



## Independent Environmental Audit

Broken Hill Battery Energy Storage System

3 February 2023

Project No.: 0666628

Document details	
Document title	Independent Environmental Audit
Document subtitle	Broken Hill Battery Energy Storage System
Project No.	0666628
Date	3 February 2023
Version	1.0
Author	Mark Gethings; Ariana Makinson
Client Name	AGL Energy Limited

### Version Control

Version	Revision	Author	Reviewed by	ERM approval to issue		Comments
				Name	Date	
Draft	0.0	Mark Gethings Lead Auditor	Karie Bradfield	Karie Bradfield Partner	22/12/2022	
Final	0.1	Mark Gethings Lead Auditor	Karie Bradfield	Karie Bradfield Partner	18/01/2023	
Revised Final	0.2	Mark Gethings Lead Auditor	Karie Bradfield Robert Smith	Karie Bradfield Partner	03/02/2023	

---

## Signature Page

3 February 2023

# Independent Environmental Audit

## Broken Hill Battery Energy Storage System



---

Mark Gethings  
Environmental Consultant



---

Karie Bradfield  
Partner

Environmental Resources Management Australia Pty Ltd  
Level 14 207 Kent Street  
Sydney NSW 2000

© Copyright 2023 by The ERM International Group Limited and/or its affiliates ('ERM').  
All Rights Reserved. No part of this work may be reproduced or transmitted in any form  
or by any means, without prior written permission of ERM.

## Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Audit Team .....	1
1.3	Audit Objectives.....	1
1.4	Department of Planning Order .....	2
1.5	Audit Scope .....	2
1.6	Temporal period covered by the audit .....	3
1.7	Limitations.....	3
<b>2.</b>	<b>AUDIT METHODOLOGY .....</b>	<b>4</b>
2.1	Approval of the Team by the Planning Secretary.....	4
2.2	Development of the Audit Scope .....	4
2.3	Audit Terminology.....	4
2.4	Summary of the Audit Process .....	5
2.4.1	Opening Meeting.....	5
2.4.2	Audit.....	5
2.4.3	Closing Meeting .....	5
2.5	Site Personnel Interviewed .....	5
2.6	Details of Site Inspection .....	6
2.7	Summary of Agency and Community Consultation.....	6
2.7.1	Summary of Consultation.....	6
2.8	Audit Report.....	6
<b>3.</b>	<b>SITE DESCRIPTION .....</b>	<b>7</b>
3.1	Site Surroundings .....	8
3.2	Future Operations.....	8
<b>4.</b>	<b>AUDIT FINDINGS.....</b>	<b>9</b>
4.1	Summary of Compliance with Conditions of Consent (CoC).....	9
4.2	List of Approvals and Documents Audited .....	9
4.3	Summary of notices, orders, penalty notices or prosecutions.....	10
4.4	Identified Non-Compliances.....	10
4.5	Complaints.....	10
4.6	Incident (Vegetation Clearance) .....	11
4.7	Actual versus Predicted Impacts.....	11
4.8	Opportunities for Improvement .....	11
4.8.1	Adequacy of compliance documentation .....	11
4.8.2	Environmental management improvement opportunities .....	12
4.9	Key Environmental Management Strengths.....	12
<b>APPENDIX A</b>	<b>INDEPENDENT ENVIRONMENTAL AUDITOR APPROVAL FROM THE DPE</b>	
<b>APPENDIX B</b>	<b>DETAILED FINDINGS COMPLIANCE WITH THE DEVELOPMENT CONSENT</b>	
<b>APPENDIX C</b>	<b>DECLARATIONS OF INDEPENDANCE</b>	
<b>APPENDIX D</b>	<b>CONSULTATION</b>	
<b>APPENDIX E</b>	<b>TERM OF REFERENCE</b>	
<b>APPENDIX F</b>	<b>PHOTOLOG</b>	

## List of Tables

Table 4-1	Summary of Findings .....	13
-----------	---------------------------	----

## List of Figures

Figure 1	Final Layout Plan .....	7
----------	-------------------------	---

## Acronyms and Abbreviations

AGL	<i>Australian Gas Light Company</i>
ARTC	Australian Rail Track Corporation
BESS	Battery Energy Storage System
BMP	Biodiversity Management Plan
CEMP	Construction Environmental Management Plan
DA	Development Application
DPE	NSW Department of Planning and Environment
EHS	Environment, Health & Safety
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EPA	Environmental Protection Authority
ERM	Environmental Resources Management Australia Pty Ltd
ERP	Emergency Response Plan
ESCM	Erosion and Sediment Control Management
HMP	Heritage Management Plan
IEA	Independent Environmental Audit
MOD	Modification (in respect of SSD)
RAP	Remedial Action Plan
SSD	State Significant Development
SWMP	Soil and Water Management Plan
TMP	Traffic Management Plan

## 1. INTRODUCTION

### 1.1 Background

Environmental Resources Management Australia Pty Ltd (ERM) was engaged by AGL Energy Ltd (AGL) to undertake an independent environmental audit of the development of the AGL Battery Energy Storage System in Broken Hill, New South Wales (henceforth, the 'Site'). The purpose of the audit was to satisfy requirements of the NSW Department of Planning and Environment (DPE) pursuant to the relevant Development Consent (SSD-11437498).

AGL is developing a new 50 megawatt (MW) / 100 MW-hour (MWh) battery energy storage system (BESS) on industrial land within the City of Broken Hill, which is located in the Far West region of NSW. The project is classified as State Significant Development (SSD) under Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development. However, under the Minister's delegation of 26 April 2021, the Director, Energy Assessments, may determine the development application. Valmec will be responsible for the principal contractor activities during the construction of this project.

The project involves the construction of a large-scale battery to store energy, supporting the reliability of energy supply to Broken Hill, and would connect to the electricity grid via an overhead transmission connection to the nearby TransGrid substation.

The project is located on a 0.8 hectare site, comprising undeveloped industrial land previously used for storage of disused vehicles and equipment. To access the TransGrid substation, the transmission line would traverse Crown Land comprising an unsealed vehicle track and ephemeral drainage line, with patches of moderate to low condition vegetation. The proposed development footprint, including transmission connection, is 2.5 ha.

The project has been sited and designed to largely avoid key constraints, including remnant native vegetation, heritage items, and potential noise and visual impacts on sensitive receivers. The nearest residence is located approximately 1.1 km south of the Site.

Once operational the project will capture, store and distribute energy generated from surrounding renewable sources including Silverton Wind Farm and Broken Hill Solar Farm, and would provide a range of network services to augment the reliability of energy supply to Broken Hill. The project will also provide storage and firming capacity to the National Energy Market (NEM) as well as additional services to assist grid stability including frequency control ancillary services.

This report sets out the audit purpose, methodology, summary findings and a detailed assessment of development against the Development Consent SSD-11437498. The audit was conducted on 24 and 25 November 2022 and included extensive document review and a site visit to Broken Hill.

### 1.2 Audit Team

Mr. Mark Gethings (lead auditor): BSc Environmental Management/Planning, and Ms. Ariana Makinson (support auditor) BSc Environmental Science: BSc Commerce, Corporate Sustainability, undertook the Site visit and were approved by the DPE to conduct the audit (refer to correspondence from the DPE at *Appendix A*).

### 1.3 Audit Objectives

The objectives of ERM's audit were to:

- assess the environmental performance of the development and assess where it is complying with the relevant requirements in the development consent (including any plan or program required under these consents);
- review the adequacy of plans or programs required under these consents; and

- recommend measures or actions to improve the environmental performance of the development, and/or any plan or program required under these consents.

## 1.4 Department of Planning Order

The audit was undertaken as a compliance requirement of Schedule 4 – Environmental Management and Reporting, Condition 11 of the Site’s Development Consent SSD-11437498, which requires completion of an independent audit within 3 months of the commencement of construction.

The details of this condition and the audit requirements are provided below:

- *11. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency:*
  - (a) *within 3 months of commencing construction; and*
- *within 3 months of commencement of operations.*
- *12. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.*
- *13. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks’ notice to the Applicant of the date upon which the audit must be commenced.*
- *14. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:*
  - (a) *review and respond to each Independent Audit Report prepared under condition 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 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*
- *15. Independent Audit Reports and the Applicant’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.*
- *16. 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*

This report constitutes outcomes of the Independent Environmental Audit to comply with Condition 11 of the Conditions of Consent.

## 1.5 Audit Scope

The scope of works to complete the audit included(s) the following:

- The audit was carried out in accordance with DPE’s Independent Audit Post Approvals Requirements (2020) at the Site in Broken Hill over two days;
- The audit was also carried out in accordance with AS/NZS ISO 19011:2014: Guidelines for quality and/or environmental management systems auditing;
- A review of compliance against the documentation identified in the Conditions of Approval (CoA) which included:

- Document review of compliance against the CoA, and any other relevant consents/approvals;
- Site inspection to assess compliance against field implementation of active CoA;
- Review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance;
- Consultation with relevant agencies;
- Draft report with results of compliance assessment to be issued to AGL for comment; and  
Final report issued for submission to DPE.

For each Condition of Consent requirement audited, ERM undertook the following:

- Evaluated relevant data and reports to substantiate whether the condition has been met;
- Identified any data gaps, inconsistencies, errors, uncertainties and non-compliances;
- Assessed the reliability and quality of information provided;
- The physical extent of the development in comparison with the approved boundary;
- Conducted interviews with selected AGL and Valmec employees;
- Actual impacts compared to predicted impacts documented in the environmental impact assessment;
- Assessed environmental management performance;
- Any other matters considered relevant by the auditor or the Department, considering relevant regulatory requirements and legislation, knowledge of the developments past performance and comparison to industry best practices; and
- Completed a summary of findings and recommendations.

Where management plans had not been produced, environmental operations were reviewed in a general manner during the Site inspection.

## 1.6 Temporal period covered by the audit

The environmental audit was conducted on 24 and 25 November 2022. Data from the months from the construction start on 10th October 2022 to November 25th was considered when developing this report.

## 1.7 Limitations

This disclaimer, together with any limitations specified in the report, apply to this report and its use.

This report was prepared in accordance with the contracted scope of services for the specific purpose stated and subject to the applicable cost, time and other constraints. In preparing this report, ERM relied on: (a) client/third party information which was not verified by ERM except to the extent required by the scope of services, and ERM does not accept responsibility for omissions or inaccuracies in the client/third party information; and (b) information taken at or under the particular times and conditions specified, and ERM does not accept responsibility for any subsequent changes.

This report has been prepared solely for use by, and is confidential to, the client and ERM accepts no responsibility for its use by other persons. This report is subject to copyright protection and the copyright owner reserves its rights. This report does not constitute legal or financial advice.



## 2. AUDIT METHODOLOGY

### 2.1 Approval of the Team by the Planning Secretary

Mr. Mark Gethings (lead auditor): BSc Environmental Management/Planning, and Ms. Ariana Makinson (support auditor) BSc Environmental Science: BSc Commerce, Corporate Sustainability, undertook the Site visit and were approved by the DPE to conduct the audit (refer to correspondence from the DPE at *Appendix A*).

### 2.2 Development of the Audit Scope

The independent audit was conducted against each Condition of Consent (CoC). The independent audit process at the Site included:

- Off-site planning for the Site audit;
- Collection of relevant background documentation;
- An opening meeting;
- Collecting audit evidence through information gathering, observations and interviews;
- Site inspection;
- A close out meeting;
- Evaluating audit documentation; and
- Compiling this audit report.

### 2.3 Audit Terminology

Findings resulting from an assessment of audit evidence were divided into four categories as follows:

- **Compliant (C):** the intent and all elements of the audit criteria requirements have been complied with within the scope of the audit.
- **Non-compliance (NC):** Failure to meet the audit requirements, failure to achieve the field performance outcomes identified in documentation, or ineffective environmental management of the activity.
- **Not Triggered (NT):** A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection; therefore, a determination of compliance could not be made.
- **Note:** A statement or fact, where no assessment of compliance is required.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the DPE publication "Independent Audit Guidelines" issued October 2015.

Risk levels for non-compliances will also be identified and assigned as follows:

**High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.

**Medium:** Non-compliance with:

- potential for serious environmental consequences, but is unlikely to occur; or
- potential for moderate environmental consequences, but is likely to occur.

**Low:** Non-compliance with:

- potential for moderate environmental consequences, but is unlikely to occur; or
- potential for low environmental consequences, but is likely to occur.

## 2.4 Summary of the Audit Process

### 2.4.1 Opening Meeting

The opening meeting was held at the Site offices compound on 24 November 2022. The opening meeting was attended by Mr. Mark Gethings (Lead Auditor), Ms. Ariana Makinson (Support Auditor) and AGL and Valmec personnel (Mr. Mick Chessum, Mr. Bret Beavis, Ms. Natalie Botha, and Mr. Richard De Franceschi).

An explanation of the independent audit process was provided and it was emphasised that the audit used a compliance sampling methodology whereby adherence to the approval conditions was audited. One implication of using this approach to auditing is that neither all compliances, nor all non-compliances, will be identified during the process. The audit methodology does, however, provide a statistically valid level of confidence for Site operations.

It was also stated that the audit report would be based on objective evidence.

### 2.4.2 Audit

Interviews and discussions were held in accordance with the agreed audit schedule. The Auditors performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the Independent Audit. Site inspections were undertaken by Ms. Ariana Makinson and Mr. Mark Gethings on 24 and 25 November 2022 and included observations of internal and external areas of the Site, including all ancillary operations. ERM notes that the project is made up of two stages, with the project being in Stage 1 during the audit and the current stage for the audit period, but access to Stage 2 was also accommodated. ERM were provided access to all areas that were necessary for this audit.

Ms. Natalie Botha, Ms. Vicki Brady and Mr. Mick Chessum provided assistance with collecting audit evidence by providing ERM with appropriate documentation for each approval condition before the audit, over the course of the two-day visit, and in the week following the completion of the audit.

Site personnel interviewed included – Ms. Nathalie Botha, Mr. Mick Chesum, Mr Andrew Luhrs, Mr Bret Beavis and a number of randomly selected Site project workers. Mr. Mick Chesum accompanied the auditors and provided a full Site tour of Stage 1 and Stage 2, with Ms. Natalie Botha providing requested documentation for review.

Independent Audit findings were based on verifiable evidence. The evidence included relevant records, documents and reports, interviews of relevant Site personnel, photographs, figures and plans and Site inspections of relevant locations, activities and processes.

### 2.4.3 Closing Meeting

The closing meeting was conducted on 25 November, 2022 and included a discussion of preliminary audit findings. Mr. Mark Gethings and Ms. Ariana Makinson of ERM and Ms. Natalie Botha, Mr. Andrew Luhrs, Mr. Bret Beavis of Valmec and AGL attended the closing meeting.

## 2.5 Site Personnel Interviewed

The following AGL and Valmec personnel were interviewed during the course of the audit:

- Mr. Mick Chessum (AGL Site Manager);
- Mr. Andrew Luhrs (AGL Senior Manager, HSE);
- Mr. Bret Beavis (Valmec Site Manager);
- Ms. Natalie Botha (Valmec HSE Advisor); and
- Ms. Vicki Brady (AGL Manager, Environment – Energy Hubs).

Mr. Mick Chesum accompanied the auditors and provided a full Site tour of Stage 1 and Stage 2, with Ms. Natalie Botha providing requested documentation for review. ERM would like to take this opportunity to thank the AGL and Valmec management team for their assistance during the audit process. The audit was open and constructive, and ran streamlined throughout.

## 2.6 Details of Site Inspection

The areas accessed throughout the Project were:

- Ancillary facilities (carpark, offices, lunch rooms);
- Stage 1 (Battery pad);
- Stage 2 (Transmission corridor and connection to substation); and
- Boundary areas of Stage 1 and Stage 2.

ERM was able to access all areas required to fulfil the scope of this assessment.

## 2.7 Summary of Agency and Community Consultation

As part of this audit, ERM consulted with the following agencies and stakeholders:

- Department of Planning and Environment (DPE);
- Broken Hill City Council;
- Transport for NSW (TfNSW);
- NSW Mining;
- Australian Rail Track Corporation (ARTC); and
- Fire and Rescue NSW;

In each case, an email was sent to representatives of each agency requesting feedback on those issues considered most relevant by their department at the time of the audit.

No feedback was provided by any of the stakeholders contacted.

### 2.7.1 Summary of Consultation

The Terms of Reference were submitted to the DPE on 16 November 2022, to obtain feedback and draw attention to any key issues, within the agreed scope of the audit.

DPE responded approving the audit team and Terms of Reference met the requirements of the IEA. DPE also did not have any current concerns regarding the project from an environmental management perspective.

There were no other matters considered relevant by the Auditors. During consultation, the Department did not request any additional issues for inclusion within the scope of the audit.

## 2.8 Audit Report

AGL is required to submit a copy of this independent audit report to the Director-General (DPE), together with its response to any recommendations contained in the independent audit report within two months of completion of the audit.

The submission is to include a detailed response from AGL to any of the recommendations contained in the Report (provided in a separate document).

### 3. SITE DESCRIPTION

The project is located on a 0.8 hectare (ha) site in the Far West region of NSW. The site (shown in Figure 1) is zoned IN1 (General Industrial) under the Broken Hill Local Environmental Plan 2010 (Broken Hill LEP).

The Site was undeveloped industrial land comprising broad areas of bare land and generally degraded, moderate to low condition vegetation. The Site was originally used for storage of disused equipment, vehicles and other materials.

The project includes:

#### BESS (Stage 1):

- Construction and operation of the BESS, comprising up to 180 containerised or stacked lithium-ion type batteries with integrated control systems, inverters, heating, ventilation and air conditioning units, and transformers, on level hardstand surface;
- Construction of a single-storey office building, control room and workshop area; and
- Establishment of site infrastructure, including a new driveway to Pinnacles Place and internal perimeter access road, operational parking and materials laydown area, site drainage, potable water, sewerage and electricity connections, and external security fencing.

#### Transmission line connection (Stage 2):

- Completion of an approximately 300m-long above-ground 22kV overhead transmission line connecting to the 22kV bus at the adjacent Broken Hill substation operated by TransGrid.

The transmission connection traverses Crown Land, classified as Commons, comprising an unsealed vehicle track and ephemeral drainage line with patches of moderate to low condition vegetation. The project including transmission connection has a 2.5 ha development footprint.

The Site works operate Monday - Friday from 7am – 6pm and Saturdays from 8am – 1pm.

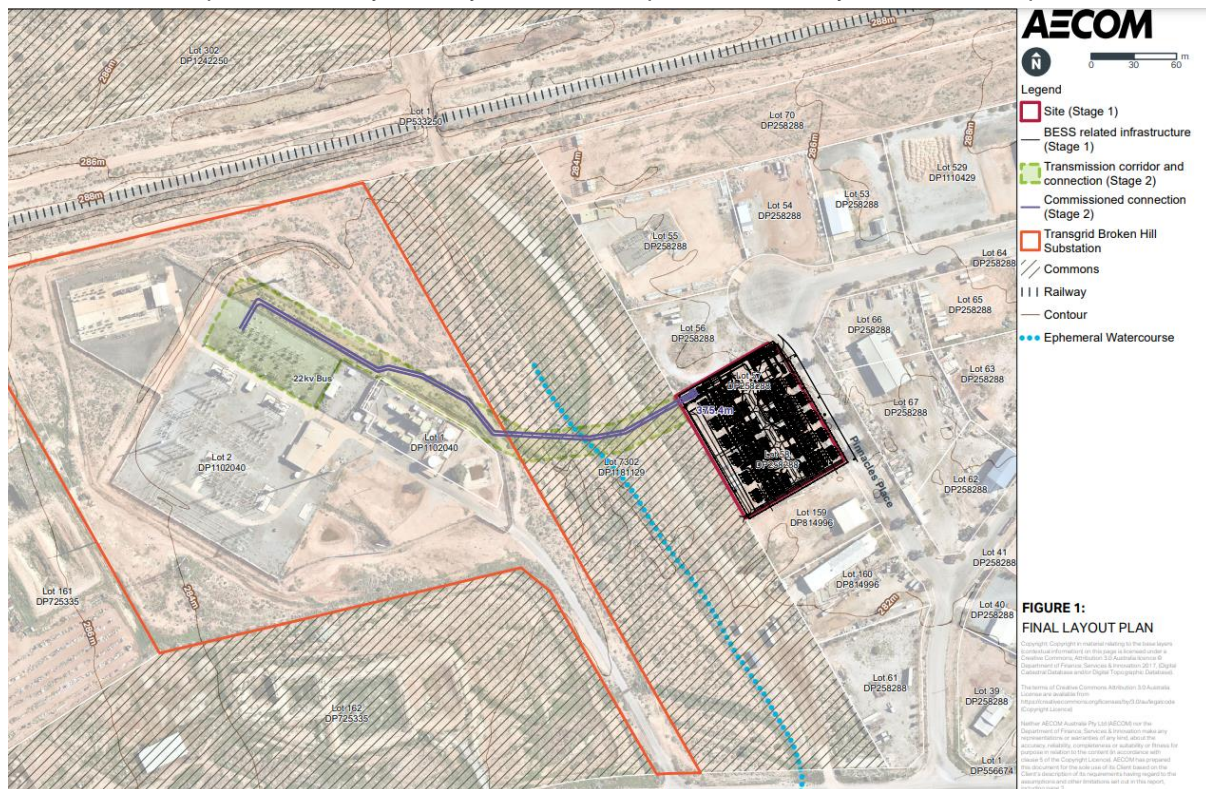


Figure 1 Final Layout Plan

### 3.1 Site Surroundings

The Site is approximately 2 kilometres (km) west of the City of Broken Hill. Adjacent land uses are largely industrial, including freight storage and handling yards, while broader surrounding land use zones include SP1 Special Activities (Mining), SP2 – Infrastructure (Rail Infrastructure Facility), RU2 Rural Landscape and E4 Environmental Living. There are no residences within 1 km of the Site and the closest residential receiver is 1.1 km to the south.

The Adelaide-Broken Hill Railway line and the Broken Hill Recycling Centre are located approximately 200 m north of the Site and the Wills Street Waste Water Treatment Plant is located approximately 800 m to the north-east. Pinnacles Place is a sealed local road providing access to the Site and the closest classified road is the Wentworth Road/Silver City Highway 2.3 km south-east of the Site.

### 3.2 Future Operations

The 50 MW Broken Hill Battery Energy Storage System will feature one hour of storage and will capture, store and distribute energy from surrounding wind and solar farms, including AGL's 53 MW Broken Hill Solar Farm, improving the reliability of energy supply in Broken Hill, as well as providing storage and firming capacity to the National Energy Market (NEM).

The expected operational life of the infrastructure is approximately 20 years, but there is potential that the development may be upgraded to extend this.

## 4. AUDIT FINDINGS

### 4.1 Summary of Compliance with Conditions of Consent (CoC)

Out of over 58 individual clauses and subclauses, AGL could not demonstrate complete compliance with four conditions of consent. ERM notes that the non-compliances described within this report related to a similar topic of a condition of consent/licence condition, and that predominately, the Site is operating in compliance with their Development Consent. The findings ratings are summarised below.

Development Consent findings:

- Four non-compliances (two high, two medium).

The detailed findings are provided at Appendix B. A summary of the 'High' and 'Medium' risk findings is provided in Table 4-1 below.

No notices, orders, penalty notices or prosecutions were issued in relation to the consent during the audit period.

### 4.2 List of Approvals and Documents Audited

- Approval to Stage Plans (PDF);
- Broken Hill Battery Energy Storage System (SSD-11437498) Development Consent;
- Broken Hill Battery Energy Storage System Project Environmental Impact Statement – May 2021;
- Broken Hill Battery Energy Storage System (SSD-11437498) Biodiversity Management Plan and Approval - Stage 1;
- Broken Hill Battery Energy Storage System (SSD-11437498) Biodiversity Management Plan and Approval - Stage 2;
- Commonwealth Approval - Broken Hill Battery Energy Storage System Project;
- Broken Hill Battery Energy Storage System (SSD-11437498) Environmental Management Strategy and Approval – Stage 1;
- Broken Hill Battery Energy Storage System (SSD-11437498) Environmental Management Strategy and Approval – Stage 2;
- Broken Hill Battery Energy Storage System (SSD-11437498) Fire Safety Study extension of time request;
- Broken Hill Battery Energy Storage System (SSD-11437498) Heritage Management Plan and Approval – Stage 1;
- Broken Hill Battery Energy Storage System (SSD-11437498) Heritage Management Plan and Approval – Stage 2;
- Broken Hill Battery Energy Storage System Modification 1 Assessment Report;
- Modified Development Consent (MOD) Notice of Decision from DPE - 15 July 2022;
- Broken Hill Battery Energy Storage System (SSD-11437498) Soil and Water Management Plan and Approval Stage 1;
- Remediation Action Plan December 2021 - Broken Hill Battery Energy Storage System Project;
- Validation Report – January 2022 Broken Hill Battery Energy Storage System Project;
- Broken Hill Battery Energy Storage System (SSD-11437498) Traffic Management Plan and Approval - Stage 1;
- Aecom Final Layout Plan - Broken Hill Battery Energy Storage System Project;

- Broken Hill Battery Energy Storage System (SSD-11437498) Traffic Management Plan and Approval - Stage 1;
- Broken Hill Battery Energy Storage System (SSD-11437498) Pre Construction Dilapidation Report Part 1 and 2;
- Broken Hill BESS Project Emergency Management Plan;
- SSD – 11437498: Notification of non-compliances and potential incident;
- Environment Management Representative Site Inspection Checklist;
- Broken Hill BESS Project Construction Environmental Management Plan;
- Broken Hill Battery Energy Storage System (SSD-11437498) Community and Stakeholder Engagement Plan;
- Stockpile Impact Assessment Investigation Report (Draft);
- Stockpile Impact Assessment and Reinstatement Management Plan (Draft);
- Site Erosion and Sediment Control Boundary Inspections;
- Site Post Rainfall Event audits; and
- Broken Hill BESS Project Construction Diary Planner (weekly).

### 4.3 Summary of notices, orders, penalty notices or prosecutions

No notices, orders, penalty notices or prosecutions were issued in relation to the consent during the audit period.

### 4.4 Identified Non-Compliances

Development Consent findings:

- Four non-compliances (two high, two medium).

**The detailed findings are provided at Appendix B. A summary of the ‘High’ and ‘Medium’ risk findings is provided in Table 4 1 below.**

### 4.5 Complaints

A complaints register has been developed and is being maintained for the Project. Valmec maintains an external communication and complaints system which addresses and records communication from external stakeholders. All external communications are undertaken in accordance with this system. The method upon which external stakeholders, including the community can make complaints is communicated and detailed on the consortium’s website (<https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-battery-energy-storage-system>). No complaints have been received relating to the development during the audit period.

The Environmental Management Strategy states that Valmec will regularly consult with AGL and stakeholders to avoid disputes arising through the communication mechanisms. In the event the Consortium cannot resolve a development consent related dispute that arises between the Consortium and a project stakeholder, such as a government authority or the community, the matter will be referred to AGL. AGL will escalate to government authorities as required and will request the involvement of the Consortium where required. In addition, for any dispute that occurs between the Consortium and a member of the community that cannot be resolved through direct consultation in conjunction with AGL, the matter will be referred by AGL to the relevant government authority for resolution.

## 4.6 Incident (Vegetation Clearance)

The Project identified one incident as defined by the consent was reported to the Department as required under Schedule 4. Condition of Consent 9. The reported incident was detailed, and explained in full the extent of what occurred and the next steps being put in to address the issue, within the 7 day window allowance as per the CoA.

A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. Due to poor weather the topsoil stockpile was stored outside the Stage 1 Construction Zone. Native vegetation in the area outside of the Stage 1 zone had also been removed in the process, which is a non-compliance against the project conditions - protecting vegetation and fauna habitat outside the approved disturbance areas. An investigation into the steps to how this occurred was ongoing during the audit.

The cleared section of native vegetation and fauna habitat located outside of the approved disturbance areas of the Project on land within LOT 7302 in DP1181129 which comprises a portion of Wilyama Common, a parcel of Crown Land administered by Broken Hill City Council.

AGL notified the DPE on 10th November 2022 of this occurring as per Sch 4 CoC.9. A Stockpile Impact Assessment and Reinstatement Management Plan was in development by the Principal Contractor as a result of this non-compliance. The notification of non-compliances and potential incident letter sent by AGL to DPE included the project application number, the conditions that were in breach, the reasons and the actions taken; and next steps that are to be undertaken.

## 4.7 Actual versus Predicted Impacts

AGL sought to modify the development consent for SSD-11437498, pursuant to s.4.55 (2) of the EP&A Act, in February 2022 via a Modification report to allow for the option of installing the 22 kV transmission connection belowground along a revised alignment between the Site and Transgrid Broken Hill substation, which was approved by DPE on July 15 2022. The MOD was similar to the already approved transmission connection and statement of impacts from the EIS. The modification required a construction corridor of approximately 20 metres wide across Lot 7302 DP 1181129. This corridor included the proposed transmission connection across Lot 7302 DP 1181129.

The modification was consistent with the approved Project as it allowed for the safe delivery of the transmission connection between the BESS and the substation Site. Therefore, it can be concluded that the Project would remained “substantially the same development as the development for which the consent was originally granted”.

In order to mitigate the impact of the Modification works on an area of Identified and Unidentified Aboriginal Heritage items, it was recommended that all surface artefacts present within the boundary of the Site were relocated to an area nearby that would not be impacted by the modification. Movement of the artefacts prior to impact was considered to result in a partial loss of value of the Site with its original context being destroyed, but with the objects themselves not impacted. Artefact relocation was undertaken by a qualified archaeologist.

Overall, there were no significant changes or additional impacts noted on the actual construction works and predicted impacts as stated in the Environmental Impact Statement (EIS).

## 4.8 Opportunities for Improvement

### 4.8.1 Adequacy of compliance documentation

The Environmental Management Plans, Sub-plans, and Development Compliance documents for the Broken Hill BESS Project have been reviewed and analysed by the approved ERM independent project auditors. The document review process before, during and after the audit confirmed that the plans and strategies are adequate and meet all relevant environmental regulations and standards.



The Environmental Management Plans and Strategies outline the measures that will be taken to mitigate potential environmental impacts during construction, while the Sub-plans adequately address specific environmental issues related to the project in Stage 1 and Stage 2. The project management plans and inspection forms ensure there is a way to monitor that the project is in line with all relevant project specific and general environmental regulations. The correct implementation of the Environmental Management Plans, Sub-plans, and compliance documents will result in successful project outcomes and protection for the local surrounding environment.

#### 4.8.2 Environmental management improvement opportunities

The overall outcome of this audit indicated that compliance was proactively tracked by the key project personnel.

The following environmental management improvement opportunities were identified as part of the audit:

- The erosion and sediment control measures are not maintained in certain areas of Stage 1 in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, as per the Project Soil & Water Management Plan - Stage 1. ERM recommend that the erosion and sediment control measures are implemented against the Landcom standards. Some erosion and sediment management measures like bales of hay have been introduced to the Project due to the volume of rainfall the area has been receiving;
- ERM notes that there was no waste tracking system for all wastes coming from the Project, and waste segregation was limited to skip bins and can recycling. ERM notes this was in part due to there being a limited selection of waste facilities in the region. As per the Project Construction Environmental Management Plan (CEMP), in section 4.7 it notes that waste from the Project would be tracked and recovery of waste would be implemented;  
  
ERM suggest providing more waste segregation infrastructure for building materials and office waste that can be re-used, and recycled;
- Implement noise and vibration monitoring measures or methods on the weekly HSE Checklist and the monthly Environmental Inspection Checklist; and
- ERM reviewed Table 6-1 Project Monitoring Requirements and Data Recording in the Project Construction Environmental Management Plan (CEMP), and suggests increasing the frequency of Contamination checks from weekly to daily; recording potable water use from monthly to weekly; Environmental Inspections as part of CEMP from monthly to weekly; and, waste material tracking from monthly to weekly.

#### 4.9 Key Environmental Management Strengths

The following strengths were demonstrated by the Project team in managing compliance against the SSD conditions:

- The compliance records were well organized and available at the time of the Site inspection and interview with key Project personnel;
- A water truck is full time available at the Site;
- Self-reporting of non-compliances within timeframe and addressing these accordingly;
- Active participation with the community through website updates, letterbox drops and door knocking on work notices and updates; and

Good local Aboriginal stakeholder engagement. The Aboriginal Cultural Heritage Assessment Report involved consultation with Aboriginal stakeholders and conducting further archaeological surveys of the modification area.

**Table 4-1 Summary of Findings**

Reference	Finding #	Scope Topic	Assessment Requirement	Comments	Compliance Status	Recommendations
Sch. 3 CoC. 10	1	Vegetation Clearance	The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.	ERM identified that there had been a non-compliance against this condition. A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. Due to poor weather the topsoil stockpile was stored outside the Stage 1 Construction Zone. Native vegetation in the area outside of the Stage 1 zone had also been removed in the process, which is a non-compliance against the project conditions. An investigation into the steps to how this occurred was ongoing during the audit. AGL notified the DPE on 10 <sup>th</sup> November 2022 of this occurring as per the SSD – 11437498. A Stockpile Impact Assessment and Reinstatement Management Plan is currently in development by the Principal Contractor as a result of this non-compliance.	NC	Continue to liaise with DPE on the next steps to rectify the non-compliance after notification. Implement mitigation measures to ensure that work outside the Site boundary area does not re-occur. Mitigation measures may include updating to processes and procedures, training, and tool box talks.
Sch 3 CoC 12	2	Biodiversity Management Plan	<p>Biodiversity Management Plan</p> <p>Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) include a description of the measures and timeframes that would be implemented for:</p> <ul style="list-style-type: none"> <li>■ protecting vegetation and fauna habitat outside the approved disturbance areas; 4.3.1</li> <li>■ minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development; 4.3.1.1</li> <li>■ minimising the impacts to fauna on site and implementing fauna management protocols; 4.3.4</li> <li>■ rehabilitating and revegetating disturbance areas with species that are endemic to the area; 4.3.6</li> <li>■ 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 4.3.6</li> <li>■ controlling weeds, feral pests and pathogens; 4.3.3</li> </ul> <p>(b) include a program to monitor and report on the effectiveness of mitigation measures; and</p> <p>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan.</p> <p>Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>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.</p>	<p>ERM identified that there had been a non-compliance against this condition. A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. Due to poor weather the topsoil stockpile was stored outside the Stage 1 Construction Zone. Native vegetation in the area outside of the Stage 1 zone had also been removed in the process, which is a non-compliance against the project conditions - protecting vegetation and fauna habitat outside the approved disturbance areas. An investigation into the steps to how this occurred was ongoing during the audit.</p> <p>The cleared section of native vegetation and fauna habitat located outside of the approved disturbance areas of the Project on land within LOT 7302 in DP1181129 which comprises a portion of Wilyama Common, a parcel of Crown Land administered by Broken Hill City Council.</p> <p>AGL notified the DPE on 10<sup>th</sup> November 2022 of this occurring as per the SSD – 11437498. A Stockpile Impact Assessment and Reinstatement Management Plan is currently in development by the Principal Contractor as a result of this non-compliance.</p>	NC	Continue to liaise with DPE on the next steps to rectify the non-compliance after notification and act on DPE instructions to any modifications that may be required. Implement mitigation measures to ensure that work outside the Site boundary area does not re-occur and that the Biodiversity Management Plan information is delivered to all workers on Site. Mitigation measures may include updating to processes and procedures, training, and tool box talks.

Reference	Finding #	Scope Topic	Assessment Requirement	Comments	Compliance Status	Recommendations
Sch. 3 CoC. 22(a)	3	Operating Conditions - minimise erosion and control sediment generation	The Applicant must: (a) minimise erosion and control sediment generation; (b) ensure the battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with 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 all works are undertaken in accordance with Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), unless DPE Water agrees otherwise.	ERM identified that there had been a non-compliance against this condition. As stated in Condition 23 this is being managed in the Soil and Water Management Plan. It was identified that erosion and sediment controls were not adequately established prior to vegetation removal and sub-base clearing activities occurring. A Site inspection was conducted with the AGL Site Manager and HSE Lead on the 27/10/22 to evaluate current status of sediment controls and rectification works, which were also being addressed by the Site Manager and Site Supervisor with immediate temporary actions, with the following issues: <ul style="list-style-type: none"> <li>■ Sediment fence not fixed, weighted down or buried in ground along the west and south side of the Site boundary to avoid displacement by the wind and prevent sediment runoff outside of the boundary. It was observed that the sediment fence had become displaced and was ineffective to retain or control sediment;</li> <li>■ Sediment fence not secured correctly on south side of boundary and absence of sediment fence installed over approximately a 30 m section;</li> <li>■ Shaker grid for erosion and sediment controls not established at Site entry and exit point for mobile plant access and egress; and</li> <li>■ Sediment controls had not been established around stockpiled topsoil from vegetation and sub-base removal.</li> </ul> The audit identified that the initial erosion and sediment control installations for BESS Stage 1 was not adequate for Site conditions, and did not fulfil all requirements detailed in the Project Environmental Management Plan and the Project Soil and Water Management Plan, to avoid sediment runoff outside of the construction footprint.	NC	A post rainfall event audit was conducted to evaluate effectiveness of the erosion and sediment controls which identified minor improvements with primary, secondary and tertiary sediment controls. Continue the daily erosion and sediment control boundary inspections that have been established to ensure sediment fencing, drainage, filtration and runoff controls are effective and maintained, inclusive of post rainfall event audits. Maintain monitoring of such controls that have been increased with Environmental Aspect Assurance Audits. Carry out a follow up audit once all corrective actions have been completed to evaluate effectiveness and compliance against the audit criteria listed within the audit report.
Sch 3. CoC. 23	4	Soil and Water Management Plan	Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with DPE Water. This plan must: (a) demonstrate how the project will meet conditions 21 and 22(a) to (d); and (b) include details of the soil erosion control measures including sediment basins. The Applicant must implement the Soil and Water Management Plan for construction upgrading, operation and/or decommissioning of the development.	ERM identified that there had been a non-compliance against this condition. It was identified that erosion and sediment controls were not adequately implemented and established prior to vegetation removal and sub-base clearing activities occurring. A Site inspection was conducted with the AGL Site Manager and HSE Lead on the 27/10/22 to evaluate current status of sediment controls and rectification works, which were also being addressed by the Site Manager and Site Supervisor with immediate temporary actions. Several issues (described in Finding#3) were identified during the audit that demonstrated that the Soil and Water Management Plan had not been fully implemented. The audit also identified that the initial erosion and sediment control installations for BESS Stage 1 was not adequate for Site conditions, and did not fulfil all requirements detailed in the Project Environmental Management Plan and the Project Soil and Water Management Plan, to avoid sediment runoff outside of the construction.	NC	See corrective actions for Finding#3.

**APPENDIX A            INDEPENDENT ENVIRONMENTAL AUDITOR APPROVAL  
FROM THE DPE**

Department of Planning and Environment

Ms Vicki Brady  
Manager, Environment - Energy Hubs  
AGL ENERGY LIMITED  
200 GEORGE STREET  
SYDNEY NSW 2000

08/11/2022

Dear Vicki Brady

**Broken Hill Battery Energy Storage System (SSD-11437498)  
Independent Audit team approval request**

I refer to your request (SSD-11437498-PA-30) for the Secretary's approval of suitably qualified persons to undertake the Independent Audit (the Audit) and prepare the Audit Report for Broken Hill Battery Energy Storage System in accordance with Schedule 4 condition 11 (a) of SSD-11437498 (the Consent).

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, in accordance with Schedule 4 condition 12 of the Consent and the Independent Audit Post Approval Requirements, I can advise that the Secretary approves the appointment of Mr Mark Gethings and Ms Ariana Makinson of ERM Australia Pty Ltd.

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The department reserves the right to request an alternate auditor or audit team for future audits. Please note that this approval of the above audit team is conditional upon them maintaining certification as a lead or principal auditor with a relevant industry body.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Should you wish to discuss the matter further, please contact me on 0429400261  
[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Katrina O'Reilly  
Team Leader - Compliance  
Compliance  
As nominee of the Planning Secretary

**APPENDIX B      DETAILED FINDINGS COMPLIANCE WITH THE  
DEVELOPMENT CONSENT**

<b>Document details</b>	<b>AGL Broken Hill Battery Energy Storage System BESS</b>
Document title	Detailed Findings - Development Consent
Document subtitle	Compliance with Development Consent SSD - 11437498
Project No.	0666628
Date	3 February 2023
Version	0.1
Author	Mark Gethings
Client Name	AGL Energy Limited

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
<b>Administrative Conditions</b>					
<b>Obligation to Minimise Harm to the Environment</b>					
1.	In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.	Broken Hill BESS Project Environmental Management Strategy Stage 1 – BESS Construction.	No evidence of non-compliance with this condition of consent was identified.  ERM reviewed the Environmental Management Strategy - Stage 1 – BESS Construction. All development consent conditions were listed in the document along with a construction management plan reference against them to display how they are being managed and met with roles and responsibilities.	C	
<b>Terms of Consent</b>					
2.	The Applicant must carry out the development: (a) generally in accordance with the EIS; and (b) in accordance with the conditions of this consent.  Note: The general layout of the development is shown in Appendix 1.	Note	Noted	N/A	
3.	If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.	Noted	Noted	N/A	
4.	The Applicant 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 consent; (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and (c) the implementation of any actions or measures contained in these documents.	Noted	Noted	N/A	
<b>Upgrading of Battery Energy Storage Facility and Ancillary Infrastructure</b>					
5.	The Applicant may upgrade the battery storage and/or ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.	N/A	Not triggered.	NT	
<b>Structural Adequacy</b>					
6.	The Applicant 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.  Notes: <ul style="list-style-type: none"><li>■ Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the development.</li><li>■ Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</li></ul>	N/A	Not triggered	NT	



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
<b>Demolition</b>					
7.	The Applicant 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.	N/A	No demolition has occurred in Stage 1 of this project.	NT	
<b>Protection of Public Infrastructure</b>					
8.	Unless the Applicant and the applicable authority agree otherwise, the Applicant 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.  This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.	N/A	Not triggered.	NT	
<b>Operation of Plant and Equipment</b>					
9.	The Applicant must ensure that all plant and equipment used on Noted, or in connection with the development, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Site observations Site interviews	ERM did not identify any evidence of non-compliance with this condition.  The HSE Supervisor advised that subcontractors manage their own plant and equipment along with the upkeep. However, plant and equipment used on Site undergo an initial compliance inspection and weekly checks of mobile equipment.	C	
<b>ENVIRONMENTAL CONDITIONS – GENERAL</b>					
<b>Batteries</b>					
1	The battery storage facility or system associated with the development must not exceed a total delivery capacity of 50 MW or a storage capacity of 100 MWh.  Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage facility or system in the future.	N/A	Not triggered.	NT	
<b>Transport</b>					
2.	<b>Over-Dimensional and Heavy Vehicle Restrictions</b> The Applicant must ensure that the: (a) development does not generate: ■ more than 20 heavy vehicle movements a day on the public road network during construction, upgrading and decommissioning; ■ over-dimensional vehicle movements during construction, upgrading and decommissioning; on the public road network; and (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Planning Secretary agrees otherwise.	Site observations Site interviews Construction Diary Planner	ERM did not identify any evidence of non-compliance with this condition.  The HSE Supervisor advised that there is a maximum of six to seven heavy vehicle movements per day and none of these vehicles would exceed 26 m. There is no specific formal management procedure for this; however, this can be monitored with the daily diary of construction activities, construction program and the daily register of equipment on Site.	C	Implement the use of a daily Site diary to document construction activities, program, register of equipment and truck movements
3.	The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.	Site observations Site interviews	ERM did not identify any evidence of non-compliance with this condition.  A mentioned above the daily diary of construction and daily register of equipment on Site records	C	Implement the use of a daily Site diary to document construction activities, program, register of equipment and truck movements

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
		Construction Diary Planner	movement of vehicles on Site.		
4.	<p><b>Access Route</b></p> <p>All heavy vehicles associated with the development must travel to and from the site via Pinnacles Place via Pinnacles Road, Kanandah Road, Creedon Street and the Barrier Highway as identified in Appendix 3.</p>	<p>Site Observations</p> <p>Broken Hill BESS Project Traffic Management Plan Stage 1</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>ERM reviewed the Site Traffic Management Plan for Stage 1 and it states that heavy vehicles involved with the project must travel to and from the Site on Pinnacles Place via Pinnacles Road, Kanandah Road, Creedon Street and the Barrier Highway.</p> <p>All heavy vehicles were observed to be adhering to this during the audit.</p>	C	
5.	<p><b>Site Access</b></p> <p>All vehicles associated with the development must enter and exit the site via the preferred site access point on Pinnacles Place, except for vehicles associated with works at the TransGrid substation which may be accessed from the site access point on Pinnacles Road, as identified in Appendix 3.</p>	<p>Site Observations</p> <p>Broken Hill BESS Project Traffic Management Plan Stage 1</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>All vehicles associated with the development were observed to enter and exit the Site via the Site access point on Pinnacles Place.</p> <p>This is also stated in the Site Traffic Management Plan Stage 1, through Site signage and via Site induction</p>	C	
6.	<p><b>Road Upgrades</b></p> <p>Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must upgrade the site access point on Pinnacles Place as identified in Appendix 1, to the satisfaction of Council.</p>	<p>Site observations</p> <p>Site interviews</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The HSE Supervisor advised that the construction access point had changed from a new access point off of Pinnacles Place to an already existing shared driveway with the neighbouring Site on Pinnacles Place. Upgrades included laying down cracker dust, blue metal cattle grids and signage were implemented. Further upgrade to Pinnacles Place was reported by management to be unnecessary. ERM agree with this assessment.</p>	C	
7.	<p><b>Road Maintenance</b></p> <p>The Applicant must:</p> <p>(c) undertake an independent dilapidation survey to assess the:</p> <ul style="list-style-type: none"> <li>■ existing condition of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon Street along the transport route, prior to construction, upgrading or decommissioning works; and</li> <li>■ condition of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon along the transport route, following construction, upgrading or decommissioning works;</li> </ul> <p>(d) repair Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon along the transport route if dilapidation surveys identify that the road has been damaged as a result of vehicle movements related to the project during construction, upgrading or decommissioning works; in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.</p> <p>If there is a dispute about the repair of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon between the applicant 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</p>	<p>Pre-construction Dilapidation Survey – Broken Hill Battery Energy Storage System (SSD-11437498)</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>ERM sighted a letter from DPE confirming submission, review and approval of the pre-construction dilapidation survey.</p> <p>The Department notes that the Pre-construction Dilapidation survey has been prepared in consultation with Broken Hill City Council, and contains the information required by the conditions of approval.</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	must be final and binding on both parties.				
8.	<p><b>Operating Conditions</b></p> <p>The Applicant must ensure:</p> <p>(a) the internal roads are constructed as all-weather roads;</p> <p>(b) the capacity of the existing roadside drainage network is not reduced;</p> <p>(c) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction wherever practicable; and</p> <p>(d) vehicles leaving the site are in a clean condition, with loads appropriately covered or contained, to minimise dirt being tracked onto the sealed public road network.</p>	N/A	Not triggered.	NT	
9.	<p><b>Traffic Management Plan</b></p> <p>Prior to commencing site access works, the Applicant 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:</p> <p>(a) details of the transport route to be used for all development-related traffic;</p> <p>(b) details of the temporary on-site construction car park;</p> <p>(c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <ul style="list-style-type: none"> <li>■ details of the dilapidation surveys required by condition 6 of Schedule 3 of this consent;</li> <li>■ temporary traffic controls, including detours and signage);</li> <li>■ notifying the local community about development-related traffic impacts;</li> <li>■ procedures for receiving and addressing complaints from the community about development related traffic;</li> <li>■ minimising potential cumulative traffic impacts with other projects in the area, including during construction, upgrading or decommissioning works;</li> <li>■ minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network (measures also required during operation of the project);</li> <li>■ minimising dirt tracked onto the public road network from development-related traffic;</li> <li>■ scheduling of haulage vehicle movements to minimise convoy length or platoons;</li> <li>■ responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;</li> <li>■ monthly monitoring for, and responding to, any emergency repair and/or maintenance requirements; and</li> </ul> <p>(d) a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> <li>■ travelling speeds;</li> <li>■ driver fatigue;</li> <li>■ procedures to ensure that drivers adhere to the designated transport routes and speed limits; and</li> <li>■ procedures to ensure that drivers implement safe driving practices;</li> </ul> <p>(e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.</p> <p>Following the Planning Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>	Broken Hill BESS Project Traffic Management Plan Stage 1	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>Traffic Management Plan Stage 1 – BESS was prepared in consultation with DPE, two drafts were issued and was approved as stated in the approval letter from the Department dated 30 September 2022.</p> <p>ERM reviewed the Site Traffic Management Plan and confirmed that:</p> <p>(a) details of the transport route to be used for all development-related traffic is present;</p> <p>(b) details of the temporary on-Site construction car park is present;</p> <p>(c) details of measures implemented to minimise traffic impacts during construction works:</p> <p>(d) the driver's code of conduct addresses speeds, fatigue measures, routes and safe driving practices.:</p> <p>(e) the plan contains a program to ensure drivers working on the development receive suitable training on the code of conduct.</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
<b>Biodiversity</b>																	
10.	<p><b>Vegetation Clearance</b></p> <p>The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.</p>	<p>SSD – 11437498: AGL Notification of non-compliances and potential incident Doc # BHB-AGL-CX-GEN-0055 10 November 2022</p> <p>Stockpile Reinstatement Management Plan 4017 Stage 1 - BESS</p>	<p>ERM identified that there had been a non-compliance against this condition.</p> <p>A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. Due to poor weather the topsoil stockpile was stored outside the Stage 1 Construction Zone. Native vegetation in the area outside of the Stage 1 zone had also been removed in the process, which is a non-compliance against the project conditions. An investigation into the steps to how this occurred was ongoing during the audit.</p> <p>AGL notified the DPE on 10th November 2022 of this occurring as per the SSD – 11437498. A Stockpile Impact Assessment and Reinstatement Management Plan is currently in development by the Principal Contractor as a result of this non-compliance.</p>	NC	<p>Continue to liaise with DPE on the next steps to rectify the non-compliance after notification.</p> <p>Implement mitigation measures to ensure that work outside the Site boundary area does not re-occur.</p> <p>Mitigation measures may include updating to processes and procedures, training, and tool box talks.</p>												
11.	<p><b>Biodiversity Offsets</b></p> <p>Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Planning Secretary agrees otherwise. The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</p> <p>(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p><b>Table 1: Ecosystem Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>PCT ID</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Bluebush shrubland on stony rises and downs in the arid and semi-arid zones</td> <td>155</td> <td style="color: red;">10</td> </tr> </tbody> </table> <p><b>Table 2: Species Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Species Credit Species</th> <th>PCT ID</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Australian Bustard (Ardeotis australis)</td> <td>155</td> <td style="color: red;">11</td> </tr> </tbody> </table>	Vegetation Community	PCT ID	Credits Required	Bluebush shrubland on stony rises and downs in the arid and semi-arid zones	155	10	Species Credit Species	PCT ID	Credits Required	Australian Bustard (Ardeotis australis)	155	11	<p>Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation 9 May 2022</p> <p>Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation 18 August 2022</p>	<p>ERM identified that there had been a non-compliance against this condition.</p> <p>ERM sighted two letters from DPE confirming payment into the Biodiversity Conservation Fund for offset obligations for all vegetation communities and species credits listed in this condition.</p>	C	
Vegetation Community	PCT ID	Credits Required															
Bluebush shrubland on stony rises and downs in the arid and semi-arid zones	155	10															
Species Credit Species	PCT ID	Credits Required															
Australian Bustard (Ardeotis australis)	155	11															

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
12.	<p><b>Biodiversity Management Plan</b></p> <p>Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) include a description of the measures and timeframes that would be implemented for:</p> <ul style="list-style-type: none"> <li>■ protecting vegetation and fauna habitat outside the approved disturbance areas; 4.3.1</li> <li>■ minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development; 4.3.1.1</li> <li>■ minimising the impacts to fauna on site and implementing fauna management protocols; 4.3.4</li> <li>■ rehabilitating and revegetating disturbance areas with species that are endemic to the area; 4.3.6</li> <li>■ 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 4.3.6</li> <li>■ controlling weeds, feral pests and pathogens; 4.3.3</li> </ul> <p>(b) include a program to monitor and report on the effectiveness of mitigation measures; and</p> <p>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan.</p> <p>Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include <b>any of the matters that are covered under the Biodiversity Stewardship Agreement.</b></p>	<p>Biodiversity Management Plan Stage 1 – BESS 28 July 2022</p> <p>Biodiversity Management Plan – Stage 1 for Broken Hill Battery Energy Storage System (SSD-11437498) Approval 28 September 2022</p> <p>SSD – 11437498: AGL Notification of non-compliances and potential incident Doc # BHB-AGL-CX-GEN-0055 10 November 2022</p> <p>Stockpile Reinstatement Management Plan 4017 Stage 1 - BESS</p>	<p>ERM identified that there had been a non-compliance against this condition.</p> <p>Biodiversity Management Plan Stage 1 – BESS was prepared in consultation with the BCS within DPE, two drafts were issued and was approved as stated in the approval letter from the Department dated 28 September 2022.</p> <p>(a) Section 4.3 covers the requirements of 12.a, section 4.3.2.1 specifies the requirements to protect from disturbing fauna outside the approved areas and minimisation of unnecessary disturbance. Sections 4.3.4 and 4.3.5 outline protection measures for fauna on Site. Section 4.3.7 outlines the reinstatement and rehabilitation which includes revegetation of non-concrete area in the stage 1 zone. Section 4.3.4 outlines the Weed and Seed Management plan.</p> <p>(b) Section 5 outlines the monitoring and reporting measures to be taken.</p> <p>(c) Section 5.4 states that the Consortium will review the environmental performance and program to ensure continued success and implementation.</p> <p>A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. Due to poor weather the topsoil stockpile was stored outside the Stage 1 Construction Zone. Native vegetation in the area outside of the Stage 1 zone had also been removed in the process, which is a non-compliance against the project conditions - protecting vegetation and fauna habitat outside the approved disturbance areas. An investigation into the steps to how this occurred was ongoing during the audit.</p> <p>The cleared section of native vegetation and fauna habitat located outside of the approved disturbance areas of the Project on land within LOT 7302 in DP1181129 which comprises a portion of Wilyama Common, a parcel of Crown Land administered by Broken Hill City Council.</p> <p>AGL notified the DPE on 10th November 2022 of this occurring as per the SSD – 11437498. A Stockpile Impact Assessment and Reinstatement Management Plan is currently in development by the Principal Contractor as a result of this non-compliance.</p>	NC	<p>Continue to liaise with DPE on the next steps to rectify the non-compliance after notification and act on DPE instructions to any modifications that may be required.</p> <p>Implement mitigation measures to ensure that work outside the Site boundary area does not re-occur and that the Biodiversity Management Plan information is delivered to all workers on Site.</p> <p>Mitigation measures may include updating to processes and procedures, training, and tool box talks.</p>

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
<b>Amenity</b>					
13.	<p><b>Construction, Upgrading and Decommissioning Hours</b></p> <p>Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:</p> <p>(a) 7 am to 6 pm Monday to Friday;</p> <p>(b) 8 am to 1 pm Saturdays; and</p> <p>(c) at no time on Sundays and NSW public holidays.</p> <p>The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary:</p> <ul style="list-style-type: none"> <li>■ the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or</li> <li>■ emergency work to avoid the loss of life, property and/or material harm to the environment.</li> </ul>	<p>Site observations</p> <p>Site interviews</p> <p>Site Management Plans</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The HSE Supervisor advised that construction works are only being undertaken within the times specified in the CoC and the Environmental Management Strategy also reflects the operating hours outlined in the CoC.</p>	C	
14.	<p><b>Noise</b></p> <p>The Applicant must:</p> <p>(a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version; and</p> <p>(b) ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A) LAeq,15min to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residence.</p>	<p>Site observations</p> <p>Site interviews</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The HSE Supervisor advised that there is no noise monitoring system at the Site, and no noise complaints were received in the audit period.</p> <p>The contractor implements the following:</p> <p>(a) To manage noise, the Site has been undertaking letterbox drops and door knocking to advise neighbours of any significant noise generation activities including rolling and compacting. Forward planning is used to manage the timing of significant noise events.</p> <p>(b) The Site does not undertake night time construction activities.</p>	C	
15.	<p><b>Dust</b></p> <p>The Applicant must minimise the dust generated by the development.</p>	<p>Site observations</p> <p>Site interviews</p> <p>Environmental Management Strategy – Stage 1</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The Site Manager advised that multiple dust suppression activities occur daily. Groundwater is extracted from an offsite location approximately 250m from the Site and a truck is located at the Site all day for dust suppression. Every morning the construction pad is sprayed down with water prior to commencement of activities and multiple times throughout the day depending on weather conditions and construction activities.</p> <p>No complaints relating to dust generation have been received at the site during the audit period</p>	C	
16.	<p><b>Visual</b></p> <p>The Applicant must:</p>	<p>Site observations</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>(a) the Site is fully fenced with visual impacts of</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;</p> <p>(b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and</p> <p>(c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.</p>		<p>the activities being minimised;</p> <p>(b) all ancillary infrastructure are homogenous in colour across the Site where possible; and</p> <p>(c) no advertising signs were observed to be in the Site boundary.</p>		
17.	<p><b>Lighting</b></p> <p>The Applicant must:</p> <p>(d) minimise the off-site lighting impacts of the development; and</p> <p>(e) ensure that any external lighting associated with the development:</p> <ul style="list-style-type: none"> <li>■ is installed as low intensity lighting (except where required for safety or emergency purposes);</li> <li>■ does not shine above the horizontal; and</li> <li>■ complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, and the Dark Sky Planning Guidelines (DPE 2018) or its latest versions.</li> </ul>	N/A	Not triggered. The HSE Supervisor advised that no night time works are occurring and no external lighting has been installed.	NT	
<b>Heritage</b>					
18.	<p><b>Protection of Heritage Items</b></p> <p>The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items located outside the approved development footprint.</p> <p><b>Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 1 of Appendix 5, the Applicant must relocate the item/s that would be impacted to a suitable alternate location, in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), or its latest version.</b></p> <p><b>Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figures in Appendix 5.</b></p>	<p>Site observations</p> <p>Site interviews</p> <p>Eco Logical Australia, 2022 Broken Hill BESS: Battery Storage Facility (Stage 1) Heritage Management Plan. Prepared for Valmec Pty Ltd 5 August 2022</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The Heritage Management Plan consultation has occurred and is occurring in regard to the heritage items identified in Table 1 of Appendix 5. As the heritage items were identified in the Stage 2 Zone (project currently in Stage 1) this process is still underway. No items were identified in the Stage 1 Zone. The heritage items in the Stage 2 Zone have been sectioned off with orange flags to display their location and avoid potential damage.</p>	C	
19.	<p><b>Heritage Management Plan</b></p> <p>Prior to carrying out any development the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;</p> <p>(c) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> <li>■ a contingency plan and reporting procedure if: <ul style="list-style-type: none"> <li>- previously unidentified heritage items are found; or</li> <li>- Aboriginal skeletal material is discovered;</li> </ul> </li> <li>■ ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and</li> <li>■ <b>relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 1 of Appendix 5; and</b></li> <li>■ ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and</li> </ul>	<p>Eco Logical Australia, 2022 Broken Hill BESS: Battery Storage Facility (Stage 1) Heritage Management Plan. Prepared for Valmec Pty Ltd 5 August 2022</p> <p>Approval for Heritage Management Plan – Stage 1 for Broken Hill Battery Energy Storage System 11 August 2022</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>A Heritage Management Plan was prepared by Ecological Australia for Valmec and was approved by the Department of Planning and Environment on 11 August 2022.</p> <p>(a) Appendix 1 of the Heritage Plan includes the endorsement of Ecological Australia to prepare the Plan by the DPE.</p> <p>(b) Section 1.3 of the Heritage Management Plan outlines the consultation undertaken with Heritage NSW and Aboriginal Stakeholders. Consultation was undertaken by Aecom in 2021 and 2022 during the EIS stage, and further consultation when developing the HMP. Multiple efforts were made to engage both parties however there was limited attendance to meetings and limited written submissions were received.</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project. Following the Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.		<p>(c) Section 2.6.4 outlines the procedure to take if skeletal remains are found which includes stopping work notifying the Consortium Project Manager and Environment Manager, and following standard procedure set forth in NSW Police Force Handbook (2016); and NSW Health Exhumation of Human Remains Policy (2013). Section 2.6.2 outline the procedure to be undertaken if stone artefacts are found and Section 2.6.3 outlines the procedure if hearths or grinding stones are found. Section 2.4 outlines the requirement for induction and training for all staff and workers on Site with an induction record being maintained. 2.5.2 outlines the management requirements for the BASS-21-AS Site that was identified in Table 1 of Appendix 5 with management being included in the Stage 2 HMP. Section 2.7 outlines the continuous consultation being undertaken.</p> <p>(d) Section 2.9 includes environmental performance indicators to assess within the context of Consortium Objectives, AGL Policy, compliance obligations and community expectations.</p>		
<b>Soil and Water</b>					
20.	<p><b>Water Supply</b></p> <p>The Applicant 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.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.</p>	Site Interviews	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>ERM was advised that ground water is trucked in daily for use in operation such as dust suppression. Drinking and sanitary water is brought to Site in bottles.</p>	C	
21.	<p><b>Water Pollution</b></p> <p>The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.</p>	Soil and Water Management Plan Stage 1	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>As stated in Condition 23 this is being managed in the Soil and Water Management Plan.</p> <p>ERM do not consider that any S.120 breaches have occurred within the audit period.</p>	C	
22.	<p><b>Operating Conditions</b></p> <p>The Applicant must:</p> <p>(a) minimise erosion and control sediment generation;</p> <p>(b) ensure the battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version;</p> <p>(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</p>	Soil and Water Management Plan Stage 1	<p>ERM identified that there had been a non-compliance against this condition.</p> <p>As stated in Condition 23 this is being managed in the Soil and Water Management Plan.</p> <p>It was identified that erosion and sediment controls were not adequately established prior to vegetation removal and sub-base clearing activities occurring.</p> <p>A site inspection was conducted with the AGL Site Manager and HSE Lead on the 27/10/22 to evaluate current status of sediment controls and</p>	NC	<p>A post rainfall event audit was conducted to evaluate effectiveness of the erosion and sediment controls which identified minor improvements with primary, secondary and tertiary sediment controls.</p> <p>Continue the daily erosion and sediment control boundary inspections that have been established to ensure sediment fencing, drainage, filtration and</p>



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>groundwater at the site;</p> <p>(d) ensure all works are undertaken in accordance with Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), unless <b>DPE Water</b> agrees otherwise.</p>		<p>rectification works, which were also being addressed by the Site Manager and Site Supervisor with immediate temporary actions, with the following issues:</p> <ul style="list-style-type: none"> <li>■ Sediment fence not fixed, weighted down or buried in ground along the west and south side of the Site boundary to avoid displacement by the wind and prevent sediment runoff outside of the boundary. It was observed that the sediment fence had become displaced and was ineffective to retain or control sediment.</li> <li>■ Sediment fence not secured correctly on south side of boundary and absence of sediment fence installed over approximately a 30 m section.</li> <li>■ Shaker grid for erosion and sediment controls not established at Site entry and exit point for mobile plant access and egress.</li> <li>■ Sediment controls had not been established around stockpiled topsoil from vegetation and sub-base removal.</li> </ul> <p>The audit identified that the initial erosion and sediment control installations for BESS Stage 1 was not adequate for Site conditions, and did not fulfil all requirements detailed in the Project Environmental Management Plan and the Project Soil and Water Management Plan, to avoid sediment runoff outside of the construction footprint.</p>		<p>runoff controls are effective and maintained, inclusive of post rainfall event audits.</p> <p>Maintain monitoring of such controls that have been increased with Environmental Aspect Assurance Audits.</p> <p>Carry out a follow up audit once all corrective actions have been completed to evaluate effectiveness and compliance against the audit criteria listed within the audit report.</p>
23.	<p><b>Soil and Water Management Plan</b></p> <p>Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with <b>DPE Water</b>. This plan must:</p> <p>(a) demonstrate how the project will meet conditions 21 and 22(a) to (d); and</p> <p>(b) include details of the soil erosion control measures including sediment basins.</p> <p>The Applicant must implement the Soil and Water Management Plan for construction upgrading, operation and/or decommissioning of the development.</p>	Soil and Water Management Plan Stage 1	<p>ERM identified that there had been a non-compliance against this condition.</p> <p>The Soil and Water Management Plan Stage 1 – BESS was issued for 23 August 2022 with a draft being issued to the DPE on 23 June 2022 with comments received and addressed 23 August 2022.</p> <p>(a) The Plan addressed condition 21 in Section 4.2.2 as defined under Section 120 of the POEO Act Prohibition of Pollution of Waters. Section 22(a) to (d) is addressed in section 4.2.3 in which Erosion and Sediment Control is addressed and is further addressed in the Stormwater Management Plan and is further addressed in Section 4.2.5 which operating conditions and controls that address sediment and erosion controls.</p> <p>(b) Soil erosion controls measures including sediment basins are addressed through out section 4.2 with sediment basins included in section 4.2.11 Stockpile Management.</p> <p>It was identified that erosion and sediment controls were not adequately established prior to</p>	NC	<p>A post rainfall event audit was conducted to evaluate effectiveness of the erosion and sediment controls which identified minor improvements with primary, secondary and tertiary sediment controls.</p> <p>Continue the daily erosion and sediment control boundary inspections that have been established to ensure sediment fencing, drainage, filtration and runoff controls are effective and maintained, inclusive of post rainfall event audits.</p> <p>Maintain monitoring of such controls that have been increased with Environmental Aspect Assurance Audits.</p> <p>Carry out a follow up audit once all corrective actions have been completed to evaluate effectiveness and compliance</p>

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			<p>vegetation removal and sub-base clearing activities occurring.</p> <p>A site inspection was conducted with the AGL Site Manager and HSE Lead on the 27/10/22 to evaluate current status of sediment controls and rectification works, which were also being addressed by the Site Manager and Site Supervisor with immediate temporary actions, with the following issues:</p> <ul style="list-style-type: none"> <li>■ Sediment fence not fixed, weighted down or buried in ground along the west and south side of the Site boundary to avoid displacement by the wind and prevent sediment runoff outside of the boundary. It was observed that the sediment fence had come displaced and was ineffective to retain or control sediment.</li> <li>■ Sediment fence not secured correctly on south side of boundary and absence of sediment fence installed over approximately a 30 m section.</li> <li>■ Shaker grid for erosion and sediment controls not established at Site entry and exit point for mobile plant access and egress.</li> <li>■ Sediment controls had not been established around stockpiling topsoil from vegetation and sub-base removal.</li> </ul> <p>The audit identified that the initial erosion and sediment control installations for BESS Stage 1 was not adequate for Site conditions, and did not fulfil all requirements detailed in the Project Environmental Management Plan and the Project Soil and Water Management Plan, to avoid sediment runoff outside of the construction</p>		<p>against the audit criteria listed within the audit report.</p>
<b>Hazards</b>					
24.	<p><b>Fire Safety Study</b></p> <p>Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary.</p> <p>The study must:</p> <p>(a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline and relevant Australian Standards and International Guidelines; and</p> <p>(b) describe the final design of the battery storage facility. Following completion of the Study, the Applicant must implement the measures described in the Fire Safety Study.</p>	<p>Fire Safety Study - timing (SSD-11437498) 26 August 2022</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>Communication between AGL and DPE dated 26 August 2022 with the subject line Fire Safety Study - timing (SSD-11437498) confirmed that the Fire Safety Study has been approved for finalisation to be prior to arrival battery components on Site.</p>	C	<p>Ensure the Fire Safety Study is carried out in the timing that DPE negotiated with AGL.</p>
25.	<p><b>Storage and Handling of Dangerous Goods</b></p> <p>The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:</p> <p>(a) the requirements of all relevant Australian Standards; and</p> <p>(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants</p>	<p>Site Interviews Site Observations</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The HSE Supervisor advised that a very small amount of dangerous goods are stored on Site. A storage cabinet is used for all dangerous goods</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>Handbook if the chemicals are liquids.</p> <p>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.</p>		<p>which is primarily spray paints. LPG is stored on Site but is stored separately from all other flammable goods. A diesel generator was reported to be on Site during the set up phase; however, the Site is now connected to local grid and as such the generator was removed from Site.</p> <p>ERM observed storage around the Site and deemed this compliant.</p>		
26.	<p><b>Operating Conditions</b></p> <p>The Applicant must:</p> <p>(a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;</p> <p>(b) ensure that the development:</p> <ul style="list-style-type: none"> <li>■ includes defensible space as outlined in the EIS and as shown in Appendix 1, permitting unobstructed vehicle access to the site;</li> <li>■ manages the defensible space as an Asset Protection Zone;</li> <li>■ complies with the relevant asset protection requirements in the RFS's Planning for Bushfire Protection 2019 (or equivalent) and Standards for Asset Protection Zones (including provision of water, electricity and gas, ancillary equipment, transmission lines and management of vegetation) as otherwise approved by the Rural Fire Service;</li> </ul> <p>(c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</p> <p>(d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.</p>	<p>Fire Safety Study - timing (SSD-11437498) 26 August 2022</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>(a – c) As mentioned in Condition 24, the DPE has approved the delay of the Fire Safety Study until the arrival of batteries on Site. As such this has not yet occurred.</p> <p>(d) Not triggered</p>	C	
27.	<p><b>Emergency Plan</b></p> <p>Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development in consultation with FRNSW and the NSW RFS. The Applicant must keep two copies of the plan on- site in a prominent position adjacent to the site entry point at all times. The plan must:</p> <p>(a) 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);</p> <p>(b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;</p> <p>(c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;</p> <p>(d) list works that should not be carried out during a total fire ban;</p> <p>(e) include availability of fire suppression equipment, access and water;</p> <p>(f) include procedures for the storage and maintenance of any flammable materials;</p> <p>(g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate;</p> <p>(h) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;</p> <p>(i) include a figure showing site infrastructure, Asset Protection Zone and any on-site water supply</p>	<p>Broken Hill Bess Project Emergency Management Plan 22 July 2022.</p> <p>Fire Safety Study extension of time 26 August 2022.</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>Broken Hill BESS Project Emergency Management Plan was issued for use on 22 July 2022. Section 3 and Appendix 13 outlines the consultation that has occurred with F&amp;RNSW and RFS. Two copies of the Emergency Management Plan are kept in the HSE office on Site, all staff must sign in at this point at entry.</p> <p>(a) Section 3 states that the EMP has been prepared to be consistent with Hazardous Industry Planning Advisory Paper No. 1 Emergency Planning 2011 (NSW Department of Planning and Environment); and Planning for Bush Fire Protection 2019 (NSW Rural Fire Service. Appendix 13.6 includes FRNSW approval of the EMP with any comments they had having been incorporated;</p> <p>(b) Section 10.5 states that fire hazards risks and controls will be evaluated in the formal fire safety study, however the Fire Safety Study extension of time document provides approval by the DPE to delay this study until the batteries are delivered on Site;</p> <p>(c) Section 7.1 sets out the evacuation</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>tank;</p> <p>(j) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;</p> <p>(k) 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;</p> <p>(l) include bushfire emergency management planning; and</p> <p>(m) include details of the how RFS would be notified, and procedures that would be implemented, in the event that:</p> <ul style="list-style-type: none"> <li>■ there is a fire on-site or in the vicinity of the site;</li> <li>■ there are any activities on site that would have the potential to ignite surrounding vegetation; or</li> <li>■ there are any proposed activities to be carried out during a bushfire danger period; and (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.</li> </ul> <p>The Applicant must implement the Emergency Plan for the duration of the development.</p>		<p>procedures, Section 9.1.2 outlines the firefighting response;</p> <p>(d) Section 9 sets out the emergency equipment.</p> <p>(e) Section 9.1 outlines minimum requirements of the equipment on the Site including fire extinguishers, water and access requirements;</p> <p>(f) Section 9.1 fire suppression storage requirements of flammable materials including maintaining fire extinguishers in proximity;</p> <p>(g) Section 10.5.2.1 outlines the requirement to notify the NSW Rural Fire Service Fire Control Centre if fire is to be started during a total fire ban for construction and demolition works;</p> <p>(h) Section 4 provides details of the contacts including multiple alternative contacts;</p> <p>(i) The asset protection zone will be defined once the Fire Safety Study Report is finalised which has been approved to occur after batteries arrive on Site;</p> <p>(j) Section 3 outlines that the CRAW/HAZID Workshops identified the hazards and emergency responses to be taken. Section 10 Emergency procedures expands further on the identified hazards;</p> <p>(k) The asset protection zone will be defined once the Fire Safety Study Report is finalised which has been approved to occur after batteries arrive on Site;</p> <p>(l) Section 10.12 emergency response to bushfires; and</p> <p>(m) Section 10.5 outlines notification and procedures for if a fire was to occur on Site, however this will be further developed once the fire safety study is finalised for the arrival of the batteries.</p>		
<b>Waste</b>					
28.	<p>The Applicant must:</p> <p>(a) minimise the waste generated by the development;</p> <p>(b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);</p> <p>(c) store and handle all waste on site in accordance with its classification;</p> <p>(d) not receive or dispose of any waste on site; and</p> <p>(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.</p>	Broken Hill BESS Environmental Management Plan – 4.7 Waste Management Plan	<p>Waste storage and disposal is managed through the Site Construction Environmental Management Plan (CEMP). The consortium's scope of work generates a range of solid and liquid wastes, both hazardous and non-hazardous to human health and the environment.</p> <p>The consortium's overarching waste management objective is to prevent contamination or environmental harm due to inappropriate disposal of waste. The EPA also encourages the recovery of resources from waste to be used as fill where this is beneficial and poses minimal risk of harm to the environment or human health.</p> <p>This waste management plan is split into three sections – 1) Resource Efficiency, 2) Waste Classification and 3) Waste Management and goes into details regarding how waste will be</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			<p>managed, classified and disposed of off Site.</p> <p>Appendix J of the plan details the specific requirements of each individual waste stream along with their controls and additional controls.</p>		
<b>Remediation</b>					
29.	<p><b>Remedial Works</b></p> <p>Prior to carrying out any development, the Applicant 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).</p>	<p>Site Remedial Action Plan (RAP) (AECOM, 2021b) Broken Hill Battery Energy Storage System Project</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The objective of the Site Remedial Action Plan (RAP) was to present a plan of the anticipated remedial works for the removal and validation of localised petroleum hydrocarbon impacted soils to address consent Condition 29 of the approved EIS.</p> <p>The remedial approach considered management of known petroleum hydrocarbon localised soil contamination at the Site. The works were to include the following:</p> <ul style="list-style-type: none"> <li>■ Removal of IBC at the southern boundary of the Site (AECOM sample location 'Tank') (refer to Figure F3, Appendix A);</li> <li>■ Excavation and removal of stained, odorous and petroleum hydrocarbon impacted soils in the vicinity of the IBC that covers an approximate area of 1 m x 0.5 m, to 0.5 m (approximate volume of 0.25 m<sup>3</sup>). The DSI identified samples based on the contaminant concentration at this location to be classified as Hazardous Waste (HW) and Restricted Solid Waste (RSW) in accordance with the NSW EPA waste guidelines. Given the limited nature of the excavation area expected, excavated material was to be disposed offsite to a licensed landfill facility as Hazardous Waste to avoid the need for stockpiling and re-sampling of the material on-site;</li> <li>■ Validation sampling of walls and floor of the excavation pit for the contaminants being TRH/TPH; and</li> <li>■ Reinstatement of the excavation area with imported materials.</li> </ul> <p>The RAP included contingencies in the event of the following:</p> <ul style="list-style-type: none"> <li>■ If groundwater was encountered during the remedial works;</li> <li>■ Additional material encountered;</li> <li>■ Excessive vapours emanating from the excavated soil or excavation pit;</li> <li>■ Grossly impacted soils encountered; and/or</li> <li>■ Contamination found in areas not previously identified.</li> </ul>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
30.	<p><b>Validation Report</b></p> <p>Within one month of the completion of the remediation works, the Applicant must submit a copy of a validation report/letter to 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.</p>	<p>AECOM - Validation Report - Remediation of Localised Hydrocarbon Impacted Soils Broken Hill Battery Energy Storage System Project</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>AECOM was commissioned by AGL to prepare a Validation Report for the remediation of localised petroleum hydrocarbon impacted material at 74-80 Pinnacles Place, Broken Hill NSW 2880 (the Site). These works were conducted during December 2021 in accordance with the Remedial Action Plan (RAP) - Localised Petroleum Impacted Soils (AECOM, 2021b) prepared for the Site. This Validation Report was prepared to demonstrate that the remediation works have been completed and to address consent Condition 29 and 30 of the approved consent for the construction, operation and maintenance of the battery energy storage system (BESS) facility at the Site (the Project).</p> <p>Based on the remediation and validation works completed on the Site, it is considered that:</p> <ul style="list-style-type: none"> <li>■ The objectives of the Remedial Action Plan (AECOM, 2021b) pertaining to the removal of localised petroleum hydrocarbon impacted material and validation of the excavation area has been achieved, addressing Condition 29 of the approved EIS;</li> <li>■ AECOM were deemed a suitably qualified and experienced consultant;</li> <li>■ A Validation Report has been reviewed by a consultant certified under the CEnvP(SC) Scheme, addressing Condition 30 (this condition) of the approved EIS within one month of the completion of the remediation; and</li> <li>■ The Site is considered suitable for the proposed ongoing commercial/industrial land use for the development and operation of the BESS.</li> </ul>	C	
31.	<p><b>Unexpected Finds</b></p> <p>Prior to the commencement of construction, the Applicant 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.</p>	<p>Broken Hill BESS Project Environmental Management Strategy (EMS) Stage 1 – BESS Construction. APPENDIX E – Site Unexpected Finds Procedure</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>An unexpected finds procedure was developed prior to the commencement of construction, which forms part of the Site Environmental Management Strategy Stage 1.</p> <p>Where unexpected contamination is identified or suspected by personnel involved in construction works within or near the project area, works will be temporarily suspended in the affected area. This area will be isolated to minimise the potential for disturbance of the affected material, soil and/or water. Field personnel are to notify the Project Manager who will then contact the AGL to inform of the impact to the intended works. The Project</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations										
			Manager, with guidance from the HSE Officer, will be responsible for organising the evaluation of the nature of the unexpected find.												
<b>Decommissioning and Rehabilitation</b>															
	<p>Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 3.</p> <p>Table 3: Rehabilitation Objectives</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Site</td> <td> <ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> </ul> </td> </tr> <tr> <td>Battery storage infrastructure</td> <td> <ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Planning Secretary agrees otherwise</li> </ul> </td> </tr> <tr> <td>Land use</td> <td> <ul style="list-style-type: none"> <li>Restore land capability to pre-existing use</li> </ul> </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul> </td> </tr> </tbody> </table>	Feature	Objective	Site	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> </ul>	Battery storage infrastructure	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Planning Secretary agrees otherwise</li> </ul>	Land use	<ul style="list-style-type: none"> <li>Restore land capability to pre-existing use</li> </ul>	Community	<ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul>	N/A	Not triggered	NT	
Feature	Objective														
Site	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> </ul>														
Battery storage infrastructure	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Planning Secretary agrees otherwise</li> </ul>														
Land use	<ul style="list-style-type: none"> <li>Restore land capability to pre-existing use</li> </ul>														
Community	<ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul>														

**ENVIRONMENTAL MANAGEMENT AND REPORTING**

**Environmental Management**

1.	<p><b>Environmental Management Strategy</b></p> <p>Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>receive, handle, respond to, and record complaints;</li> <li>resolve any disputes that may arise;</li> <li>respond to any non-compliance;</li> <li>respond to emergencies; and</li> </ul> <p>(e) include:</p> <ul style="list-style-type: none"> <li>references to any plans approved under the conditions of this consent; and</li> <li>a clear plan depicting all the monitoring to be carried out in relation to the development.</li> </ul> <p>Following the Planning Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>	<p>Broken Hill BESS Project Environmental Management Strategy (EMS) Stage 1 – BESS Construction (SSD-11437498)</p> <p>Project Legal Register</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The Environmental Management Strategy (EMS) Stage 1 – BESS was approved by DPE on 19 August 2022 prior to the commencement of construction.</p> <p>(a) The environmental management aspects will be addressed, and appropriate controls further detailed within the below associated management plans:</p> <ul style="list-style-type: none"> <li>Biodiversity Management Plan (0775-ENV-GEN-90-003);</li> <li>Soil and Water Management Plan (0775-ENV-GEN-90-005);</li> <li>Traffic Management Plan (0775-HAS-GEN-90-005);</li> <li>Heritage Management Plan (0775-ENV-GEN-90-004);</li> <li>Fire Safety Study (0775-INF-FLN-67-001); and</li> <li>Emergency Management Plan (0775-HAS-GEN-90-003).</li> </ul> <p>As required for EPC contract (not conditioned under the Approval):</p> <ul style="list-style-type: none"> <li>Construction Environmental Management Plan (0775-ENV-GEN-90-001);</li> <li>Construction Noise and vibration (sub-plan under CEMP); and</li> <li>Waste Management (sub-plan under CEMP).</li> </ul>	C	
----	--	--	---	---	--

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			<p>(b) Actions to address specific compliance requirements have been listed in the relevant sections of the plan inclusive of conditions set by the Development Consent and included in the Projects Legal Register. Environmental legislation is also accessed through Lawstream via the Consortium intranet, or via the NSW EPA government website. Environmental standards are also through SAI Global via the Consortium intranet, or requested through the Consortium HSEQ team. Other documentation may be requested through the relevant Consortium or AGL representative.</p> <p>(c) Section 6.1 lists the project structure and responsibilities.</p> <p>(d) Communication, complaints, disputes and emergency procedures are listed in section 6.3 and 6.5.</p> <p>(e) All plans approved are referenced in the appendices and throughout the strategy and all monitoring throughout the development is included in section 7.</p>		
2.	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>The Applicant must:</p> <p>(a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and</p> <p>(b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:</p> <ul style="list-style-type: none"> <li>■ submission of an incident report under condition 7 of Schedule 4;</li> <li>■ submission of an audit report under condition 11 of Schedule 4; or</li> <li>■ any modification to the conditions of this consent.</li> </ul>	N/A	Not triggered.	NT	
3.	<p><b>Updating and Staging of Strategies, Plans or Programs</b></p> <p>With the approval of the Planning Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis. To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Planning Secretary for approval. With the agreement of the Planning Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>■ While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.</li> <li>■ If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</li> </ul>	Noted	Noted	Note	

**Notifications**



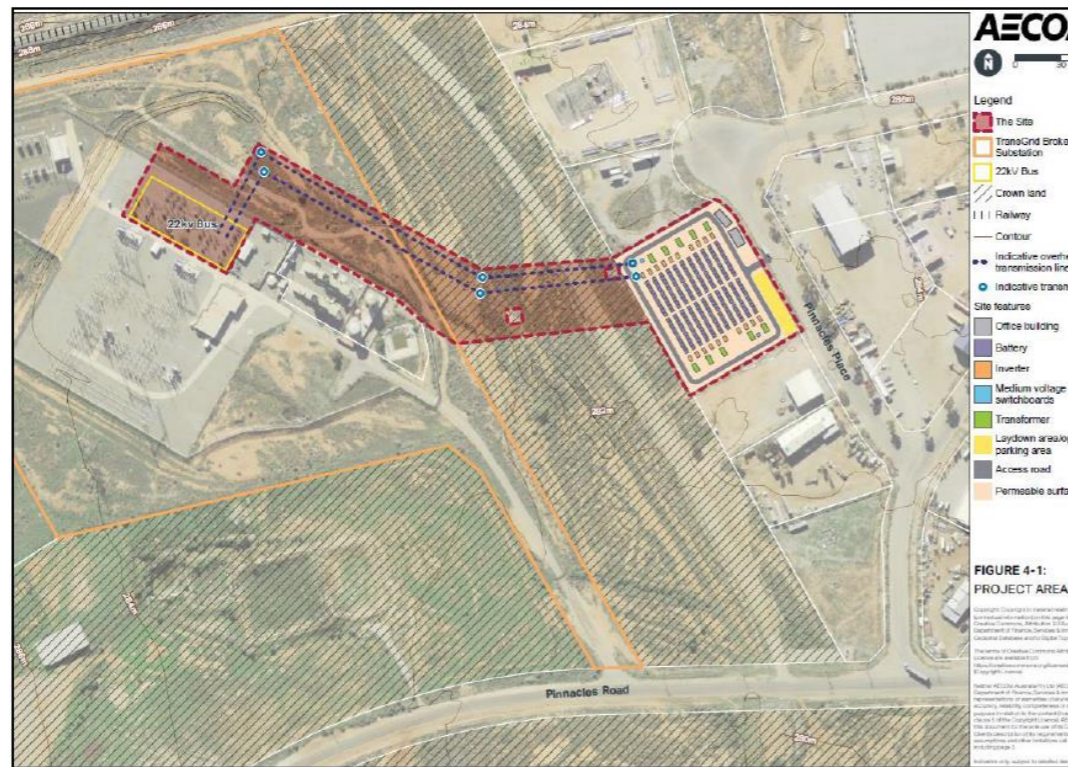
Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
4.	<p><b>Notification of Department</b></p> <p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department 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 Applicant 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.</p>	Planning Portal NSW – Major Projects Portal Broken Hill Energy Battery Storage System	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>Notifications available on Major Projects Website Portal.</p>	C	
5.	<p><b>Final Layout Plans</b></p> <p>Prior to commencing construction, the Applicant 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.</p>	AECOM BESS Broken Hill Final Layout Plan	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>Final Layout Plan showing Stage 1 and Stage 2 on the Major Projects Website Portal.</p>	C	
6.	<p><b>Work as Executed Plans</b></p> <p>Prior to commencing operations or following the upgrades of any battery storage infrastructure or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the approved final layout plans to the Department via the Major Projects website.</p>	N/A	Not triggered	NT	
7.	<p><b>Incident Notification</b></p> <p>The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development 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.</p>	Note	Noted	N/A	
8.	<p><b>Non-Compliance Notification</b></p> <p>The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.</p>	SSD – 11437498: AGL Notification of non-compliances and potential incident Doc # BHB-AGL-CX-GEN-0055 10 November 2022	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>A stockpile of topsoil was identified outside the Stage 1 Construction Zone to the west of the Site Boundary. The HSE Supervisor advised that this was topsoil that had been cleared from the Stage 1 Construction Zone that was intended to be reused later in the construction process. An investigation into the steps to how this occurred was ongoing during the audit.</p> <p>AGL notified the DPE of this occurring within 7 days as per the SSD – 11437498: Notification of non-compliances and potential incident letter. A Stockpile Impact Assessment and Reinstatement Management Plan is currently in development as a result of this non-compliance.</p>	C	
9.	<p>A non-compliance notification must identify the development and the application number for it, set out the condition of consent 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.</p>	SSD – 11437498: AGL Notification of non-compliances and potential incident Doc # BHB-AGL-CX-GEN-0055 10 November 2022	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>The notification of non-compliances and potential incident letter sent by AGL to DPE on 10<sup>th</sup> November 2022 included the project application</p>	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			number, the conditions it is in breach of, the reasons and the actions taken and next steps that are to be undertaken.		
10.	A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.	Note	Noted	N/A	
<b>Independent Environmental Audit</b>					
11.	Independent Audits of the development must be conducted and carried out 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.	ERM IEA November 2022	ERM did not identify any evidence of non-compliance with this condition.  (a) An Independent Audit was conducted on 24-25 November 2022, within three months of the construction start on 10th October 2022.  (b) Not Triggered.	C	
12.	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	Appointment of Experts_08112022_085318 8 November 2022 Appendix A	ERM did not identify any evidence of non-compliance with this condition.  As per the letter Broken Hill Battery Energy Storage System (SSD-11437498) Independent Audit team approval request the Independent Audit Team was approved on behalf of the Planning Secretary on 8 November 2022.	C	
13.	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.	N/A	Not Triggered	NT	
14.	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:  (a) review and respond to each Independent Audit Report prepared under condition 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 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.	Note	Noted	N/A	
15.	Independent Audit Reports and the Applicant'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.	Note	Noted	N/A	
16.	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.	Note	Noted	N/A	

**Access to Information**

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
17.	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <ul style="list-style-type: none"> <li>■ the EIS;</li> <li>■ the final layout plans for the development;</li> <li>■ current statutory approvals for the development;</li> <li>■ approved strategies, plans or programs required under the conditions of this consent;</li> <li>■ the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>■ how complaints about the development can be made;</li> <li>■ a complaints register;</li> <li>■ any independent environmental audit, and the Applicant's response to the recommendations in any audit; and</li> <li>■ any other matter required by the Planning Secretary; and</li> </ul> <p>(b) keep this information up to date.</p>	<p>Broken Hill Battery Energy Storage System: Documents Webpage (<a href="https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-battery-energy-storage-system/documents">https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-battery-energy-storage-system/documents</a>)</p> <p>State Significant Development Broken Hill Battery Energy Storage System (<a href="https://pp.planningportal.nsw.gov.au/major-projects/projects/broken-hill-battery-energy-storage-system">https://pp.planningportal.nsw.gov.au/major-projects/projects/broken-hill-battery-energy-storage-system</a>)</p>	<p>ERM did not identify any evidence of non-compliance with this condition.</p> <p>(a) AGL has made available the required documents on the AGL website. The only documents not available were a complaints register, as no complaints were reported to have occurred, and any independent environmental audits, as none have been finalised.</p> <p>(b) Documents were observed to be up to date.</p>	C	

**APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT**



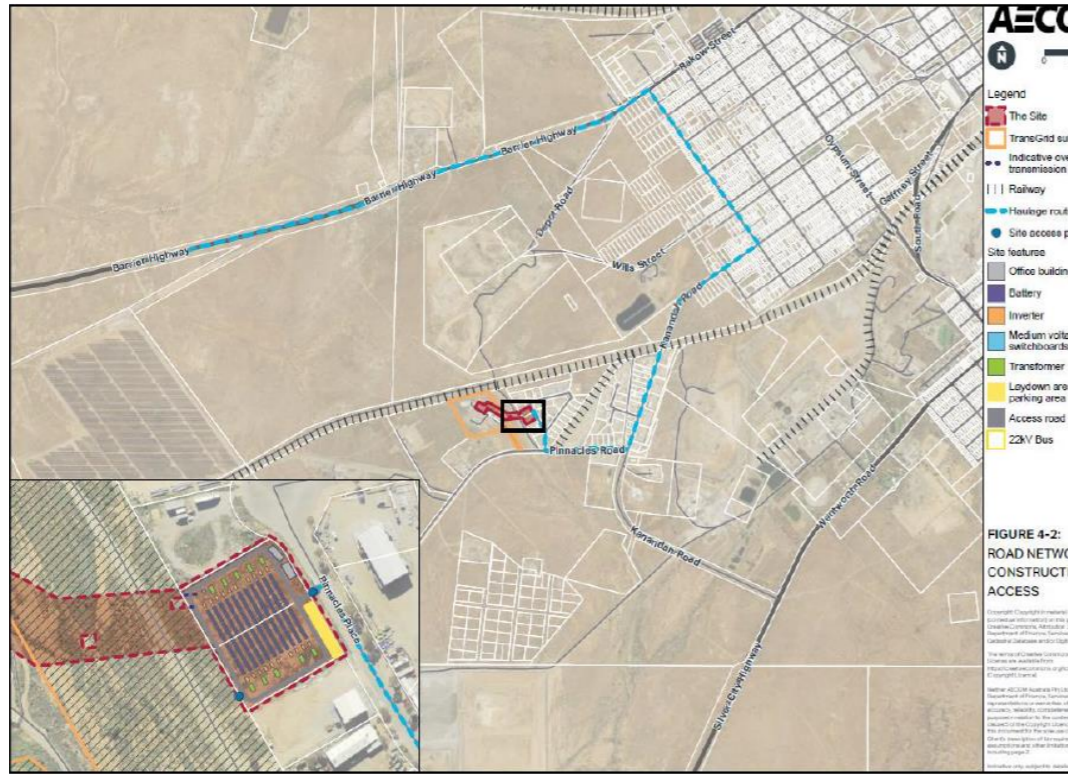
Note	Noted	N/A	
------	-------	-----	--

**APPENDIX 2: SCHEDULE OF LANDS**

Lot Number	Deposit Plan (DP)	Note	Noted	N/A	
7302	1181129				
2	1102040				
57	258288				

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
58	Note: The project site will also be taken to include any crown land and road reserves contained within the project site.				

**APPENDIX 3: HEAVY VEHICLE ROUTE RESTRICTIONS**



Note	Noted	N/A	
------	-------	-----	--

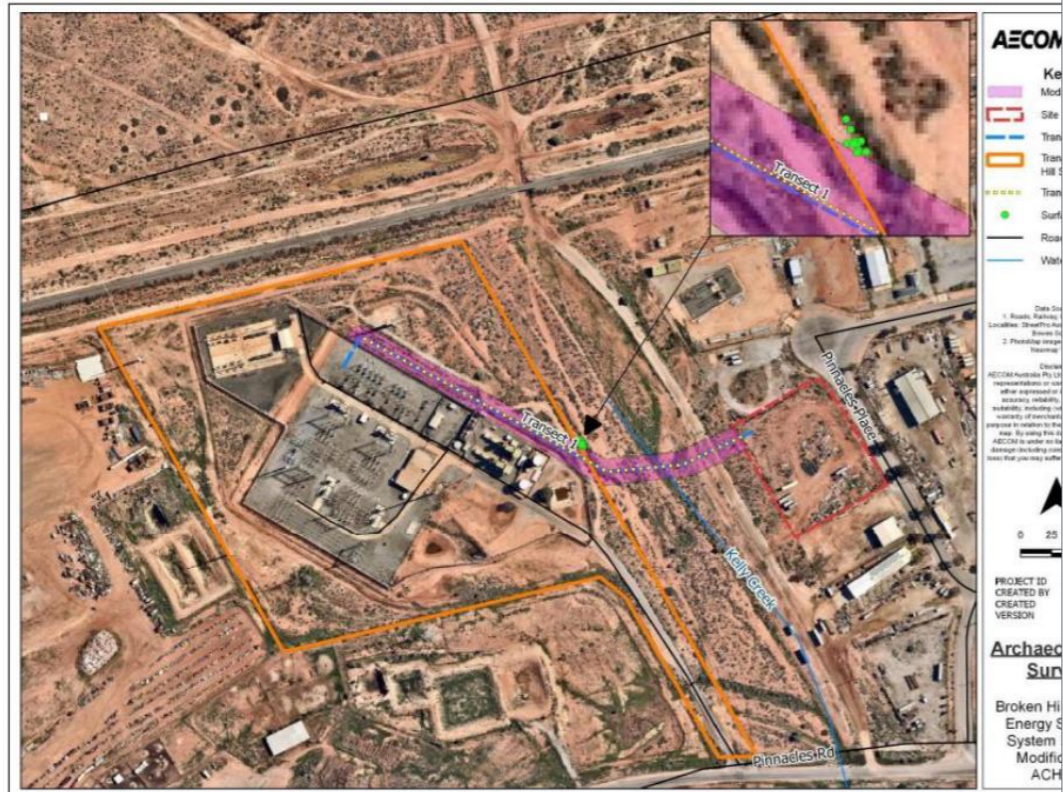
**APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

Written Incident Notification 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 Applicant becomes aware of an incident.  Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 7 of Schedule 4 or, having given such notification, subsequently forms the view that an incident has not occurred.	Note	Noted	N/A	
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 applicant became aware of the incident; (e) identify any actual or potential non-compliance with conditions of consent; (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	Note	Noted	N/A	

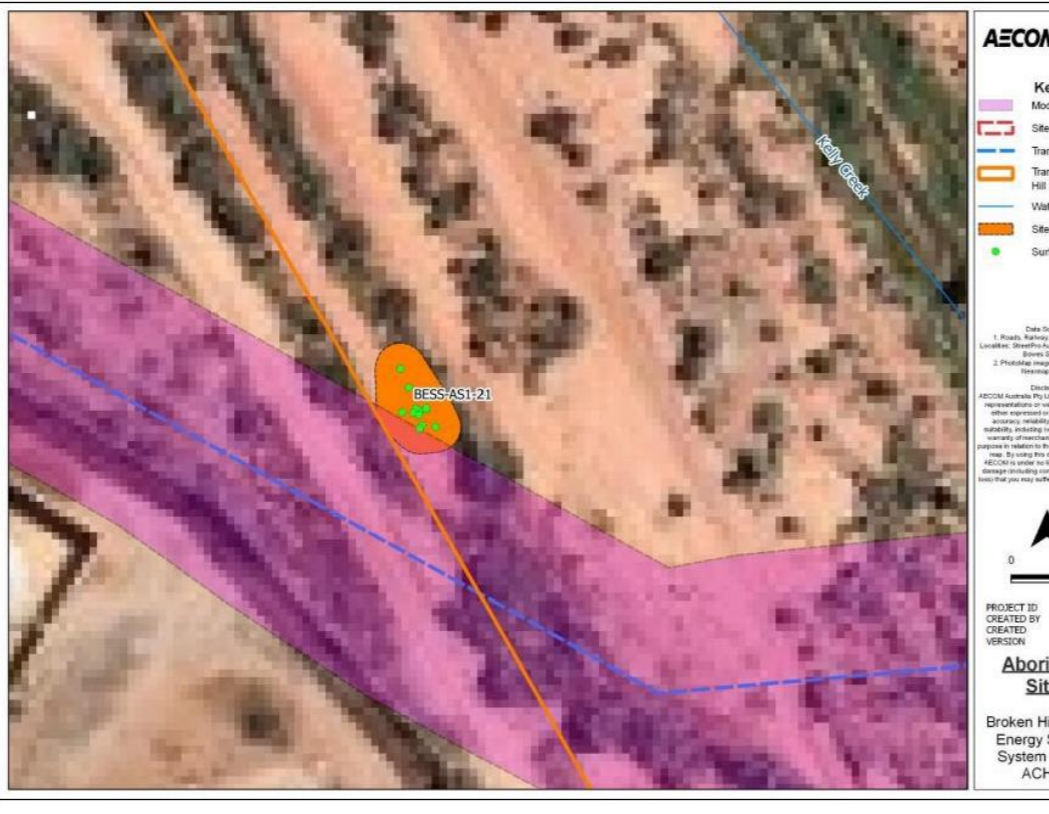
Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(h) identify a project contact for further communication regarding the incident.				
3.	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must 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.	Note	Noted	N/A	
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.	Note	Noted	N/A	

**APPENDIX 5: ABORIGINAL HERITAGE ITEMS**

Table 1: Aboriginal Heritage Items – relocate	Note	Noted	N/A	
Item Name  BESS-AS1-21				
*Refer to the Figure in this Appendix to identify items				



Note	Noted	N/A	
------	-------	-----	--

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
		<p>Note</p>	<p>Noted</p>	<p>N/A</p>	

## APPENDIX C      DECLARATIONS OF INDEPENDANCE

---

# 6. Appendices

## Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor	
Project Name	Broken Hill Battery Energy Storage System
Consent Number	SSD-11437498
Description of Project	AGL has built and will operate and maintain a grid-scale battery or battery energy storage system (BESS) of approximately 50 megawatts (MW) and up to 100 megawatt-hour (MWh) in capacity.
Project Address	Pinnacles Place, Broken Hill within the Broken Hill local government area.
Proponent	AGL Energy Limited
Date	04/11/2022

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Signature



Qualification [BSc Environment and Sustainability / Environmental Science and BSc Commerce and Corporate Sustainability](#)

Company [Environmental Resources Management \(ERM\)](#)

---

# 6. Appendices

## Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor	
Project Name	Broken Hill Battery Energy Storage System
Consent Number	SSD-11437498
Description of Project	AGL has built and will operate and maintain a grid-scale battery or battery energy storage system (BESS) of approximately 50 megawatts (MW) and up to 100 megawatt-hour (MWh) in capacity.
Project Address	Pinnacles Place, Broken Hill within the Broken Hill City local government area
Proponent	AGL Energy Limited
Date	04/11/2022

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

---

Signature



---

Qualification [BSc Environmental Management & Urban Planning](#)

---

Company [Environmental Resources Management \(ERM\)](#)

## APPENDIX D      CONSULTATION

---

**Subject:** Broken Hill BESS Independent Environmental Audit 2022

**From:** Mark Gethings <mark.gethings@erm.com>

**Sent:** Monday, November 21, 2022 5:34 PM

**To:** [mailto: council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au) <[council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)>

**Subject:** Request for Input – Broken Hill BESS Independent Environmental Audit 2022

To whom it may concern,

ERM are currently completing the Independent Environmental Audit (IEA) for Broken Hill AGL Battery Energy Storage System, Broken Hill NSW, on the Development Consent issued to the BESS development, which is covered by the SSD 11437498.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process. The site inspection will be completed on November 24-25 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 24 November 2022.

I can be contacted at the details outlined below to discuss further if required.

Kind regards,

Mark Gethings  
Environmental Consultant

**ERM**

Level 15 | 309 Kent St | Sydney NSW 2000

T +61 2 8584 8819 | M +61 427 102 225

E [mark.gethings@erm.com](mailto:mark.gethings@erm.com) | W [www.erm.com](http://www.erm.com)



**ERM** *The business of sustainability*

---

**Subject:** Broken Hill BESS Independent Environmental Audit 2022

**From:** Mark Gethings <mark.gethings@erm.com>

**Sent:** Monday, November 21, 2022 5:37 PM

**To:** mailto: Nick.Algate@perilya.com.au <Nick.Algate@perilya.com.au>

**Subject:** Request for Input – Broken Hill BESS Independent Environmental Audit 2022

To whom it may concern,

ERM are currently completing the Independent Environmental Audit (IEA) for Broken Hill AGL Battery Energy Storage System, Broken Hill NSW, on the Development Consent issued to the BESS development, which is covered by the SSD 11437498.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process. The site inspection will be completed on November 24-25 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 24 November 2022.

I can be contacted at the details outlined below to discuss further if required.

Kind regards,

Mark Gethings  
Environmental Consultant

**ERM**

Level 15 | 309 Kent St | Sydney NSW 2000

T +61 2 8584 8819 | M +61 427 102 225

E [mark.gethings@erm.com](mailto:mark.gethings@erm.com) | W [www.erm.com](http://www.erm.com)



**ERM** *The business of sustainability*

---

**Subject:** Broken Hill BESS Independent Environmental Audit 2022

**From:** Mark Gethings <mark.gethings@erm.com>

**Sent:** Monday, November 21, 2022 5:37 PM

**To:** [mailto: firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au) <[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)>

**Subject:** Request for Input – Broken Hill BESS Independent Environmental Audit 2022

To whom it may concern,

ERM are currently completing the Independent Environmental Audit (IEA) for Broken Hill AGL Battery Energy Storage System, Broken Hill NSW, on the Development Consent issued to the BESS development, which is covered by the SSD 11437498.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process. The site inspection will be completed on November 24-25 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 24 November 2022.

I can be contacted at the details outlined below to discuss further if required.

Kind regards,

Mark Gethings  
Environmental Consultant

**ERM**

Level 15 | 309 Kent St | Sydney NSW 2000

T +61 2 8584 8819 | M +61 427 102 225

E [mark.gethings@erm.com](mailto:mark.gethings@erm.com) | W [www.erm.com](http://www.erm.com)



**ERM** *The business of sustainability*

---

**Subject:**

Broken Hill BESS Independent Environmental Audit 2022

**From:** Mark Gethings <mark.gethings@erm.com>**Sent:** Monday, November 21, 2022 5:39 PM**To:** mailto: inlandrailenquiries@artc.com.au <inlandrailenquiries@artc.com.au >**Subject:** Request for Input – Broken Hill BESS Independent Environmental Audit 2022

To whom it may concern,

ERM are currently completing the Independent Environmental Audit (IEA) for Broken Hill AGL Battery Energy Storage System, Broken Hill NSW, on the Development Consent issued to the BESS development, which is covered by the SSD 11437498.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process. The site inspection will be completed on November 24-25 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 24 November 2022.

I can be contacted at the details outlined below to discuss further if required.

Kind regards,

Mark Gethings  
Environmental Consultant

**ERM**

Level 15 | 309 Kent St | Sydney NSW 2000

**T** +61 2 8584 8819 | **M** +61 427 102 225**E** [mark.gethings@erm.com](mailto:mark.gethings@erm.com) | **W** [www.erm.com](http://www.erm.com)**ERM** *The business of sustainability*



---

**Subject:**

Broken Hill BESS Independent Environmental Audit 2022

**From:** Mark Gethings <mark.gethings@erm.com>**Sent:** Monday, November 21, 2022 5:39 PM**To:** mailto: Kyle-anne.pont@transport.nsw.gov.au <Kylie-anne.pont@transport.nsw.gov.au>**Subject:** Request for Input – Broken Hill BESS Independent Environmental Audit 2022

To whom it may concern,

ERM are currently completing the Independent Environmental Audit (IEA) for Broken Hill AGL Battery Energy Storage System, Broken Hill NSW, on the Development Consent issued to the BESS development, which is covered by the SSD 11437498.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process. The site inspection will be completed on November 24-25 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 24 November 2022.

I can be contacted at the details outlined below to discuss further if required.

Kind regards,

Mark Gethings  
Environmental Consultant

**ERM**

Level 15 | 309 Kent St | Sydney NSW 2000

**T** +61 2 8584 8819 | **M** +61 427 102 225**E** [mark.gethings@erm.com](mailto:mark.gethings@erm.com) | **W** [www.erm.com](http://www.erm.com)**ERM** *The business of sustainability*

## APPENDIX E      TERM OF REFERENCE

# ERM CoA AUDIT TERMS OF REFERENCE – November 2022

## ORGANISATION

AGL Energy Limited

## PROJECT NAME

Broken Hill Battery Energy Storage System  
IEA 2022

## ADDRESS

74 and 80 Pinnacles Place,  
Broken Hill, NSW 2880

## MANAGEMENT REPRESENTATIVE

Vicki Brady  
Manager, Environment – Energy Hubs AGL

## DATE OF AUDIT (Site Component)

24-25 November 2022

## AUDIT TEAM

Mark Gethings – Lead Auditor  
Ariana Makinson – Support Auditor

## AUDIT TYPE

The audit is to be undertaken as a compliance requirement of Schedule 4 Condition 11(a) of the Broken Hill Battery Energy Storage System of SSD 1143748 development consent

Findings resulting from an assessment of audit evidence will be divided into the following categories as follows:

**Compliant (C):** the intent and all elements of the audit criteria requirements have been complied with within the scope of the audit.

**Non-compliance (NC):** Failure to meet the audit requirements, failure to achieve the field performance outcomes identified in documentation, or ineffective environmental management of the activity.

**Not Triggered (NT)** – A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore, a determination of compliance could not be made.

**Note:** A statement or fact, where no assessment of compliance is required

Risk levels for non-compliances will also be identified and assigned as follows:

**High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence

**Medium:** Non-compliance with:

- potential for serious environmental consequences, but is unlikely to occur; or
- potential for moderate environmental consequences, but is likely to occur

**Low:** Non-compliance with:

- potential for moderate environmental consequences, but is unlikely to occur; or
- potential for low environmental consequences, but is likely to occur

## OBJECTIVES

The primary objectives of the audit include:

- assess the environmental performance of the project and assess whether it is complying with the requirements in the Development Consent (including any assessment, plan or program required under this approval);
- review the adequacy of any approved strategy, plan, or program required under the abovementioned consent/approval; and
- recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approval.

## SCOPE OF AUDIT

The scope of works in order to complete the Audit includes the following:

- the audit is to be carried out in accordance with DPE's Independent Audits Post Approval Requirements, 2020;
- the audit will also be carried out in accordance with AS/NZS ISO 19011:2018: Guidelines for quality and/or environmental management systems auditing;
- review of compliance against the documentation identified in the CoA (as it relates to the current activities of Broken Hill Battery Energy Storage System) which will include:
  - document review of compliance against the CoA, statement of commitments, and any other relevant consents/approvals;
  - site inspection to assess compliance against field implementation of active CoA;
  - review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance;
- review of monitoring results and trends with comparison of monitoring results against regulatory limits and MCoA limits (where applicable);
- confirmation if any additional monitoring required for identified trends;
- community complaints with review completed for any trends and identifying the source of an established trend;
- review of any regulatory actions including any letters, penalty notices and prosecutions;
- consultation with the relevant agencies such as Department of Planning and Environment (DPE) (various agencies including planning and post approvals, compliance, water, resources, biodiversity and conservation), Environment Protection Agency (EPA), and Broken Hill City Council;
- draft report with results of compliance assessment to be issued for comment to AGL; and
- final report issued for submission to the DPE.

The audit covers the period within 3 months of commencing construction of the project.

#### **AUDIT CRITERIA**

The audit will assess the level of compliance and environmental performance of the mine against the following approvals licences and management plans:

- CoA of Project Approval number SSD-11437498

Management plans - the commitments in the management plans developed as part of the CoA have been implemented. The documents which form part of the audit criteria should be provided prior to the audit so that the desktop review component can be completed prior to the site visit.

#### **FINDINGS & RECOMMENDATIONS**

A draft audit report will be prepared by the audit team and circulated for comment to AGL; with comments to be provided back to ERM within two weeks to enable finalisation of report and return to AGL for submission to DPE within 2 months of completion of the audit.

The audit team, where appropriate, will develop recommendations to address the findings. Recommendations will be agreed with AGL. Once agreed, recommendations become Audit "Actions". An action table will be developed after the draft report is issued and included in the final report for submission to the DPE.

## APPENDIX F      PHOTOLOG



**Photograph 1**

**Overview of construction pad and offices from southern boundary of the Site.**



**Photograph 2**

**Construction Pad Entrance.**



**AGL BESS IEA**  
ERM Project Number 0666628



**Photograph 3**

**Water drainage controls on construction pad.**



**Photograph 4**

**Groundwater tank used for dust suppression.**





**Photograph 5**

**Marked area for Indigenous artefacts found in the Stage 2 Development area.**



**Photograph 6**

**Earthworks on the construction pad.**







Photograph 7

Hay bales for storm water control.



Photograph 8

Overview of Site from Western Side.



**AGL BESS IEA**  
ERM Project Number 0666628



Photograph 9

Flagged areas of Stage 2 Development.



Photograph 10

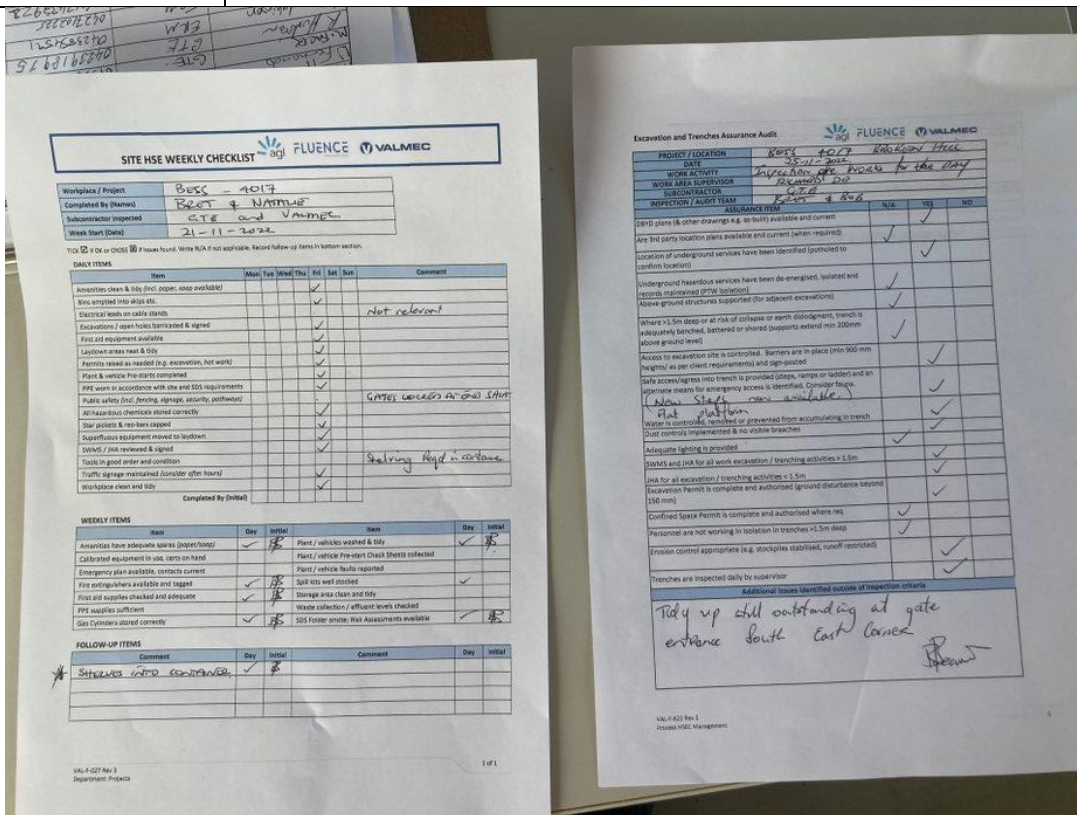
Non-compliant soil stockpile outside construction pad boundary.



**AGL BESS IEA**  
ERM Project Number 0666628



**Photograph 11** Non-compliant soil stockpile outside construction pad boundary.



**Photograph 12** Environmental Documentation.



**AGL BESS IEA**  
ERM Project Number 0666628



**Photograph 13**

**Underground infrastructure in the construction pad.**



**Photograph 14**

**Fencing along street frontage, with sediment protection in place.**



**AGL BESS IEA**  
ERM Project Number 0666628

---

**ERM has over 160 offices across the following countries and territories worldwide**

Argentina	The Netherlands
Australia	New Zealand
Belgium	Peru
Brazil	Poland
Canada	Portugal
China	Puerto Rico
Colombia	Romania
France	Senegal
Germany	Singapore
Ghana	South Africa
Guyana	South Korea
Hong Kong	Spain
India	Switzerland
Indonesia	Taiwan
Ireland	Tanzania
Italy	Thailand
Japan	UAE
Kazakhstan	UK
Kenya	US
Malaysia	Vietnam
Mexico	
Mozambique	

**ERM's Sydney Office**

Level 14  
207 Kent Street  
Sydney NSW 2000

T: +61 2 8584 8888

[www.erm.com](http://www.erm.com)