27th January 2025

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

Subject	Proponents Response to IEA#4 Report 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,

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

Additionally, as per requirement under DA condition C17 and C18, please consider this as Proponents' submission of Independent Audit Report #5 Issued on 22nd Jan 2026 by Independent Auditor and formal response to 5th Independent Environment Audit Report recommended improvement opportunities.

Please refer to the below listed documents for your consideration:

- Appendix A – Independent Audit Report #5 issued 22nd Jan 2026
- Appendix B - Proponents' response to Audit Non-Compliances in Section 3.4 of IEA #5 Report
- Appendix C - Proponents' response to opportunities for improvement in Section 3.6 and 4.2 of IEA #5 Report
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Akaysha Energy looks forward to your consideration of this request.

Yours sincerely,

Prabha Subramanian
Project Manager Akaysha Energy

S. Prabha

Waratah Super Battery Project
Akaysha Energy

Appendix A

Independent Environmental Audit # 5 Report Issued 22nd Jan 2026

Prepared for Munmorah Battery Project Co.

Independent Environmental Audit Report

Waratah Super BESS IEA Report 5

January 2026

Project Number: 251028

Document verification

Project Title:	Waratah Super BESS IEA Report 5
Project Number:	251028
Project File Name:	251028 Waratah Super BESS IEA Report 5_Final v1.0_20250122

Revision	Date	Prepared by	Reviewed by	Approved by
Draft v1.0	15/01/2026	Will Weir	N Arens	N Arens
Final v1.0	22/01/2026	Will Weir	N Arens	N Arens

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

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

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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
OFI	Opportunity for improvement
SIPS	System Integrity Protection Scheme
SSI	State Significant Infrastructure
TfNSW	Transport for New South Wales
TMP	Traffic Management Plan

1. Introduction

1.1. Background

The Waratah Super Battery Energy Storage System (BESS) (the Project) involves the construction of an 850 megawatt (MW) / 1,680 MW hour (MWh) standby network battery, located within the decommissioned Munmorah Power Station, 40 kilometres (km) southwest of Newcastle in New South Wales (NSW). The Waratah Super BESS is designed to support the transmission grid by providing reserve transmission capacity and stability, allow Sydney, Newcastle, and Wollongong consumers access to energy from renewable electricity generation, following the scheduled closer of the Eraring Power Station in 2027. The Project is being delivered by Energy Corporation of NSW (EnergyCo), on behalf of the NSW Government.

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

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

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

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

- Completion of construction of final battery collector groups
- Energisation of collector groups and ongoing commissioning works
- Management of permanent water storage
- Installation of permanent firefighting tanks related infrastructure
- Demobilisation of the majority of workforce and plant/equipment
- Management of surface water drainage, dams and infrastructure
- Stabilisation of exposed areas

1.2. Audit team

A team of environmental auditing professionals from NGH was approved for the audit by the Department of Planning, Housing and Infrastructure (DPHI, the Department) (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.

1.3. Objectives

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

1.4. Audit scope

This is the fifth Independent Environmental Audit (IEA) of the Project during construction.

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

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

1.5. Audit period

The reporting period for this audit is 5 June 2025 until 12th December 2025 in line with the requisite schedule provided by the Independent Audit Post Approval Requirements (Department 2020).

2. Audit methodology

2.1. Auditor approval

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 support auditor. The Department has confirmed that this audit team is approved for future audits, including the current fifth audit.

The Independent Auditor Declaration for the fifth audit is provided in Appendix D

2.2. Scope development

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

The audit comprised of offsite document review; site inspection and onsite document review; and offsite audit analysis and reporting. An audit plan was provided to the auditee prior to the site audit detailing the timing of the audit and requirements regarding accessing the site and documentation.

2.3. Audit process

A document review was undertaken prior to the audit. 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 3rd December 2025 indicating the dates of the site audit, scope, criteria, audit details and required Project representatives.

An Opening Meeting was held on 12th December 2025 at 8:30am in the site compound meeting room. Present at the opening meeting were:

- Jordon Doss (Akaysha – Site Construction Manager)
- Will Weir (NGH National Director and Lead auditor)

A closing meeting was held on 12th December 2025 at 1:30pm to discuss the initial findings of the site audit. Present at the closing meeting were:

- Jordon Doss (Akaysha – Site Construction Manager)
- Will Weir (NGH National Director and site auditor)

2.4. Audit interviews

Throughout the audit process, interviews were held with:

- Jordon Doss (Akaysha – Site Construction Manager)

No interview requests were denied.

2.5. Site inspection

A site inspection was undertaken at 9am on 12th December 2025. 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 approximately 11 millimetres (mm) of rain had been received at Lake Munmorah Weather Station (061377) on the day of the audit inspection. In the month of November, preceding the audit, 25.2 mm of rainfall was recorded at this weather station. Subsequently, the inspection enabled observations of the water management system and erosion and sediment control performance in action.

Construction phase works being undertaken at the site at the time if the fifth audit inspection included:

- Erosion and Sediment Control civil works
- Reactive maintenance
- Defect rectification works
- Warehouse operation
- Validation testing

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

2.6. 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 3.9 and Appendix C. Acknowledgements of receipt were received from the two Councils.

2.7. Compliance status descriptors

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

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

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

3. Audit findings

3.1. Document list

The list below displays all documentation used as evidence during IEA 1, 2, 3, 4 & 5:

Approvals, plans, reports and relevant correspondence

- Infrastructure Approval SSI 48492458
- DPHI correspondence – Waratah Super Battery Auditor Nomination Request Ref SSI-48492458-PA-26 20/05/2024
- Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)
- Waratah Super Battery Traffic Management Plan (TMP) Rev 5.0 (Akaysha, 25/09/2023)
- DPE correspondence – TMP Approval Letter Ref SSI-48492458-PA-14 17/11/2023
- Waratah Super Battery Biodiversity Management Plan (BMP) Rev D (WSP, 19/05/2023)
- DPE correspondence – BMP Approval Letter Ref SSI-48492458-PA-1 31/05/2023
- Memo – Waratah BESS BMP (PS135673-ECO-AUS-CAN-MEM-Rev0) (WSP, 4/06/2024)
- Waratah Super Battery Environmental Management Strategy (EMS) Rev D (WSP, 4/05/2023)
- DPE correspondence – EMS Approval Letter Ref SSI-48492458-PA-3 1/06/2023
- Biodiversity Conservation Act 2016 Section 6.33 Certificate SSI-48492458 28/03/2023
- Fire Safety Study – Waratah BESS Facility (Advitech, 30/05/2023)
- DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7 04/04/2023
- Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)
- Waratah Super Battery 330/33kV Substation, Bess Yard and O&M Area - Erosion and Sediment Control Plan, Stage 2 Rev 0 (Hatch, 18/04/2024)
- WSB Site Wet Weather Management Plan (CPP, n.d.)
- Independent Audit Report – Waratah Super BESS (NGH, 25/01/2024)
- Waratah Super BESS Lighting Study Report (CPP, 25/08/2023)
- 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
- DPE correspondence - Waratah Super Battery - Out of Hours Request (ref: SSI-48492458-PA-33)
- Memo, Waratah BESS BMP, WSP 4 June 2024
- Post Approval Document Submission Form - OOHW Day - Noise Model Validation Report
- Post Approval Document Submission Form - WSB-PLA Request for unattended Noise Monitoring
- Fire Safety Study – Waratah BESS Facility (Rev 4, Advitech, 26 July 2024)
- DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7-27 31/06/2024
- Emergency Response Plan - Waratah Super Battery (Rev 1.0, 14 August 2024)
- Emergency Services Information Package (ESIP, Initial Issue Rev 1, 14/11/2024).
- Email to FRNSW - Waratah Super Battery - Emergency Response Plan and ESIP, dated 15 August 2024
- DPE - Notice to Furnish Information and Records, dated 29/02/2025
- FRNSW Form - Lodgement of Emergency Plan (completed by proponent)

- Waratah Community Feedback Register - current at time of 5th Audit.
- Akaysha Energy - Response to DPE Notice to Furnish Information and Records, dated 24 March 2025
- Emergency Response Plan (v2.0), dated 24/03/2025
- Email to FRNSW (dated 06/05/2025 providing revised ERP
- Email from FRNSW (dated 4/06/2025 acknowledging receipt and review of the updated ERP
- DPHI correspondence – Waratah Super Battery - Auditor Endorsement Request, DPHI dated 01/05/2025
- Proponents Response to IEA#3 Findings Akaysha, dated 24 January 2025
- Email dated 2/3/2025 confirm upload of 3rd audit report to website.
- Proponents Response to IEA#3 Findings, dated 24th January 2025
- Independent Audit Report – Waratah Super BESS (NGH, 30/06/2025)
- Proponents Response to IEA#4 Findings Akaysha, dated 23 July 2025
- LETTER OF COMPLETION 23-6716/01 - AKAYSHA ENERGY WARATAH SUPER BATTERY – O&M BUILDING FACILITY (PERMANENT SITE OFFICE), Building Certifier Grade A1 BDC2471
- Facility Worker Induction –Waratah Super Battery (11/12/2025)
- Daily Truck Movement Register (.xlsx) 10/12/2025
- Letter: Emergency Plan (EP) Submission – WARATAH SUPER BATTERY - 301 SCENIC DR, COLONGRA NSW 2262, File Ref. No. FRN22/3331 BFS25/4555 8000043712 SafeWork Ref., dated 6 August 2025
- Waste tracking invoices (October 2025)
- Incident Register 2025-067-03 BESSIE

Traffic, plant and equipment

- Waratah Super Battery Delivery Driver Induction – Consolidated Power Projects
- Daily Truck Movement Register (.xlsx) 30/05/2023 – 11/06/2024
- ATV/Quad Bike Prestart Checklist #12334 6/06/2024
- Kubota Service Repair Form #2009 – RTVH40 8/05/2024
- Generator Prestart Safety Check Form 2/06/2024
- Plant Portal Service History Record #1032075 (various dates)
- Daily Telehandler Prestart Checklist #1326860 4/06/2024
- Routine Maintenance and Safety Checks Record – 500hr plant service 29/04/2024
- EWP Logbook – Safety Check Records (various dates)
- Service Checklist Machine 540-180 (S/N 3243396) 20/02/2024
- OSOM or Dimension Exemption Permit #839581V1 (12 Dec 2023 – 8 Mar 2024)
- OSOM or Dimension Exemption Permit #837369V1 (23 Jan 2024 – 23 Feb 2024)
- OSOM or Dimension Exemption Permit #783299V4 (01 Jan 2024 – 31 Mar 2024)
- Daily Telehandler Prestart Check List #132688
- ATV/Quad Bike Prestart Checklist #53651, 10/12/2024
- ATV/Quad Bike Prestart Checklist #49501, 10/12/2024
- Daily Truck Movement Register (.xlsx) 13/06/2024 – 9/122024
- Upgrade Plan (Access roads)
- Haul Road mark-up (ACG punch ;list)
- Daily Truck Movement Register (.xlsx) 7/12/2024 – 2/06/2025)

- Engineering Drawing (Fire Hydrant): 200101-V02-FLU-LAY-703.1.IFC
- Elevated Platform - Plant Onboarding Checklist (14/11/2025)
- Plant Register

Monitoring, reporting and incidents

- DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-23 29/02/2024
- Report – Waratah Super Battery – Noise modelling night shift (GHD, 02/04/2024)
- DPHI correspondence – Request for Extended Construction Hours Ref SSI-48492458-PA-24 29/04/2024
- Report – Waratah Super Battery – Nighttime noise model validation (GHD, 31/05/2024)
- Report – Waratah Super Battery – Daytime noise model validation (GHD, 28/05/2024)
- Waratah Complaints Register (.xlsx)
- DPE Compliance Checklist (.xlsx) (Akaysha, 20/03/2024)
- Pumpout Tracking – CPP – Colongra – 20240523 (.xlsx)
- Akaysha Environmental Incident Notification 002 – Dirty Water Discharge 15/04/2024
- Akaysha Environmental Incident Notification 003 – Site Septic Tanks Sewer Overflow 31/05/2024
- CPP Project Issue Tracking List (Incident Register 2024) (.xlsx)
- Waratah Site Specific Induction (CPP) (.pptx)
- Toolbox and sign-on sheet – Frog Fences (29/02/2024)
- Dewatering Assessment, Western Basin-Swail, 13 August 2024
- Waste Tracking Register.xls, 17/6/2024 - 5/12/2024
- Waste transfer receipt (Timber Waste), Service Docket 861491, 5/12/2024
- Waste transfer receipt (General Waste), Service Docket 829447, 28/11/2024
- Heads Up - Snake Incident, 14/6/2024
- Environmental Incident Notification 004, 21 June 2024 - Accidental Harm of Snake
- CPP Operation Learning Report (snake incident), 15/6/2024
- 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)
- Daily Telehandler Prestart Check List Service Record for Telehandler, dated 05/12/2024
- Toolbox and sign-on sheet (Snakes) –29/01/2025
- Waratah Complaints Register (.xlsx) - current at time of 5th Audit.

3.2. Compliance performance

A total of 70 Conditions of Approval (CoA) were found to be relevant to the reporting period. The Project was found to be compliant with most of the active conditions of approval (Table 3-1). One minor non-compliance finding was identified, which in turn resulted in the general non-compliance under Part A.

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

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

	Part A	Part B	Part C	Appendix 4	Total
Number of Conditions of Approval	16	30	20	4	**70**
Number of triggered Conditions	9	27	10	0	**46**
Number of non-compliances	1	1	0	0	**2**

3.3. Notices, orders and prosecutions

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

3.4. Non-compliances

Two non-compliant findings were identified during the fifth audit in relation to two audit observations.

These non-compliances, as well as their corresponding recommendations, are detailed in Table 3-2.

Table 3-2 Non-compliance findings identified during the fifth audit as well as corresponding recommended actions

CoA	Requirement	Details of non-compliance
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**
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.**

3.5. Previous audit recommendations

The previous audit found no non-compliance findings.

3.6. Opportunities for Improvement

One new **opportunity for improvement** was identified in the fifth audit inspection as discussed in Section 4.2.

3.7. Environmental Management Plans

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

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

3.7.1. Traffic Management Plan

The fifth audit found that the requirements of the Stage 2 TMP are being implemented with authorised access route to site clearly communicated, car parking facility clearly identified and sufficient for the volume of vehicles, site conditions identified via site traffic signage and the use of traffic controllers as needed throughout site. 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 fifth audit period was considerably lower than the peak construction period with the project nearing completion and operations. No issues or concerns were raised during audit period with regard to adherence to the driver Code of Conduct.

3.7.2. 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.

Construction-based mitigation measures continue to generally be implemented where applicable; noting some construction-phase biodiversity mitigation measures remain not relevant to the actual day to day activities of the construction site.

3.7.3. 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 approved by DPE on 1 June 2023.

The site inspection component of the fifth audit found that site was largely being managed in accordance with the requirements of the EMS. The EMS is underpinned by a CEMP, which identifies the monitoring framework and frequency to regularly confirm the adequacy of required environmental controls.

The EMS incorporates required environmental management obligations, such as the ESCP. The site was observed as having sufficient ESC devices in place, however in some instances these had been compromised by the significant rainfall experienced at the site leading up the fourth audit inspection.

The EMS also contained a placeholder for the contaminated lands Site Audit Statement and Site Audit Report. The EMS will need to be reviewed as the project moves from construction to operations to ensure it adequately addresses operational requirements.

3.8. Environmental performance

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

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

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

3.9. Consultation feedback

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

I have no specific areas of concern that I need addressed in the upcoming audit.

Please ensure it is carried out in accordance with the consent, and ensure all tables and appendices are labelled correctly.

The review of compliance with the consent is provided in Appedix A of this fifth audit report.

TFNSW notes:

TfNSW has not come across any new concerns over the last six months, but looking at the conditions of consent and TMP, here are some items we recommend you consider:

- *Compliance with conditions of consent Part B ENVIRONMENTAL CONDITIONS – GENERAL, conditions B1 – B7.*
- *Compliance with the requirements of the Traffic Management Plan*
- *Vehicle movements are aligned to Part B – Environmental Conditions General – TRANSPORT Condition B1 - Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions*
- *Heavy vehicles use only the access routes as described in the Consent Condition B3 - Access Route*
- *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 and including Condition B4 – Site Access and Appendix 1.*
- *Traffic control plan*

- *Adherence to Drivers' Code of Conduct is appropriately monitored*

Central Coast Council (CCC) acknowledged receipt of the consultation request, but no further action was requested.

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

3.10. Complaints

No complaints were recorded during the reporting period.

3.11. Incidents

No notifiable incidents occurred during the fourth audit reporting period.

3.12. Actual vs. predicted impacts

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

Biodiversity

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

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

Actual Impacts

It is considered that no further impacts to biodiversity, other than those assessed in the EIS have occurred as a result of constructing the project, with exception being the reportable snake incident previously addressed in an earlier audit.

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 furth 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 audit noted that the construction of the site is on predominantly imported fill, with maximum likely excavation depth to 1.5m. Some potential sediment loss occurred during the second reporting period during extreme rainfall however sediment would likely have resulted from imported fill so contamination egress is considered unlikely. No unexpected finds of contaminated material have been recorded to date of the fifth 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.

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.

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 nearing 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. The current Emergency Plan (EP) has been updated to address all requirements of condition B24.

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

Construction waste, while now 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.

3.13. Key strengths

The project has been developed and is nearing operations with key environmental controls in place. This audit found that the project is being mostly delivered in compliance with all relevant and active conditions of approval, management plans and commitments. Two non-compliance findings were identified in the fifth construction phase audit, both of which are considered relatively minor and easily corrected.

During the fifth site inspection, it was noted that the site is 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.

Efforts made to complete all weather access and associated drainage control meant the site appeared to be responding well against the rainfall experienced around the time the audit. One area of concentrated surface water flow into the primary water capture pond was being finalised at the time of the audit inspection. This included concrete and rock lining of the inlet surface water channel.

3.14. Pre-operations

In accordance with condition C7 the proponent is required to notify the Department prior to the commencement of operations.

In accordance with condition C9 the proponent is required to furnish works as executed plans to the Department of the development showing comparison to the approved Final Layout Plans.

4. Recommendations

4.1. Recommended actions

The recommended actions for the fifth audit are presented in Table 3-2.

4.2. Opportunities for improvement

One improvement opportunity was identified during the fifth audit inspection, to replace the recently superseded Emergency Response Plan (ERP) with the current Emergency Plan (EP) on the Project website.

Civil works to improve the inlet surface water drainage to the primary water capture basin will require ongoing monitoring to ensure it performs to plan.

Appendix A Audit Table

Development Consent Compliance Status - December 2025

Reference	Approval or licence requirement	Evidence collected	Audit Findings - December 2025	Compliance status
Development Consent SSI 48492458				
Schedule 2 - Part A Administrative Conditions				
Obligation to minimise harm to the environment				
A1.	In meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, operation, rehabilitation or decommissioning of the development.	Site visit Interview J Doss	The project was largely completed and was being carried out to ensure reasonable and feasible measures were implemented to prevent and minimise material harm to the environment. This included some final erosion and sediment control improvement works following upgrades to the all weather access roads. Required Management Planning documents were developed, approved and noted as 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) **One not-compliant observation was made during the Fifth audit in relation to incorrect storage of minor volumes of dangerous goods.** (b) no written direction during the fifth 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 fifth audit inspection. (d) site boundary fencing, buildings and battery construction areas were consistent with the approved development layout.	Not-compliant
A3.	The Proponent must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of: (a) any strategies, plans or correspondence that are submitted in accordance with this approval; (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and (c) the implementation of any actions or measures contained in these documents.	Management Plans	The project was observed to be being conducted in accordance with the requisite management plans 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 J Doss	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 have 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 J Doss	Noted. No plans are currently in place to upgrade the infrastructure beyond the approved limits or footprint.	Not triggered
Structural adequacy				
A9.	The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.	Interview J Doss BCA Compliance Assessment Report, CD Certification, 15.11.2024 Email dated 4 June 2025 (CPP) confirming pending finalisation of buidling certifcation 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 J Doss	No demolition work has been undertaken during the reporting period.	Not triggered
Protection of public infrastructure				
A11.	Unless the Proponent and the applicable authority agree otherwise, the Proponent must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Interview J Doss Site visit	No 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 J Doss Elevated Platform - Plant Onboarding Checklist (14/11/2025) Plant Register	During the site inspection there was a small number of plant and machinery remaining on site (Excavator, Telehandler, 10 x scissor lifts) due construction works being mostly completed. Remaining machinery, where observed, was generally observed to be in good working condition, with no visible signs of smoke or leaks. 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 updated 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	FNSW were consulted in August 2025 with regard to the ESIP.	Compliant
Subdivision				
A16.	The Proponent may subdivide land comprising the site for the purposes of carrying out the development as identified in Appendix 3 and in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation, Conveyancing Act 1919 (NSW) and the NSW Land Registration Services (or its successor).	Interview J Doss Site visit	No subdivision 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.	Daily Truck Movement Register (.xlsx) 10/12/2025 Site visit Interview J Doss	Low truck movement numbers are well below allowable, typically for waste management, fuel for generators, small deliveries and movement of plant.	Compliant
B2	The Proponent must keep accurate records of the number of heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the development.	Daily Truck Movement Register (.xlsx) 10/12/2025 Interview J Doss	Records show all truck movements, with no escorted vehicles 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 Daily Truck Movement Register (.xlsx) 13/06/2024 – 9/12/2024 Daily Truck Movement Register (.xlsx) 7/12/2024 – 2/06/2025 Interview J Doss	Station Road remains 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 J Doss 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 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.	Interview J Doss Dilapidation Report (May, 2023) DPE approval letter (reference SSI-48492458-PA-10).	Compliance with this Condition was addressed during Audit 1 and no damage to Station Road has occurred during the reporting period.	Compliant
Operating conditions				
B6.	The Proponent must ensure: (a) the internal roads are constructed as all-weather roads; (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site; (c) the capacity of the existing roadside drainage network is not reduced; (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and (e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.	Site visit Interview J Doss Upgrade Plan (Access roads) Haul Road mark-up (ACG punch list)	Road access design criteria confirms all weather design, installed drainage networks and road base. 240 car parking spaces. Field warehousing/ laydown areas on site. Invoices are only paid once delivered to site. Inbound deliveries follow a one-way loop, internal roads continue as bitumen with any debris form vehicles contained within the project site before vehicles leave and enter public road network. Civil works have been undertaken to formalises the all weather road access and associated drainage treatments as observed during the site inspection. Some final erosion and sediment control improvement works were being undertaken at the time of the audit site inspection.	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;	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

<table>
<tr><td></td><td>(viii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
(ix) responding to any emergency repair or maintenance requirements; and
(x) a traffic management system for managing heavy vehicles requiring escort;

(c) a driver’s code of conduct that addresses:
(i) driver fatigue;
(ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
(iii) procedures to ensure that drivers implement safe driving practices.
(d) a program to ensure drivers working on the project receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.
Following the Planning Secretary’s approval, the Proponent must implement the Traffic Management Plan.</td><td></td><td></td><td></td></tr>
<tr><td colspan="5">Biodiversity</td></tr>
<tr><td colspan="5">Vegetation clearance</td></tr>
<tr><td>B8.</td><td>The Proponent must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.</td><td>Site visit
Interview J Doss</td><td>No clearing has been undertaken during the fifth audit reporting period.

No clearing to date has been undertaken outside of the approved disturbance footprint, which is clearly fenced.</td><td>Compliant</td></tr>
<tr><td colspan="5">Biodiversity offsets</td></tr>
<tr><td>B9.</td><td>Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Proponent must retire biodiversity credits as specified in Table 1 and Table 2 below.
The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:
(a) acquiring or retiring ‘biodiversity credits’ within the meaning of the Biodiversity Conservation Act 2016;
(b) making payments into an offset fund that has been developed by the NSW Government; or
(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1: Ecosystem Credit Requirements
<table>
<tr><th>Vegetation Community</th><th>PCT ID</th><th>Credits Required</th></tr>
<tr><td>Scribbly Gum - Red Bloodwood – Angophora inopina heathy woodland on lowlands of the Central Coast</td><td>1636</td><td>4</td></tr>
<tr><td>Broad-leaved Paperbark - Swamp Oak - Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast</td><td>1724</td><td>3</td></tr>
</table>
Table 2: Species Credit Requirements
<table>
<tr><th>Species Credit Species</th><th>Credits Required</th></tr>
<tr><td>Charmhaven Apple (Angophora inopina)</td><td>4</td></tr>
<tr><td>Eastern Pygmy-possum (Cercartetus nanus)</td><td>4</td></tr>
<tr><td>Large-eared Pied Bat (Chalinolobus dwyeri)</td><td>11</td></tr>
<tr><td>Wallum Froglet (Crinia tinnula)</td><td>5</td></tr>
<tr><td>Giant Burrowing Frog (Heleioporus australiacus)</td><td>3</td></tr>
<tr><td>Pale-headed Snake (Hoplocephalus bitorquatus)</td><td>7</td></tr>
<tr><td>Green and Golden Bell Frog (Litoria aurea)</td><td>7</td></tr>
<tr><td>Green-thighed Frog (Litoria brevipalmata)</td><td>5</td></tr>
<tr><td>Squirrel Glider (Petaurus norfolcensis)</td><td>7</td></tr>
<tr><td>Brush-tailed Phascogale (Phascogale tapoatafa)</td><td>7</td></tr>
<tr><td>Common Planigale (Planigale maculate)</td><td>7</td></tr>
<tr><td>Mahony's Toadlet (Uperoleia mahonyi)</td><td>7</td></tr>
</table></td><td>Biodiversity Conservation Act 2016 Section 6.33 Certificate SSI-48492458 28/03/2023</td><td>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.</td><td>Compliant</td></tr>
</table>

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.	Interview J Doss 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 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. 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*	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 Memo, Waratah BESS BMP, WSP 4 June 2024	The BMP has previously been deemed compliant with this condition.	Compliant
Amenity				
Construction, Upgrading and Decommissioning Hours				
	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.	Interview J Doss Waratah Super Battery – Request for Extended Construction Hours (DPHI. Sated 05/12/2024)	No out of hours work were undertaken during the fifth audit period. No request to work on Public Holidays was made and as such no such work has been undertaken.	

B12.	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.		No noise complaints were received during the third 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* **Location** | **Noise Limits in dB(A)**: Day $L_{Aeq,\ 15min}$ | Evening $L_{Aeq,\ 15min}$ | Night $L_{Aeq,\ 15min}$ **Any residential receiver** | 40 | 40 | 35	Site visit WaratahCommunity Feedback Register - current at time of 5th Audit. Interview J Doss Report - Waratah Super BESS - Noise Modelling, GHD 23 October 2024	No noise complaints were received during the fifth audit reporting period. The remaining plant and equipment on site during the inspection would not be expected to generate significant noise.	Compliant
Dust				
B14.	The Proponent must minimise the dust generated by the development.	Site visit Waratah Community Feedback Register - current at time of 5th Audit.	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 (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.	Site visit Interview J Doss Waratah Super Battery - Munmorah, Environmental Impact Statement (GHD, 2022)	No changes from previous audit. The site and infrastructure remain visually screened form sensitive receivers.	Compliant
Lighting				
B16.	The Proponent must: (a) minimise the off-site lighting impacts of the development; and (b) ensure that any external lighting associated with the development: (i) is installed as low intensity lighting (except where required for safety or emergency purposes); (ii) does not shine above the horizontal; and (iii) complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	Waratah Super BESS Lighting Study Report (CPP, 25/08/2023) Waratah Community Feedback Register - current at time of 5th Audit. Site visit Interview J Doss	Waratah Lighting Study Report (CPP, 2023) lists specific input performance objectives as per the requirements of this condition that will be implemented during construction. No lighting-related complaints have been received during the fifth 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 J Doss	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 fifth 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 J Doss	Water for the Project is mostly supplied through a metered hydrant. A water truck does deliver water to temporary on-site amenities. Two permanent fire fighting tanks have been installed and commissioned. Rainwater tanks now capture rainfall from the O&M Building roof.	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)	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 J Doss	The day of the site inspection for the fifth audit conducted on 12 December 2025 experienced approximately 15mm of rain. This followed a day of lighter rain. Observations made during the fifth audit inspection confirmed that the site surface water management system appeared to be operating as per design. At the time of the audit inspection civil works were underway to further improve the previously challenging area near the primary water capture basin. This included concrete and rock lining of the inlet channel into the basin Drainage works were observed to have been completed following formalisation of the all weather access roads. This included the previously identified area of sediment runoff on the light vehicle access. Overall the works undertaken were a significant improvement from the previous audit inspection.	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: (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;	Fire Safety Study – Waratah BESS Facility (Rev 4, Advitech, 26 July 2024) DPE correspondence – FSS Approval Letter Ref SSI-48492458-PA-7-27 31/06/2024 Interview J Doss	The approved FSS was being implemented at the time of the fifth 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. The permanent fire fighting water supply tanks and associated infrastructure are in service.	

B21.	(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.*			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 J Doss Site visit Waratah Super Battery Energy Storage System Construction Environmental Management Plan Rev 1.2 (CPP, 28/04/2023)	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.**	Not-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 J Doss, J Connoly 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	2 x >10,000 litre firefighting water supply were observed to be installed and operational at the time of the fourth audit and remain in service as of the fifth audit. The associated infrastructure includes the requisite 65mm Stortz fittings. Details of the infrastructure are detailed in the ERP and ESIP. There has been ongoing communication with the emergency authorities and acknowledgment of submission of the Emergency Plan document, associated Safety Data Sheets, Site Manifest Plan, and Emergency Services Information Package (ESIP).	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;	Site visit Interview J Doss, J Connoly 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	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 updated ESIP was provided to FRNSW. The latest EP and ESIP need to be provided on the project website.	

B24.	(d) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone: (e) include details on how the battery storage and sub-systems can be safely isolated in an emergency; (f) include bushfire emergency management planning; (g) include details of how RFS would be notified, and procedures that would be implemented, in the event that: • there is a fire on-site or in the vicinity of the site; • there are any activities on site that would have the potential to ignite surrounding vegetation; or • there are any proposed activities to be carried out during a bushfire danger period; and (h) include an Emergency Services Information Package in accordance with Emergency services information and tactical fire plan (FRNSW, 2019), and an Emergency Responders Induction Package to the satisfaction of FRNSW and RFS; The Proponent must: implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.	2262, File Ref. No. FRN22/3331 BFS25/4555 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 Inerview J Doss Waste tracking invoices (October 2025).	Waste generation was at minimal levels at the time of the fifth 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. Transformer oil was removed from site by a licensed contractor and transported to an appropriate disposal facility.	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).	The validation letter relevant to the initial remediation works (Dec 22 - May 23) was submitted within one month of completion. No additional remediation works have been required during the reporting period.	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:	Second IEA Report (NGH, 2024)	This condition deemed compliant in previous audits. It has not been triggered during audit period.	Not triggered

B28.	(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.			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 J Doss	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)	No changes have been made to the approved EMS during the reporting period. The site visit and audit process found that the EMS is generally being implemented during construction of the Project. The EMS will need to be reviewed as the project moves from construction to operations to ensure it adequately addressed operational requirements.	Compliant
Revisions of Strategies, Plans and Programs				
	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	Interview J Doss	The EP and ESIP were updated and resubmitted during the fifth audit reporting period.	

C2.	(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.			Compliant
Staging, Combining and Updating Strategies, Plans or Programs				
C3.	With the approval of the Planning Secretary, the Proponent may: (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	Interview J Doss	Not required during the reporting period.	Not triggered
C4.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.	Interview J Doss	Not required during the reporting period.	Not triggered
C5.	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	Interview J Doss	Not required during the reporting period.	Not triggered
C6.	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.	Interview J Doss	Not required during the reporting period.	Not triggered
Notifications				
Notification of Department				
C7.	Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Proponent must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase. If any of these phases of the development are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.	Notification of construction commencement (SSI-48492458-PA-13)	At the time of the fifth audit the project was in the commissioning and defect maintenance phase with ongoing corrective actions and maintenance activities. The auditor was advised that the commencement of operation would occur in the near future. The proponent must notify the Department prior to the commencement of operations.	Compliant
Final Layout Plans				
C8.	Prior to commencing construction, the Proponent must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of the battery storage and ancillary infrastructure, via the Major Projects website. The Proponent must ensure that the development is constructed in accordance with the Final Layout Plans.	Site Layout Plan 12590-EL-DR-1000 Notification reference SSI-48492458-PA-11	Compliance with this Condition was addressed during Audit 1.	Compliant
Works as executed plans				

C9.	Prior to commencing operations or following the upgrades of any battery storage components or ancillary infrastructure, the Proponent must submit work as executed plans of the development showing comparison to the final layout plans to the Department via the Major Projects website.	Site inspection Interview J Doss	Operations have not commenced during the reporting period. The auditor was advised that works as executed plans are to be provided prior to the commencement of operations.	Not triggered
Incident notification				
C10.	The Department must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the project approval number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.	Site inspection Interview J Doss	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 J Doss	The fourth audit did not identify any non-compliant findings. No known non-compliance occurred during the fifth audit reporting period.	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.	Proponents Response to IEA#4 Findings, dated 23rd July 2025	NT	Not triggered
C13.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Interview J Doss	NT	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).	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 upcoming operational independent audits.	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 fourth audit report and response were provided to the Planning Secretary in accordance with this condition. The fourth 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#4 Findings Akaysha, dated 23 July 2025	The fourth 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.		Not triggered.	Not triggered
Access to information				
C20.	The Proponent must: (a) make the following information publicly available on its website as relevant to the stage of the development: (i) the EIS; (ii) the final layout plans for the development; (iii) current statutory approvals for the development; (iv) approved strategies, plans or programs required under the conditions of this approval; (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged; (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; (vii) how complaints about the development can be made; (viii) any independent environmental audit, and the Proponent's response to the recommendations in any audit; and (ix) any other matter required by the Planning Secretary; and (b) keep this information up to date.	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 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 and fourth 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 to test the system. A response 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.	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 J Doss	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	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	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	As above	Not triggered

Appendix B DPHI Auditor Approval

Appendix C Consultation

C.1 Department of Planning, Housing and Infrastructure

From: [redacted]@dpie.nsw.gov.au>
Sent on: Wednesday, December 10, 2025 6:07:37 AM
To: [redacted]
Subject: RE: A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)

Hi Will,

I have no specific areas of concern that I need addressed in the upcoming audit.

Please ensure it is carried out in accordance with the consent, and ensure all tables and appendices are labelled correctly.

Kind Regards,

[redacted]
Senior Compliance Officer

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

C.2 Transport for NSW

From: [redacted]
Sent on: Tuesday, December 16, 2025 5:20:25 AM
To: [redacted]
Subject: TfNSW Response : A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)

Afternoon Will,

Thanks for reaching out to TfNSW regarding the audit of Waratah Super BESS.

TfNSW has not come across any new concerns over the last six months, but looking at the conditions of consent and TMP, here are some items we recommend you consider:

- Compliance with conditions of consent Part B ENVIRONMENTAL CONDITIONS – GENERAL, conditions B1 – B7.
- Compliance with the requirements of the Traffic Management Plan
- Vehicle movements are aligned to Part B – Environmental Conditions General – TRANSPORT Condition B1 - Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions
- Heavy vehicles use only the access routes as described in the Consent Condition B3 - Access Route
- 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 and including Condition B4 – Site Access and Appendix 1.
- Traffic control plan
- Adherence to Drivers' Code of Conduct is appropriately monitored

Should you have any further questions please don't hesitate to reach out.
Regards,

[redacted]
Development Services Case Officer- Renewables
Transport Planning
Planning,Integration and Passenger
Transport for NSW

P 1300 019 680 E development.renewables@transport.nsw.gov.au

transport.nsw.gov.au

C.3 Central Coast Council

From: Central Coast Council <Ask@centralcoast.nsw.gov.au>
Sent on: Tuesday, December 9, 2025 11:46:07 PM
To: Will Weir <Will.Weir@fyfe.com.au>
Subject: Automatic reply: A251028.00 - Environmental Audit Waratah Super BESS - Consultation Request (Audit #5)

Thank you for contacting Central Coast Council.

Your enquiry will be forwarded to the appropriate council officer for their action.

We would like to take this opportunity to let you know that requests for service can also be made using our convenient Online Customer Service Centre portal, which is a quicker, more efficient way to get the assistance you need. On the portal, you can find information about frequently asked requests and create a user login to track your enquiry and responses from Council.
In most cases, your request goes directly to the team that can resolve it, which will speed up your response time!

As always, if the matter is urgent, please contact council's Customer Service team on 02 4306 7900.

Kind regards,
Central Coast Council

To stay up-to-date with all Council News, sign-up to Council's weekly enews via https://www.centralcoast.nsw.gov.au/council/council-news/sign-to-our-enews

Central Coast Council
02 4306 7900
Ask@centralcoast.nsw.gov.au
PO BOX 20 Wyong, NSW 2259
Council on LinkedIn

C.4 Lake Macquarie Council

Automatic reply: A251028.00 - Environmental Audit Waratah Super BESS - ...

CC Council Council <council@lakemac.nsw.gov.au>
To Will Weir
10/12/2025

This sender council@lakemac.nsw.gov.au is from outside your organization.

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. 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

Project Name	Waratah Super Battery Project – Munmorah
Consent No.	SSI-48492458
Description of Project	Battery Energy Storage System
Project Address	Scenic Drive, Colongra NSW 2262
Proponent	EnergyCo
Title of Audit	Independent Environmental Audit
Date	22 January 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

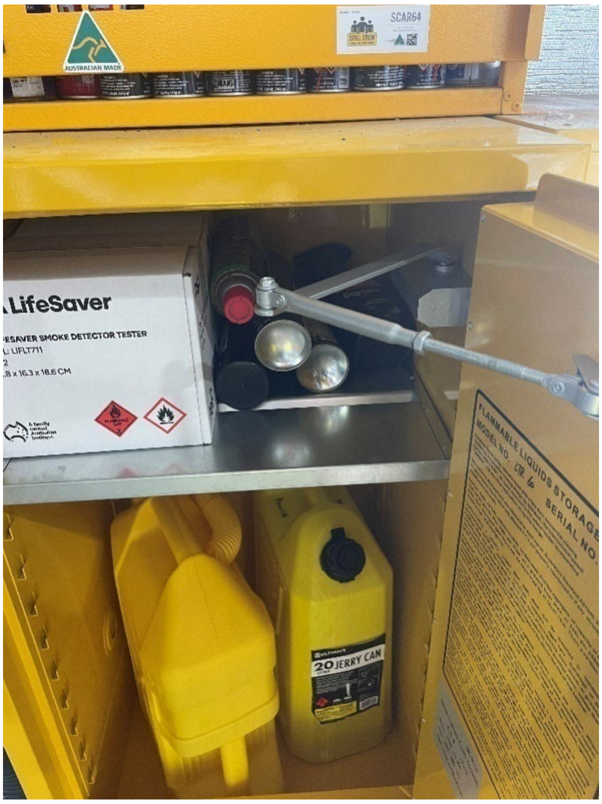
Appendix E Site inspection photos

Battery compound entrance point with Emergence Plan pack and signage

Rock lining of surface water inlet drainage chute

Concrete inlet surface water drainage channel

All weather access road treatment

 Class 2 Flammable Gas aerated cabinet atop Class 3 Flammable Liquid cabinet
 Class 3 flammable liquid comingled with Class 2 flammable gasses (including combustible carboard) in Class 3 cabinet.

Clear surface water leaving Project site following rain event

NGH a FYFE Company

NSW • ACT • QLD • VIC

ABN 31 124 444 622   ACN 124 444 622

E: ngh@nghconsulting.com.au

BEGA

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

T. (02) 6492 8333

BRISBANE

T3, Level 7, 348 Edward Street
Brisbane QLD 4000

T. (07) 3129 7633

CANBERRA

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

T. (02) 6280 5053

GOLD COAST

2B 34 Tallebudgera Creek Road
Burleigh Heads QLD 4220

T. (07) 3129 7633

MELBOURNE

Level 14, 10-16 Queen Street
Melbourne VIC 3000

T: (03) 7031 9123

NEWCASTLE - HUNTER & NORTH COAST

Level 1, 31-33 Beaumont Street
Hamilton NSW 2303

T. (02) 4929 2301

SUNSHINE COAST

Building 1, 30 Chancellor Village Boulevard
Sippy Downs   QLD   4556

T: 13 54 93

SYDNEY REGION

Unit 17, 21 Mary Street
Surry Hills NSW 2010

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Appendix B
Proponents' response to Audit Non-Compliances in Section 3.4 of IEA #5 Report

Response to Non-Compliance

CoA	Requirement	Details of non-compliance	Proponent Response Akaysha Actions (After Audit)	Action Status
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	Akaysha acknowledges the A2 non-compliance identified during the audit. The non-compliance was triggered as a consequence of the B22 non-compliance identified during the same inspection. As A2 is directly linked to compliance with all approval conditions, the B22 issue resulted in a temporary breach of Condition A2. Following rectification of the B22 non-compliance, the development is now being carried out in full compliance with the conditions of approval. No further issues relating to Condition A2 remain outstanding.	Completed
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.	Akaysha acknowledges the B22 non-compliance identified during the audit, relating to the segregation and storage of Class 2 flammable aerosols and Class 3 flammable liquids within the O&M warehouse. The non-compliance was rectified the following day after the site audit. Rectification actions included: Removal of Class 2 flammable aerosols from the Class 3 flammable liquids cabinet. Correct segregation of C2 and C3 chemicals in accordance with AS 1940:2017. Verification of appropriate cabinet use and storage locations. Consultation with Akaysha SQE to confirm compliance with Australian Standards and site procedures. All chemicals are now stored in appropriate cabinets with correct segregation. This has addressed the non-compliance and aligns with the auditor's recommendation.	Completed

Appendix C

Proponents' response to opportunities for improvement under section 3.6 and 4.2 IEA # 5 Report

Opportunities for Improvement (OFI)

OFI No.	Opportunity for Improvement	Status during Audit	Proponent Response Akaysha Actions (After Audit)	Action Status
OFI 1	One improvement opportunity was identified during the fifth audit inspection, to replace the recently superseded Emergency Response Plan (ERP) with the current Emergency Plan (EP) on the Project website. Civil works to improve the inlet surface water drainage to the primary water capture basin will require ongoing monitoring to ensure it performs to plan.	(a) During Site Audit, the Emergency Plan was found to be currently available at all emergency box locations and the office buildings. The Akaysha website needs to be updated to reflect the current Emergency Plan (b) Civil works to improve the inlet surface water drainage to primary water capture basin has been completed.	(a) Akaysha acknowledges the Opportunity for Improvement identified during the fifth audit inspection. Changes have been implemented on the Akaysha community website, removing the original ERP and replacing with the current Emergency Plan. (b) Akaysha's Operations Management team acknowledges the recommendation and will include monitoring of this drainage infrastructure within the monthly site monitoring and inspection regime. This will allow ongoing verification that the drainage improvements are functioning as designed and performing in accordance with plan assumptions.	Completed