litoria brevipalmata)</td><td>5</td></tr><tr><td>Squirrel Glider (Petaurus norfolcensis)</td><td>7</td></tr><tr><td>Brush-tailed Phascogale (Phascogale tapoatafa)</td><td>7</td></tr><tr><td>Common Planigale (Planigale maculate)</td><td>7</td></tr><tr><td>Mahony's Toadlet (Uperoleia mahonyi)</td><td>7</td></tr></table></td><td>Section 6.33 certificate</td><td>completed by EnergyCo</td><td>Compliant</td></tr>
<tr><td>B10.</td><td>Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Proponent must provide evidence to the Planning Secretary that biodiversity credits have been retired.</td><td><u>Interview</u>: biodiversity credits were provided to DPE by EnergyCo as they were the party that procured them</td><td></td><td>Compliant</td></tr>
<tr><td colspan="5">Biodiversity Management Plan</td></tr>
<tr><td>B11.</td><td>Prior to commencing construction, the Proponent must prepare a Biodiversity Management Plan for the project in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:
(a) be prepared in accordance with the Biodiversity Development Assessment Report (dated 4 November 2022);
(b) include a description of the measures and timeframes that would be implemented for:
(i) protecting vegetation and fauna habitat outside the approved disturbance areas;
(ii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
(iii) minimising the impacts to fauna on site and implementing fauna management protocols;
(iv) rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;
(v) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
(vi) controlling weeds, feral pests and pathogens;
(c) include a program to monitor and report on the effectiveness of mitigation measures;

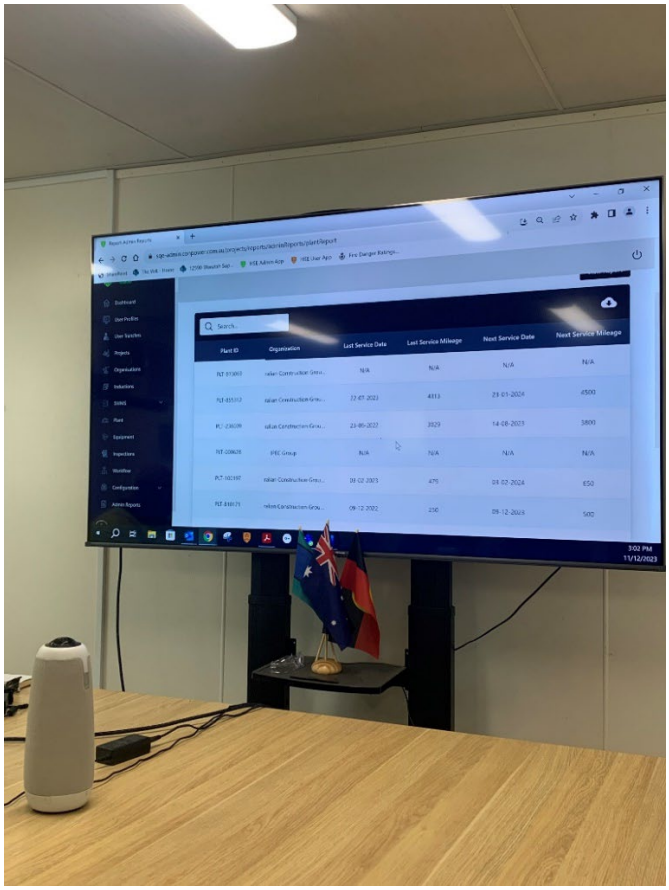
(d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site;
(e) include details of who would be responsible for monitoring, reviewing and implementing the plan.</td><td>BMP approved by DPE 31 May 2023 (DPE letter ref SSI-48492458-PA-1)</td><td>BMP approved by DPE and as such considered compliant with the requirements of this condition.</td><td>Compliant</td></tr>
</table>

	Following the Planning Secretary's approval, the Proponent must implement the Biodiversity Management Plan. *Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement*			
Amenity				
Construction, Upgrading and Decommissioning Hours				
B12.	Unless the Planning Secretary agrees otherwise, the Proponent may only undertake construction, upgrading or decommissioning activities between: (a) 7 am to 6 pm Monday to Friday; (b) 8 am to 1 pm Saturdays; and (c) at no time on Sundays and NSW public holidays. The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary: • the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; and • emergency work to avoid the loss of life, property and/or material harm to the environment.	Interview: security patrols the front entry gates with works commencing 7 am, and gates closing at 5 pm. Internal gate chained and key locked. Security dogs are present overnight. Out of Hours request letter 3 rd November 2023 for weekend works to receiver schedule	Construction works were found to occur within the approved hours of operation as per the requirements of this condition. No out-of-hours works were undertaken during the audit period. The extended work hours requests were nominated from 1st December 2023 to 12th April 2025 extension of hours to Saturdays 1 pm to 5 pm; and Sundays – 7 am to 5 pm to recover lost time due to weather events in spring 2023.	Compliant
Noise				
B13.	The Proponent must: (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009) or its latest version; and (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residence. ***Table 3:*** *Noise Limit Requirements* **Location** / **Noise Limits in dB(A)** — Day $L_{Aeq,\ 15min}$: 40; Evening $L_{Aeq,\ 15min}$: 40; Night $L_{Aeq,\ 15min}$: 35 **Any residential receiver**	Site inspection: works were being undertaken in a manner that did not generate unnecessary noise (machinery and vehicles not in use were switched off) not triggered		Compliant
Dust				
B14.	The Proponent must minimise the dust generated by the development.	Site inspection: water carts were observed on-site with metered hydrant on site for water supplies.	Compliant	Compliant
Visual				
B15.	The Proponent must: (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection; (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.			Compliant
Lighting				
B16.	The Proponent must: (a) minimise the off-site lighting impacts of the development; and (b) ensure that any external lighting associated with the development: (i) is installed as low intensity lighting (except where required for safety or emergency purposes); (ii) does not shine above the horizontal; and (iii) complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	Waratah Lighting Report	Waratah Lighting Report lists specific input performance objectives as per the requirements of this condition, that will be implemented during construction.	Compliant
Heritage				
Chance Finds Procedure				
B17.	Prior to the commencement of development, the Proponent must implement the Unanticipated Discovery Protocols (Navin Officer Heritage Consultants, 2022) for the development.	no unexpected finds to date.		Not triggered
Soil and Water				
Water Supply				
B18.	The Proponent must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply. *Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain the necessary water licences for the development.*	Sie Inspection: metered gauge on the site hydrant.		Compliant
Water Pollution				
B19.	The Proponent must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	Incident Report (14 November 2023)	Turbid water discharge following a significant rainfall event (storm) did not "pollute" as water discharged was within criteria for receiving waters	Compliant
Operating conditions				
B20.	The Proponent must: (a) minimise any soil erosion and control sediment generation; (b) ensure that construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with the relevant requirements in the Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version; (c) ensure the battery storage and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site; (d) ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and (e) ensure that all works are undertaken in accordance with Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), or its latest version, unless DPE Water agrees otherwise.	Site inspection.	The audit found that site was being managed in accordance with the requirements of this condition	Compliant
Hazards				
Fire safety study				
B21.	Prior to commencing construction of the battery storage, the Proponent must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must: (a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline; (b) include reasonable worst-case bush fire scenario to and from the battery storage and the associated bush fire management, including provision of asset protection zones developed in consultation with RFS; (c) describe the final design of the battery storage; and (d) identify measures to eliminate the expansion of any fire incident including: (i) adequate fire safety systems and appropriate water supply; (ii) separation and / or compartmentalisation of battery units; and (iii) strategies and incident control measures specific to the battery storage design. Following approval by the Planning Secretary, the Proponent must implement the measures described in the Fire Safety Study. *Note: 'to the satisfaction of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.*	Fire Safety Study (Advitech, 2023) sited in hard copy on site.	No evidence could be provided during the audit, that confirmed the Fire Safety Study was prepared to the satisfaction with the Secretary	Not-compliant
Storage and handling of dangerous goods				
B22.	The Proponent must store and handle all chemicals, fuels and oils used on-site in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids. In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.	Quest system database		Compliant
Operating conditions				
B23.	The Proponent must: (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site; (b) ensure that the development: meets the Aim and Objectives of Planning for Bushfire Protection 2019, including provision of appropriate asset protection zones developed in consultation with RFS; includes a 10 metre defendable space around the perimeter that permits unobstructed vehicle access manages the defendable space areas as an Asset Protection Zone; and is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank for bush and grass firefighting fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road; (c) assist the RFS and emergency services as much as practicable if there is a fire in the (d) notify the relevant Local Emergency Management Committee following construction of the development, and prior to commencing operations.			Not triggered
Emergency plan				

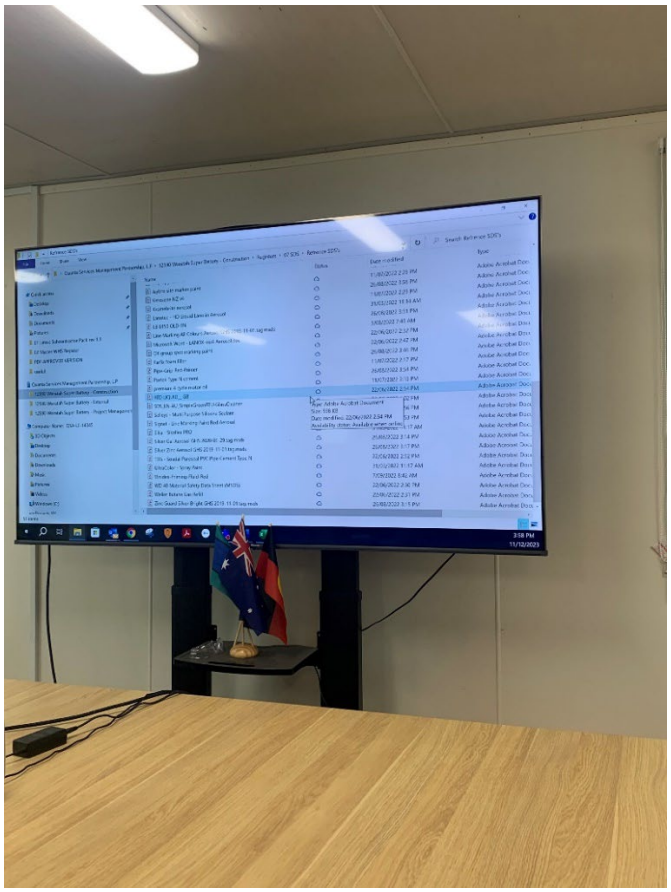
B24.	Prior to commencing commissioning, the Proponent must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre and FRNSW. The plan must: (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B21 of Schedule 2; (b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's Planning for Bushfire Protection 2019 (or equivalent) and A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan (RFS 2014); (c) list works that should not be carried out during a total fire ban; (d) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone; (e) include details on how the battery storage and sub-systems can be safely isolated in an emergency; (f) include bushfire emergency management planning; (g) include details of how RFS would be notified, and procedures that would be implemented, in the event that: • there is a fire on-site or in the vicinity of the site; • there are any activities on site that would have the potential to ignite surrounding vegetation; or • there are any proposed activities to be carried out during a bushfire danger period; and (h) include an Emergency Services Information Package in accordance with Emergency services information and tactical fire plan (FRNSW, 2019), and an Emergency Responders Induction Package to the satisfaction of FRNSW and RFS; The Proponent must: implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.			Not triggered
Waste				
B25.	The Proponent must: (a) minimise the waste generated by the development; (b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version); (c) store and handle all waste on site in accordance with its classification; (d) not receive or dispose of any waste on site; and (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.	Waste Tracking Register, Site inspection	The audit found waste was being managed in accordance with the requirements of this condition	Compliant
Remediation				
Remedial Works				
B26.	Prior to carrying out construction, the Proponent must develop and implement a Remedial Action Plan prepared in accordance with the relevant guidelines produced or approved under the Contaminated Lands Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).	Remediation Action Plan (Consulting Earth Scientists, 27 March 2023). Validation Report (Consulting Earth Scientists, 18 May 2023).	The Remediation Action Plan was prepared approximately 3 months before the commencement of construction, by registered Soil Conservationist (SC41156) and Certified Environmental Practioner (CEnvP 682). Remediation works were completed 6 December 2022 to 4 May 2023, undertaken by Consulting Earth Scientists. The project is therefore compliant with the requirements of this condition.	Compliant
Validation report				
B27.	Within one month of the completion of the remediation works, the Proponent must submit a copy of a validation report/letter to the EPA, Council and the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Post approval lodgement receipt (Waratah Super Battery - SSI-48492458-PA-12) Validation Report (Consulting Earth Scientists, 18 May 2023).		Compliant
Site Audit Report and Site Audit Statement				
B28.	Within six months of the completion of remediation works the Proponent must submit a Site Audit Report and Site Audit Statement to the EPA, Council and the Planning Secretary. The reports must be prepared by the Site Auditor in accordance with relevant guidelines produced or approved under the Contaminated Lands Management Act 1997 and must confirm: (a) the remedial works have been completed in accordance with the RAP and REMP and the site is suitable for its intended land use; and (b) the risks to human health and the environment have been addressed in accordance with the objectives of the RAP.	Site Interview: Site Audit Report and Site Audit Statement reports were commissioned by EnergyCo and GPM, and provided to regulators by those parties.	The Remediation Action Plan noted that "Construction works for the WSB project within the remediation areas should only be undertaken once a Site Audit Statement confirms that those areas are suitable for the proposed industrial land use." The audit was unable to determine if the Site Audit Report and Site Audit Statement had been prepared and submitted to the EPA, Council and the Planning Secretary as the auditing entity (WSP, delivery partners and contractors) were not involved in the remediation works. This was conducted by the proponent EnergyCo and GPM.	Not-compliant
Unexpected finds				
B29.	Prior to the commencement of construction, the Proponent must prepare an unexpected finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the Environmental Management Strategy for the development and must ensure any material identified as contaminated is be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.	Appendix C of EMS		Compliant
Decommissioning and Rehabilitation				
B30.	Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Proponent must rehabilitate the site to comply with the objectives in Table 4. ***Table 4:*** *Rehabilitation Objectives* ***Feature*** / ***Objective*** Site: • Safe, stable and non-polluting. Battery Storage infrastructure: • To be decommissioned and removed, unless the Planning Secretary agrees otherwise. Land use: • Restore land to a stable condition Community: • Ensure public safety at all times.			Not triggered
Part C Environmental Management, Reporting and Auditing				
Environmental Management				
Environmental Management Strategy				
C1.	Prior to commencing construction, the Proponent must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must: (a) provide the strategic framework for environmental management of the development; (b) identify the statutory approvals that apply to the development; (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (d) set out the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and (e) include: (i) references to any strategies, plans and programs approved under the conditions of this approval; and (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this approval. Following the Planning Secretary's approval, the Proponent must implement the Environmental Management Strategy.	Environmental Management Strategy (Revision D, 4 May 2023). DPE approval letter (reference SSI-48492458-PA-3).	The audit found the Environmental Management Strategy included the information required under with this condition. The Environmental Management Strategy (Rev D, dated 4 May 2023) was approved by a nominee of the Planning Secretary on 1 June 2023.	Compliant
Revisions of Strategies, Plans and Programs				
C2.	The Proponent must: (a) update the strategies, plans or programs required under this approval to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and (b) review and, if necessary, revise the strategies, plans or programs required under this approval to the satisfaction of the Planning Secretary within 1 month of the: (i) submission of an incident report under condition C10 of Schedule 2; (ii) submission of an audit report under condition C14 of Schedule 2; or (iii) any modification to the conditions of this approval.	Environmental Incident Notification 001 (1 December 2023)	Dirty water discharge incident occurred on 14 November 2023, this was later reported on 1 December 2023 meaning lessons learned from this incident would need to be included in a revision and update of the necessary strategies, plans, or programs required under this approval to the satisfaction of the Planning Secretary within 1 month of the submission of an incident report (incident report submitted 1 December 2023, revisions therefore due 1 January 2024).	Not triggered
Staging, Combining and Updating Strategies, Plans or Programs				
C3.	With the approval of the Planning Secretary, the Proponent may: (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and			Not triggered

	(c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).			
C4.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.			Not triggered
C5.	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.			Not triggered
C6.	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.			Not triggered
Notifications				
Notification of Department				
C7.	Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Proponent must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase. If any of these phases of the development are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.	Notification of construction commencement (SSI-48492458-PA-13)	Letter correspondence 9 June 2023, to notify the Department of Planning and Environment in accordance with this condition that Akaysha Energy would be commencing construction on the Waratah Super Battery Project from Tuesday 13th June.	Compliant
Final Layout Plans				
C8.	Prior to commencing construction, the Proponent must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of the battery storage and ancillary infrastructure, via the Major Projects website. The Proponent must ensure that the development is constructed in accordance with the Final Layout Plans.	Site Layout Plan 12590-EL-DR-1000. Notification reference SSI-48492458-PA-11		Compliant
Works as executed plans				
C9.	Prior to commencing operations or following the upgrades of any battery storage components or ancillary infrastructure, the Proponent must submit work as executed plans of the development showing comparison to the final layout plans to the Department via the Major Projects website.	Akaysha		Not triggered
Incident notification				
C10.	The Department must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the project approval number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.	Environmental Incident Notification 001. Environmental Incident Report. DPE Planning portal notification dated 1 December 2023.	On the 14th Nov 2023, following significant rainfall, the sediment pond pump was left unattended and sediment laden water left site. The audit found no evidence that DPE were notified immediately. The audit found that the incident was reported and submitted to DPE 1st December 2023, via the planning portal two weeks following the date of the incident.	Not-compliant
Non-compliance notification				
C11.	The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.	Waratah Super Battery Workplace Health and Safety Plan Akaysha Energy (2022)	Section 14.1 of Akaysha HSE Plan, Notification of Incidents Contractor section states that the Contractor shall report all incidents to the local government as per legislation. The environmental incident on 14 November 2023 was not reported to the government as per legislation (i.e. as per the requirements of these consent conditions, within seven days to DPE and therefore not in accordance with Section 14.1 of HSE plan, which would have triggered a project non-compliance with its HSE Plan). Refer C13 for more detail on compliance finding.	Not triggered
C12.	A non-compliance notification must identify the development and the project approval number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.			Not triggered
C13.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.		Given that the project's non-compliance with the HSE Plan (i.e. failure to notify an incident to local government as per legislation), was an environmental *incident* , the Project was not required to further notify the incident being also a non-compliance with the HSE Plan.	Compliant
Independent Environmental Audit				
C14.	Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency: (a) within 3 months of commencing construction; and (b) within 3 months of commencement of operations	DPE letter (ref SSI-48492458-PA-16) dated 17 November 2023	Written direction from the Planning Secretary confirms the initial audit to be conducted on/ before 12 December 2023, noting that the initial audit would not be conducted in accordance with the timing specified in Condition C14(a). The written direction states that the first audit period shall cover from the date of commencement of construction (13 June 2023) up until 12 December 2023, with the auditor's site inspection conducted on or within the days prior to 12 December 2023. The written direction goes on to confirm, in accordance with the Independent Audit Post Approval Requirements (2020), all subsequent audits conducted during construction, must be carried out at intervals, no greater than twenty-six (26) weeks from the date of the initial independent audit, or as otherwise agreed by the Secretary.	Compliant
C15.	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	DPE letter (ref SSI-48492458-PA-19) dated 1 December 2023	Natascha Arens (Lead Auditor) and Olivia Merrick (Auditor) endorsed by DPE on 1 December 2023	Compliant
C16.	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C14 of Schedule 2 upon giving at least 4 weeks' notice to the Proponent of the date upon which the audit must be commenced.	DPE letter (ref SSI-48492458-PA-16) dated 17 November 2023	Written direction from the Planning Secretary confirms the initial audit to be conducted on/ before 12 December 2023 noting all subsequent audits conducted during construction, must be carried out at intervals, no greater than twenty-six (26) weeks from the date of the initial independent audit, or as otherwise agreed by the Secretary.	Compliant
C17.	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Proponent must: (a) review and respond to each Independent Audit Report prepared under condition C14 of Schedule 2 of this approval, or condition C16 of Schedule 2 where notice is given by the Planning Secretary; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary. unless otherwise agreed by the Planning Secretary.			Not triggered
C18.	Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary			Not triggered
C19.	Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.			Not triggered
Access to information				
C20.	The Proponent must: (a) make the following information publicly available on its website as relevant to the stage of the development: (i) the EIS; (ii) the final layout plans for the development; (iii) current statutory approvals for the development; (iv) approved strategies, plans or programs required under the conditions of this approval; (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged; (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; (vii) how complaints about the development can be made; (viii) any independent environmental audit, and the Proponent's response to the recommendations in any audit; and (ix) any other matter required by the Planning Secretary; and (b) keep this information up to date.	project website URL: https://akayshaenergy.com/projects/waratah-super-battery	The audit found that the EIS was made public ally available via the project website (noting the EIS was labelled as "Environmental Impact Plan"), with the site layout plan, and infrastructure approval, and that the EMS, BMP, and TMP also present. It is noted that project's website does not contain any information monitoring results of the development, however the only formal monitoring requirement is noise and noise monitoring is yet to commence.	Compliant

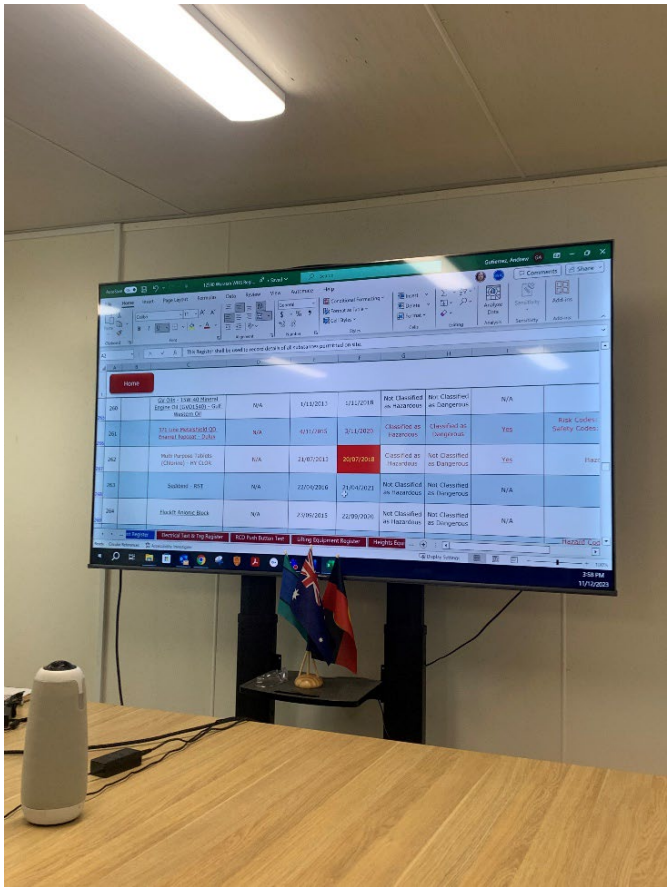
Appendix C Site photographs



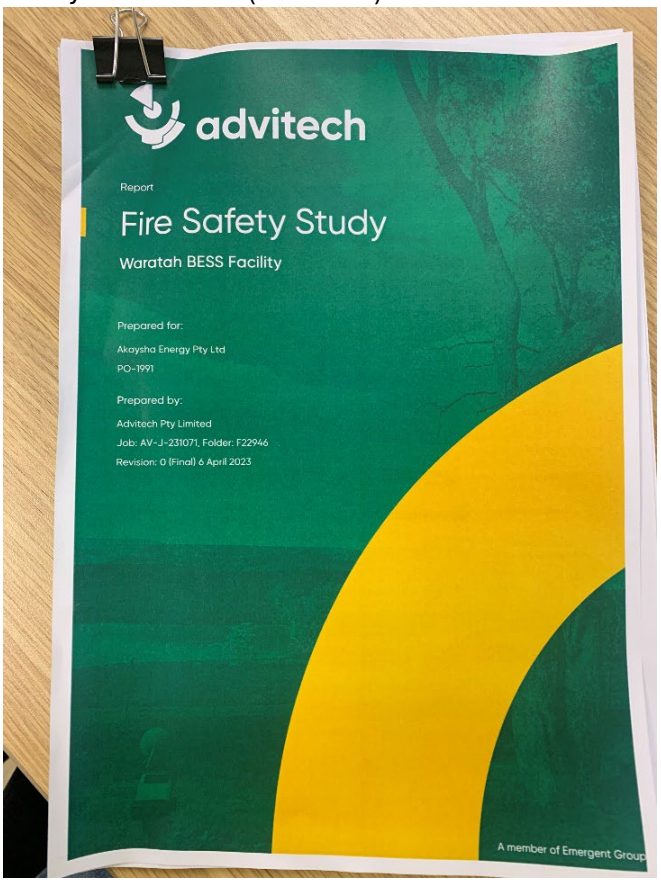
Site records – QEST portal



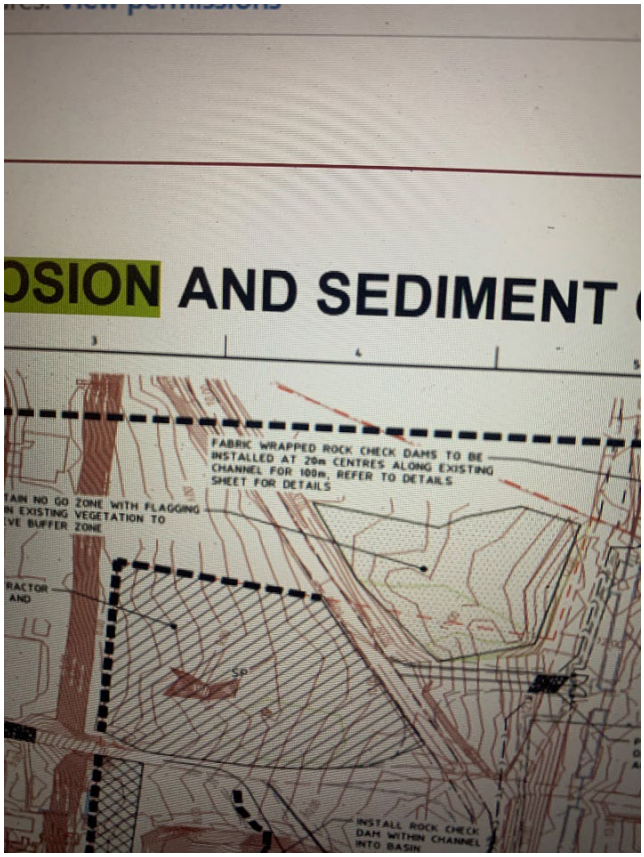
Safety Data Sheets (database)



Dangerous Goods register



Fire Safety Study (hardcopy available on site)



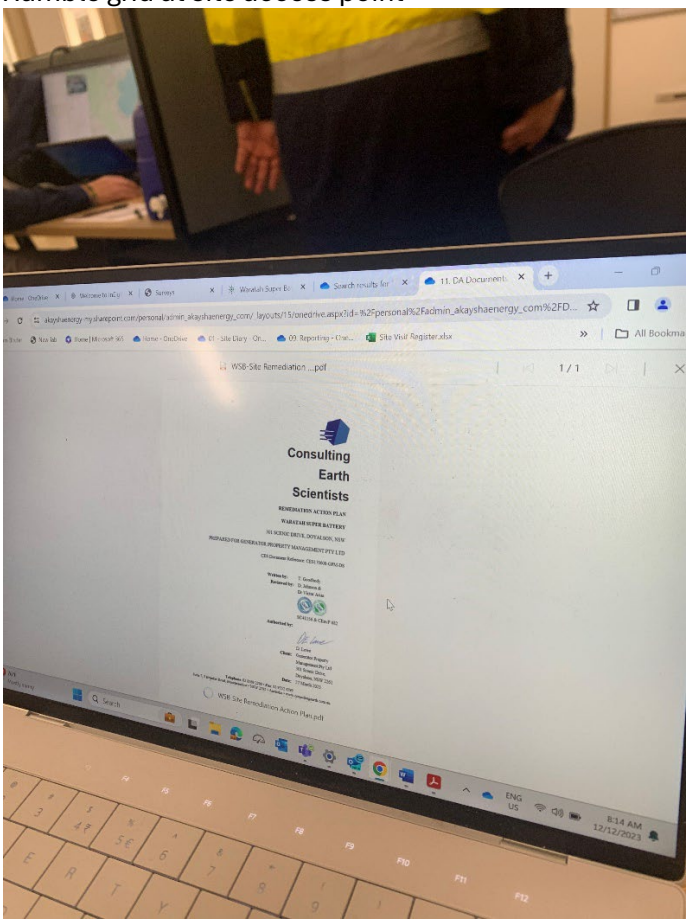
Erosion and sediment Control Plan (available on site)



Rumble grid at site access point



Site entry signage



Remediation Acton Plan available on site



Environmental Protection (No Go) zone



Sediment fencing to be reinstalled adequately



Sediment fencing with holes to be replaced



Erosion on batter slope



All weather access road (under construction)



Pit warden in place (internal access road)



Erosion on batter slope



Battery foundations



Wildlife management


Dirty water drain


Dirty water drain culverts


Sedimentation build up and rock checks needing maintenance (following recent rainfall event)



Retained sediment basin water transfer to water discharge point



Water discharge point. Flexi-hose to be reconfigured so as to not compromise the sediment fence



Sediment basin – eroded batter slopes



Erosion on boundary batter slope



Sediment basin – bulk container for flocculant mixing



Dirty water drain culvert - actively eroding dirty water drain channel



Dirty water drain – culvert with no headwall, channel actively eroding



Frog fencing (dirty water drain in foreground)



Significant erosion on batter slope



Progressive rehabilitation, frog fencing in back ground



Construction site - active erosion in middle ground



Stockpile in background – erosion evident



Concrete lined drainage channel, sand bags ~20m



Concrete lined drainage channel, sand bags ~20m



Concrete lined drainage channel, sand bags ~20m



Water cart in operation (access road)



Loads arriving to site (covered)


Site compound - adequate waste receptacles

Appendix D Consultation

From:	Heidi Watters
To:	Olivia Merrick
Cc:	Laura Gothard
Subject:	Re: Upcoming Audit - request for consultation (CSSI-48492458)
Date:	Friday, 8 December 2023 2:45:21 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png Outlook-uytl2dfl.png

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Dear Olivia

Thank you for your email regarding the upcoming IA for the Waratah Super BESS.

Specific area for focus are:

- Implementation of the environmental management plans and EMS
- Surface water management (including sediment and erosion controls)
- Progress of the remedial actions following the environmental incident (discharge of sediment laden water) on 14 November 2023
- Dust management and sediment tracking

Regards

Heidi Watters
Team Leader Compliance

Development Assessment | Department of Planning and Environment
T 02 6575 3401 | **M** 0472 820 374 | **E** heidi.watters@planning.nsw.gov.au
Suite 14, Level 1, 1 Civic Avenue, Singleton NSW 2333
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NSW GOVERNMENT

The Department of Planning and Environment acknowledges that it stands on Aboriginal land.
We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Olivia Merrick <olivia.m@nghconsulting.com.au>
Sent: Friday, 8 December 2023 10:55 AM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: Upcoming Audit - request for consultation (CSSI-48492458)

Dear compliance team,

We will be undertaking the audit for the Waratah Super BESS throughout December.

In accordance with the IAPAR (2020), please let me know if you have any specific areas of concern or focus for the audit.

Regards

Olivia Merrick
Principal Environmental Compliance

m: 0401 552 264
e. olivia.m@nghconsulting.com.au
w. nghconsulting.com.au | Our commitment to reconciliation



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