20th August 2024

Wayne Jones
Team Leader, Post Approvals
Energy Resources and Industry
Department of Planning and Environment
GPO Box 3145
Singleton NSW 2330

Subject	Proponents Response to IEA#2 Findings
Project	Waratah Super Battery
Development Application Number	SSI-48492458
Proponent	Energy Corporation of NSW
Developer	Munmorah Battery ProjectCo Pty Ltd ('Akaysha Energy')

Dear Wayne,

As per Section 4.3.2 of the Independent Audit PAR (2020), the proponent is required to submit their response to the audit findings to the department in a separate document to the final Independent Audit report.

Additionally as per requirement under DA condition C17 and C18, please consider this as Proponents' submit a copy of Independent Audit Report #2 and formal response to 2nd Independent Environment Audit Report Issued on 5th August by Independent Auditor, and its findings.

Please refer to the below listed documents for your consideration:

- Appendix A – Independent Audit Report #2 issued 5th Aug 2024
- Appendix B - Proponents' response to Independent Environmental Audit # 2 Report Issued 5th Aug 2024
- Appendix C – DPEs Assessment of Proponents Response to Recommendations from Independent Environmental Audit # 1
- Appendix D – Signed Independence Declaration
  [as required by *Independent Audit Post Approval Requirements (2020)*]

Akaysha Energy looks forward to your consideration of this request.

Yours sincerely,

S. Prabha

Prabha Subramanian
Project Manager Akaysha Energy

Waratah Super Battery Project
Akaysha Energy

Appendix A

Independent Environmental Audit # 2 Report Issued 5th Aug 2024)



Prepared for WSP

Independent Environmental Audit Report

Waratah Super BESS

August 2024

Project Number: 230681

Document verification

Project Title:	Waratah Super BESS
Project Number:	230681
Project File Name:	230681 Waratah Super BESS IEA Report_Final v1.0

Revision	Date	Prepared by	Approved by
Draft v1.0	1/08/2024	W. Heiniger	N. Arens
Final v1.0	5/08/2024	W. Heiniger	N. Arens

NGH Pty Ltd is committed to environmentally sustainable practices, including fostering a digital culture and minimising printing. Where printing is unavoidable, NGH prints on 100% recycled paper.

We acknowledge the traditional owners of this land and pay our respect to Elders past, present and emerging. We recognise that the First Nations peoples of Australia have traditionally managed the resources of this land in a sustainable way, and that they are the original stewards of the Australian environment.

Table of contents

1. Introduction 3

1.1. Background 3

1.2. Audit team 3

1.3. Objectives 4

1.4. Audit scope 4

1.5. Audit period 4

2. Audit methodology 5

2.1. Auditor approval 5

2.2. Scope development 5

2.3. Audit process 5

2.4. Audit interviews 6

2.5. Site inspection 6

2.6. Consultation 6

2.7. Compliance status descriptors 6

3. Audit findings 8

3.1. Document list 8

3.2. Compliance performance 9

3.3. Notices, orders and prosecutions 9

3.4. Non-compliances 10

3.5. Previous audit recommendations 17

3.6. Environmental Management Plans 22

3.6.1. Traffic Management Plan 22

3.6.2. Biodiversity Management Plan 22

3.6.3. Environmental Management Strategy 23

3.7. Environmental performance 23

3.8. Consultation feedback 23

3.9. Complaints 24

3.10. Incidents 24

3.11. Actual vs. predicted impacts 24

3.12. Key strengths 26

4. Recommendations 27

4.1. Recommended actions 27

4.2. Opportunities for improvement 27

Tables

Table 2-1 Compliance status descriptors used during the audit process 7

Table 3-1 Summary of compliance observed during the second audit 9

Table 3-2 Non-compliances identified during the second audit as well as corresponding recommended actions 10

Table 3-3 Previous audit recommendations and their status as observed during the second audit 17

Table 3-4 Previous audit opportunities for improvement and their status as observed during the second audit 19

Appendices

Appendix A Audit table ..... A-I

Appendix B DPHI Auditor approval ..... B-II

Appendix C Consultation ..... C-I

Appendix D Independent Auditor Declaration ..... D-I

Appendix E Site inspection photos ..... E-I

Acronyms and abbreviations

BESS	Battery Energy Storage System
BMP	Biodiversity Management Plan
BOM	Australian Bureau of Meteorology
CCC	Central Coast Council
CEMP	Construction Environmental Management Plan
CoA	Condition of Approval
Cth	Commonwealth
CPP	Consolidated Power Projects
DC	Direct current
DCCEEW	Department of Climate Change, Energy, the Environment and Water (Cth)
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW) (formerly DPE)
DPE	(Former) Department of Planning and Environment (NSW) (now DCCEEW and DPHI)
DPHI	Department of Planning, Housing and Infrastructure (NSW) (formerly DPE)
EMS	Environmental Management Strategy
EnergyCo	Energy Corporation of NSW
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
ESCP	Erosion and Sediment Control Plan
ha	hectares
IEA	Independent Environmental Audit
ISO	International Organisation for Standardisation
km	kilometres
kV	kilovolt
m	metres

mm	millimetres
MW	megawatt
MWh	megawatt hour
NSW	New South Wales
OFI	Opportunity for improvement
SIPS	System Integrity Protection Scheme
SSI	State Significant Infrastructure
TfNSW	Transport for New South Wales
TMP	Traffic Management Plan

1. Introduction

1.1. Background

The Waratah Super Battery Energy Storage System (BESS) (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 (km) southwest of Newcastle in New South Wales (NSW). The Waratah Super BESS is designed to support the transmission grid by providing reserve transmission capacity and stability, allow Sydney, Newcastle, and Wollongong consumers access to energy from renewable electricity generation, following the scheduled closer of the Eraring Power Station in 2027. The Project is being delivered by Energy Corporation of NSW (EnergyCo), on behalf of the NSW Government.

Akaysha Energy have been 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 is classed as Critical State Significant Infrastructure (SSI-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).

During the reporting period, the following works have been undertaken:

- Ongoing construction of 330 kilovolt (kV) substation building and associated equipment
- Ongoing construction of concrete foundations, underground direct current (DC), communications and high-voltage conduits
- Delivery of approximately 100, of 140 total, step-up transformers
- Completion of construction of four battery collector groups
- Ongoing civil works relevant to overhead lines, which are now at line-stringing stage
- Commencement of early-stage testing and commissioning works
- Completion of most bulk earthworks, with some remaining to accommodate re-designs.

1.2. Audit team

A team of environmental auditing professionals from NGH was approved for the audit by the Department of Planning, Housing and Infrastructure (DPHI, the Department) (**Error! Reference source not found.**). Natascha Arens was approved as Lead Auditor. Natascha has over 30 years' experience as an environmental professional and auditor and oversaw the audit process

Whitney Heiniger supported Natascha during the audit and conducted the site inspection. Whitney has six years of experience as an environmental professional, including internal and external auditing, and has completed training as a Lead Auditor in Environmental Management Systems ISO 14001:2015 and ISO 19011:2018.

1.3. Objectives

The objective of the audit was to conduct an independent review of compliance with the Conditions of Approval of SSI 48492458 issued by the Minister for Planning on the 21st February 2023, in accordance with the requirements of the Independent Audit Post Approval Requirements, May 2020 (DPE 2020).

1.4. Audit scope

This is the second Independent Environmental Audit (IEA) of the Project.

The scope of this audit was generally in accordance with Section 3.3 of the Independent Audit Post Approval Requirements (Department 2020). The scope in general included:

- Conditions of consent applicable to current activities on site
- All relevant post approval documents required by the conditions of consent (eg. management plans)
- An assessment of the environmental performance of the development
- A high-level review of the Project's EMS
- A high-level assessment of whether Environmental Management Plans and Sub-plans are adequate.

1.5. Audit period

The reporting period for this audit is 13th December 2023 until 12th June 2024, as specified by DPHI (Appendix B).

2. Audit methodology

2.1. Auditor approval

The Department agreed to Natascha Arens as Lead Auditor and Whitney Heiniger as an Auditor for the Project on 20/05/2024 (Appendix B).

2.2. 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. Audit process

A document review was undertaken prior to the audit and off site. The document review included a review of the Conditions of Approval and all management plans and sub plans, using evidence submitted.

The Audit program was submitted to WSP as the owner's engineer on 31st May 2024 indicating the dates of the site audit, scope, criteria, audit details and required Project representatives.

An Opening Meeting was held on 6th June 2024 at 8:30am in the site compound meeting room. Present at the opening meeting were:

- Jordon Doss (Akaysha – Site Manager)
- Camille Lawson (Akaysha – General Manager Health, Safety and Environment)
- Andrew Gutierrez (CPP – Safety, Quality and Environment Advisor).

A closing meeting was held on 6th June 2024 at 12:30pm. Present at the closing meeting were:

- Jordon Doss
- Camille Lawson
- Andrew Gutierrez.

A meeting to discuss the initial findings of the audit was held on 19th July 2024 at 1:30pm. Present at the findings meeting were:

- Jordon Doss
- Segar Manoharan (WSP – Manager, Electrical Systems & BESS)
- Chris Leighton (Akaysha – Construction Manager)
- Sebastian McMillan (Akaysha – Project Engineer).

2.4. Audit interviews

Throughout the audit process, interviews were held with various Project staff members including:

- Jordon Doss
- Camille Lawson
- Andrew Gutierrez
- Segar Manoharan
- Chris Leighton
- Sebastian McMillan.

No interview requests were denied.

2.5. Site inspection

A site inspection was undertaken at 9am on 6th June 2024. The purpose of site visit was to undertake an inspection of current construction activities on site, view the site and access arrangements and gain an understanding of the ongoing scope of works. No restrictions to access occurred during the site visit. Conditions during the site inspection were mild and sunny, noting that approximately 110 millimetres (mm) of rain had been received at Gosford Bureau of Meteorology (BoM) Station (061425) in the week preceding the site inspection.

2.6. Consultation

Email consultation was undertaken with:

- Department of Planning, Housing and Infrastructure
- Transport for NSW (TfNSW)
- Central Coast Council (CCC).

Responses were received from DPHI and TfNSW, with specific feedback outlined in Section 3.8 and Appendix C.

2.7. Compliance status descriptors

The compliance status for each requirement or commitment has been assessed in accordance with the criteria in Table 2-1 (DPE 2020).

Table 2-1 Compliance status descriptors used during the audit process

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. Document list

The list below displays all documentation used as evidence during IEA 2:

Approvals, plans, reports and relevant correspondence

- Infrastructure Approval SSI 48492458
- DPHI correspondence – Waratah Super Battery Auditor Nomination Request Ref SSI-48492458-PA-26 20/05/2024
- Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)
- Waratah Super Battery Traffic Management Plan (TMP) Rev 5.0 (Akaysha, 25/09/2023)
- DPE correspondence – TMP Approval Letter Ref SSI-48492458-PA-14 17/11/2023
- Waratah Super Battery Biodiversity Management Plan (BMP) Rev D (WSP, 19/05/2023)
- DPE correspondence – BMP Approval Letter Ref SSI-48492458-PA-1 31/05/2023
- Memo – Waratah BESS BMP (PS135673-ECO-AUS-CAN-MEM-Rev0) (WSP, 4/06/2024)
- Waratah Super Battery Environmental Management Strategy (EMS) Rev D (WSP, 4/05/2023)
- DPE correspondence – EMS Approval Letter Ref SSI-48492458-PA-3 1/06/2023
- Biodiversity Conservation Act 2016 Section 6.33 Certificate SSI-48492458 28/03/2023
- Fire Safety Study – Waratah BESS Facility (Advitech, 30/05/2023)
- DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7 04/04/2023
- Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)
- Waratah Super Battery 330/33kV Substation, Bess Yard and O&M Area - Erosion and Sediment Control Plan, Stage 2 Rev 0 (Hatch, 18/04/2024)
- WSB Site Wet Weather Management Plan (CPP, n.d.)
- Independent Audit Report – Waratah Super BESS (NGH, 25/01/2024)
- Waratah Super BESS Lighting Study Report (CPP, 25/08/2023)

Traffic, plant and equipment

- Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects
- Daily Truck Movement Register (.xlsx) 30/05/2023 – 11/06/2024
- ATV/Quad Bike Prestart Checklist #12334 6/06/2024
- Kubota Service Repair Form #2009 – RTVH40 8/05/2024
- Generator Prestart Safety Check Form 2/06/2024
- Plant Portal Service History Record #1032075 (various dates)
- Daily Telehandler Prestart Checklist #1326860 4/06/2024
- Routine Maintenance and Safety Checks Record – 500hr plant service 29/04/2024
- EWP Logbook – Safety Check Records (various dates)
- Service Checklist Machine 540-180 (S/N 3243396) 20/02/2024
- OSOM or Dimension Exemption Permit #839581V1 (12 Dec 2023 – 8 Mar 2024)
- OSOM or Dimension Exemption Permit #837369V1 (23 Jan 2024 – 23 Feb 2024)
- OSOM or Dimension Exemption Permit #783299V4 (01 Jan 2024 – 31 Mar 2024)

Monitoring, reporting and incidents

- DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-23 29/02/2024
- Report – Waratah Super Battery – Noise modelling night shift (GHD, 02/04/2024)
- DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-24 29/04/2024
- Report – Waratah Super Battery – Nighttime noise model validation (GHD, 31/05/2024)
- Report – Waratah Super Battery – Daytime noise model validation (GHD, 28/05/2024)
- Waratah Complaints Register (.xlsx)
- DPE Compliance Checklist (.xlsx) (Akaysha, 20/03/2024)
- Pumpout Tracking – CPP – Colongra – 20240523 (.xlsx)
- Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024
- Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024
- CPP Project Issue Tracking List (Incident Register 2024) (.xlsx)
- Waratah Site Specific Induction (CPP) (.pptx)
- Toolbox and sign-on sheet – Frog Fences (29/02/2024)

3.2. Compliance performance

A total of 70 Conditions of Approval (CoA) were found to be relevant to the reporting period. The Project was found to be non-compliant with nine of these (Table 3-1). Of these:

- seven are new non-compliances; and
- two are ongoing non-compliances.

For the purposes of Table 3-1, if a Condition contained a part which is relevant, the whole Condition is counted as being relevant. Similarly, where a non-compliance was found with part of a Condition, the entire condition is considered non-compliant.

Table 3-1 Summary of compliance observed during the second audit

	Part A	Part B	Part C	Appendix 4	Total
Number of Conditions of Approval	16	30	20	4	**70**
Number of triggered Conditions	9	27	10	4	**50**
Number of non-compliances	1	2	5	1	**9**

3.3. Notices, orders and prosecutions

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

3.4. Non-compliances

Nine non-compliances were identified during the audit. These non-compliances, as well as their corresponding recommendations, are detailed in Table 3-2.

Table 3-2 Non-compliances identified during the second audit as well as corresponding recommended actions

CoA	Requirement	Details of non-compliance	Recommended action
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.	(a) the audit found nine non-compliances, therefore the development was not being carried out in compliance with the conditions of this approval (b) noise monitoring requested by DPHI was carried out during the reporting period (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.	Recommendations are noted against each relevant non-compliance.
B10	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.	No evidence was available during the first or second audit that indicated that the Section 6.33 Certificate was provided to the Department prior to construction commencing.	If initial correspondence evidence is available, provide correspondence evidence during the third IEA to assess compliance with this Condition. If the Section 6.33 Certificate has not yet been provided to the Department,

CoA	Requirement	Details of non-compliance	Recommended action
			provide this document to the Department and provide evidence of submission during the third IEA.
B19	The Proponent must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	During the site inspection, erosion and sediment controls appeared in good working order and site staff had a good understanding of water management within the Project, including obligations under the Erosion and Sediment Control Plan (ESCP) and the Project Consent. One location was observed to be releasing visibly turbid water at a very slow rate of discharge. At the western edge of the site, adjacent to the main site access road, an existing weir and concrete drain runs from the site disturbance footprint to an existing concrete-lined channel that runs north/south underneath the access road. Multiple well-maintained sediment controls were observed to be present at the weir discharge point and within the concrete drain however turbid water was slowly draining out of a corehole in the weir. This was discussed with Akaysha and CPP staff onsite and a recommendation made to plug the weir completely and utilise captured water as dust suppression or treat prior to release. Additionally, the environmental incident on 5/04/2024, although potentially an over-design event, did not comply with this Condition.	It is noted that this recommendation has already been addressed during the audit process. It is noted that coreholes within the weir structure are part of the final design however Akayasha have implemented a temporary blockage system to prevent water egress.

CoA	Requirement	Details of non-compliance	Recommended action
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.	Management Plan reviews, as required following the submission of the previous IEA report, the dirty water discharge incident in November 2023 and the incidents reported during this reporting period, have not occurred as required by this Condition.	It is recommended that the Proponent and Akaysha designate a responsible individual for undertaking these designated reviews within the specified timeframes. These reviews may present as correspondence noting that a review has been undertaken and no updates were deemed required, or they may present as an update to the plans as required.
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	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that	Akaysha's acknowledgement of missing the timeframe in April and subsequent meeting of the reporting timeframe in May indicates that a recommendation is not required for this non-compliance. In addition, it was discussed with Akaysha

CoA	Requirement	Details of non-compliance	Recommended action
	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.	additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed. An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024. Both notifications contained all required information as specified in this condition and Appendix 4.	during the audit that a member of staff has been designated as the responsible person for ensuring compliance with this Condition in the future.
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	No evidence was available during the audit that the Proponent provided the first IEA report, including a response, to the Planning Secretary and at the time of the audit, the Proponent's response to the first IEA was not available on the Project website.	Ensure audit reports are responded to, submitted to the Planning Secretary and made publicly available as per the requirements of this Condition. Similarly to Condition C2, it is recommended that the Proponent and Akaysha designate a responsible individual for ensuring compliance with this Condition.

CoA	Requirement	Details of non-compliance	Recommended action
	Secretary, unless otherwise agreed by the Planning Secretary.		
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	No evidence was available during the audit that the first IEA was submitted to the Planning Secretary within the required timeframe.	Ensure IEA reports are submitted to the Planning Secretary within the designated timeframe and evidence of submission is readily available for future IEAs.
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;	The EIS is publicly available via the project website (noting the EIS was labelled as "Environmental Impact Plan"), with the site layout plan, and infrastructure approval, EMS, BMP, and TMP also present. It is noted that the requirement for noise monitoring stipulated in Ref SSI-48492458-PA-23 and Ref SSI-48492458-PA-24 is not considered to be required for publishing under (a)(iv) as this requirement has arisen from correspondence, not an approved strategy, plan or program. The first IEA report of the Project is available on the website however the Proponent's response to this audit report was not publicly available at the time of the audit.	Similarly to Condition C2, it is recommended that the Proponent and Akaysha designate a responsible individual for ensuring compliance with this Condition, including all requirements for document availability on the Project website.

CoA	Requirement	Details of non-compliance	Recommended action
	(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.		
Appendix 4 – 1	A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to	As per Condition C10.

CoA	Requirement	Details of non-compliance	Recommended action
	Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C7 of Schedule 2 or, having given such notification, subsequently forms the view that an incident has not occurred.	DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed. An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024.	

3.5. Previous audit recommendations

The status of recommendations from the first Project IEA are detailed in Table 3-3. Improvement opportunities and their current status from the first IEA are provided in Table 3-4.

Table 3-3 Previous audit recommendations and their status as observed during the second audit

CoA	Requirement	Audit finding	Recommended action and current status
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	No specific action designated against this Condition. **Open – further non-compliances identified during current audit**
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	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. **Closed – evidence of report submission was sighted during the second audit, closing out the non-compliant finding against this Condition from the first audit. This Condition**

CoA	Requirement	Audit finding	Recommended action and current status
	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.		**has not been triggered during the reporting period.**
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.	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, two weeks following the date of the incident.	For any future incidents, the project to notify DPE immediately via major projects planning portal. **Open – further non-compliances with this Condition identified during current audit**

Table 3-4 Previous audit opportunities for improvement and their status as observed during the second audit

Number	Opportunity for improvement	Current status
OFI 1	The BMP is recommended to be reviewed and updated to reflect more accurately, the construction phase of works and work practices	The BMP has been reviewed by WSP during the reporting period in response to this OFI. The review determined that an update to the BMP was not required however provided a justification against each recommendation for retaining the current revision.
OFI 2	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 ESCP (Waratah Super Battery 330/33kV Substation, Bess Yard and O&M Area - Erosion and Sediment Control Plan, Stage 2 Rev 0 (Hatch, 18/04/2024)) has been reviewed and updated during the reporting period. The controls indicated on the Plan are considered appropriate to the stage of works, are well understood by the Project team and are generally effective. This OFI will be ongoing throughout construction to accommodate the requirement for regular review.
OFI 3	The EMS be comprehensively reviewed and updated to align with current site information and work practices	The EMS has not been reviewed or updated during the reporting period.
OFI 4	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, Construction Environmental Management Plan (CEMP) and associated management plans entirely	A compliance matrix outlining all requirements from the Consent and the approved management plans has been prepared by Akaysha during the reporting period. The matrix includes columns for compliance status, evidence documents and comments and the matrix appears to be in use at the time of the audit.

Number	Opportunity for improvement	Current status
OFI 5	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	A Wet Weather Management Procedure has been developed by CPP during the reporting period. The procedure is brief but details all of the necessary actions that should be considered or implemented in the event of a significant forecast rain event (>50% chance of 10mm rainfall in 24hrs). Site staff appear to have a good understanding the procedure.
OFI 6	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	This OFI has been actioned during the reporting period. Dilapidation survey reports are now available on the website, as are pre-construction tree-clearing reports.

Number	Opportunity for improvement	Current status
	is available on the NSW Major Projects portal, but that the dilapidation survey itself is not present).	

3.6. Environmental Management Plans

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

A review of the TMP during the first audit 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. At the time of the second audit, the TMP (Rev 5) was being implemented.

The audit found that the requirements of the Stage 1 and Stage 2 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. Multiple OSOM movements have occurred during the reporting period with no issues, no damage to public infrastructure and no complaints.

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

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 first 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.

The BMP has been reviewed by WSP during the reporting period in response to these previous observations. The review determined that an update to the BMP was not required however provided a justification against each recommendation for retaining the current revision.

3.6.3. Environmental Management Strategy

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 second audit found that site was largely being managed in accordance with the requirements of the EMS. The EMS is underpinned by a CEMP, 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.

The EMS incorporates required environmental management obligations, such as the ESCP. The site was observed as having sufficient ESC devices in place, owing to feedback from the first audit requiring an update to the ESCP to ensure devices in place are appropriate to the stage of works. Site staff displayed a good understanding of water management on site.

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 first audit and confirming these had been submitted to the regulators as per the requirements of condition B28 could not be verified. As during the first audit, it is recommended that the EMS is comprehensively reviewed and updated to align with current site information and work practices.

3.7. Environmental performance

Environmental performance of the project is measured via weekly inspections, monthly inspections and corresponding 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, including temporary frog fencing and rehabilitation measures.

3.8. Consultation feedback

As outlined in Appendix C, DPHI requested:

> *Could you please look closely at the Condition of B20 and ascertain their compliance with these (ERSED) operating conditions.*
>
> *Could you please look at the listed improvements (as recommended by NGH) from the previous IEA to see whether these have been actioned.*

The auditor considers the Project to be generally in compliance with Condition B20 however a non-compliance has been recorded against B19 during the reporting period. Details against these Conditions are included in Appendix A. Each OFI listed within the first IEA report has been reported on in Table 3-4 of this report.

TFNSW had *"…no concerns or issues with this development which need to be addressed in the audit process.*"

No response was received from CCC regarding the request for consultation.

3.9. Complaints

No complaints were recorded during the reporting period.

3.10. Incidents

Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 and an incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024.

Both incidents were reported to DPHI however the rainfall incident on 5/04/2024 was not reported within the required timeframe as discussed in Condition C10 in Appendix A. In this incident notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed. The incident that occurred on 30/05/2024 was reported to DPHI within the required timeframe.

Both notifications contained all required information as specified in Condition C10 and Appendix 4. Akaysha's acknowledgement of missing the timeframe in April and subsequent meeting of the reporting timeframe in May indicates that a recommendation is not required for this non-compliance. In addition, it was discussed with Akaysha during the audit that a member of staff has been designated as the responsible person for ensuring compliance with this Condition in the future.

3.11. Actual vs. 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 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 requires the removal of approximately 0.46 hectares 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 occurred 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 following 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. Some potential sediment loss has occurred during the reporting period during extreme rainfall however sediment would likely have resulted from imported fill so contamination egress is somewhat unlikely.

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 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 access and water trucks.

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. Key strengths

The overarching requirements of SSI-48492458 are well understood by the Project team. Sufficient resources are being allocated to manage environmental protection on site, evident specifically in the provision of a resource to continuously monitoring the pump during discharge to ensure the pump does not discharge sediment or dirty water. In areas of inexperience with administrative SSI requirements, the Project team is showing initiative in understanding the requirements of administrative CoAs and designating specific people within the broader Project team to ensure future compliance.

During the site inspection, it was noted that the site is tidy and plentiful environmental resources are available at the site compound, including environmental policies, contact information and environmental awareness signage.

4. Recommendations

4.1. Recommended actions

The recommended actions for all non-compliances recorded during the second audit are presented in Table 3-2.

4.2. Opportunities for improvement

No opportunities for improvement additional to the recommendations presented in Table 3-2 were identified during the audit process.

Appendix A Audit table

Development Consent Compliance Status - June 2024

Reference	Approval or licence requirement	Evidence collected	Audit Finding - June 2024	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 visit Interview J Doss Interview C Leighton	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. An environmental specialist has been engaged by CPP during the reporting period 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 nine non-compliances (outside of this Condition), therefore the development was not being carried out in compliance with the conditions of this approval (b) noise monitoring requested by DPHI was carried out during the reporting period (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.	DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-23 29/02/2024 Report – Waratah Super Battery – Noise modelling night shift (GHD, 02/04/2024) DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-24 29/04/2024 Report – Waratah Super Battery – Nighttime noise model validation (GHD, 31/05/2024) Report – Waratah Super Battery – Daytime noise model validation (GHD, 28/05/2024)	Noise monitoring as relevant to OOHW requests during the reporting period has been undertaken as requested.	Compliant
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.		Noted	Not triggered
Lapse 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	As noted in the first Project IEA, construction commenced in June 2023, satisfying the requirements of this condition.	Compliant
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).	The Project Design Basis Report stipulates that the total installed power capacity measured at the point of connection is 850MW import (charge) and export (discharge).	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 J Doss	Noted. No plans are currently in place to upgrade the infrastructure beyond the approved limits or footprint.	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.	Interview J Doss	No new buildings or structures have been constructed or altered during the reporting 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.	Interview J Doss	No demolition work has been undertaken during the reporting 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 J Doss Site visit	No damage to public infrastructure has occurred during the reporting period. Delivery routes utilised during OSOM transformer deliveries were modified as required (powerlines etc.) at the Developer's cost.	Compliant
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.	Site inspection ATV/Quad Bike Prestart Checklist #12334 6/06/2024 Kubota Service Repair Form #2009 – RTVH40 8/05/2024 Generator Prestart Safety Check Form 2/06/2024 Plant Portal Service History Record #1032075 (various dates) Daily Telehandler Prestart Checklist #1326860 4/06/2024 Routine Maintenance and Safety Checks Record – 500hr plant service 29/04/2024 EWP Logbook – Safety Check Records (various dates) Service Checklist Machine 540-180 (S/N 3243396) 20/02/2024	During the site inspection, all machinery observed was observed to be in good working condition, with no visible signs of smoke or leaks. A sample of prestart and servicing records was provided during the audit which indicated regular servicing of plant and equipment.	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 guideline, protocol, Standard or policy, or a replacement of them.		Noted	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.	Waratah Site Specific Induction (CPP) (.pptx) Toolbox and sign-on sheet – Frog Fences (29/02/2024) Site visit	The site induction covers site-specific environmental requirements and an appropriate amount of environmental information relevant to environmental protection and this Consent. Environmental signage on site is abundant and well-placed and evidence of toolboxes undertaken during the reporting period was provided.	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) DPE correspondence – TMP Approval Letter Ref SSI-48492458-PA-14 17/11/2023	No plans have been updated and approved during the reporting period. The BMP is being updated at the time of the audit. Consultation required during initial plan development was undertaken as required.	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).	Interview J Doss Site visit	No subdivision has occurred during the reporting period.	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.	Daily Truck Movement Register (.xlsx) 30/05/2023 – 11/06/2024 Site visit Interview J Doss	A plan is made by site staff each day for the following day with the number of anticipated heavy vehicle movements. During each day, traffic control make notes of movements and the totals are tabulated at the end of each day. This process was observed during the site visit. During the reporting period, the highest recorded number was 61 movements on 14/02/2024. Conversations with site staff indicate that no formal procedure is in place for approaching the limit of 65 movements however traffic control are taking notes during each day and are aware of the approved limit. Additionally, the spreadsheet tracking heavy vehicle movements is somewhat confusing as most days within the reporting period reported multiple 'trucks in' but 0 'trucks out'. Conversation with the Akaysha Site Manager confirmed that the 'trucks out' column only covers trucks that were taking material from site during cut/fill earthworks but agreed the spreadsheet layout was somewhat confusing. It is recommended that the layout of this spreadsheet is improved to simplify all truck movements as 'in' and 'out' regardless of their origin. No HVs over 26m have entered/exited the site to date, excluding those under escort. No days during the reporting period contained >12 heavy vehicle requiring escort movements.	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.	Daily Truck Movement Register (.xlsx) 30/05/2023 – 11/06/2024	The truck movement register provided by Akaysha contains information regarding how many heavy vehicles requiring escort were recorded entering/exiting the site each day during the reporting period.	Compliant
Access route				
B3.	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.	Waratah Super Battery Traffic Management Plan Rev 5.0 (Akaysha, 25/09/2023) Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects OSOM or Dimension Exemption Permit #839581V1 (12 Dec 2023 – 8 Mar 2024) OSOM or Dimension Exemption Permit #837369V1 (23 Jan 2024 – 23 Feb 2024) OSOM or Dimension Exemption Permit #783299V4 (01 Jan 2024 – 31 Mar 2024)	Both the approved TMP and the site Delivery Driver Induction specifically indicate that access must be through the access point off Station Road. All traffic observed on the day of the site visit was observed entering the site via Station Road and it is noted that no alternative access points are feasible. Permits for OSOM movements during the reporting period were provided during the audit process.	Compliant
Site access				

B4.	All vehicles associated with the development must enter and exit the site via the access point off Station Road, as identified in Appendix 1	Site visit Waratah Super Battery Traffic Management Plan Rev 5.0 (Akaysha, 25/09/2023) Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects	Both the approved TMP and the site Delivery Driver Induction specifically indicate that access must be through the access point off Station Road. All traffic observed on the day of the site visit was observed entering the site via Station Road and it is noted that no alternative access points are feasible.	Compliant
Road maintenance				
B5.	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.	Dilapidation Report (May, 2023) DPE approval letter (reference SSI-48492458-PA-10).	Compliance with this Condition was addressed during Audit 1 and no damage to Station Road has occurred during the reporting period.	Compliant
Operating conditions				
B6.	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.	Site visit Interview J Doss	Road access design criteria confirms all weather design, installed drainage networks 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.	Compliant
Traffic Management Plan				
B7.	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	Waratah Super Battery Traffic Management Plan Rev 5.0 (Akaysha, 25/09/2023) DPE correspondence – TMP Approval Letter Ref SSI-48492458-PA-14 17/11/2023	DPE approved the TMP (Rev 5.0) on 17/11/2023, satisfying the requirements of this Condition.	Compliant

	(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.			
Biodiversity				
Vegetation clearance				
B8.	The Proponent must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.	Site visit Interview J Doss	No clearing has been undertaken during the reporting period. No clearing to date has been undertaken outside of the approved disturbance footprint, which is clearly fenced.	Compliant
Biodiversity offsets				
B9.	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* ***Vegetation Community*** / ***PCT ID*** / ***Credits Required*** Scribbly Gum - Red Bloodwood – *Angophora inopina* heathy woodland on lowlands of the Central Coast / 1636 / 4 Broad-leaved Paperbark - Swamp Oak - Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast / 1724 / 3 ***Table 2:*** *Species Credit Requirements* ***Species Credit Species*** / ***Credits Required*** Charmhaven Apple (*Angophora inopina*) / 4 Eastern Pygmy-possum (*Cercartetus nanus*) / 4 Large-eared Pied Bat (*Chalinolobus dwyeri*) / 11 Wallum Froglet (*Crinia tinnula*) / 5 Giant Burrowing Frog (*Heleioporus australiacus*) / 3 Pale-headed Snake (*Hoplocephalus bitorquatus*) / 7 Green and Golden Bell Frog (*Litoria aurea*) / 7 Green-thighed Frog (*Litoria brevipalmata*) / 5 Squirrel Glider (*Petaurus norfolcensis*) / 7 Brush-tailed Phascogale (*Phascogale tapoatafa*) / 7 Common Planigale (*Planigale maculate*) / 7 Mahony's Toadlet (*Uperoleia mahonyi*) / 7	Biodiversity Conservation Act 2016 Section 6.33 Certificate SSI-48492458 28/03/2023	Payments into the Biodiversity Conservation Fund relevant to SSI-48492458 were made on 20/03/2023. Project construction commenced on 13/06/2023, satisfying the timing requirement of this Condition.	Compliant
B10.	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.		No evidence was available during the first or second audit that indicated that the Section 6.33 Certificate was provided to the Department prior to construction commencing.	Not-compliant
Biodiversity Management Plan				
	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;	Waratah Super Battery Biodiversity Management Plan Rev D (WSP, 19/05/2023) DPE BMP Approval Letter Ref SSI-48492458-PA-1 Independent Audit Report – Waratah Super BESS (NGH, 25/01/2024)	BMP Rev D approved by DPE on 31/05/2023 and as such is considered compliant with the requirements of this condition. It is noted that at the time of the audit, the BMP is currently being updated to reflect the opportunities for improvement outlined in the first IEA report (NGH, 2024).	

<table>
<tr><td></td><td>(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.
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</td><td></td><td></td><td>Compliant</td></tr>
<tr><td colspan="5">Amenity</td></tr>
<tr><td colspan="5">Construction, Upgrading and Decommissioning Hours</td></tr>
<tr><td>B12.</td><td>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.</td><td>DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-23 29/02/2024
DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-24 29/04/2024
Interview J Doss
Waratah Complaints Register (.xlsx)
Post Approval Document Submission Form - OOHW Day - Noise Model Validation Report
Post Approval Document Submission Form - WSB-PLA Request for unattended Noise Monitoring</td><td>During the reporting period, two amendments to the approved operating hours were sought through DPHI. The first amendment allows for construction hours of 7am - 6pm Mon-Fri, 7am - 5pm Sat and 7am - 5pm Sun until the 31/08/2024 only, with conditions as outlined in the DPHI correspondence dated 29/02/2024.

A temporary amendment to approved hours for installation and testing of Main Power Transformer 1 from 15/05/2024 - 29/05/2024 was approved by DPHI on 29/04/2024. This amendment involved approval for works to take place from 6pm - -6am, 7 days per week from 15/05/2024 - 29/05/2024.

No noise-related complaints were received during the reporting period and construction works were found to occur within the approved hours of operation as per DPHI approvals.</td><td>Compliant</td></tr>
<tr><td colspan="5">Noise</td></tr>
<tr><td>B13.</td><td>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
<table>
<tr><th rowspan="2">Location</th><th colspan="3">Noise Limits in dB(A)</th></tr>
<tr><th>Day
$L_{Aeq,\ 15min}$</th><th>Evening
$L_{Aeq,\ 15min}$</th><th>Night
$L_{Aeq,\ 15min}$</th></tr>
<tr><td>Any residential receiver</td><td>40</td><td>40</td><td>35</td></tr>
</table></td><td>Site visit
Waratah Complaints Register (.xlsx)</td><td>No noise-related complaints were received during the reporting period. All plant and equipment utilised during the site inspection was observed being operated in a way that minimised noise generation.</td><td>Compliant</td></tr>
<tr><td colspan="5">Dust</td></tr>
</table>

B14.	The Proponent must minimise the dust generated by the development.	Site visit Waratah Complaints Register (.xlsx)	Water carts were observed on-site with metered hydrant on site for water supplies. Dust suppression was not required during the site inspection due to overnight rainfall. No dust-related complaints were received during the reporting period.	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.	Site visit Interview J Doss Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)	As outlined in Section 6.5.6 of the Project EIS (GHD, 2022), visible impacts from the project were predicted to be negligible due to surrounding vegetation, topography, distance to sensitive receivers and the height of the battery storage. In terms of current works, overhead poles are galvanised (non-gloss finish) and battery components and construction footprint are not visible from public viewpoints. No advertising signs are present; contractor names and logos are present to distinguish the site from surrounding infrastructure.	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 Super BESS Lighting Study Report (CPP, 25/08/2023) Waratah Complaints Register (.xlsx) Site visit Interview J Doss	Waratah Lighting Study Report (CPP, 2023) lists specific input performance objectives as per the requirements of this condition that will be implemented during construction. No lighting-related complaints have been received during the reporting period. The only change to lighting during the reporting period has been the addition of temporary carpark lighting to account for shorter days in winter.	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.	Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)	The steps outlined in Appendix 2 of the Heritage Assessment (Navin Officer Heritage Consultants, October 2022) have been incorporated into the Project CEMP (CPP, 2023) in s 6.13.2.2. No unexpected heritage finds have occurred on the site to date.	Compliant
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.*	Site visit Interview J Doss	Water for the Project is supplied through a metered 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.	Site visit Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Waratah Super Battery 330/33kV Substation, Bess Yard and O&M Area - Erosion and Sediment Control Plan, Stage 2 Rev0 (Hatch, 18/04/2024)	During the site inspection, erosion and sediment controls appeared in good working order and site staff had a good understanding of water management within the Project, including obligations under the ESCP and the Project Consent. One location was observed to be releasing visibly turbid water at a very slow rate of discharge. At the western edge of the site, adjacent the main site access road, an existing weir and concrete drain runs from the site disturbance footprint to an existing concrete-lined channel that runs north/south underneath the access road. Multiple well-maintained sediment controls were observed to be present at the weir discharge point and within the concrete drain however turbid water was slowly draining out of a weep-hole in the weir. This was discussed with Akaysha and CPP staff onsite and a recommendation made to plug the weir completely and utilise captured water as dust suppression or treat prior to release. Additionally, the environmental incident on 5/04/2024, although potentially	Not-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 visit Waratah Super Battery 330/33kV Substation, Bess Yard and O&M Area - Erosion and Sediment Control Plan, Stage 2 Rev0 (Hatch, 18/04/2024) Interview J Doss Interview A Gutierrez	During the site inspection, erosion and sediment devices were observed in good working order, to be appropriately placed and well installed. ESC devices were generally in accordance with the ESCP as appropriate to the stage of works. Drainage on the Project is well managed, with substantial storage capacity currently available in temporary basins and permanent drain footprints. Finished areas have been hydromulched, with growth of applied seed observed in the southern corner of the site. Sediment devices are well maintained, with capacity observed in devices despite recent rainfall. Following sediment release incidents during the previous audit period, site staff have engaged a resource to constantly monitor the pump from the northern sediment basin during times of discharge. This member of staff was present during the site inspection and was observed monitoring the pump inlet and outlet during discharge. The importance of erosion prevention was discussed with staff during the site inspection for both environmental protection and infrastructure protection. The majority of bulk earthworks is now complete, with minor levelling works still to be finished. The auditor considers the Project to be generally in compliance with this condition and considers the recommendations of B19 to be separate to the broader management of ESC on the Project.	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 – Waratah BESS Facility (Advitech, 30/05/2023) DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7 04/04/2023 Interview J Doss	The Project Fire Safety Study was conditionally approved by DPE 04/04/2023, satisfying the requirements of this Condition. It is noted that site staff are aware of the relevant conditions that prevent installation of battery units within BAL-40 and BAL-29 zones prior to a revision of the FSS. At the time of the audit, the revised FSS is currently undergoing the approval process with DPHI.	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.	Interview A Gutierrez Site visit Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)	Chemical storage on site is limited to the minimum required. CPP have an active subscription to an Australian Standards platform i2i as sighted during the audit, which provides access to AS relevant to chemical management. The CPP CEMP outlines the requirement to comply with the NSW EPA's Storing and Handling of Liquids: Environmental Protection - Participants Handbook in s6.9.1.5. No incidents relating to chemical management have occurred during the reporting period and chemicals appeared to be appropriately stored and managed during the site visit.	Compliant
Operating conditions				
	The Proponent must: (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site; (b) ensure that the development:			

B23.	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 vicinity of the site; and (d) notify the relevant Local Emergency Management Committee following construction of the development, and prior to commencing operations.	Site visit Interview J Doss	At the time of the audit, the Emergency Plan is under development. It is noted that the operational tanks are not onsite yet however two 10,000L water tankers are permanently on site with hydrant access. No fires have occurred on site to date.	Compliant
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.		No commissioning, as defined in the Consent, has commenced during the reporting period.	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.	Site visit Pumpout Tracking – CPP – Colongra – 20240523 (.xlsx)	Multiple waste stream receptacles were observed on site, including scrap metal, scrap copper, timber and general waste. No evidence of waste being received or disposed of on site was observed during the site visit and no excess waste was observed on site, indicating that it is being removed at appropriate intervals. A Waste Register sample and the Pumpout Tracking Register were provided for review during the audit, indicating appropriate removal from site by licenced transporters.	Compliant
Remediation				
Remedial Works				

<table>
<tr><td>B26.</td><td>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).</td><td>Remediation Action Plan (Consulting Earth Scientists, 27 March 2023)
Validation Report (Consulting Earth Scientists, 18 May 2023).</td><td>The Remediation Action Plan was prepared approximately 3 months before the commencement of construction, by registered Soil Conservationist (SC41156) and Certified Environmental Practitioner (CEnvP 682). Remediation works were completed 6 December 2022 to 4 May 2023, undertaken by Consulting Earth Scientists.

No additional remediation works have been required during the reporting period.</td><td>Compliant</td></tr>
<tr><td colspan="4">Validation report</td></tr>
<tr><td>B27.</td><td>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.</td><td>Post approval lodgement receipt (Waratah Super Battery - SSI-48492458-PA-12)
Validation Report (Consulting Earth Scientists, 18 May 2023).</td><td>The validation letter relevant to the initial remediation works (Dec 22 - May 23) was submitted within one month of completion.

No additional remediation works have been required during the reporting period.</td><td>Compliant</td></tr>
<tr><td colspan="4">Site Audit Report and Site Audit Statement</td></tr>
<tr><td>B28.</td><td>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.</td><td>Interview A Sheed</td><td>Evidence of report submission was sighted during the second audit, closing out the non-compliant finding against this Condition from the first audit. This Condition has not been triggered during the reporting period.</td><td>Not triggered</td></tr>
<tr><td colspan="4">Unexpected finds</td></tr>
<tr><td>B29.</td><td>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.</td><td>Waratah Super Battery Environmental Management Strategy Rev D (WSP, 4/05/2023)</td><td>The Project Unexpected Finds Procedure (contamination) is included as Appendix C of the approved EMS Rev D.</td><td>Compliant</td></tr>
<tr><td colspan="4">Decommissioning and Rehabilitation</td></tr>
<tr><td>B30.</td><td>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<table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Site</td><td>• Safe, stable and non-polluting.</td></tr><tr><td>Battery Storage infrastructure</td><td>• To be decommissioned and removed, unless the Planning Secretary agrees otherwise.</td></tr><tr><td>Land use</td><td>• Restore land to a stable condition</td></tr><tr><td>Community</td><td>• Ensure public safety at all times.</td></tr></table></td><td></td><td>Operations have not ceased during the reporting period.</td><td>Not triggered</td></tr>
<tr><td colspan="4">Part C Environmental Management, Reporting and Auditing</td></tr>
<tr><td colspan="4">Environmental Management</td></tr>
<tr><td colspan="4">Environmental Management Strategy</td></tr>
<tr><td></td><td>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;</td><td>Waratah Super Battery Environmental Management</td><td>The previous 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</td><td></td></tr>
</table>

C1.	(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.	Strategy Rev D (WSP, 4/05/2023) DPE correspondence – EMS Approval Letter Ref SSI-48492458-PA-3 1/06/2023	approved by a nominee of the Planning Secretary on 1 June 2023. No changes have been made to the EMS during the reporting period. The site visit and audit process found that the EMS is generally being implemented during construction of the Project.	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) Interview J Doss Interview S Manoharan Independent Audit Report – Waratah Super BESS (NGH, 25/01/2024)	Management Plan reviews, as required following the submission of the previous IEA report, the dirty water discharge incident in November 2023 and the incidents reported during this reporting period, have not occurred as required by this Condition.	Not-compliant
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 (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).	Interview J Doss	Not required during the reporting period.	Not triggered
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.	Interview J Doss	Not required during the reporting period.	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.	Interview J Doss	Not required during the reporting period.	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.	Interview J Doss	Not required during the reporting period.	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. No new phases have commenced within the reporting period.	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	Compliance with this Condition was addressed during Audit 1.	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.	Site inspection	Operations have not commenced during the reporting period.	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.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024 Interview J Doss Interview A Gutierrez	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed. An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024. Both notifications contained all required information as specified in this condition and Appendix 4. Akaysha's acknowledgement of missing the timeframe in April and subsequent meeting of the reporting timeframe in May indicates that a recommendation is not required for this non-compliance. In addition, it was discussed with Akaysha during the audit that a member of staff has been designated as the responsible person for ensuring compliance with this Condition in the future.	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.	CPP Project Issue Tracking List (Incident Register 2024) (.xlsx) Interview J Doss	No non-compliances that were not incidents (Refer C10, C13) occurred during the reporting period.	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.	CPP Project Issue Tracking List (Incident Register 2024) (.xlsx) Interview J Doss	No non-compliances that were not incidents (Refer C10, C13) occurred during the reporting period.	Not triggered
C13.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024	No non-compliances that were not incidents (Refer C10, C13) occurred during the reporting period.	Not triggered
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	Independent Audit Report – Waratah Super BESS (NGH, 25/01/2024)	The first audit of the Project was undertaken within a timeframe approved by DPHI, as detailed in the first audit report, with the site visit conducted on 12 December 2023. The site visit for the second audit (this audit) was undertaken on 6th June 2024, within 26 weeks of the first audit in accordance with the Independent Audit Post Approval Requirements (2020).	Compliant
C15.	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	DPHI correspondence – Waratah Super Battery Auditor Nomination Request Ref SSI-48492458-PA-26 20/05/2024	Natascha Arens (Lead Auditor) and Whitney Heiniger (Auditor) were endorsed by DPHI on 20/05/2024 to undertake two independent audits from the date of the approval.	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.		Noted	Not triggered
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.	https://akayshaenergy.com/projects/waratah-super-battery	No evidence was available during the audit that the Proponent provided the first IEA report, including a response, to the Planning Secretary and at the time of the audit, the Proponent's response to the first IEA was not available on the Project website.	Not-compliant
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		No evidence was available during the audit that the first IEA was submitted to the Planning Secretary within the required timeframe.	Not-compliant
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.		Noted	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	https://akayshaenergy.com/projects/waratah-super-battery	The EIS is publicly available via the project website (noting the EIS was labelled as "Environmental Impact Plan"), with the site layout plan, and infrastructure approval, EMS, BMP, and TMP also present. It is noted that the requirement for noise monitoring stipulated in Ref SSI-48492458-PA-23 and Ref SSI-48492458-PA-24 is not considered to be required for publishing under (a)(iv) as this requirement has arisen from correspondence, not an approved strategy, plan or program. The first IEA report of the Project is available on the website however the Proponent's response to this audit report was not publicly available at the time of the audit.	Not-compliant

	(b) keep this information up to date.			
Appendix 4 - Incident Notification and Reporting Requirements				
1	A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C7 of Schedule 2 or, having given such notification, subsequently forms the view that an incident has not occurred.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed. An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024	Not-compliant
2	Written notification of an incident must: (a) identify the development and application number; (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); (c) identify how the incident was detected; (d) identify when the Proponent became aware of the incident; (e) identify any actual or potential non-compliance with conditions of approval; (f) describe what immediate steps were taken in relation to the incident; (g) identify further action(s) that will be taken in relation to the incident; and (h) identify a project contact for further communication regarding the incident.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024	Both notifications contained all required information as specified in this condition.	Compliant
3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024	Both Incident Notification 002 and 003 contained all information specified in Condition 4 below and were submitted within 30 days.	Compliant
4	The Incident Report must include: (a) a summary of the incident; (b) outcomes of an incident investigation, including identification of the cause of the incident; (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and (d) details of any communication with other stakeholders regarding the incident.	Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024 Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024	Both Incident Notification 002 and 003 contained all information specified in this Condition.	Compliant

Appendix B DPHI Auditor approval

Department of Planning, Housing and Infrastructure

NSW Planning ref: SSI-48492458-PA-26

Andrew Sheed
Senior Project Manager
Energy Corporation Of New South Wales
GPO Box 39
Sydney New South Wales 2001
20/05/2024

Sent via the Major Projects Portal only

Subject: Waratah Super Battery - Auditor Nomination Request

Dear Mr Sheed,

Reference is made to your post approval matter, SSI-48492458-PA-26, 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 approval, to NSW Department of Planning, Housing and Infrastructure 16 May 2024.

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.

In accordance with Condition C15 of the approval and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team to undertake the next two independent audits.

- Ms Natascha Arens – Lead Auditor
- Ms Whiteney Heiniger - Auditor

NSW Planning, however, reserves the right to request an alternate auditor if necessary.

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.

This independent audit will cover the period of 13 December 2023 to 12 June 2024. The site inspection should be carried out as close to the end of this period as possible. The independent audit must be submitted to NSW Planning within two months of the site inspection.

Should you wish to discuss the matter further, please contact Laura Gothard, Senior Compliance Officer on 0484269988 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix C Consultation

C.1 Department of Planning, Housing and Infrastructure

A230681.00 - Environmental Audit Waratah Super BESS - Consultation Request



Whitney Heiniger
To DPE PSVC Compliance Mailbox
Cc Laura Gothard
Bcc ea3c2e99-5ea9-472b-ba12-5f75801e2a2c.metaPublish@nghconsultingmx.deltekpim.com

Reply | Reply All | Forward

Mon 3/06/2024 12:11 PM

This is the most recent version, but you made changes to another copy. Click here to see the other versions.

Good afternoon,

I am part of the audit team for the Waratah Super BESS Project at Munmorah, SSI-48492458. We will be undertaking the audit process during June and July and an inspection of the site will be carried out this Thursday, 6th June. This will be the second audit of the Project.

In accordance with the DPE Independent Audit Post Approval Requirements (2020), I am engaging with the Department to provide input into the audit scope.

Please respond to this email address if you have any specific areas of concern that you would like addressed as part of the second audit scope.

Thank you,

Whitney Heiniger
Senior Environmental Consultant - Environmental Management

m: [redacted]
e.
a. T3, level 7, 348 Edward St, Brisbane, Queensland 4000
w. nghconsulting.com.au | Our commitment to reconciliation

From: Laura Gothard [redacted]
Sent: Monday, June 3, 2024 3:26 PM
To: Whitney Heiniger [redacted]
Subject: RE: A230681.00 - Environmental Audit Waratah Super BESS - Consultation Request

Hi Whitney,

Could you please look closely at the Condition of B20 and ascertain their compliance with these (ERSED) operating conditions.

Could you please look at the listed improvements (as recommended by NGH) from the previous IEA to see whether these have been actioned.

Kind Regards,

Laura Gothard
Senior Compliance Officer

Development Assessment | Department of Planning, Housing and Infrastructure
[redacted]

C.2 Transport for NSW

A230681.00 - Environmental Audit Waratah Super BESS - Consultation Request

Reply | Reply All | Forward

Whitney Heiniger
To Development North
Mon 3/06/2024 12:30 PM
Bcc bd0cd605-9b6d-416d-ad10-786d76dfd955.metaPublish@nghconsultingmx.deltekpim.com

This is the most recent version, but you made changes to another copy. Click here to see the other versions.

Good afternoon,

I am part of the audit team for the Waratah Super BESS Project at Munmorah, SSI-48492458. We will be undertaking the audit process during June and July and an inspection of the site will be carried out this Thursday, 6th June. This will be the second audit of the Project.

In accordance with the DPE Independent Audit Post Approval Requirements (2020), I am engaging with TfNSW to provide input into the audit scope.

Please respond to this email address if you have any specific areas of concern that you would like addressed as part of the second audit scope.

Thank you,

Whitney Heiniger
Senior Environmental Consultant - Environmental Management
m: [redacted]
e.
a. T3, level 7, 348 Edward St, Brisbane, Queensland 4000
w. nghconsulting.com.au | Our commitment to reconciliation

Re: A230681.00 - Environmental Audit Waratah Super BESS - Consultation Request

Reply | Reply All | Forward

Tue 2/07/2024 11:17 AM

Ruvimbo Timba [redacted]
To Whitney Heiniger
Cc Development Renewables

If there are problems with how this message is displayed, click here to view it in a web browser.

Hi Whitney,

TfNSW has no concerns or issues with this development which need to be addressed in the audit process.

Ruvimbo Timba
Development Services Case Officer
Development Services West
Regional and Outer Metropolitan
Transport for NSW

M [redacted]

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside of your normal work hours.

transport.nsw.gov.au

NSW GOVERNMENT Transport for NSW

C.3 Central Coast Council

A230681.00 - Environmental Audit Waratah Super BESS - Consultation Request



Whitney Heiniger

Reply | Reply All | Forward

To ask@centralcoast.nsw.gov.au

Mon 3/06/2024 12:29 PM

Bcc 8d7af619-999e-4dc8-85ef-12727ca33810.metaPublish@nghconsultingmx.deltekpim.com

This is the most recent version, but you made changes to another copy. Click here to see the other versions.

Good afternoon,

I am part of the audit team for the Waratah Super BESS Project at Munmorah, SSI-48492458. We will be undertaking the audit process during June and July and an inspection of the site will be carried out this Thursday, 6th June. This will be the second audit of the Project.

In accordance with the DPE Independent Audit Post Approval Requirements (2020), I am engaging with Central Coast Council to provide input into the audit scope.

Please respond to this email address if you have any specific areas of concern that you would like addressed as part of the second audit scope.

Thank you,

Whitney Heiniger
Senior Environmental Consultant - Environmental Management

m: [redacted]
e.
a. T3, level 7, 348 Edward St, Brisbane, Queensland 4000
w. nghconsulting.com.au | Our commitment to reconciliation

Appendix D Independent Auditor Declaration

Project Name	Waratah Super Battery Project – Munmorah
Consent No.	SSI-48492458
Description of Project	Battery Energy Storage System
Project Address	Scenic Drive, Colongra NSW 2262
Proponent	EnergyCo
Title of Audit	Independent Environmental Audit
Date	June 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2019)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the Project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited Project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited Project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the Project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my 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 an approved Project must not fail to include information in (or provide information for inclusion 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 materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; 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 Auditor	Natascha Arens
Signature	
Qualification	BAppSc, MEBM, Exemplar Global Lead auditor
Company	NGH Pty Ltd
Company Address	Unit 17, Level 3, 21 Mary Street, Surry Hills NSW 2010

Appendix E Site inspection photos



Waste segregation observed on site, including copper, mixed metals, timber and general waste



Frog fencing on site observed in good condition



Drainage upstream of frog fencing is blocked to prevent potential sediment loss. Controls observed on site require general maintenance to ensure effectiveness





Blue metal has been placed in multiple areas, providing the finished surface material within the battery component footprint



The northern sediment basin being discharged during the site inspection, following water quality testing. A pump monitor was observed monitoring the inlet to ensure sediment was not discharged



The southern boundary of the site is showing signs of rehabilitation following the application of hydroseed treatment



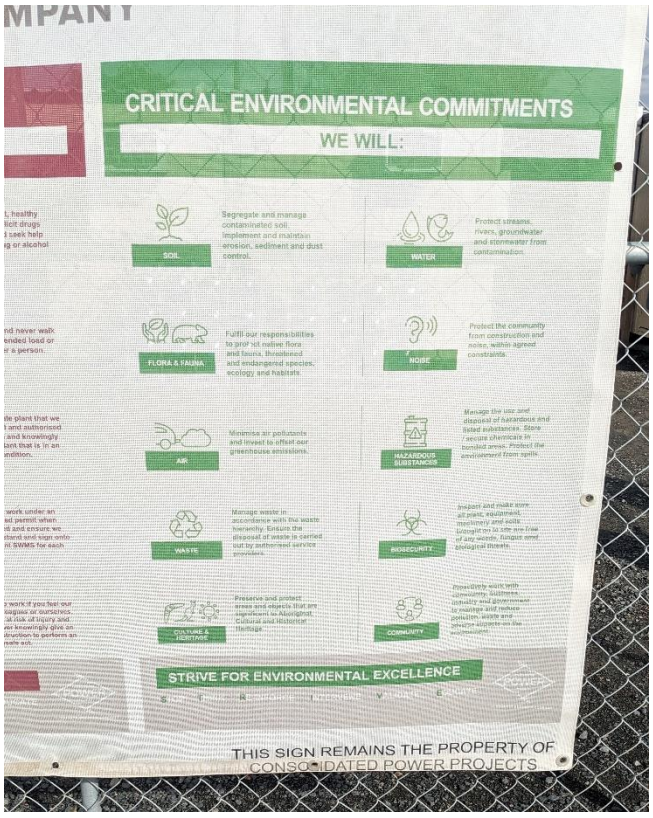


Sediment controls and drainage management observed in accordance with the ESCP





Turbid water observed in the western roadside drain leading to Hammond Canal, resulting from coreholes in the existing weir structure



An example of prominent environmental signage at the site compound

NGH Pty Ltd

NSW • ACT • QLD • VIC

ABN 31 124 444 622 ACN 124 444 622

E: ngh@nghconsulting.com.au

BEGA

Suite 11, 89-91 Auckland Street
(PO Box 470)
Bega NSW 2550

T. (02) 6492 8333

BRISBANE

T3, Level 7, 348 Edward Street
Brisbane QLD 4000

T. (07) 3129 7633

CANBERRA

Unit 8, 27 Yallourn Street
(PO Box 62)
Fyshwick ACT 2609

T. (02) 6280 5053

GOLD COAST

2B 34 Tallebudgera Creek Road
Burleigh Heads QLD 4220

T. (07) 3129 7633

MELBOURNE

Level 14, 10-16 Queen Street
Melbourne VIC 3000

T: (03) 7031 9123

NEWCASTLE - HUNTER & NORTH COAST

Level 1, 31-33 Beaumont Street
Hamilton NSW 2303

T. (02) 4929 2301

SUNSHINE COAST

Building 1, 30 Chancellor Village Boulevard
Sippy Downs QLD 4556

T: 13 54 93

SYDNEY REGION

Unit 17, 21 Mary Street
Surry Hills NSW 2010

T. (02) 8202 8333

TOWNSVILLE

Level 4, 67-75 Denham Street
Townsville QLD 4810

T. (07) 4410 9000

WAGGA WAGGA - RIVERINA & WESTERN NSW

35 Kincaid Street (PO Box 5464)
Wagga Wagga NSW 2650

T. (02) 6971 9696

WODONGA

Unit 2, 83 Hume Street
(PO Box 506)
Wodonga VIC 3690

T. (02) 6067 2533

Appendix B

Proponents' response to Independent Environmental Audit # 2 Report Issued 5th Aug 2024)

Condition No	Requirement	Details of non-compliance	Recommended action	Proponent Response
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.	(a) the audit found nine non-compliances; therefore, the development was not being carried out in compliance with the conditions of this approval (b) noise monitoring requested by DPHI was carried out during the reporting period (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.	Recommendations are noted against each relevant non-compliance.	Please note response to individual non-compliances in the table below.
B10	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.	No evidence was available during the first or second audit that indicated that the Section 6.33 Certificate was provided to the Department prior to construction commencing.	If initial correspondence evidence is available, provide correspondence evidence during the third IEA to assess compliance with this Condition. If the Section 6.33 Certificate has not yet been provided to the Department, provide this document to the Department, and provide evidence of submission during the third IEA.	Akaysha Energy Consulted with EnergyCo on this non-compliance and found that although the offsets were secured in advance of construction commencement; the DA clause was not clear on the responsible party for submission of the biodiversity retirement credit certificate to DPE. As recommended by the auditor, Please find attached copy of the "BCF515 - Section 6.33 certificate - signed" for your reference as Appendix C
B19	The Proponent must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	During the site inspection, erosion and sediment controls appeared in good working order and site staff had a good understanding of water management within the Project, including obligations under the Erosion and Sediment Control Plan (ESCP) and the Project Consent. One location was observed to be releasing visibly turbid water at a very slow rate of discharge. At the western edge of the site, adjacent to the main site access road, an existing weir and concrete drain runs from the site disturbance footprint to an existing concrete-lined channel that runs north/south underneath the access road. Multiple well-maintained sediment controls were observed to be present at the weir discharge point and within the concrete drain however turbid water was slowly draining out of a corehole in the weir. This was discussed with Akaysha and CPP staff onsite and a recommendation made to plug the weir completely and utilise captured water as dust suppression or treat prior to release. Additionally, the environmental incident on 5/04/2024, although potentially an over-design event, did not comply with this Condition.	It is noted that this recommendation has already been addressed during the audit process. It is noted that coreholes within the weir structure are part of the final design however Akaysha have implemented a temporary blockage system to prevent water egress.	As noted by the Auditor, the recommendation to remediate this issue has already been implemented on site during the audit process. This recommendation has been accepted by Akaysha Energy and is closed.

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.	Management Plan reviews, as required following the submission of the previous IEA report, the dirty water discharge incident in November 2023 and the incidents reported during this reporting period, have not occurred as required by this Condition.	It is recommended that the Proponent and Akaysha designate a responsible individual for undertaking these designated reviews within the specified timeframes. These reviews may present as correspondence noting that a review has been undertaken and no updates were deemed required, or they may present as an update to the plans as required.	Akaysha energy has duly acknowledged the past notification delays to DPE and as a measure now allocated a dedicated staff member to ensure compliance to DA condition and formally report via Major Projects Portal.
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.	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed.An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024.Both notifications contained all required information as specified in this condition and Appendix 4.	Akaysha's acknowledgement of missing the timeframe in April and subsequent meeting of the reporting timeframe in May indicates that a recommendation is not required for this non-compliance. In addition, it was discussed with Akaysha during the audit that a member of staff has been designated as the responsible person for ensuring compliance with this Condition in the future.	Akaysha energy has duly acknowledged the past notification delays to DPE and as a measure now allocated a dedicated staff member to ensure compliance to DA condition and formally report via Major Projects Portal.
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	No evidence was available during the audit that the Proponent provided the first IEA report, including a response, to the Planning Secretary and at the time of the audit, the Proponent's response to the first IEA was not available on the Project website.	Ensure audit reports are responded to, submitted to the Planning Secretary, and made publicly available as per the requirements of this Condition. Similarly to Condition C2, it is recommended that the Proponent and Akaysha designate a responsible individual for ensuring compliance with this Condition.	Please find attached DPE response under Appendix B acknowledging response to 1st audit recommendations (RAR) formally submitted by Akaysha energy via major projects portal on 23rd February 2024. Akaysha energy has duly acknowledged the need for compliance of this clause. We will formally upload our response to audit recommendations and non-compliances on the company website.
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	No evidence was available during the audit that the first IEA was submitted to the Planning Secretary within the required timeframe.	Ensure IEA reports are submitted to the Planning Secretary within the designated timeframe and evidence of submission is readily available for future IEAs.	Please find attached DPE response under Appendix B acknowledging response to 1st audit recommendations (RAR) formally submitted by Akaysha energy via major projects portal on 23rd February 2024. Akaysha energy acknowledge the need for submission of the Independent Audit Report and its response to DPE and will formally submit it via Major Projects Portal.

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.	The EIS is publicly available via the project website (noting the EIS was labelled as "Environmental Impact Plan"), with the site layout plan, and infrastructure approval, EMS, BMP, and TMP also present. It is noted that the requirement for noise monitoring stipulated in Ref SSI-48492458-PA-23 and Ref SSI-48492458-PA-24 is not considered to be required for publishing under (a)(iv) as this requirement has arisen from correspondence, not an approved strategy, plan or program. The first IEA report of the Project is available on the website however the Proponent's response to this audit report was not publicly available at the time of the audit.	Similarly to Condition C2, it is recommended that the Proponent and Akaysha designate a responsible individual for ensuring compliance with this Condition, including all requirements for document availability on the Project website.	Akaysha Energy plans to add the below documents to our company's website by 31st August - Response to 1st Independent Environment Audit - 2nd IEA Report and Audit Response
Apprendix 4-1	A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C7 of Schedule 2 or, having given such notification, subsequently forms the view that an incident has not occurred.	Two notifiable environmental incidents occurred during the reporting period. A dirty water discharge due to a 190mm rainfall event occurred on 5/04/2024 however notification to DPHI did not occur until 15/04/2024. In the notification, Akaysha acknowledge that this timeframe is not in accordance with the required timeframe and note that additional information was being gathered to develop the incident report. Akaysha also acknowledge that subsequent incidents will be reported immediately, prior to the incident report being developed.An incident involving a septic tank overflow (contained within the site) occurred on 30/05/2024 and was reported to DPHI on 31/05/2024.	As per Condition C10.	Akaysha energy has duly acknowledged the past notification delays to DPE and as a measure now allocated a dedicated staff member to ensure compliance to DA condition.

Appendix C

DPEs Assessment of Proponents Response to Recommendations from Independent Environmental Audit # 1

Department of Planning, Housing and Infrastructure

NSW Planning ref: SSI-48492458-PA-21

Andrew Sheed
Senior Project Manager
Energy Corporation Of New South Wales
GPO Box 39
Sydney New South Wales 2001
27/06/2024

Sent via the Major Projects Portal only

Subject: Waratah Super Battery - Independent Audit - June to December 2023

Dear Mr Sheed,

I refer to your Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR) for the period 13 June 2023 – 12 December 2023, submitted as required by Schedule 2, Condition C14 of SSI-48492458 as modified (the approval) to the NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 23 February 2024.

NSW Planning considers the IEA report to generally satisfy the reporting requirements of the approval and the NSW Planning *Independent Audit Post Approval Requirements* (2020). As required by Schedule 2, Condition C17 of the approval, please make publicly available a copy of the IEA Report on the company/project website.

Please note that NSW Planning's acceptance of this IEA report is not an endorsement of the compliance status of the project.

The non-compliance against Schedule 2, Condition B28 (delayed submission of Site Audit Report and Site Audit Statement) has been assessed by NSW Planning in accordance with its Compliance Policy, with NSW Planning on this occasion determining to record the breach with no further enforcement action proposed. However, please note that recording the breach does not preclude NSW Planning from taking an alternative enforcement action, should it become apparent that an alternative response is more appropriate.

In addition to the auditor's recommendations, please ensure that all non-compliances are also addressed in the RAR. Failure to include non-compliances in future RAR's will result in resubmission.

Please include a status update for all actions provided in the RAR in the next IEA until all actions are completed.

Should you wish to discuss the matter further, please contact Laura Gothard, (Position) on 0484269988 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix D
Evidence of Biodiversity Retirement of Credit (Certificate 6.33)

Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation

Pursuant to section 6.33 of the *Biodiversity Conservation Act 2016*, the NSW Biodiversity Conservation Trust confirms that the following payments have been made into the Biodiversity Conservation Fund under section 6.30(1) of the Act to satisfy an obligation to retire biodiversity credits.

Payment made by	Energy Corporation of New South Wales
Date received	20/03/2023
NSW statutory obligation reference[1]	SSI-48492458
Commonwealth EPBC Act controlled action reference (if applicable)[2]	N/A
BCT Reference	BCF515

Biodiversity credit retirement obligations satisfied by payment to the Biodiversity Conservation Fund:

Biodiversity credit type (Credit ID and name)	Offset trading group	EPBC Act Controlled Action offset obligation (Y / N)	Number of credits	Cost per credit (Exc. GST)	Total payment per credit type (Exc. GST)
1636 - Scribbly Gum - Red Bloodwood - Angophora inopina heathy woodland on lowlands of the Central Coast	Sydney Coastal Dry Sclerophyll Forests >=50% and <70%	N	4	$8,843.81	$35,375.23
1724 - Broad-leaved Paperbark - Swamp Oak - Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	N	3	$10,216.80	$30,650.40
10053 - *Angophora inopina* (Charmhaven Apple)	*Angophora inopina* (Charmhaven Apple)	N	4	$719.94	$2,879.76
10155 - *Cercartetus nanus* (Eastern Pygmy-possum)	*Cercartetus nanus* (Eastern Pygmy-possum)	N	4	$1,308.77	$5,235.08
10157 - *Chalinolobus dwyeri* (Large-eared Pied Bat)	*Chalinolobus dwyeri* (Large-eared Pied Bat)	N	11	$1,308.77	$14,396.47
10183 - *Crinia tinnula* (Wallum Froglet)	*Crinia tinnula* (Wallum Froglet)	N	5	$1,308.77	$6,543.85
10398 - *Heleioporus australiacus* (Giant Burrowing Frog)	*Heleioporus australiacus* (Giant Burrowing Frog)	N	3	$2,508.65	$7,525.95
10412 - *Hoplocephalus bitorquatus* (Pale-headed Snake)	*Hoplocephalus bitorquatus* (Pale-headed Snake)	N	7	$2,508.65	$17,560.55
10483 - *Litoria aurea* (Green and Golden Bell Frog)	*Litoria aurea* (Green and Golden Bell Frog)	N	7	$2,508.65	$17,560.55
10485 - *Litoria brevipalmata* (Green-thighed Frog)	*Litoria brevipalmata* (Green-thighed Frog)	N	5	$2,508.65	$12,543.25
10604 - *Petaurus norfolcensis* (Squirrel Glider)	*Petaurus norfolcensis* (Squirrel Glider)	N	7	$719.94	$5,039.58
10613 - *Phascogale tapoatafa* (Brush-tailed Phascogale)	*Phascogale tapoatafa* (Brush-tailed Phascogale)	N	7	$719.94	$5,039.58
10635 - *Planigale maculata* (Common Planigale)	*Planigale maculata* (Common Planigale)	N	7	$1,308.77	$9,161.39
20325 - *Uperoleia mahonyi* (Mahony's Toadlet)	*Uperoleia mahonyi* (Mahony's Toadlet)	N	7	$3,738.42	$26,168.94
Total (Exc. GST)					**$195,680.58**
GST					**$19,568.06**
Total (Inc. GST)					**$215,248.64**

E. McCo

Emily McCosker - **Director Strategy & Finance** 28/03/2023

[1] This refers to either; a development application number for a development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), a State significant infrastructure approval under the previous Part 5.1 (now Part 5, Division 5.2) of the EP&A Act, a decision of a determining authority to carry out or approve the carrying out of an activity under Part 5 of the EP&A Act, or a biobank statement number or biodiversity certification number.

[2] This refers to a controlled action under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* for which a biodiversity offset obligation has been met through payment into the BCF.