1 September 2026

Wayne Jones
Team Leader, Post Approvals
Energy, Resources and Industry
Departement of Planning, Housing and Infrastructure
GPO Box 3145
Singleton NSW 2330

Subject	Proponent Response to IEA Report 6 and Response to Recommendations
Project	Waratah Super Battery
Development Application Number	SSI-48492458
Proponent	Energy Corporation of NSW
Developer	Munmorah Battery ProjectCo Pty Ltd ('Akaysha Energy')

Dear Wayne,

Please find attached the Independent Environmental Audit report (Operational) prepared by NGH, submitted in accordance with the requirements of the Infrastructure Approval for the Waratah Super Battery Project (SSI-48492458).

The agreed Commencement of Operations date for the project was 16 February 2026, and the audit was undertaken on 7 May 2026 in accordance with Schedule 2 Condition C14 of the approval.

The audit confirms compliance with all applicable and triggered conditions with no non-compliances identified. A small number of opportunities for improvement were identified which are currently being addressed by Akaysha Energy.

Per Section 4.3.2 of the Independent Audit Post Approval Requirements (2020), the proponent is required to submit its response to the audit findings to the Department in a separate document to the final Independent Environmental Audit report.

Please find the below listed documents included for your consideration:

- Appendix A – Waratah Super BESS IEA Report 6 (Operational), issued 19 August 2026
- Appendix B – Proponent response to opportunities for improvement in Section 4.14 of IEA Report 6

Yours sincerely,

Bree Sandley

Bree Sandley
Commercial Asset Manager
Akaysha Energy

Appendix A

Waratah Super BESS IEA Report 6 (Operational), issued 19 August 2026



Prepared for Munmorah Battery Project Co.

Independent Environmental Audit Report

Waratah Super BESS IEA Report 6 (Operational)

June 2026

Project Number: 251025

i. Document Control

Project Title:	Waratah Super BESS IEA Report 6 (Operational)
Project Number:	251025
Project File Name:	251025 Waratah Super BESS IEA Report 6_Final v1.1_202600819

Revision	Date	Prepared by	Reviewed by	Approved by
Draft v1.0	29/05/2026	Will Weir	Natascha Arens	Will Weir
Final v1.0	18/06/2026	Will Weir	Natascha Arens	Will Weir
Final v1.1	19/08/2026	Will Weir	Natascha Arens	Will Weir

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.

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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	Emergency Plan
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
ESCP	Erosion and Sediment Control Plan
ESIP	Emergency Services Information Package
ERP	Emergency Response 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
OEMP	Operational Environmental Management Plan
OFI	Opportunity for improvement
SIPS	System Integrity Protection Scheme
SSI	State Significant Infrastructure
TfNSW	Transport for New South Wales
TMP	Traffic Management Plan

1. Executive Summary

NGH (a Fyfe company) were engaged by Akaysha Energy to undertake an Independent Environmental Audit (IEA) of the operational Waratah Super Battery Energy Storage System (the Project). The Project is located off Scenic Drive in Lake Munmorah, New South Wales (NSW). The audit was undertaken in accordance with the requirements of the Independent Audit Post Approval Requirements (DPHI, March 2026).

A development application and accompanying Environmental Impact Statement (EIS) for the project was submitted to the Department of Planning, Housing and Infrastructure (DPHI) and State Significant Infrastructure (SSI) consent for the Project was approved on 21 February 2023 (SSI 48492458).

NGH undertook the five construction phase audits for the period from commencement of construction up until 12 December 2025. Operation of the Project commenced on 16 February 2026. The site inspection for this operational audit was undertaken on 7 May 2026, within 26 weeks of the commencement of operation of the Project.

No complaints were received since the commencement of construction. No reportable environmental incidents occurred during this audit reporting period.

A site interview occurred with the Site Operations Manager during the course of the audit site inspection. The interview found site management had a sound understanding the requirements of the environmental

No non-compliant findings were encountered by the audit.

Four improvement opportunities were identified during the operational audit as follows:

- The latest EP and ESIP need to be provided on the Project website. It is noted however that the EP contains personal contact details. These may need to be redacted prior to uploading the website.
- While there is sufficient parking on-site for the operational workforce, the auditor observed the need for and was advised that further works are proposed to be undertaken to provide more formalised parking arrangements.
- The site inspection identified a full an un-used 15 kg LPG cylinder was stored inside the Operations and Maintenance warehouse area. It was suggested by the auditor that it is moved to an external location away from the materials storage area to a well-ventilated and secured location.
- An opportunity to further stabilise the area up-gradient of the primary sediment pond was discussed during the site inspection, including strategic vegetation planting, noting however the need to ensure a fire hazard is not introduced. Consideration could be given to the use of soil binder and seeding in the remaining areas requiring stabilisation, including the soil stockpile (refer Appendix E photolog).

2. Introduction

2.1. 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 were appointed as the service provider responsible for delivery and operation 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 features 288 collector segments and 2,592 battery units (modular enclosures) within the proposed battery storage area and also includes 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 audit reporting period, the following works have been undertaken:

- Completion of construction
- Commencement of operation - 16 February 2026
- Routine site and infrastructure maintenance and testing
- Corrective action works – BESS Service Team
- Management of permanent water storage
- Demobilisation of the remainder of construction workforce, temporary offices and amenities, and plant/equipment
- Management of surface water drainage, dams and infrastructure
- Stabilisation of exposed areas
- Procurement of Noise monitoring services
- Management of Meteorological Station

2.2. 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) (refer Appendix B). Will Weir was approved as Lead Auditor and conducted the audit site inspection. Will has 30 years of experience as an environmental engineer, including Environment, Health and Safety compliance, assurance, and mergers and acquisitions due diligence auditing for complex infrastructure and natural resource projects, including numerous NSW State Significant projects.

Natascha Arens supported Will during the audit and provided technical review of this audit report. Natascha has over 30 years' experience as an environmental professional and auditor and oversaw the audit process.

2.3. Audit 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 (DPHI, March 2026).

2.4. Audit Scope

This is the sixth Independent Environmental Audit (IEA) of the Project, and first since commencement of operation of the BESS.

The scope of this audit was conducted generally in accordance with Section 3.3 of the Independent Audit Post Approval Requirements (DPHI, March 2026). The scope in general included:

- Conditions of consent applicable to the requisite pre-operational requirement and the 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, including implementation of management plans
- A high-level review of the Project's current EMS (OEMP)
- A high-level assessment of whether Environmental Management Plans and Sub-plans are adequate.

2.5. Audit Period

The reporting period for this audit is from the commencement of operation on 16 February 2026 until 7 May 2026.

3. Audit Methodology

3.1. Selection and Endorsement of Audit Team

The proponent sought independent environmental auditor approval from the Department who approved Lead Auditor – Will Weir on 01/05/2025 with Natascha Arens approved as the alternate lead / support auditor. The Department also previously confirmed that this audit team was approved for the first operational audit.

The Independent Auditor Declarations for this sixth audit is provided in Appendix D

3.2. Independent Audit Scope Development

The audit scope was developed by reviewing the SSI-48492458 Conditions and the Independent Audit Post Approval Requirements (2026).

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.

3.3. Compliance Evaluation Process

The evidence-based compliance evaluation was conducted in accordance with Section 3.5 of the Independent Audit Post Approval Requirements (March 2026). This scope was refined in consultation with the Department of Planning, Housing and Infrastructure (DPHI) and other relevant agencies.

The scope generally includes Munmorah Battery Project Co Pty Ltd's compliance with:

- Development Consent SSI 48492458
- Additional scope received from Agency and Department consultation requests.

The reporting period for the audit will be from the commencement of operations 16 February 2026 to 7 May 2026.

The audit will be divided into two broad activities:

- Site and desktop audit of compliance against Conditions of Development Consent
- Site audit of implementation of environmental management plans and performance of environmental management system and controls.

3.4. Opening and Closing Meeting

An initial document review was undertaken prior to the audit. The document review included a review of the Conditions of Approval and all management plans and sub plans. The Audit Plan was submitted to Akaysha as the auditee on 1 April 2026 indicating the dates of the site audit, scope, criteria, audit details and required Project representatives.

An Opening Meeting was held on 7 May 2026 at 8:00am in the Operations and Maintenance building meeting room. Present at the opening meeting were:

- Robbie Shankster (Akaysha Energy – Site Operations Manager)

- Will Weir (NGH – Lead auditor)

A closing meeting was held on 7 May 2026 at 1:00pm to discuss the initial findings of the site audit. Present at the closing meeting were:

- Robbie Shankster (Akaysha Energy – Site Operations Manager)
- Will Weir (Lead Auditor)

3.5. Audit interviews

Throughout the audit process, interviews were held with:

- Robbie Shankster (Akaysha Energy – Site Operations Manager)

No interview requests were denied.

3.6. Site inspection

A site inspection was undertaken at 9am on 7 May 2026. 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 remaining ongoing scope of works. No restrictions to access occurred during the site visit. Conditions during the site inspection were damp with some rainfall throughout the morning, noting that zero millimetres (mm) of rain had been received at Swansea Weather Station (061377) on the day of the audit inspection. In the month of April 2026, preceding the audit, only 8.2 mm of rainfall was recorded at this weather station.

Operational phase works activities being undertaken at the site at the time if the sixth audit inspection included:

- Operation of the BESS with remote monitoring and grid control from Melbourne and the Untied State of America.
- Routine BESS maintenance and corrective actions
- Routine site maintenance and upkeep
- Warehouse operation
- Management of permanent water storage
- Management of surface water drainage, dams and infrastructure
- Management of Meteorological Station

A selection of poignant site photographs from the inspection are proved in Appendix E.

3.7. Consultation

Email consultation was undertaken with:

- Department of Department of Planning, Housing and Infrastructure (DPHI)
- Transport for NSW (TfNSW)
- Central Coast Council (CCC)
- Lake Macquarie Council (LMC)

Responses were received from DPHI and TfNSW, with specific feedback outlined in Section 4.8 and Appendix C. Acknowledgements of receipt were received from the two Councils.

3.8. Compliance Status Descriptors

The compliance status for each requirement or commitment has been assessed in accordance with the criteria in 3-1 (DPHI, 2026).

Table 3-1 Compliance Status Descriptors

Status	Description
Compliant (C)	The Lead Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the audit period.
Non-compliant (NC)	The Lead Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the audit period.
Not triggered (NT)	A requirement has an activation or timing trigger that has not been met during the audit period (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

4. Audit findings

4.1. Approval and Document list

The list below displays all documentation used as evidence during the first operational IEA:

Approvals, plans, reports and relevant correspondence

- Infrastructure Approval SSI 48492458
- Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)
- Waratah Super Battery Traffic Management Plan (TMP) Rev 5.0 (Akaysha, 25/09/2023)
- Waratah Super Battery Biodiversity Management Plan (BMP) Rev D (WSP, 19/05/2023)
- Waratah Super Battery Environmental Management Strategy (EMS) Rev D (WSP, 4/05/2023)
- 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.)
- Waratah Super BESS Lighting Study Report (CPP, 25/08/2023)
- DPE correspondence - Waratah Super Battery - Out of Hours Request (ref: SSI-48492458-PA-33)
- Fire Safety Study – Waratah BESS Facility (Rev 4, Advitech, 26 July 2024)
- Emergency Response Plan - Waratah Super Battery (Rev 1.0, 14 August 2024)
- EMERGENCY SERVICES INFORMATION PACKAGE (ESIP), WARATAH SUPER BATTERY, dated 22 April 2025
- Waratah Super Battery Emergency Plan (EP) Akaysha Energy Pty Ltd., dated 18 June 2025
- Letter: Emergency Plan (EP) Submission – WARATAH SUPER BATTERY - 301 SCENIC DR, COLONGRA NSW 2262, File Ref. No. FRN22/3331 BFS25/4555 8000043712 SafeWork Ref., date 6 August 2025
- R-0159 P-0018 Service Report, 5 March 2026
- R-01981 P-0018 Service Report, 2 April 2026
- Waratah Community Feedback Register - current at time of the operational Audit.
- Waratah Super Battery – Request for Extended Construction Hours (DPHI. Sated 05/12/2024)
- DPHI correspondence – Waratah Super Battery - Auditor Endorsement Request, DPHI dated 01/05/2025
- Waratah Super Battery Operational Environmental Management Plan (OEMP), Akaysha Energy Pty Ltd., Rev 3 6/6/2026 (AE- WSB-PLN-ENV-002)
- Waratah Super Battery Emergency Plan (EP) Akaysha Energy Pty Ltd., dated 18 June 2025
- Primary Design Basis Report (CPP Reference: 12590-EL-RP-10001).
- BCA Compliance Assessment Report, CD Certification, 15.11.2024
- Email dated 4 June 2025 (CPP) confirming pending finalisation of building certification documentation.
- LETTER OF COMPLETION 23-6716/01 - AKAYSHA ENERGY WARATAH SUPER BATTERY – O&M BUILDING FACILITY (PERMANENT SITE OFFICE), Building Certifier Grade A1
- BDC2471
- Proponents Response to IEA#5 Findings Akaysha, dated 27 January 2026
- Facility Worker Induction –Waratah Super Battery (11/12/2025)
- Waste tracking invoices

- Incident Register 2025-067-03 BESSIE
- R-0159 P-0018 Service Report, 5 March 2026
- R-01981 P-0018 Service Report, 2 April 2026
- Waratah Super Battery Operational Environmental Management Plan (OEMP), Akaysha Energy Pty Ltd., Rev 3 6/6/2026 (AE- WSB-PLN-ENV-002)
- Letter dated 15 July 2025, Submission of Work as Executed Plans - Attachment A - Issued for As built Plans
- Proponents Response to IEA#5 Findings Akaysha, dated 27 January 2026
- Notification of Operational Commencement as of DD MM 2026, dated 10 February 2026
- Post approval lodgement receipt - Construction Commencement (Waratah Super Battery - SSI-48492458-PA-13) 9 June 2023
- Email chain (Jan - April 2026) - Subject: WSB - Additional noise monitoring request.
- Letter dated 15 July 2025, Submission of Work As Executed Plans - Attachment A - Issued for As built Plans

Traffic, plant and equipment

- Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects
- Daily Telehandler Prestart Check List #132688
- Daily Truck Movement Register (.xlsx) 13/06/2024 – 9/122024
- Upgrade Plan (Access roads)
- Plant Register
- WSB-Truck Movements Register - 2026 (AE Jan-June 26)

Monitoring, reporting and incidents

- Waratah Site Specific Induction (CPP) (.pptx)
- Waste Receipts (sample)
- Report - Waratah Super BESS - Noise Modelling, GHD 23 October 2024
- Out of hours work – noise monitoring and model validation – May 2025 (GHD, 30 May 2025)
- Waratah Complaints Register (.xlsx) - current at time of 6th Audit.

4.2. Compliance Performance

The Project was found to be compliant with all the active conditions of approval (Table 3-1). No non-compliant findings were encountered, while some opportunities for improvement were identified.

For the purposes of Table 4-1, 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 4-1 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	12	0	**48**
Number of non-compliances	0	0	0	0	**0**

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

No agency notices, orders, penalty notices or prosecutions occurred during the sixth audit (operational) period.

4.4. Non-compliances

No non-compliant findings were identified during the operational audit.

4.5. Previous Audit Recommendations

The previous audit found two non-compliant findings that relating to a single observation. This was rectified and closed out immediately following the audit site inspection. These non-compliances, as well as their corresponding recommendations, are detailed in Table 4-2.

Table 4-2 Summary of previous audit finding and corrective actions

CoA	Requirement	Details of non-compliance	Corrective Action
A2	The development may only be carried out: (a) in compliance with the conditions of this approval;	(a) the audit found two non-compliances (excluding this condition) therefore the development was not being carried out in compliance with the conditions of this approval. **Recommendation: refer below for B22**	Refer B22 below **Closed**
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.	The fifth audit inspection included the warehouse associated with the O&M building. The auditor observed Class 2 flammable aerosols appropriately stored in an aerated Class 2 cabinet. The Class 2 cabinet was however located directly on top of a Class 3 flammable cabinet. In addition to the Class 3 flammable liquid containers stored in the Class 3 cabinet, some Class 2 aerosols were also in the Class 3 cabinet. The relevant Australian Standard (AS 1940:2017) requires Class 2 flammable gases and Class 3 flammable liquids to be segregated. **Recommendation: Ensure all dangerous goods are stored in appropriate cabinets with adequate segregation.**	The Class 2 and Class 3 were immediately segregated, and Class 2 aerosols were removed from the Class 3 cabinet at the time of the audit inspection. This was further observed to be compliant during the operational audit inspection. **Closed**

Four new opportunities for improvement were identified during the operational audit inspection as discussed in Section 4.14.

4.6. EMP, Sub-plans and Compliance Documents

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

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

4.6.1. Traffic Management Plan

The sixth audit (operational) found that the requirements of the Stage 2 TMP are being implemented with authorised access route to site clearly communicated, car parking facilities available on-site, while further formalised parking is needed for the peak volume of vehicles. Notwithstanding, no vehicles are required to park off-site. Site conditions identified via site traffic signage. No OSOM movements have occurred during the reporting period, no liable damage to public infrastructure and no complaints received regarding traffic management. Truck traffic for the operational audit period was considerably lower than the peak construction period. No issues or concerns were raised during the audit period with regard to adherence to the driver Code of Conduct.

4.6.2. 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.

Operational-based mitigation measures continue to generally be implemented where applicable; noting some biodiversity mitigation measures remain not relevant to the actual day to day activities of the operational site. Relevant activities include adherence to fauna retrieval and removal from site, along with slashing and fire load reduction within the Project boundary. Frog protection fencing and sediment controls remain in place at the designated frog pond.

4.6.3. Environmental Management Strategy

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

The associated CEMP has since been superseded by an Operational Environmental Management Plan (OEMP) which continues to meet the requirements of condition C1.

The site inspection component of the operational audit found that site was being managed in accordance with the requirements of the OEMP.

The OEMP incorporates required environmental management obligations, such as the ESCP. The site was observed as having sufficient ESC devices in place, while additional and ongoing effort is required to stabilise

some areas of the site, notably on the south-western area of the site. ESC devises including lined drains and rock checks appeared to be effective, while requiring maintenance to remove captured sediment.

4.7. Environmental performance

Environmental performance of the Project is measured via weekly inspections, monthly inspections and corresponding reporting. The operational audit found that these inspections are continuing to occur on site.

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

- Erosion and sediment controls
- Waste management including waste separation and appropriate disposal of concrete waste
- Noise monitoring (operational noise validation monitoring underway)
- Biodiversity mitigation measures, including temporary frog fencing and rehabilitation/stabilisation measures.

This operational audit found that continued effort and attention is being taken to minimise the potential for environmental harm.

4.7.1. Pre-operations

In accordance with condition C7 the proponent notified the Department prior to the commencement of operations.

In accordance with condition C9 the proponent furnished and provided works as executed plans to the Department of the development showing comparison to the approved Final Layout Plans.

4.8. Consultation Outcomes

As outlined in Appendix B, **DPHI** requested:

DPHI comments	Response
• **The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the Department's Independent Audit Post Approval Requirements (2026). Failure to meet these requirements will require revision and resubmission.**	• The Independent Audit and this report have been prepared in accordance with the Department's Independent Audit Post Approval Requirements (2026)
• **The audit team is approved for the current operational audit only. Additional approval must be sought from the Planning Secretary for future audits of the development.**	• Noted
• **Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.**	• Noted

DPHI comments	Response
• **The Lead Auditor must attend the site inspection component of the audit**	• Will Weir as the lead auditor attended the site for this first operational audit

The review of compliance with the consent is provided in Appendix A of this operational audit report.

As outline in Appendix C, **TFNSW** notes:

TfNSW comments	Response
• **Compliance with Instrument of Consent transport-related conditions**	• This audit found the project to be compliant with the traffic related conditions as applicable to the operational phase of the development.
• **Implementation and enforcement of shuttle bus arrangements**	• Not a commitment in the EIS or addressed as a requirement in the approved Traffic Management Plan.
• **Management of construction traffic volumes during AM and PM peak periods**	• Traffic volumes now greatly reduced in the operational phase of the development. Heavy vehicles still avoid these periods.
• **Any pre-construction minor works mitigation measures and associated Planning Secretary approvals**	• Deemed compliant in previous audits
• **Implementation of the Traffic Impact Assessment (TIA) and Traffic Management Plans (TMPs)**	• Operational phase traffic arrangement is compliant with the TMP. There have been no oversize truck movement in the audit period. There will be a future requirement for such transport. While there is no off-site parking the recent audit identified that improvements to on-site parking should be considered.
• **Commitments made within the Environmental Impact Statement (EIS)**	• Operational traffic arrangement adheres to the EIS commitments.
• **Assumptions underpinning the assessed traffic task within the TIA, including traffic distribution assumptions**	• Deemed compliant in previous audits. Operational traffic is significantly lower that the construction phase.
• **Effectiveness of mitigation measures detailed within the TMP**	• TMP mitigation measures have and are continuing to be adequately implemented during project operation.

TfNSW comments	Response
• **Alignment between assessed and actual traffic volumes and vehicle characteristics**	• Traffic movements have previously been deemed compliant during the construction phase. Operational traffic is significantly lower.
• **Suitability of existing intersection treatments under cumulative background and project traffic**	• The approved intersection arrangement on Station Road at Scenic Drive remains consistent for the operational phase.
• **Ongoing appropriateness of approved OSOM routes for the configurations being utilised**	• OSOM routes were approved with the Traffic Management Plan. It is not considered within the scope of this audit to review ongoing appropriateness. OSOM movements will be required in future at a much lower rate than was required during construction.
• **Any incidents of non-compliance with mitigation measures, commitments or assessed traffic volumes, and measures implemented in response**	• No non-compliant findings were observed during this operational audit pertaining to traffic management.
• **Audit report outcomes and recommended actions relevant to the State road network**	• No recommended actions provided relevant to the State road network.

The review of compliance with traffic management aspects of the consent is provided in Appendix A of this operational audit report.

Central Coast Council (CCC) acknowledged receipt and stated that: “Council don’t have any specific concerns at this stage. Also, for your information, I have completed a search of our complaints system and we have received no complaints in relation to the operation of the site.” (refer Appendix C)

Central Coast Council (CCC) provided a further response stating: “[Council] have reviewed the Validation Report and other audit documents on the Planning website and note your email below stating site stabilisation was an ongoing opportunity for improvement, I trust this will be included in the first operational audit also.” (refer Appendix C). This audit report addresses the subsequent improvements and ongoing management of site stabilisation since the previous final construction audit.

Lake Macquarie Council (LMC) *acknowledged receipt of the consultation request, but no further action was requested.*

4.9. Complaints

No complaints were recorded during the operational audit reporting period, including in relation to the actual operation of the BESS.

4.10. Incidents

No notifiable environmental incidents occurred during the sixth audit reporting period.

4.11. Actual Verses 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

It is considered that no further impacts to biodiversity have occurred as a result of operating 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 of the sixth audit.

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 construction of the site is on predominantly imported fill, with maximum likely excavation depth to 1.5 m. No unexpected finds of contaminated material have been recorded to date of the sixth audit. ESC controls are well established, while some further stabilisation effort is required, notably in the south-western area of the site. Ongoing maintenance of drains and rock check is required to removed entrained sediment. No sediment transport off-site appeared to be occurring at the time of the sixth audit.

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 due to the vast distance and existing vegetation cover between the project and sensitive receivers. No such complaints have been received up to the day of the sixth audit inspection.

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. The Noise Model was reviewed in response to a request for Out of Hours work during the previous audit period. No impacts were expected at the identified sensitive receivers.

Validation noise monitoring for operating conditions was recently (April 2026) undertaken. At the time of reporting the draft Noise Monitoring report was not yet available. Refer condition B13 audit finding in Appendix A for more detail.

Actual Impacts

No noise complaints were received during the fourth audit period.

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 at operational stage comprised the completed Battery Storage compound and infrastructure, substation and Operations and Maintenance Building. Access roads are well maintained and clear, fire buffers are in place and the site has sufficient permanent water access. Site maintenance includes the ongoing slashing and removal material within the site boundary. The current Emergency Plan (EP) is being implemented.

Waste

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

Actual Impacts

Operational waste, while minimal, was found to be managed appropriately with segregation actively visible during the site inspection and recycling evident as per the waste register. Waste tracking is available for all waste streams.

Traffic Management

Construction phase traffic management was deemed complaint with the requirements and mitigation measure as outline in the approved Traffic Management Plan (TMP). Now with the move to operation the number of current and expected traffic movements is well below that experienced during the construction period. There will be the need for future heavy vehicle oversized truck movements, to be managed in accordance with the TMP, however at much lower volumes than during construction.

Actual Impacts

Operational traffic management continues to be aligned with the approved TMP and associated mitigation measures.

4.12. Site Inspection

The site inspection included all boundary conditions, surface water management aspects including erosion and sediment controls, and the Operation & Maintenance Building Workshop. The project has been developed to operations with key environmental controls in place. This audit found that the project is being delivered in compliance with all relevant and active conditions of approval, management plans and commitments. No non-compliance findings were identified in the operational phase audit, while several opportunities for improvement were observed.

During the site inspection, it was noted that the site is being well maintained and environmental resources are available at the site compound and Operation & Maintenance Building, including spill kits, environmental policies, contact information and environmental awareness signage. Provision of the updated Emergency Plan at numerous key access points (beyond the stipulated two required) remains a good initiative.

All weather access and associated drainage control are formalised and appeared to be adequately managing surface water movement around the site. The primary water capture pond was finalised and mostly stabilised at the time of the operational audit inspection. This included concrete and rock lining of the inlet surface

water channel and associated spoon drains. Temporary controls remain in place at this location until further up-gradient stabilisation can be achieved.

4.13. Site Interviews

Site interview was conducted with the Site Operations Manager who maintains primary responsibility for the day-to-day management and upkeep of the facility. Pre-operational handover of environmental aspects had been undertaken to ensure on-going compliance was achieved into operation of the Project. The Site Operations Manager was of the key ongoing environmental management aspects, including but not limited to surface water management, erosion and sediment control, traffic management and on-site parking and noise validation monitoring for operation.

Requested documentation and audit evidence was readily provided prior to the audit, during the site inspection and post the site inspection. At the time of preparing this Draft Audit Report, the operation noise validation monitoring outcomes were not yet available.

4.14. Opportunities for improvement

Four improvement opportunities were identified during the operational audit as follows:

- The latest EP and ESIP need to be uploaded onto the Project website. It is noted however that the EP contains personal contact details. These may need to be redacted prior to uploading the website.
- While there is sufficient parking on-site for the operational workforce, the auditor observed the need for and was advised that further works are proposed to be undertaken to provide more formalised parking arrangements.
- The site inspection identified a full an un-used 15 kg LPG cylinder was stored inside the Operations and Maintenance warehouse area. It was suggested by the auditor that it is moved to an external location from the materials storage area to a well-ventilated and secured location.
- An opportunity to further stabilise the area up-gradient of the primary sediment pond was discussed during the site inspection, including strategic vegetation planting, noting however the need to ensure a fire hazard is not introduced. Consideration could be given to the use of soil binder and seeding in the remaining areas requiring stabilisation, including the soil stockpile (refer Appendix E photolog).

Appendix A - Independent Audit Table

Development Consent Compliance Status - May 2026 (Operational)

Reference	Approval or licence requirement	Evidence collected	Audit Findings - May 2026	Compliance status	Unique Identification Noncompliance
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 R Shankster Document Review	The construction project was completed and the operational phase was being carried ensuring reasonable and feasible measures were being implemented to prevent and minimise the potential for material harm to the environment. This included ongoing maintenance of drainage features and erosion and sediment controls. Required Management Planning documents were developed, approved and observed to be being implemented.	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.	Site inspection: environmental controls installed and maintained. Development Layout, Appendix 1	(a) The first operational audit (Audit #6) did not observe any not-compliant findings. (b) No written direction during the current audit period. (c) potential risks and mitigation measures identified in the EIS had been carried over to the Management Plans required for the project and as approved by DPHI prior to construction commencement. These were evident in the field and were noted as being present during the current audit inspection. (d) site boundary fencing, buildings and battery construction areas were consistent with the approved development layout and works as executed plans.	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.	Management Plans	The project was observed to be being conducted in accordance with the requisite management plans and strategies.	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). Interview R Shankster	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). No request to modify the approval has been made during the audit reporting period.	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 R Shankster	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 R Shankster BCA Compliance Assessment Report, CD Certification, 15.11.2024 Email dated 4 June 2025 (CPP) confirming pending finalisation of building certification documentation. LETTER OF COMPLETION 23-6716/01 - AKAYSHA ENERGY WARATAH SUPER BATTERY – O&M BUILDING FACILITY (PERMANENT SITE OFFICE), Building Certifier Grade A1 BDC2471	Building Certification confirms Operations and Maintenance Building is compliant with the BCA.	Compliant	
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 R Shankster	The construction site offices and works compound (portable structures) have been removed from site. This area now serves as a materials laydown yard. 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 R Shankster Site visit	No public road or infrastructure issues reported during the audit period	Not triggered	
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 Interview R Shankster Elevated Platform - Plant Onboarding Checklist (14/11/2025) Plant Register	Minimal plant and machinery now remain on site under routine maintenance and onboarding to site. A sample plant onboarding checklist was sighted by the auditor.	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 No such directions from Department were made during audit period	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.	Facility Worker Induction –Waratah Super Battery (11/12/2025) 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 .	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.	EMERGENCY SERVICES INFORMATION PACKAGE (ESIP) , WARATAH SUPER BATTERY, dated 22 April 2025	Deemed compliant in the previous audit - no changes made during the audit period.	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 R Shankster Site visit	No subdivision proposed.	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.	WSB-Truck Movements Register - 2026 (AE Jan-June 26) Interview R Shankster	Truck movements numbers were well below allowable for the reporting period, typically for waste management, fuel for generators, small deliveries and movement of small plant and equipment. No truck movement under escort took place during the audit period	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.	WSB-Truck Movements Register - 2026 (AE Jan-June 26) Interview R Shankster	No truck movement under escort took place during the audit 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 WSB-Truck Movements Register - 2026 (AE Jan-June 26) Interview R Shankster	Station Road remains as the main site access. No heavy vehicles requiring escort during the audit reporting period.	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	Interview R Shankster Site visit Waratah Super Battery Traffic Management Plan Rev 5.0 (Akaysha, 25/09/2023) Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects	Station road is the main site access.	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;	Site visit Interview R Shankster	All weather road access and associated drainage treatments are being maintained as observed during the site inspection. Erosion and sediment control and drainage improvement were completed since the previous audit.	Compliant	

B6.	(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.		While there is sufficient parking on-sit for the operational workforce, the auditor observed the need for, and was advised that further works are proposed to be undertaken to provide more formalised parking arrangements.	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 (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.	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	
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 R Shankster	No clearing to date has been undertaken outside of the approved disturbance footprint, which is clearly fenced. General fuel reduction - slashing is routinely undertaken within the development footprint.	Compliant	
Biodiversity offsets					
	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.	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.		

B9.	***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			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.	Email from P Subrammanian (Akaysha) dated 17/12/2024 Email from N Madden (EnergyCo) dated 7/08/2024 Biodiversity Conservation Act 2016 Section 6.33 Certificate SSI-48492458 28/03/2023 Proponents Response to IEA#2 Findings, Akaysha 20 August 2024 Notification of Non-Compliance of B10 and Evidence of Biodiversity Offset Procured under B9, dated 18 December 2025	A previously identified non-compliance with regard to provision of the Section 6.33 documentation was subsequently corrected and closed out, and as such is not considered triggered during the current audit period.	Not triggered	
Biodiversity Management Plan					
B11.	Prior to commencing construction, the Proponent must prepare a Biodiversity Management Plan for the project in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in accordance with the Biodiversity Development Assessment Report (dated 4 November 2022); (b) include a description of the measures and timeframes that would be implemented for: (i) protecting vegetation and fauna habitat outside the approved disturbance areas; (ii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development; (iii) minimising the impacts to fauna on site and implementing fauna management protocols; (iv) rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area; (v) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and (vi) controlling weeds, feral pests and pathogens; (c) include a program to monitor and report on the effectiveness of mitigation measures; (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.	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) Memo, Waratah Bess BMP, WSP 4 June 2024	The BMP has previously been deemed compliant with this condition.	Compliant	

	Following the Planning Secretary's approval, the Proponent must implement the Biodiversity Management Plan. *Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement*				
Amenity					
Construction, Upgrading and Decommissioning Hours					
B12.	Unless the Planning Secretary agrees otherwise, the Proponent may only undertake construction, upgrading or decommissioning activities between: (a) 7 am to 6 pm Monday to Friday; (b) 8 am to 1 pm Saturdays; and (c) at no time on Sundays and NSW public holidays. The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary: • the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; and • emergency work to avoid the loss of life, property and/or material harm to the environment.	Interview R Shankster Waratah Super Battery – Request for Extended Construction Hours (DPHI. Sated 05/12/2024)	No out of hours work was undertaken during the operational audit period. No request to work on Public Holidays was made and as such no such work has been undertaken. No noise complaints were received during the operational audit reporting period.	Compliant	
Noise					
B13.	The Proponent must: (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009) or its latest version: and (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residence. ***Table 3:*** *Noise Limit Requirements* **Noise Limits in dB(A)** **Location** / Day $L_{Aeq,\ 15min}$ / Evening $L_{Aeq,\ 15min}$ / Night $L_{Aeq,\ 15min}$ **Any residential receiver** / 40 / 40 / 35	Site visit Waratah Community Feedback Register - current at time of the first operational Audit. Report - Waratah Super BESS - Noise Modelling, GHD 23 October 2024 Interview R Shankster (and email follow-up summary) Email chain (Jan - April 2026) - Subject: WSB - Additional noise monitoring request.	No noise complaints were received during the operational audit reporting period. The auditor was advised that "regular noise monitoring throughout construction was a requirement of the OOH approvals. Since the cessation of OOH works in early 2025, regular ongoing noise monitoring has not been required for the project. In October last year [2025], monitoring was undertaken to validate the commercial SIPS noise modelling. However, due to the nature of the test being conducted throughout major hold point testing, the test results were scenario based and therefore insufficient for true validation, further noise monitoring was deemed to be required. Unfortunately, due to the main transformer outages, this testing could not be completed until last month [April 2026], as 700 MW of generation was required to conduct the test. This testing has now been completed, and Akaysha is awaiting the draft report. Aside from this monitoring, no additional noise monitoring has occurred during the operational period. Akaysha's understanding is that, once the report is validated to comply with condition B13 Table 3 levels as per the NSW noise policy, no further noise monitoring will be required during operations unless special circumstances arise, such as unforeseen heavy machinery works or similar. The auditor sighted an exchanges of emails confirming the procurements and delivery the above Noise Monitoring services. At the time of reporting the Draft Noise Monitoring report was not yet available.	Compliant	
Dust					
B14.	The Proponent must minimise the dust generated by the development.	Site visit Waratah Community Feedback Register - current at time of first operational Audit. Interview R Shankster	The site is observed to be substantially hardstand, gravel pad and all weather gravel roads at the time of the fifth audit. No complaints have been recorded regarding dust generating activities.	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	Site visit Interview R Shankster Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)	No changes from previous audit. The site and infrastructure remain visually screened form sensitive receivers.	Compliant	

	(c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.				
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 Community Feedback Register - current at time of the first operational Audit. Site visit Interview R Shankster	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 operational audit reporting period.	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) Interview R Shankster	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 up to date of the first operational audit.	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 R Shankster	Rainwater is captured from the Operations and Maintenance Building roof for use on-site. The site also maintains access to a metred hydrant. Two permanent fire fighting tanks are maintained on site.	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 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 R Shankster	No controlled releases of water have been required as the site surface water management system now operates as per design. All release are now controlled through the system.	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 R Shankster	The day of the site inspection for the first operational audit on 7 May 2026 experienced 0 mm of rain with no significant rainfall in the week prior. Site drainage was observed to be formalised and erosion and sediment control measures were in place. Some controls, including concrete lined drains and rock checks were observed to have been effective in channelling and dissipating flow, and subsequently capturing sediment from minor sheet and rill erosion occurring at the stockpile area. These will require maintenance to remove the captured sediment and for some monitor rectification and stabilisation works, needed to prevent further sediment transportation. An opportunity to further stabilise the area up-gradient of the primary sediment pond was discussed during the site inspection, including strategic vegetation planting, noting however the need to ensure a fire hazard is not introduced.	Compliant	
Hazards					
Fire safety study					
	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:	Fire Safety Study – Waratah BESS Facility (Rev 4, Advitech, 26 July 2024) DPE correspondence – FSS Approval Letter Ref SSI	The approved FSS was being implemented at the time of the first operational audit, including strategies and incident control measures including temporary fire fighter infrastructure, secondary containment, along with emergency information packages at key access points to site.		

B21.	(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.*	DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7-27 31/06/2024 Interview R Shankster	along with emergency information packages at key access points to site. The permanent fire fighting water supply tanks and associated infrastructure are in service and maintained.	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 R Shankster Site visit Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)	A non-compliant finding in the previous audit in relation to Dangerous Goods storage within the warehouse had been rectified upon inspection for this audit. The site inspection identified a full an un-used 15 kg LPG cylinder was stored inside the Operations and Maintenance warehouse area. It was suggested by the auditor that it is moved to an external location from the materials storage area to a well ventilated and secured location.	Compliant	
Operating conditions					
B23.	The Proponent must: (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site; (b) ensure that the development: meets the Aim and Objectives of Planning for Bushfire Protection 2019, including provision of appropriate asset protection zones developed in consultation with RFS; includes a 10 metre defendable space around the perimeter that permits unobstructed vehicle access manages the defendable space areas as an Asset Protection Zone; and is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank for bush and grass firefighting fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road; (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and (d) notify the relevant Local Emergency Management Committee following construction of the development, and prior to commencing operations.	Fire Safety Study – Waratah BESS Facility (Rev 4, Advitech, 26 July 2024) Site visit Interview R Shankster Engineering Drawing (Fire Hydrant): 200101-V02-FLU-LAY-703.1.IFC EMERGENCY SERVICES INFORMATION PACKAGE (ESIP) , WARATAH SUPER BATTERY, dated 22 April 2025 Waratah Super Battery Emergency Plan (EP) Akaysha Energy Pty Ltd., dated 18 June 2025 Letter: Emergency Plan (EP) Submission – WARATAH SUPER BATTERY - 301 SCENIC DR, COLONGRA NSW 2262, File Ref. No. FRN22/3331 BFS25/4555 8000043712 SafeWork Ref., date 6 August 2025 R-0159 P-0018 Service Report, 5 March 2026 R-01981 P-0018 Service Report, 2 April 2026	No change from last audit in relation to fire fighting water supply and emergency procedures. The 10m buffer is maintained and routine fuel reduction and slashing is undertaken within the site boundary. Fire Services Reports were sighted by the auditor that were prepared during the operational audit period.	Compliant	
Emergency plan					
	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;	Site visit Interview R Shankster EMERGENCY SERVICES INFORMATION PACKAGE (ESIP) , WARATAH SUPER BATTERY, dated 22 April 2025 Waratah Super Battery Emergency Plan (EP) Akaysha Energy Pty Ltd., dated 18 June 2025 Letter: Emergency Plan (EP) Submission – WARATAH SUPER BATTERY - 301 SCENIC DR, COLONGRA NSW 2262, File Ref. No. FRN22/3331 BFS25/4555	The current EP complies with (a) to (h) of this condition and was observed to be being implemented at the time of the audit, including provision of the ESIP at numerous locations in water proof tubes for ready access for Emergency Services personnel. The latest EP and ESIP need to be provided on the project website. It is noted however that the EP contains personal contact details. These may need to be redacted prior to uploading the website.		

B24.	(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.	8000043712 SafeWork Ref., dated 6 August 2025		Compliant	
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 Interview R Shankster Waste tracking invoices (sample).	Waste generation was at minimal levels at the time of the first operational audit as the project nears operations. Waste streams were being adequately segregated and stored on site for disposal. Waste tracking register indicated adequate ongoing waste management.	Compliant	
Remediation					
Remedial Works					
B26.	Prior to carrying out construction, the Proponent must develop and implement a Remedial Action Plan prepared in accordance with the relevant guidelines produced or approved under the Contaminated Lands Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).	Remediation Action Plan (Consulting Earth Scientists, 27 March 2023) Validation Report (Consulting Earth Scientists, 18 May 2023).	The Remediation Action Plan was prepared approximately 3 months before the commencement of construction, by registered Soil Conservationist (SC41156) and Certified Environmental 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 fifth audit reporting period.	Compliant	
Validation report					
B27.	Within one month of the completion of the remediation works, the Proponent must submit a copy of a validation report/letter to the EPA, Council and the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Post approval lodgement receipt (Waratah Super Battery - SSI-48492458-PA-12) Validation Report (Consulting Earth Scientists, 18 May 2023).	Deemed compliant in previous audits. No additional remediation works have been required during the reporting period.	Compliant	
Site Audit Report and Site Audit Statement					
B28.	Within six months of the completion of remediation works the Proponent must submit a Site Audit Report and Site Audit Statement to the EPA, Council and the Planning Secretary. The reports must be prepared by the Site Auditor in accordance with relevant guidelines produced or approved under the Contaminated Lands Management Act 1997 and must confirm: (a) the remedial works have been completed in accordance with the RAP and REMP and the site is suitable for its intended land use; and (b) the risks to human health and the environment have been addressed in accordance with the objectives of the RAP.	Second IEA Report (NGH, 2024)	This condition deemed compliant in previous audits. It has not been triggered during the current audit period.	Not triggered	
Unexpected finds					

B29.	Prior to the commencement of construction, the Proponent must prepare an unexpected finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the Environmental Management Strategy for the development and must ensure any material identified as contaminated is be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.	Waratah Super Battery Environmental Management Strategy Rev D (WSP, 4/05/2023)	The Project Unexpected Finds Procedure (contamination) is included as Appendix C of the approved EMS Rev D.	Compliant	
Decommissioning and Rehabilitation					
B30.	Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Proponent must rehabilitate the site to comply with the objectives in Table 4. ***Table 4:*** *Rehabilitation Objectives* ***Feature*** / ***Objective*** Site: • Safe, stable and non-polluting. Battery Storage infrastructure: • To be decommissioned and removed, unless the Planning Secretary agrees otherwise. Land use: • Restore land to a stable condition Community: • Ensure public safety at all times.	Interview R Shankster	Operations have not ceased during the reporting period.	Not triggered	
Part C Environmental Management, Reporting and Auditing					
Environmental Management					
Environmental Management Strategy					
C1.	Prior to commencing construction, the Proponent must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must: (a) provide the strategic framework for environmental management of the development; (b) identify the statutory approvals that apply to the development; (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (d) set out the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and (e) include: (i) references to any strategies, plans and programs approved under the conditions of this approval; and (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this approval. Following the Planning Secretary's approval, the Proponent must implement the Environmental Management Strategy.	Waratah Super Battery Environmental Management Strategy (EMS) Rev D (WSP, 4/05/2023) Waratah Super Battery Operational Environmental Management Plan (OEMP), Akaysha Energy Pty Ltd., Rev 3 6/6/2026 (AE- WSB-PLN-ENV-002)	An OEMP has been prepared to replace the construction phase EMS. The OEMP adequately addresses (a) to (e) of this condition. The OEMP was being adequately implemented at the time of the first operational audit.	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.	Interview R Shankster Waratah Super Battery Environmental Management Strategy (EMS) Rev D (WSP, 4/05/2023) Waratah Super Battery Operational Environmental Management Plan (OEMP), Akaysha Energy Pty Ltd., Rev 3 6/6/2026 (AE- WSB-PLN-ENV-002)	The EMS (now OEMP) and EP were updated and resubmitted during the fifth audit reporting period.	Compliant	
Staging, Combining and Updating Strategies, Plans or Programs					
	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);	Interview R Shankster	OEMP adopted over EMS		

C3.	(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).			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 R Shankster		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 R Shankster		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 R Shankster		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) Notification of Operational Commencement as of DD MM 2026, dated 10 February 2026	Notification of commencement of operation at 7am on 16th February 2026 was provided to the DPHI via the major projects portal in accordance with the requirements this condition.	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.	Interview R Shankster Letter dated 15 July 2025, Submission of Work As Executed Plans - Attachment A - Issued for As built Plans	Works as executed plans were sent to the DPHI for comparison of the As-Built to the approved Final Layout Plan prior to operations.	Compliant	
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.	Site inspection Interview R Shankster	No set of circumstances have caused or threatened to cause material harm to the environment during the fifth audit period.	Not triggered	
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.	Interview R Shankster Proponents Response to IEA#5 Findings Akaysha, dated 27 January 2026	The fifth audit identified one non-compliant finding. This was notified via the response to the audit finding which was posted to the Major Projects portal within 7 days of receiving the Final Audit Report.	Compliant	

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.	As above	The above notification addresses the requirements of this condition.	Compliant	
C13.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Interview R Shankster	The previously identified non-compliant finding was not a reportable incident.	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, 30/06/2025)	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). The site visit for the third audit (this audit) was undertaken on 10th December 2024, within 52 weeks of the first audit in accordance with the Independent Audit Post Approval Requirements (2020). The site visit for the fourth audit was undertaken on 4 June 2025, within 78 weeks of the first audit in accordance with the Independent Audit Post Approval Requirements (2020). The site visit for the fifth audit (this audit) was undertaken on 12 December 2025, within 104 weeks of the first audit in accordance with the Independent Audit Post Approval Requirements (2020). The site visit for the first operation audit (Audit #6) was undertake on 7 May 2026, within 3 months from notification of the commencement of operation.	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 Endorsement Request, DPHI dated 01/05/2025 Email: Auditor endorsement request PA-48, dated 12 November 2025	Will Weir (Lead Auditor) and Natascha Arens (Auditor) were endorsed by DPHI on 12/11/2025 to undertake the fifth audit and were provisionally approved for this operational independent audit.	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.		Not required for the audit period.	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://community.akayshaenergy.com/waratah-super-battery	The fifth audit report and response were provided to the Planning Secretary in accordance with this condition. The fifth audit report and response were made publicly available within the stipulated timeframe. Refer C20 below.	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	Proponents Response to IEA#5 Findings Akaysha, dated 27 January 2026	The fifth audit report and response were provided to the Planning Secretary in accordance with this condition.	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.	Interview R Shankster	No request made to date.	Not triggered	
Access to information					
	The Proponent must: (a) make the following information publicly available on its website as relevant to the stage of the development:	https://community.akayshaenergy.com/waratah-super-battery	The proponent (EnergyCo) maintains a Project website which provide the latest versions of the EMS (Rev D), BMP, and TMP. It also provides links to the NSW Government Major Projects website where the EIS and		

C20.	(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.		Statutory Approval are held. The project management contractor (Akaysha Energy) also maintains a Project website site with links to the above mention information, along with a link to their "Community Portal". This landing page includes a link to "Development Approval and Document Library".. The first, second, third, fourth and fifth IEA reports of the Project are available on the website along with the proponents response. Most other information required by this condition is provided in this on-line library. The auditor submitted a community feedback form on-line during the recent operational audit to test the system. A response via email was forthcoming in a timely manner. The Emergency Plan (EP) needs to replace the recently superseded Emergency Response Plan (ERP) on the project website to (b) keep this information up to date. It was noted at the time of the current audit inspection that EP contains personal contact details. These may need to be redacted before posting the on the website. The OEMP needs to be uplkoaded to the project website.	Compliant	
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.	Incident Register 2025-067-03 BESSIE Interview R Shankster	No environmental incidents were reported during the current audit period.	Not triggered	
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.	As above		Not triggered	
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.	As above		Not triggered	
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.	As above		Not triggered	

Appendix B - Planning Secretary Audit Team Agreement

NSW Planning ref: SSI-48492458-PA-44

Andrew Sheed
Senior Project Manager
Energy Corporation of New South Wales
GPO Box 39
Sydney New South Wales 2001
01/05/2025

Sent via the Major Projects Portal only

Subject: Waratah Super Battery - Auditor Endorsement Request

Dear Mr Sheed

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Environmental Audit (IEA) of the Waratah Super Battery, submitted as required by Schedule 2, Condition C15 of SSI-48492458 as modified (the approval) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 4 April 2025.

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 Schedule 2, 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:

- Will Weir – Lead Auditor
- Natascha Arens – Auditor (Alternative Lead Auditor)

Please ensure this correspondence is appended to the IEA Report.

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

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

Please note, the Lead Auditor must attend the site inspection/s.

Should you wish to discuss the matter further, please contact Laura Gothard, (Senior Compliance Officer) on 02 6575 3403 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 Transport for NSW

From: Development Renewables
To: Will Weir
Subject: RE: A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)
Date: Wednesday, 29 April 2026 10:18:53 AM
Attachments: image002.png
image003.png

Hello Will,

TfNSW suggests that the Independent Environmental Audit scope consider:

- Compliance with Instrument of Consent transport-related conditions
- Implementation and enforcement of shuttle bus arrangements
- Management of construction traffic volumes during AM and PM peak periods
- Any pre-construction minor works mitigation measures and associated Planning Secretary approvals
- Implementation of the Traffic Impact Assessment (TIA) and Traffic Management Plans (TMPs)
- Commitments made within the Environmental Impact Statement (EIS)
- Assumptions underpinning the assessed traffic task within the TIA, including traffic distribution assumptions
- Effectiveness of mitigation measures detailed within the TMP
- Alignment between assessed and actual traffic volumes and vehicle characteristics
- Suitability of existing intersection treatments under cumulative background and project traffic
- Ongoing appropriateness of approved OSOM routes for the configurations being utilised
- Any incidents of non-compliance with mitigation measures, commitments or assessed traffic volumes, and measures implemented in response
- Audit report outcomes and recommended actions relevant to the State road network

Kind regards,

[redacted]
Development Services Support Officer
Development Services West
Transport Planning – Planning, Integration and Passenger
Transport for NSW

[redacted]

transport.nsw.gov.au

Level 1 51-55 Currajong Street
Parkes NSW 2870

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
for NSW

[redacted]

C.2 Central Coast Council

From: [redacted]
To:
Subject: RE: A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)
Date: Tuesday, 28 April 2026 1:57:53 PM
Attachments: image002.png
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ccc-li-14_ff4d3aa5-2f61-468b-8d0b-a474239d3d12.png

Good afternoon Will,

[redacted] providing Central Coast Council an opportunity to provide input into the scope of the audit.

Council don't have any specific concerns at this stage. Also, for your information, I have completed a search of our complaints system and we have received no complaints in relation to the operation of the site.

If you require any further information, please reach out.

Regards,
[redacted]

Central Coast Council

[redacted]
Principal Environmental Specialist
Environmental Health and Systems
Central Coast Council
[redacted]
Council on LinkedIn

"We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Darkinjung country, and Elders past and present. We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home. We recognise our future leaders and the shared responsibility to care for and protect our place and people."

RE: A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)

Summarize

Reply | Reply All | Forward

Thu 18/06/2026 10:10 AM

[redacted]

Good Morning Will,

Thank you for providing an update on the Environmental Audits at Waratah Super BESS.

I provided advice in May 2025 outlining ,mostly contamination and construction concerns. I have reviewed the Validation Report and other audit documents on the Planning website and note your email below stating site stabilisation was an ongoing opportunity for improvement, I trust this will be included in the first operational audit also.

[redacted] Please send through the first operational audit once complete.

Thank you again for providing Council opportunity to provide feedback.

@[redacted] – did you need to comment on this also, I note there are biodiversity mitigation measures required at this site.

Kind Regards,
Sherie

Central Coast Council

[redacted]
Development Control and Environment Protection
Central Coast Council
[redacted]
Council on LinkedIn

C.3 Lake Macquarie Council



Thank you for contacting Lake Macquarie City Council. Our hours of operation are 8am-5pm, Monday to Friday.

This auto-reply is to let you know we have received your email and your request will be allocated within one working day. A formal response to your email will be provided within 10 working days.

If your enquiry is urgent please contact our Customer Service Centre on 02 4921 0333.

Appendix D - Independent Auditor Declaration Form

Project Name	Waratah Super Battery Project – Munmorah
Consent No.	SSI-48492458
Description of Project	Battery Energy Storage System (Operational)
Project Address	Scenic Drive, Colongra NSW 2262
Proponent	EnergyCo
Title of Audit	Independent Environmental Audit - Waratah Super BESS IEA Report 6 (Operational)
Date	09 June 2026

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	Will Weir
Signature	
Qualification	BEng (Environmental) Hons
Company	NGH a FYFE Company (FYFE Pty Ltd)
Company Address	Unit 17, Level 3, 21 Mary Street, Surry Hills NSW 2010

Appendix E - Site Inspection Photographs



Grass lined surface water control dam



Fill embankment gully failure (south-east)



Rock check in spoon drain with captured sediment



Gully erosion on spoil stockpile



Sediment build up in battery perimeter drain.



Stabilisation works around primary sediment dam



Temporary ESC up gradient of primary sediment dam

NGH a FYFE Company

NSW • ACT • QLD • VIC

ABN 31 124 444 622 ACN 124 444 622

E: ngh@nghconsulting.com.au

GOLD COAST

2B 34 Tallebudgera Creek Road
Burleigh Heads QLD 4220

T. (07) 3129 7633

SYDNEY REGION

Unit 17, 21 Mary Street
Surry Hills NSW 2010

T. (02) 8202 8333

BEGA

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

T. (02) 6492 8333

MELBOURNE

Level 14, 10-16 Queen Street
Melbourne VIC 3000

T: (03) 7031 9123

TOWNSVILLE

Level 4, 67-75 Denham Street
Townsville QLD 4810

T. (07) 4410 9000

BRISBANE

T3, Level 7, 348 Edward Street
Brisbane QLD 4000

T. (07) 3129 7633

NEWCASTLE - HUNTER & NORTH COAST

Level 1, 31-33 Beaumont Street
Hamilton NSW 2303

T. (02) 4929 2301

WAGGA WAGGA - RIVERINA & WESTERN NSW

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

T. (02) 6971 9696

CANBERRA

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

T. (02) 6280 5053

SUNSHINE COAST

Building 1, 30 Chancellor Village Boulevard
Sippy Downs QLD 4556

T: 13 54 93

WODONGA

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

T. (02) 6067 2533

Appendix B

Proponent response to opportunities for improvement in Section 4.14 of IEA Report 6

akaysha		**Project**	Waratah Super Battery
		Reference	Waratah Super BESS IEA Report 6 (Operational)
		Date	1 September 2026
		Section	4.14 Opportunities for Improvement

OFI No.	**Opportunity for Improvement**	**Proponent Response Akaysha Actions**	**Action Status**
OFI 1	The latest EP and ESIP need to be provided on the Project website. It is noted however that the EP contains personal contact details. These may need to be redacted prior to uploading the website.	Akaysha has prepared a condensed version of the EP, explaining the full EP's functions and interactions with the public. The condensed version of the EP has been published on the Project public website.	Complete
OFI 2	While there is sufficient parking on-site for the operational workforce, the auditor observed the need for and was advised that further works are proposed to be undertaken to provide more formalised parking arrangements.	Akaysha intends to expand parking areas later in 2026 during installation of the new HVT bund area.	Incomplete
OFI 3	The site inspection identified a full an un-used 15 kg LPG cylinder was stored inside the Operations and Maintenance warehouse area. It was suggested by the auditor that it is moved to an external location away from the materials storage area to a well-ventilated and secured location.	A new cylinder cage has been purchased and is now in use. The cage is positioned externally to the O&M building.	Complete
OFI 4	An opportunity to further stabilise the area up-gradient of the primary sediment pond was discussed during the site inspection, including strategic vegetation planting, noting however the need to ensure a fire hazard is not introduced. Consideration could be given to the use of soil binder and seeding in the remaining areas requiring stabilisation, including the soil stockpile (refer Appendix E photolog).	Akaysha intends to plant additional vegetation in areas identified during the audit, when growing conditions are favourable and by December 2026.	Incomplete