

# INDEPENDENT ENVIRONMENTAL AUDIT – OPERATION

BROKEN HILL BATTERY ENERGY  
STORAGE SYSTEM  
SSD-11437498

19 November 2024

Prepared for:  
AGL

J0095/191124 (Rev 0)



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# INDEPENDENT ENVIRONMENTAL AUDIT – OPERATION

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J0095/191124 (Rev 0)

Project Director



.....  
Denise Corish  
Director

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# Table of Contents

Abbreviations.....	v
1. Introduction.....	1
1.1 Broken Hill Battery Energy Storage System .....	1
1.2 Audit Requirements .....	1
1.2.1 Audit Period .....	1
1.3 Audit Objective and Scope .....	2
1.3.1 Audit Objective .....	2
1.3.2 Audit Scope .....	2
1.3.3 Consultation.....	2
1.4 Methodology .....	7
1.4.1 Audit Team.....	8
2. Environmental Performance .....	9
2.1 Introduction.....	9
2.2 Environmental Management Framework .....	9
2.3 Environmental Performance Assessment .....	9
2.3.1 Site Inspection.....	9
2.3.2 Actual verses Predicted Impacts .....	9
2.3.3 Physical Extent .....	10
2.3.4 Key Strengths .....	10
2.4 Environmental Compliance .....	10
2.4.1 Notices, Orders, Penalty Notices and Prosecutions.....	10
2.4.2 Environmental Incidents .....	10
2.4.3 Environmental Complaints.....	11
3. Previous Audit Findings & Recommendations .....	12
4. Current Audit Findings and Recommendations.....	13

## **Appendices**

- Appendix A Previous Audit Recommendations and Verification
- Appendix B Compliance Assessment
- Appendix C Site Photos
- Appendix D Consultation
- Appendix E Meeting Minutes
- Appendix F Auditor Approval
- Appendix G Independent Auditor Declaration Form



# Abbreviations

Term	Definition
AGL	AGL Energy Limited
Condition Y.0X	Refers to condition X in schedule Y of Development Consent SSD-11437498
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW)
DPHI	NSW Department of Planning, Housing and Infrastructure
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
IAPAR	Independent Audit Post Approval Requirements (DPHI, 2020)
IEA	Independent Environmental Audit
NSW	New South Wales
Project, the (or the Broken Hill BESS Project)	The Broken Hill Battery Energy Storage System as approved under Development Consent SSD-11437498
Proponent	AGL Energy Limited
Secretary	Secretary of the NSW Department of Planning, Housing and Infrastructure

# 1. Introduction

## 1.1 Broken Hill Battery Energy Storage System

The Broken Hill Battery Energy Storage System (the **Project** or the **Broken Hill BESS Project**) is a 50 megawatt (MW) / 100 MW/hour (MWh) battery energy storage system located on a 0.8 hectare site within the City of Broken Hill. The Project includes the construction and operation of a large-scale battery to store energy, support the reliability of the Broken Hill energy supply and connect to the electricity grid at the nearby TransGrid substation.

The Project was subject to an environmental assessment under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and is classified as State Significant Development (SSD) under Section 4.36 of the EP&A Act. Consent was granted to the Project on 8 September 2021 subject to the conditions provided in Development Consent SSD-11437498. The Project Proponent, as named on the Development Consent, is AGL Energy Limited (**AGL**).

Construction of the Project commenced on 10 October 2022 with Valmec Australia Pty Ltd (**Valmec**) and Fluence Energy being engaged by AGL as the Engineering, Procurement and Construction contractors. During the audit period, Valmec was acquired by the Altrad Group (**Altrad**).

Construction was undertaken in 2 stages:

- Stage 1 – Construction of the Broken Hill BESS Project
- Stage 2 – Connection works from the Broken Hill BESS Project to the nearby TransGrid substation.

Following completion of construction, Fluence Energy were engaged as the Operations and Maintenance Contractor, with Vertex Power and Process being engaged as a subcontractor to Fluence Energy to undertake scheduled maintenance (Stage 3 of the project). Commercial Operation approval from the Australian Energy Market Operator (AEMO) was granted on 21 August 2024.

## 1.2 Audit Requirements

The requirement to conduct an Independent Environmental Audit (**IEA**) is captured within Conditions 4.11 to 4.16 of the Development Consent. Specifically, Condition 4.11 requires an independent audit to be carried out in accordance with the Independent Audit Post Approval Requirements (DPHI, 2020) (**IAPAR**) within three months of commencing construction and within three months of commencement of operations.

The Construction IEA was conducted on 24 and 25 November 2022 and considered data from the construction start on 10 October 2022 (ERM, 3 February 2023).

### 1.2.1 Audit Period

This Operation IEA was formally commissioned on 21 August 2024 (within three months of commencement of operations) and the findings reflect conditions and documentation presented during the period 26 November 2022 to 25 October 2024, including a site inspection on 1 October 2024.

## 1.3 Audit Objective and Scope

### 1.3.1 Audit Objective

The objective of the audit is to provide reasonable assurance that the Broken Hill BESS Project is operating in accordance with the Development Consent and Environmental Management Plans.

### 1.3.2 Audit Scope

Reflecting the requirements of the IAPAR, the scope of this Operation IEA is detailed in Table 1.1, including a cross-reference to the section of this report where each matter is addressed.

**Table 1.1 Audit Scope**

No.	Scope Requirement	How Addressed
1a	An assessment of compliance with all conditions of consent applicable to the phase of the Project that is being audited	Section 4 Appendix B
1b	An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans	Section 4 Appendix B
2a	A review of the environmental performance of the Project, including but not necessarily limited to, an assessment of: <ul style="list-style-type: none"><li>Actual impacts compared to predicted impacts documented in the environmental impact assessment</li></ul>	Section 2.3.2
2b	<ul style="list-style-type: none"><li>The physical extent of the Project in comparison with the approved boundary</li></ul>	Section 2.3.3
2c	<ul style="list-style-type: none"><li>Incidents, non-compliances and complaints that occurred or were made during the audit period</li></ul>	Section 2.4
2d	<ul style="list-style-type: none"><li>The performance of the Project having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit</li></ul>	Section 2
2e	<ul style="list-style-type: none"><li>Feedback received from DPHI, and other agencies and stakeholders, including the community, on the environmental performance of the Project during the audit period</li></ul>	Section 1.2.1
3	The status of implementation of previous Independent Audit findings, recommendations and actions	Section 3 Appendix A
4	A high level assessment of whether Environmental Management Plans are adequate	Section 2.2
5	Any other matters considered relevant by the auditor or DPHI, taking into account relevant regulatory requirements and legislation, knowledge of the Project's past performance and comparison to industry best practice.	Section 1.2.1

### 1.3.3 Consultation

In accordance with the requirements of the IAPAR, consultation was undertaken with the Department of Planning, Housing and Infrastructure (**DPHI**) on the scope of this audit. DPHI advised AGL on 3 September 2024 to also consult with:

- Broken Hill Local Aboriginal Land Council
- Broken Hill City Council (**BHCC**)

- Department of Climate Change, Energy, the Environment and Water (**DCCEEW**), Biodiversity, Conservation and Science Group (**BCS**)
- Fire and Rescue NSW
- DCCEEW Water Group
- Heritage NSW
- NSW Rural Fire Service
- Transport for NSW (**TfNSW**)
- NSW Environment Protection Authority (**EPA**).

Stakeholder feedback that was considered in the scope of the audit is detailed in **Table 2.2** and **Appendix D**. It is noted that there was no response received from, Broken Hill Local Aboriginal Land Council, Fire and Rescue NSW, and Rural Fires Service despite repeated requests for feedback.

**Table 2.2 Stakeholder Consultation – Outcomes**

Agency	Matters Raised	Response
DPHI	Compliance with commitments, monitoring and reporting in all management plans.	Refer to <b>Appendix B, Table B1</b> : <ul style="list-style-type: none"> <li>• Traffic Management Plan (Condition 3.9)</li> <li>• Biodiversity Management Plan (Condition 3.12)</li> <li>• Heritage Management Plan (Condition 3.19)</li> <li>• Soil and Water Management Plan (Condition 3.23)</li> <li>• Emergency Plan (Condition 3.27)</li> <li>• Environmental Management Strategy (Condition 4.01).</li> </ul>
	Compliance with biodiversity offset requirements.	Refer to <b>Appendix B, Table B1</b> , Condition 3.11.
	Compliance with battery storage.	Refer to <b>Appendix B, Table B1</b> , Condition 3.01.
	Comparison of compliance with approved footprint and actual footprint.	Refer to Section 2.3.3.
	Comparison of EA impact predictions vs actual impact.	Refer to Section 2.3.2.
	Development and implementation of measures relating to compliance with conditions around emergency preparedness and associated commitments in the fire study and emergency plan.	Refer to <b>Appendix B, Table B1</b> , Condition 3.24 (Fire Safety Study), and Condition 3.27.
	Update on the rehabilitation and monitoring of the two areas cleared contrary to the consent.	Refer to Section 2.3.3.
BCS	<p>We have reviewed the results of the previous audit and note that there were for four non-compliances, including clearing of native vegetation outside of the approved disturbance area and in relation to the Biodiversity Management Plan (BMP) and the Soil and Water Management Plan.</p> <p>As part of this audit BCS would like to know whether the clearing of native vegetation that occurred outside of the approved disturbance area has been revegetated or if it is required to be revegetated. If it is required to be revegetated, BCS expects this to be done using species from the original PCT and captured in an updated BMP.</p>	Refer to Section 2.3.3, <b>Appendix A (Table A1)</b> , Condition 3.10) and <b>Appendix B (Table B1)</b> , Condition 3.10).

Agency	Matters Raised	Response
	Also please ensure that weeds are being monitored and managed as per the Stage 3 (Operation and Maintenance) BMP, including in the area cleared outside of the approved disturbance area.	Refer to <b>Appendix B, Table B1</b> , Condition 3.12.
<b>DCCEEW Water Group</b>	NSW DDEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:	N/A
	<p>The requirements to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:</p> <ul style="list-style-type: none"> <li>• Water Management Plans and related sub-plans e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan</li> <li>• Extraction Plans and related sub-plans e.g. Water Management Plan, Subsidence Management Plan.</li> </ul>	<p>Refer to <b>Appendix B, Table B1</b>, Condition 3.22 and 3.22. Reflecting the requirements of Condition 3.22, a Soil and Water Management Plan has been prepared to manage potential impacts to water sources.</p> <p>It is noted that operational water consumption is limited to office facilities and amenities which are connected to mains supply. A small on-site water tank (1,000 litres) supplements the mains supply. The Broken Hill BESS Project has a relatively low fire potential with no flammable material stored, handled or produced and a high degree of control of the batteries, including automated shut-down and application of fire suppressants inside the cubes.</p>
	The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.	<p>The Project does not hold or require a Water Access Licence. As such, water metering and annual reporting is not considered warranted for the Project.</p>
	Water supply availability is clearly defined for the project.	
	Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.	
	Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.	
	Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.	
	Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.	

Agency	Matters Raised	Response
<b>Heritage NSW</b>	In respect to the scope of audit for Aboriginal cultural heritage (ACH), Heritage NSW notes Schedule 3, Conditions 18-19 (as modified) and those ACH sites listed in Appendix 5. It is recommended that the Department of Climate Change, Energy, the Environment and Water Compliance Team be contacted via <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> to determine if there is any non-compliance with Conditions of Consent for the project.	As requested, the auditor contacted the DCCEEW Compliance Team to determine if there is any non-compliance with Conditions of Consent for the Project. A response was not received during the audit period.
<b>TfNSW</b>	No comment	Noted.
<b>EPA</b>	No comment	Noted.

## 1.4 Methodology

This Operation IEA was conducted in accordance with the IAPAR and ISO 19011:2018 – Guidelines for Auditing Management Systems. Specific tasks included:

1. **Opening meeting** – An opening meeting was held at the commencement of the audit to:
  - a. Confirm the audit objectives, scope, and criteria
  - b. Discuss resources requirements
  - c. Confirm the audit schedule
  - d. Establish methods and procedures for conducting the audit, including testing methods.

The meeting minutes are provided in **Appendix E**.

2. **Agency and community consultation** – Consultation was undertaken with agencies and parties as nominated by DPHI to obtain feedback and identify issues within the audit scope (refer to Section 2.3.1).
3. **Site Inspection** – A site inspection was conducted on 1 October 2024, inclusive of all development areas and environmental aspects within the audit scope. The purpose of the site inspection was to assess implementation of environmental controls, determine the status of the operations and evaluate environmental performance.
4. **Interviews** – Full and complete access was provided by AGL to required personnel. The following employees with responsibility for environmental management and site operations were interviewed:
  - a. Lachy Taylor (Environmental Advisor, AGL)
  - b. Matt Anderson (Senior Project Engineer, Altrad)
  - c. Frank Jabangwe (Project Manager, Fluence Energy).
5. **Document review** – Relevant documents, records and systems were reviewed for accuracy and completeness.
6. **Compliance assessment** – The compliance status was determined for all relevant conditions in accordance with the definitions provided in the IAPAR (**Table 2.3**).
7. **Reporting** – Draft and final reports were prepared detailing the outcomes of the audit and compliance assessment. Revisions to the draft report were undertaken to reflect additional information or correct errors in fact.
8. **Closing meeting** – A closing meeting was held on completion of the audit to present preliminary audit findings, recommendations and any post-audit actions. The meeting minutes are provided in **Appendix E**.

**Table 2.3 Compliance Status Definitions**

Compliance Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-Compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.



Compliance Status	Description
Not Triggered	A requirement has an activation or timing trigger that had not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

### 1.4.1 Audit Team

This Operation IEA was conducted by Denise Corish, a Director of Treo Environment and a registered Environmental Lead Auditor with Exemplar Global. Ms Corish was assessed by the Secretary as suitably qualified and experienced to conduct the audit and approved on 20 August 2024 (**Appendix F**).

In carrying out the duties of an environmental auditor, the judgement of Ms. Corish was not impaired by reason of any relationship with or interest in AGL or any of the respective subsidiaries. Ms Corish is independent of AGL with respect to employment relationships, financial relationships and the provision of non-audit services. Refer to the Independent Audit Report Declaration Form in **Appendix G** for further details.

## 2. Environmental Performance

### 2.1 Introduction

Reflecting the scope of the audit, this section presents an assessment of the environmental management framework and a review of environmental performance.

### 2.2 Environmental Management Framework

Guided by the Environmental Management Strategy, the environmental management framework includes the following aspect-specific plans:

- Biodiversity Management Plan
- Heritage Management Plan
- Traffic Management Plan
- Soil and Water Management Plan
- Emergency Response Plan
- Fire Safety Study.

While the auditor sighted sufficient evidence to demonstrate that the environmental management framework is largely appropriate for the nature and scale of the development, several matters of non-compliance were identified with respect to development and implementation of the framework. Specifically, the following non-compliances were identified:

- Vegetation Clearance (NC-2024-01): In early 2023, an environmental incident/non-compliance was reported regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor.
- Emergency Plan (NC-2024-02): The BHBESS O&M Emergency Response Plan (16-Jul-24) (Stage 3) does not adequately address the requirements of Condition 3.27.
- Revision of Strategies, Plans and Programs (2024-NC-03): Insufficient evidence was provided to demonstrate that strategies, plans and programs were reviewed within one month of submission of the Construction IEA.

Additional details on the non-compliances, including recommended actions, are provided in **Section 4 (Table 4.1)**.

### 2.3 Environmental Performance Assessment

#### 2.3.1 Site Inspection

During the audit period, construction of the Project was completed and operations commenced. On the day of the site inspection, activities were limited to operation of the Broken Hill BESS Project. As detailed in the site photos (**Appendix C**), rehabilitation was largely complete and permanent drainage structures were established and effectively operating. Significant environmental risks were assessed by the auditor as adequately controlled.

#### 2.3.2 Actual versus Predicted Impacts

The Project Environmental Assessment proposed the construction and operation of a BESS on two lots at 74 to 80 Pinnacles Place, Broken Hill (Lots 57 and 58 of DP 258288). The Project also included the installation of an overhead transmission connection between the BESS and the TransGrid Broken Hill substation. A modification of the Development Consent (determined on 15 July 2022) resulted in the undergrounding of the transmission connection.

In accordance with the Works as Executed Plans submitted to DPHI, the Project consists of 88 short duration (1 hour) Fluence Energy Gen 6 Cube (battery enclosure) system, which will be used to provide 50MWh of energy storage.

### 2.3.3 Physical Extent

An environmental incident / non-compliance was reported by AGL during the previous audit period associated with the unapproved clearing of vegetation outside of the approved project boundary (Refer to Appendix A, Table A1, Condition 3.10). As detailed in Section 2.2, a second environmental incident/non-compliance was reported by AGL in early 2023 regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor. The auditor inspected the areas where the incidents occurred and noted that rehabilitation was adequately progressed.

With the exception of the unapproved clearing incidents, there were no additional areas of construction as compared to that which was assessed within the environmental assessment and no new off-site impacts.

### 2.3.4 Key Strengths

The following strengths were identified during the audit:

- **Erosion and Sediment Control** – Adequate evidence in the form of weekly inspections, periodic assurance audits, and toolbox meetings demonstrate that erosion and sediment controls were adequately maintained during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths and drainage infrastructure. The drainage infrastructure was considered to be appropriate for the site and there is limited potential for erosion during operations.
- **Awareness and Assurance** – The Altrad and AGL teams demonstrated a commitment to awareness and assurance activities during the audit period, including the operation of compliance management system (SAP Compliance), regular assurance audits, toolbox meetings, Daily Environment/Compliance Discussions, and Environmental Take 5's.

## 2.4 Environmental Compliance

### 2.4.1 Notices, Orders, Penalty Notices and Prosecutions

During the audit period, there were two penalty notices issued to Valmec:

- On 12 December 2023, DPHI issued a \$15,000 Penalty Notice to Valmec for the clearing of approximately 1,311 m<sup>2</sup> of Bluebush Shrubland outside the approved disturbance area
- On 14 March 2023, DPHI issued a \$15,000 Penalty Notice to Valmec for undertaking activities at the Project which resulted in approximately 1,300 m<sup>2</sup> being cleared outside the approved project boundary.

The auditor sighted the investigation reports for each incident and correspondence from AGL to DPHI (27-Mar-24) confirming the close-out of actions taken in response to the non-compliances / environmental incidents. The corrective and preventative actions were considered to be adequate and appropriate.

### 2.4.2 Environmental Incidents

During the audit period, there was one incident that caused or threatened to cause material harm to the environment. As detailed in Section 2.3.3 and Section 2.4.1, unapproved clearing of native

vegetation and removal of topsoil occurred in early 2023 on land adjacent to the high voltage transmission corridor.

The auditor sighted the incident register and the environmental incident reports and noted that the incident was adequately investigated and appropriate corrective and preventive actions were identified and implemented.

### **2.4.3 Environmental Complaints**

During the audit period, AGL continued to operate a telephone line to receive complaints and the Project website provides details of email and postal communication channels.

As required by the Development Consent, the Complaints Register is publicly available on the Project website. There were no complaints reported by AGL during the audit period.

### 3. Previous Audit Findings & Recommendations

The Construction IEA identified four non-compliances. **Appendix A** (Table A1) details the status of actions arising from the 2021 IEA, including the proposed and actual completion date (where relevant) and the verified outcomes. Adequate evidence was sighted to demonstrate closure of all recommendations (**Appendix A**).

## 4. Current Audit Findings and Recommendations

Within the defined scope of this Operation IEA, the Project demonstrated substantial compliance against the conditions of the Development Consent (**Appendix B**). A total of three non-compliances were identified, resulting in 95% compliance (**Table 4.1**). In addition, one opportunity for improvement was identified (**Table 4.2**).

**Table 4.1 Non-Compliances**

ID	Reference	Condition	Non-Compliance	Recommended Action
2024-NC-01	3.10	<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>In early 2023, an environmental incident/non-compliance was reported by AGL regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor. The auditor sighted relevant records associated with the event, including the investigation report and notifications. As detailed in correspondence from AGL to DPHI (27-Mar-24), adequate and appropriate actions were undertaken in response to the event, including rehabilitation works, education and awareness initiatives, and the appointment of a full-time site based AGL Environmental Management Representative.</p>	<p>The auditor inspected the area where the incident occurred and noted that rehabilitation was adequately progressed. As such, there are no further recommended actions.</p>

2024-NC-02	3.27	<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> <ol style="list-style-type: none"> <li>(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);</li> <li>(b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;</li> <li>(c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;</li> <li>(d) list works that should not be carried out during a total fire ban;</li> <li>(e) include availability of fire suppression equipment, access and water;</li> <li>(f) include procedures for the storage and maintenance of any flammable materials;</li> <li>(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;</li> <li>(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;</li> <li>(i) include a figure showing site infrastructure, Asset Protection Zone and any on-site water supply tank;</li> <li>(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;</li> <li>(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;</li> <li>(l) include bushfire emergency management planning; and</li> <li>(m) include details of the how RFS would be notified, and procedures that would be implemented, in the event that: <ul style="list-style-type: none"> <li>• there is a fire on-site or in the vicinity of the site;</li> </ul> </li> </ol>	<p>The BHBESS O&amp;M Emergency Response Plan (16-Jul-24) (Stage 3) does not adequately address the requirements of Condition 3.27. Specifically:</p> <ul style="list-style-type: none"> <li>• The Department’s Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’ is not referenced in the Plan (Section 3.2) and it is unclear whether the Plan is consistent with the requirements of the Advisory Paper</li> <li>• The Plan does not include RFS notification and procedural requirements as detailed in Condition 3.27(g) and 3.27(m)</li> <li>• While the Plan includes a figure detailing site infrastructure, the Asset Protection Zone and the on-site water supply tank are not included (Condition 3.27(i)).</li> <li>• There are no details on the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone (Condition 3.27(k)).</li> </ul>	<p>It is recommended that the BHBESS O&amp;M Emergency Response Plan is reviewed and revised to address all requirements of Condition 3.27.</p>
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ID	Reference	Condition	Non-Compliance	Recommended Action
		<ul style="list-style-type: none"> <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</li> </ul> (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency. The Applicant must implement the Emergency Plan for the duration of the development.		
2024-NC-03	4.02	<b>Revision of Strategies, Plans and Programs</b> The Applicant must: <ul style="list-style-type: none"> <li>(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</li> <li>(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:               <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> </ul> </li> </ul> any modification to the conditions of this consent.	Insufficient evidence was provided to demonstrate that strategies, plans and programs were reviewed within one month of submission of the Construction IEA (3-Feb-23).	It is recommended that all strategies, plans and program are reviewed within one month of submission of the Operation IEA to DPPI.

**Table 5.3 Opportunities for Improvement**

ID	Reference	Condition	Opportunity for Improvement
2024-OFI-01	03.12	<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;</li> <li>• minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;</li> <li>• minimising the impacts to fauna on site and implementing fauna management protocols;</li> <li>• rehabilitating and revegetating disturbance areas with species that are endemic to the area;</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</li> <li>• controlling weeds, feral pests and pathogens;</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>Areas of gravel were observed in the high voltage transmission corridor (adjacent to the western boundary of the Project) which may hinder rehabilitation of the area. It is recommended that the gravel is removed and replaced with suitable topsoil, native seed and plantings from PCT 155.</p> <p>Following the site visit, AGL provided photos of the site confirming that rehabilitation had commenced with the removal of gravel.</p>

## Appendix A Previous Audit Recommendations and Verification

### A1. Construction IEA Recommendations and Operation IEA Verification

Ref	Construction IEA Finding	Construction IEA Recommendations	Operation IEA Verification
<b>Non-Compliances</b>			
3.10	<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 noncompliance.</p>	<p>Continue to liaise with DPE on the next steps to rectify the noncompliance 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 toolbox talks.</p>	<p><b>Closed</b></p> <p>The auditor sighted the Incident Report for the event and noted the requirement to develop and implement a rehabilitation plan for the site. The Stockpile Remediation Strategy and Methodology was noted to be consistent with the Stage 1 Biodiversity Management Plan which requires rehabilitating and revegetating disturbance areas with species that are endemic to the area (i.e. native seed and plantings are to be species from Plant Community Type (PCT) 155). The auditor inspected the area where the incident occurred and observed that rehabilitation was adequately progressed. The auditor also sighted correspondence from AGL to DPHI (27-Mar-24) detailing the actions taken in response to vegetation clearance non-compliances / environmental incidents that occurred in late 2022 and early 2023. All actions were reported as closed.</p>

Ref	Construction IEA Finding	Construction IEA Recommendations	Operation IEA Verification
3.12	<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 noncompliance.</p>	<p>Continue to liaise with DPE on the next steps to rectify the noncompliance 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>	<p><b>Closed</b></p> <p>Refer to the response to the non-compliance raised against condition 3.10.</p>

Ref	Construction IEA Finding	Construction IEA Recommendations	Operation IEA Verification
3.22	<p>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.</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 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>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 against the audit criteria listed within the audit report.</p>	<p><b>Closed</b></p> <p>Adequate evidence in the form of weekly inspections, periodic assurance audits, and toolbox meetings demonstrate that erosion and sediment controls were adequately maintained during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths and drainage infrastructure. The drainage infrastructure was considered to be appropriate for the site and there is limited potential for erosion.</p>

Ref	Construction IEA Finding	Construction IEA Recommendations	Operation IEA Verification
3.23	<p>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:</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>	See corrective actions for Finding#3 (Condition 3.22).	<p><b>Closed</b></p> <p>Refer to the response to the non-compliance raised against Condition 3.22.</p>
<b>Opportunities for Improvement</b>			
N/A	<p>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 and Water Management Plan – Stage 1.</p>	ERM recommend that the erosion and sediment control measures are implemented against the Landcom standards. Some erosion and sediment management measures like bales of hat have been introduced to the Project due to the volume of rainfall the area has been received.	<p><b>Closed</b></p> <p>Adequate evidence in the form of weekly inspections, periodic assurance audits, and toolbox meetings demonstrate that erosion and sediment controls were adequately maintained during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths and drainage infrastructure. The drainage infrastructure was considered to be appropriate for the site and there is limited potential for erosion.</p>

Ref	Construction IEA Finding	Construction IEA Recommendations	Operation IEA Verification
N/A	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 noted 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.	<b>Closed</b> AGL and Altrad advised that due to the restricted recycling facilities in Broken Hill, it was not practicable to increase waste segregation further than is currently in place.
N/A		Implement noise and vibration monitoring measures or methods on the weekly HSE Checklist and the monthly Environmental Inspection Checklist.	<b>Closed</b> AGL advised that a noise and vibration assessment was undertaken and submitted to DPHI as part of the request to extend working hours in 2022. The assessment determined that boundary noise levels were within required limits and there was no material risk of noise off-site. Given that construction works are complete, the auditor has determined that this recommendation is closed.
N/A	ERM reviewed Table 6-1 Project Monitoring Requirements and Data Recording in the Project Construction Environmental Management Plan (CEMP).	ERM suggests increasing the frequency of contamination checks from weekly to daily; recording portable water use from monthly to weekly; Environmental Inspections as part of the CEMP from monthly to weekly; and, water material tracking from monthly to weekly.	<b>Closed</b> Adequate evidence was sighted by the auditor to demonstrate monitoring of significant environmental aspects, including weekly site inspections, periodic assurance audits, environmental monitoring and monthly reporting.

## Appendix B Compliance Assessment

### B1. Development Consent SSD 11437498

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS</b>		
	<b>OBLIGATIONS TO MINIMISE HARM TO THE ENVIRONMENT</b>		
2.01	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.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Environment Management Strategy, Stage 1 (12-Aug-22), Stage 2 (12-Aug-22) and Stage 3 (19-Dec-23)</li> <li>• Biodiversity Management Plan, Stage 1 (8-Aug-22), Stage 2 (8-Aug-22) and Stage 3 (25-Aug-23)</li> <li>• Heritage Management Plan, Stage 1 (1-Jul-22), Stage 2 (1-Jul-22) and Stage 3 (19-Dec-23)</li> <li>• Remedial Action Plan (3-Dec-21)</li> <li>• Soil and Water Management Plan, Stage 1 (4-Apr-23), Stage 2 (23-Aug-23) and Stage 3 (24-Aug-23)</li> <li>• Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Example Assurance Audits, including Fauna/Wildlife (2-Sept-23 and 6-Oct-23), Excavation and Trenches (2-Sept-23 and 6-Oct-23), Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23), Noise and Vibration (11-Nov-23) and Waste Management (10-Jan-24)</li> <li>• SAP Compliance</li> <li>• Broken Hill BESS – Complaints Register</li> <li>• Incident register.</li> </ul> <p><b>Finding:</b> Reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from construction and operation of the Project are reflected in the Environment Management Strategy and environmental management plans. The plans have been developed in accordance with the Development Consent and approved by DPHI.</p>	Compliant



Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		<p>Compliance obligations arising from the Development Consent are managed through the compliance management system (SAP Compliance) which enables the tracking, escalation and closure of compliance obligations.</p> <p>Implementation is demonstrated by weekly site inspections, assurance audits, environmental monitoring and monthly reports.</p>	
	<b>TERMS OF CONSENT</b>		
2.02	<p>The Applicant must carry out the development:</p> <p>(a) generally in accordance with the EIS; and</p> <p>(b) in accordance with the conditions of this consent.</p> <p>Note: The general layout of the development is shown in Appendix 1.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Works as Executed Plans (<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>)</li> <li>Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> The Project Environmental Assessment proposed the construction and operation of a BESS on two lots at 74 to 80 Pinnacles Place, Broken Hill (Lots 57 and 58 of DP 258288). The Project also included the installation of an overhead transmission connection between the BESS and the TransGrid Broken Hill substation. A modification of the Development Consent resulted in the undergrounding of the transmission connection. During the audit period, there were no changes to the general layout as compared to that which was assessed by the Construction IEA.</p>	Compliant
2.03	<p>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.</p>	Condition noted.	
2.04	<p>The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:</p> <p>(a) any strategies, plans or correspondence that are submitted in accordance with this consent;</p> <p>(b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and</p> <p>(c) the implementation of any actions or measures contained in these documents.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Refer to relevant conditions for DPHI correspondence.</li> </ul> <p><b>Finding:</b> AGL advised that all reasonable requirements of DPHI were complied with during the audit period. The auditor reviewed relevant correspondence received from DPHI (detailed within respective conditions in this table) and confirmed that compliance was achieved against the requirements of this condition.</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<b>UPGRADING OF BATTERY ENERGY STORAGE FACILITY AND ANCILLARY INFRASTRUCTURE</b>		
2.05	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.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Interview with AGL Environmental Advisor.</li> </ul> <p><b>Finding:</b> AGL advised that the requirements of this condition were not triggered during the audit period.</p>	Not Triggered
	<b>STRUCTURAL ADEQUACY</b>		
2.06	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>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Building Information Certificate (Broken Hill City Council, 24 July 2024)</li> <li>Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> The auditor sighted adequate evidence to demonstrate compliance with the requirements of this condition. It is noted that the Control Building was pre-fabricated off-site and as such, a construction certificate was not triggered.</p>	Compliant
	<b>DEMOLITION</b>		
2.07	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.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Interview with AGL Environmental Advisor</li> <li>Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> AGL advised that there were no demolition works undertaken during the audit period.</p>	Not Triggered
	<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>		
2.08	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ol style="list-style-type: none"> <li>repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</li> <li>relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be</li> <li>relocated as a result of the development.</li> </ol>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Interview with Altrad Senior Project Engineer</li> <li>Incident Register.</li> </ul> <p><b>Finding:</b> Altrad Senior Project Engineer advised that there was no damage to public infrastructure during the audit period.</p>	Not Triggered

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	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.		
	<b>OPERATION OF PLANT AND EQUIPMENT</b>		
2.09	<p>The Applicant must ensure that all plant and equipment used on Noted, or in connection with the development, is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Sample of Site Diary records (7-Jan-24, 3-May-24 and 26-Jul-24) including a summary of equipment inspections</li> <li>• Light Vehicle Pre-start Check Sheet (24-Mar-24)</li> <li>• Power Tools and Equipment Assurance Audit (8-Jan-24).</li> </ul> <p><b>Finding:</b> Adequate evidence was provided to demonstrate that plant and equipment was operated and maintained in a proper and efficient manner during the audit period.</p>	Compliant
	<b>SCHEDULE 3 ENVIRONMENTAL CONDITIONS - GENERAL</b>		
	<b>BATTERIES</b>		
3.01	<p><b>Battery Storage Restriction</b></p> <p>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.</p> <p>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.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• NEM Registration and Exemption List</li> <li>• Email correspondence from AGL to auditor (26-Sept-24)</li> </ul> <p><b>Finding:</b> The auditor sighted the NEM Registration and Exemption List and correspondence from AGL. It is noted that the maximum capacity of the Project when discharging and charging is 50 MW. As such, compliance has been demonstrated against the requirements of this condition.</p>	Compliant
	<b>TRANSPORT</b>		
3.02	<p><b>Over-Dimensional and Heavy Vehicle Restrictions</b></p> <p>The Applicant must ensure that the:</p> <p>(a) development does not generate:</p> <ul style="list-style-type: none"> <li>• more than 20 heavy vehicle movements a day on the public road network during construction, upgrading and decommissioning;</li> <li>• over-dimensional vehicle movements during construction, upgrading and decommissioning; on the public road network; and</li> </ul> <p>(b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres,</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>• Battery Energy Storage System Site Induction (Altrad)</li> <li>• Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>• Heavy Vehicle and Over Dimensional Vehicle Register</li> <li>• Interview with Senior Project Engineer (Altrad)</li> </ul>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	unless the Planning Secretary agrees otherwise.	<b>Finding:</b> During construction, compliance against the requirements of this condition were communicated through the induction program and pre-starts and monitored through the Heavy Vehicle and Over Dimensional Vehicle Register. The auditor sighted the register and noted that the records were compliant with the requirements of this condition.	
3.03	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.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Heavy Vehicle and Over Dimensional Vehicle Register.</li> </ul> <p><b>Finding:</b> During construction, compliance against the requirements of this condition were monitored through the Heavy Vehicle and Over Dimensional Vehicle Register. The auditor sighted the register and noted that the records were compliant with the requirements of this condition.</p>	Compliant
3.04	<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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>Battery Energy Storage System Site Induction (Altrad)</li> <li>Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>Interview with the Altrad Senior Project Engineer.</li> </ul> <p><b>Finding:</b> Heavy vehicle routes detailed in the Traffic Management Plans are consistent with the requirements of this condition. The Altrad Senior Project Engineer advised that the requirements of the Traffic Management Plan are communicated to contractors through the induction process and the pre-start meetings.</p>	Compliant
3.05	<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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>Battery Energy Storage System Site Induction (Altrad)</li> <li>Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>Interview with the Altrad Senior Project Engineer.</li> </ul> <p><b>Finding:</b> Site access restrictions detailed in the Traffic Management Plans are consistent with the requirements of this condition. The Altrad Senior Project Engineer advised that the requirements of the Traffic</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		Management Plan are communicated to contractors through the induction process and pre-start meetings.	
3.06	<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>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered
3.07	<p><b>Road Maintenance</b></p> <p>The Applicant must:</p> <p>(a) 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>(b) 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;</p> <p>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 must be final and binding on both parties.</p>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered
3.08	<p><b>Operating Conditions</b></p> <p>8. 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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Site inspection (1-Oct-24).</li> </ul>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	(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.	<b>Finding:</b> Relevant requirements of this condition are detailed in the Traffic Management Plans. The auditor sighted an example of the Site Weekly Checklist and noted the inclusion of public safety, traffic signage and vehicle cleanliness. During the site inspection, the auditor observed that the internal roads have been constructed as all-weather roads, the capacity of the existing roadside drainage network is not visibly reduced, and the access design enables vehicles to enter and leave the site in a forward direction where practicable.	
3.09	<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> </ul>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Traffic Management Plan, Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (10-Nov-23)</li> <li>• DPHI approval of the Traffic Management Plan Stage 1 (30-Sept-22), Stage 2 (30-Sept-22) and Stage 3 (7-Dec-23)</li> <li>• Battery Energy Storage System Site Induction (Altrad)</li> <li>• Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>• Broken Hill BESS – Complaints Register</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Example community notifications (advertisements).</li> </ul> <p><b>Finding (Documentation):</b> The Traffic Management Plan Stage 1 was assessed in the Construction IEA. During the audit period, DPHI determined that the Stage 2 and Stage 3 Traffic Management Plans are consistent with the requirements of this condition.</p> <p><b>Finding (Implementation):</b> Adequate evidence was provided to demonstrate implementation of the Traffic Management Plan, including the induction programs, Site Weekly Checklist and community notifications. It is noted that there were no complaints reported by AGL during the audit period.</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<ul style="list-style-type: none"> <li>• monthly monitoring for, and responding to, any emergency repair and/or maintenance requirements; and</li> </ul> (d) a driver’s code of conduct that addresses: <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> (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.  Following the Planning Secretary’s approval, the Applicant must implement the Traffic Management Plan.		
	<b>BIODIVERSITY</b>		
3.10	<b>Vegetation Clearance</b> The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.	<b>Evidence</b> <ul style="list-style-type: none"> <li>• Biodiversity Management Plan, Stage 1 (8-Aug-22), Stage 2 (8-Aug-22) and Stage 3 (25-Aug-23)</li> <li>• Site inspection (1-Oct-24)</li> <li>• Sample of PDT Daily Environment/Compliance Discussion (17-Mar-23, 20-Jun-23, and 28-Jun-23), including biodiversity requirements</li> <li>• Incident Report – Broken Hill Battery Energy Storage System (Epic, 12-Dec-22)</li> <li>• Stockpile Remediation Strategy and Methodology (20-Dec-22)</li> <li>• Correspondence from Valmec to AGL (16-Jan-23) confirming that consultation was undertaken with Broken Hill City Council on the rehabilitation approach</li> <li>• Correspondence from Broken Hill Local Aboriginal Land Council to Valmec (not dated) granting permission to remove the topsoil adjacent to the high voltage transmission corridor</li> <li>• Incident Report – Broken Hill Battery Energy Storage System (Epic, 17-May-23)</li> <li>• Correspondence from AGL to DPPI (27-Mar-24) detailing the actions taken in response to vegetation clearance non-compliances</li> </ul>	Non-compliant <b>NC-2024-01</b>

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		<p>/ environmental incidents that occurred in late 2022 and early 2023.</p> <p><b>Finding:</b> An environmental incident / non-compliance was reported by AGL during the Construction IEA audit period associated with the unapproved clearing of vegetation outside of the approved project boundary. The auditor sighted the Incident Report for the event and noted the requirement to develop and implement a rehabilitation plan for the site. The Stockpile Remediation Strategy and Methodology was noted to be consistent with the Stage 1 Biodiversity Management Plan which requires rehabilitating and revegetating disturbance areas with species that are endemic to the area (i.e. native seed and plantings are to be species from Plant Community Type (PCT) 155). The auditor inspected the area where the incident occurred and noted that rehabilitation was adequately progressed.</p> <p><b>NC-2024-01:</b> In early 2023, an environmental incident/non-compliance was reported by AGL regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor. The auditor sighted relevant records associated with the event, including the investigation report and notifications. As detailed in correspondence from AGL to DPHI (27-Mar-24), adequate and appropriate actions were undertaken in response to the event, including rehabilitation works, education and awareness initiatives, and the appointment of a full-time site based AGL Environmental Management Representative. The auditor inspected the area where the incident occurred and noted that rehabilitation was adequately progressed. As such, there are no further recommended actions.</p>	
3.11	<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>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered



Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status												
	<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><i>Table 1: Ecosystem Credit Requirements</i></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>10</td> </tr> </tbody> </table> <p><i>Table 2: Species Credit Requirements</i></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 (<i>Ardeotis australis</i>)</td> <td>155</td> <td>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 ( <i>Ardeotis australis</i> )	155	11		
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03.12	<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>(d) 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;</li> <li>minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;</li> <li>minimising the impacts to fauna on site and implementing fauna management protocols;</li> <li>rehabilitating and revegetating disturbance areas with species that are endemic to the area;</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</li> <li>controlling weeds, feral pests and pathogens;</li> </ul> <p>(e) include a program to monitor and report on the effectiveness of mitigation measures; and</p> <p>(f) include details of who would be responsible for monitoring, reviewing and implementing the plan.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Biodiversity Management Plan, Stage 1 (8-Aug-22), Stage 2 (8-Aug-22) and Stage 3 (25-Aug-23)</li> <li>DPHI approval of the Biodiversity Management Plan Stage 1 (28-Sept-22), Stage 2 (28-Sept-22) and Stage 3 (23-Oct-23)</li> <li>Battery Energy Storage System Site Induction (Altrad)</li> <li>Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>Example Assurance Audits, including Fauna/Wildlife (2-Sept-23 and 6-Oct-23)</li> <li>Toolbox Meeting (27-Feb-23), including biodiversity requirements.</li> <li>Sample of Daily Environment/Compliance Discussion (17-Mar-23, 20-Jun-23, and 28-Jun-23), including biodiversity requirements and weed management</li> <li>Site inspection (1-Oct-24)</li> <li>Correspondence from AGL to DPHI (27-Mar-24) detailing the actions taken in response to vegetation clearance non-compliances / environmental incidents that occurred in late 2022 and early 2023</li> <li>Sample of Environmental Take 5's (14-Mar-23, 20-Mar-23, and 11-May-23), including Category 3 weed assessment/removal requirements.</li> </ul>	Compliant <b>OFI-2024-01</b>												

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<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><b>Finding (Documentation):</b> The Construction IEA determined that the Biodiversity Management Plan (Stage 1) was adequate and appropriate for the scope of works. During the audit period, the Biodiversity Management Plans for Stage 2 and Stage 3 were finalised and approved by DPHI.</p> <p><b>Finding (Implementation):</b> Adequate evidence was provided to demonstrate implementation of the Biodiversity Management Plans, including assurance audits, toolbox meetings, Daily Environment/Compliance Discussions, and Environmental Take 5's, including Category 3 weed assessment / removal requirements. Reflecting the requirements of the Stage 1 and Stage 2 Biodiversity Management Plan, rehabilitation works are to be completed within 18 months. Construction works have recently completed and on that basis, rehabilitation works are assessed as consistent with the Biodiversity Management Plan program (Appendix C, Photo C10).</p> <p><b>OFI-2024-01:</b> Areas of gravel were observed in the high voltage transmission corridor (adjacent to the western boundary of the Project) which may hinder rehabilitation of the area. It is recommended that the gravel is removed and replaced with suitable topsoil, native seed and plantings from PCT 155. Following the site visit, AGL provided photos of the site confirming that rehabilitation had commenced with the removal of gravel.</p>	
	<b>AMENITY</b>		
3.13	<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> </ul>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Battery Energy Storage System Site Induction (Altrad)</li> <li>Correspondence from DPHI to AGL (28-Feb-23) granting approval to conduct Out of Hours Works from 7:00am to 6:00pm on Saturdays and 8:00am to 1:00pm on Sundays</li> <li>Correspondence from AGL to DPHI (12-Jul-23), enclosing the Out of Hours Construction Work DPE Bi-Monthly Progress Report</li> <li>Correspondence from DPHI to AGL (29-Aug-23), requesting the inclusion of additional information in the bi-monthly progress reports</li> </ul>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<ul style="list-style-type: none"> <li>emergency work to avoid the loss of life, property and/or material harm to the environment.</li> </ul>	<ul style="list-style-type: none"> <li>Broken Hill BESS – Complaints Register.</li> </ul> <p><b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition.</p>	
3.14	<p><b>Noise</b> 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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Battery Energy Storage System Site Induction (Altrad)</li> <li>Broken Hill BESS – Complaints Register</li> <li>Noise and Vibration Assurance Audit (11-Nov-23).</li> </ul> <p><b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance during construction, including the induction program, complaints register and an assurance audit. While the Project commenced operations on 21-Aug-24, the facility is not consistently operating at maximum capacity. As such, operational noise goals have not yet been assessed.</p>	Compliant
3.15	<p><b>Dust</b> The Applicant must minimise the dust generated by the development.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Broken Hill BESS – Complaints Register</li> <li>Example Assurance Audits, including Excavation and Trenches (2-Sept-23 and 6-Oct-23) and Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23)</li> <li>Example Site Weekly Checklist (26-Aug-24)</li> <li>Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> The auditor sighted a sample of inspections and assurance audits undertaken during the audit period and noted the assessment of dust emissions and mitigation measures. It was reported by AGL that there were no dust complaints reported during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths, and drainage infrastructure. As such, there is limited potential for dust emissions during operations.</p>	Compliant
3.16	<p><b>Visual</b> The Applicant must:</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Site inspection (1-Oct-24).</li> </ul>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<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><b>Finding:</b> During the site inspection on 1-Oct-24, there was no glare or reflection associated with the Project. Ancillary infrastructure, including the Control Building, were sufficiently blended into the landscape and there were no advertising signs or logos on site.</p>	
3.17	<p><b>Lighting</b></p> <p>The Applicant must:</p> <p>(a) minimise the off-site lighting impacts of the development; and</p> <p>(b) 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>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Broken Hill BESS – Complaints Register</li> <li>Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> The industrial location of the Project is such that off-site impacts are minimised. It was reported by AGL that there were no lighting complaints received during the audit period. During the site inspection, it was noted that lighting is directed within the site compound (Appendix C, Photo C8).</p>	Compliant
	<b>HERITAGE</b>		
3.18	<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>Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 1 of Appendix 5 [BESS-AS1-21], 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.</p> <p>Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figures in Appendix 5.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Heritage Management Plan, Stage 1 (1-Jul-22), Stage 2 (1-Jul-22) and Stage 3 (19-Dec-23)</li> <li>Stage 2 Easement Pre-works Final Archaeological Assessment (Oasys, Feb-23)</li> <li>AHIMS Web Services, Extensive search – Site list report – Site name BESS-AS1-21.</li> </ul> <p><b>Finding:</b> Reflecting the outcomes of the Aboriginal cultural heritage assessment, an Aboriginal stone artefact scatter (the BESS-AS1-21 archaeological site) was identified immediately adjacent to the approved project boundary. As detailed in the Heritage Management Plan Stage 3, the Stage 2 Easement Pre-works Final Archaeological Assessment, and consistent with the requirements of this condition, BESS-AS1-21 was relocated outside of the approved development footprint prior to commencement of Stage 2 works. The auditor sighted the AHIMS Web Services record, confirming preparation of the Aboriginal Site Impact</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		Recording Form (ASIRF) for BESS-AS1-21 and submission to the Aboriginal Heritage Information Management System (AHIMS).	
3.19	<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;</li> <li>• relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 1 of Appendix 5; and</li> <li>• ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and</li> </ul> <p>(d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.</p> <p>Following the Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Heritage Management Plan, Stage 1 (1-Jul-22), Stage 2 (1-Jul-22) and Stage 3 (19-Dec-23)</li> <li>• DPHI approval of the Heritage Management Plan Stage 1 (11-Nov-22), Stage 2 (11-Aug-22) and Stage 3 (22-Dec-23)</li> <li>• Stage 2 Easement Pre-works Final Archaeological Assessment (Oasys, Feb-23)</li> <li>• Battery Energy Storage System Site Induction (Altrad)</li> <li>• Site Diary (14-Feb-23), noting attendance of Registered Aboriginal Parties and project archaeologist to undertake pre-work survey</li> <li>• Toolbox Meeting (27-Feb-23), including heritage requirements.</li> </ul> <p><b>Finding (Documentation):</b> The Heritage Management Plans for Stage 1, Stage 2 and Stage 3 were assessed by DPHI as consistent with the requirements of this condition.</p> <p><b>Finding (Implementation):</b> The auditor sighted adequate evidence to demonstrate implementation of the Heritage Management Plans, including the Stage 2 Easement Pre-works Final Archaeological Assessment (Oasys, Feb-23), induction program, Site Diary, and a Toolbox Meeting.</p>	Compliant
	<b>SOIL AND WATER</b>		
3.20	<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 <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i>, the Applicant is required to obtain the necessary water licences for the development.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Interview with Altrad Senior Project Engineer</li> <li>• Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> The Altrad Senior Project Engineer advised that operational water requirements are limited to mains water supply to service amenities. A small on-site water tank (1,000 litres) supplements the mains supply (<b>Appendix C</b>, Photo C6).</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
3.21	<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>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Soil and Water Management Plan, Stage 1 (4-Apr-23), Stage 2 (23-Aug-23) and Stage 3 (24-Aug-23)</li> <li>• Example Assurance Audits, including Excavation and Trenches (2-Sept-23 and 6-Oct-23) and Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23)</li> <li>• Toolbox Meeting (19-Jun-23), including erosion and sediment controls</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Incident Register</li> <li>• Site inspection (1-Oct-24).</li> </ul> <p><b>Finding:</b> During the audit period, there were no water pollution incidents reported by Altrad or AGL. There was no evidence of leaks, spills or discharges during the site inspection.</p>	Compliant
03.22	<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 groundwater at the site;</p> <p>ensure all works are undertaken in accordance with Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), unless DPE Water agrees otherwise.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Soil and Water Management Plan, Stage 1 (4-Apr-23), Stage 2 (23-Aug-23) and Stage 3 (24-Aug-23)</li> <li>• Example Assurance Audits, including Excavation and Trenches (2-Sept-23 and 6-Oct-23) and Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23)</li> <li>• Toolbox Meeting (19-Jun-23), including erosion and sediment controls</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Site inspection (1-Oct-24)</li> </ul> <p><b>Finding:</b> Adequate evidence in the form of weekly inspections, periodic assurance audits, and toolbox meetings demonstrate that erosion and sediment controls were adequately maintained during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths and drainage infrastructure. The drainage infrastructure was considered to be appropriate for the site and there is limited potential for erosion.</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
03.23	<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 DPE Water. 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>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Soil and Water Management Plan, Stage 1 (4-Apr-23), Stage 2 (23-Aug-23) and Stage 3 (24-Aug-23)</li> <li>• Correspondence from Department of Planning and Environment – Water to Fluence Energy (23-Aug-23) requesting amendments to the stage 1 and Stage 2 Soil and Water Management Plans</li> <li>• Correspondence from Department of Planning and Environment – Water to AGL (17-May-23) confirming the Department has no comments on the revised Stage 1 Soil and Water Management Plan</li> <li>• Example Assurance Audits, including Excavation and Trenches (2-Sept-23 and 6-Oct-23) and Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23)</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Toolbox Meeting (19-Jun-23), including erosion and sediment controls</li> <li>• Spill kits</li> <li>• Site inspection (1-Oct-24).</li> </ul> <p><b>Finding (Documentation):</b> The auditor determined that the Soil and Water Management Plans for Stage 1, Stage 2 and Stage 3 contain adequate and appropriate controls to:</p> <ul style="list-style-type: none"> <li>• Prevent the pollution of waters</li> <li>• Minimise erosion and control sediment generation</li> <li>• Demonstrate compliance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004)</li> <li>• Reduce impacts on surface water, localised flooding and groundwater.</li> </ul> <p><b>Finding (Implementation):</b> Adequate evidence in the form of weekly inspections, periodic assurance audits, and toolbox meetings demonstrate that soil and water controls were adequately maintained during the audit period. During the site inspection, it was noted that the fenced compound consists of sealed surfaces, gravelled roads/access paths and drainage infrastructure resulting in limited potential for erosion. Stormwater and</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		potential contaminants within the bunded areas are subject to treatment (carbon filters) prior to discharge onto the gravelled site.	
	<b>HAZARDS</b>		
3.24	<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. 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.</p> <p>Following completion of the Study, the Applicant must implement the measures described in the Fire Safety Study.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Fire Safety Study Report (Planager, 6 April 2023)</li> <li>• Correspondence from DPHI to AGL (12 May 2023) approving the Fire Safety Study Report.</li> <li>• Correspondence from FRNSW to Planager (11 April 2023) requesting that all relevant stakeholders (including at minimum the owner, operator and insurers) are made aware of FRNSW incident response limitations</li> <li>• Correspondence from Fluence Energy Technical Manager – APAC Services (2-Oct-24)</li> <li>• Broken Hill BESS Operations Induction (Fluence Energy)</li> <li>• Site inspection (1-Oct-24).</li> </ul> <p><b>Finding (Documentation):</b> The Construction IEA determined that the Fire Safety Study was adequate and appropriate for the scope of works.</p> <p><b>Finding:</b> Adequate evidence was provided to demonstrate implementation of relevant recommendations of the Fire Safety Study, including establishment of a gravelled Asset Protection Zone between the western boundary of the Site and Facility assets (i.e. battery units, inverters and transformers) and the induction program. During the site inspection, it was noted that the fire hydrant was accessible, and fire extinguishers were available in the Control Building. Fluence Energy advised that the preventative maintenance for fire systems and subcomponents has been established as per AS 1851-2012 inspection standards. In addition, a Salesforce based service console and work order system has been implemented to schedule and track maintenance requirements.</p>	Compliant
3.25	<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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Site inspection (1-Oct-24), including an inspection of dangerous goods/hazardous materials storage cabinet</li> </ul>	Compliant



Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<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 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>	<ul style="list-style-type: none"> <li>Example Site Weekly Checklist (26-Aug-24), noting the inclusion of hazardous materials storage.</li> </ul> <p><b>Finding:</b> During the site inspection, minimal quantities of fuel and chemicals were observed on the site. All fuel and chemicals were stored within a bunded storage cabinet (<b>Appendix C</b>, Photo C11). The storage cabinet will be removed from site as part of construction demobilisation.</p>	
3.26	<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><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Site inspection (1-Oct-24)</li> <li>Fluence Energy Technical Manager – APAC Services</li> <li>Email correspondence from Fire and Rescue NSW to Fluence Energy confirming a site visit on 28-Nov-23 (satisfying the requirement to notify prior to commencing operations).</li> </ul> <p><b>Finding:</b> During the site inspection, compliance with the requirements of this condition was demonstrated by:</p> <ul style="list-style-type: none"> <li>An absence of vegetation fuel loads on the Site</li> <li>The establishment of a gravelled Asset Protection Zone between the western boundary of the Site and Facility assets (i.e. battery units, inverters and transformers).</li> </ul>	Compliant
3.27	<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>(o) 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>Evidence</b></p> <ul style="list-style-type: none"> <li>Broken Hill BESS Project Emergency Management Plan (22-Jul-22) (Stage 1 and Stage 2)</li> <li>BHBESS O&amp;M Emergency Response Plan (16-Jul-24) (Stage 3)</li> <li>Correspondence from the Rural Fire Service to Fluence Energy (29-Nov-23) confirming that the Emergency Plan was prepared in consultation with the Rural Fire Service</li> <li>Weekly Project Report (25-Feb-23 and 10-Feb-24)</li> </ul>	Non-Compliant <b>NC-2024-02</b>

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<p>(p) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;</p> <p>(q) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;</p> <p>(r) list works that should not be carried out during a total fire ban;</p> <p>(s) include availability of fire suppression equipment, access and water;</p> <p>(t) include procedures for the storage and maintenance of any flammable materials;</p> <p>(u) 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>(v) 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>(w) include a figure showing site infrastructure, Asset Protection Zone and any on-site water supply tank;</p> <p>(x) 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>(y) 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>(z) include bushfire emergency management planning; and</p> <p>(aa) 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</li> </ul> <p>(bb) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.</p> <p>The Applicant must implement the Emergency Plan for the duration of the development.</p>	<ul style="list-style-type: none"> <li>• Site inspection (1-Oct-24), noting the Emergency Management Plan was available in the Control Building (<b>Appendix C</b>, Photo C5) and at the Site entrance.</li> </ul> <p><b>Finding (Documentation):</b> Broken Hill BESS Project Emergency Management Plan (22-Jul-22) (Stage 1 and Stage 2) was assessed during the Construction IEA as adequate an appropriate.</p> <p><b>Finding (Implementation):</b> As evidenced in the Weekly Project Reports, implementation of the Emergency Plan during the audit period was supported by periodic emergency drills. The auditor observed two copies of the Emergency Plan in a prominent position within the Control Building and adjacent to the site entry point.</p> <p><b>NC-2024-02:</b> The BHBESS O&amp;M Emergency Response Plan (16-Jul-24) (Stage 3) does not adequately address the requirements of Condition 3.27. Specifically:</p> <ul style="list-style-type: none"> <li>• The Department’s Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’ is not referenced in the Plan (Section 3.2) and it is unclear whether the Plan is consistent with the requirements of the Advisory Paper</li> <li>• The Plan does not include RFS notification and procedural requirements as detailed in Condition 3.27(g) and 3.27(m)</li> <li>• While the Plan includes a figure detailing site infrastructure, the Asset Protection Zone and the on-site water supply tank are not included (Condition 3.27(i)).</li> <li>• There are no details on the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone (Condition 3.27(k)).</li> </ul> <p>It is recommended that the BHBESS O&amp;M Emergency Response Plan is reviewed and revised to address all requirements of Condition 3.27.</p>	

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<b>WASTE</b>		
3.28	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) minimise the waste generated by the development;</li> <li>(b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);</li> <li>(c) store and handle all waste on site in accordance with its classification;</li> <li>(d) not receive or dispose of any waste on site; and</li> <li>(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.</li> </ul>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Environment Management Strategy, Stage 1 (12-Aug-22), Stage 2 (12-Aug-22) and Stage 3 (19-Dec-23)</li> <li>• Example Site Weekly Checklist (26-Aug-24), including waste management measures</li> <li>• Example Assurance Audits, including Waste Management (10-Jan-24)</li> <li>• Sample of waste disposal receipts (Broken Hill City Council landfill)</li> <li>• Hazardous Waste Chain of Custody Register</li> <li>• Site inspection and interviews (1-Oct-24)</li> <li>• Battery Energy Storage System Site Induction (Altrad), including waste minimisation requirements</li> <li>• Cad welding waste confirmation of classification.</li> </ul> <p><b>Finding:</b> The requirements of this condition are adequately addressed in the Environment Management Strategy. Evidence of implementation is provided as follows:</p> <ul style="list-style-type: none"> <li>a) The Site Induction includes guidance on waste minimisation</li> <li>b) Waste streams generated by the Project were pre-classified and include general solid waste, septic tank waste and recyclables.</li> <li>c) During the site inspection it was noted that waste was appropriately segregated by classification (<b>Appendix C</b>, Photo C2)</li> <li>d) The Senior Project Engineer (Altrad) advised that there was no waste received at the premises or disposed on site</li> <li>e) Altrad reported that waste is predominately disposed to the Broken Hill City Council landfill. This was evidenced by waste disposal receipts.</li> </ul>	Compliant
	<b>REMEDIATION</b>		
3.29	<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</p>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status										
	Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).												
3.30	<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>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered										
3.31	<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>	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered										
	<b>DECOMMISSIONING AND REHABILITATION</b>												
3.32	<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><i>Table 3: Rehabilitation Objectives</i></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>	The requirements of this condition were not triggered during the audit period.	Not Triggered
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>												
	<b>SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING</b>												
	<b>ENVIRONMENTAL MANAGEMENT</b>												
4.01	<b>Environmental Management Strategy</b>	<b>Evidence</b>	Compliant										

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<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>	<ul style="list-style-type: none"> <li>• Environment Management Strategy, Stage 1 (12-Aug-22), Stage 2 (12-Aug-22) and Stage 3 (19-Dec-23)</li> <li>• DPHI approval of Environmental Management Strategy, Stage 1 (19-Aug-22), Stage 2 (22-Aug-22), and Stage 3 (20-Dec-23)</li> <li>• Example Site Weekly Checklist (26-Aug-24), noting the inclusion of hazardous materials storage, spill kits and house keeping</li> <li>• Broken Hill BESS – Complaints Register</li> <li>• Incident register</li> <li>• Example Site Weekly Checklist (26-Aug-24)</li> <li>• Example Assurance Audits, including Fauna/Wildlife (2-Sept-23 and 6-Oct-23), Excavation and Trenches (2-Sept-23 and 6-Oct-23), Erosion, Sediment and Drainage (2-Sept-23 and 6-Oct-23), Noise and Vibration (11-Nov-23) and Waste Management (10-Jan-24)</li> <li>• SAP Compliance.</li> </ul> <p><b>Finding (Documentation):</b> The Environment Management Strategy for Stage 1, Stage 2 and Stage 3 were assessed by DPHI as consistent with the requirements of this condition.</p> <p><b>Finding (Implementation):</b> The auditor sighted adequate evidence to demonstrate implementation of the Environment Management Strategy, including weekly site inspections, assurance audits, environmental monitoring, monthly reports, incident reporting and complaints register. During the site inspection, it was noted that waste was separated and securely stored (Appendix C, Photo C2), the spill kit was stocked and appropriately located, and fuel and chemicals were adequately stored (Appendix C, Photo C11).</p>	
4.02	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>The Applicant must:</p> <p>(c) 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>Evidence</b></p> <ul style="list-style-type: none"> <li>• Construction IEA (ERM, 3-Feb-23)</li> <li>• Email correspondence from Altrad to Fluence Energy and AGL (16-Aug-23) confirming that the strategies, plans and programs were reviewed following the March 2023 environmental incident.</li> </ul>	<p>Non-compliant <b>NC-2024-03</b></p>

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
	<p>(d) 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>	<p><b>Finding:</b>  <b>NC-2024-03:</b> Insufficient evidence was provided to demonstrate that strategies, plans and programs were reviewed within one month of submission of the Construction IEA (3-Feb-23). It is recommended that all strategies, plans and program are reviewed within one month of submission of the Operation IEA to DPHI.</p>	
4.03	<p><b>Updating and Staging of Strategies, Plans or Programs</b>  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>	<p>The requirements of this condition were not triggered during the audit period.</p>	Not Triggered
<b>NOTIFICATIONS</b>			
4.04	<p><b>Notification of Department</b>  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>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• Correspondence from AGL to DPHI (20 December 2023) advising the Department of the intent to commence operations from 21 January 2024</li> <li>• Correspondence from AGL to DPHI (1 August 2024) advising the Department of the revised operations commencement date of 15 August 2024.</li> </ul>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		<b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition.	
4.05	<b>Final Layout Plans</b> 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.	The requirements of this condition were assessed and closed in the Construction IEA.	Not Triggered
4.06	<b>Work as Executed Plans</b> 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.	<b>Evidence</b> <ul style="list-style-type: none"> <li>Works as Executed Plans (<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>)</li> <li>Correspondence from DPHI to AGL (21 December 2023) acknowledging receipt of the Works as Executed Plans.</li> </ul> <b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition.	Compliant
4.07	<b>Incident Notification</b> 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.	<b>Evidence</b> <ul style="list-style-type: none"> <li>Incident Report – Broken Hill Battery Energy Storage System (Epic, 12-Dec-22)</li> <li>Correspondence from AGL to DPHI (17-Apr-23) notifying DPHI of non-compliances and a potential incident associated with the unapproved clearing of native vegetation and fauna habitat</li> <li>Incident Report – Broken Hill Battery Energy Storage System (Epic, 17-May-23)</li> <li>Correspondence from AGL to DPHI (27-Mar-24) detailing the actions taken in response to vegetation clearance non-compliances / environmental incidents that occurred in late 2022 and early 2023</li> <li>Incident register.</li> </ul> <b>Finding:</b> An environmental incident / non-compliance was reported by AGL during the previous audit period in accordance with the requirements of Conditions 4.07 to 4.10. The auditor sighted the Incident Report for the event which was consistent with Appendix 4 of the Development Consent.	Compliant
4.08	<b>Non-Compliance Notification</b> 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.		Compliant
4.09	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.		Compliant
4.10	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.		Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
		In early 2023, a subsequent environmental incident/non-compliance was reported by AGL regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor. Relevant records associated with the event, including investigation reports and notifications were prepared in accordance with the requirements of Condition 4.07 to 4.10.	
	<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>		
4.11	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.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Construction IEA (ERM, 3-Feb-23), noting that the site inspection was undertaken on 24 and 25-Nov-22</li> <li>Correspondence from AGL to DPPI (20-Jan-23) enclosing the Construction IEA to DPPI</li> <li>Operation IEA (this audit)</li> </ul> <p><b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition. Reflecting the requirements of the IAPAR, the Construction IEA was submitted to DPPI within two months of the site inspection.</p> <p>Operation of the Project commenced on 21-Aug-24 and the Operation IEA was conducted on 1-Oct-24 (within three months of commencing operations).</p>	Compliant
4.12	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>DPPI approval of the auditor (Appendix F).</li> </ul> <p><b>Finding:</b> DPPI approved the Operation IEA auditor on 20-Aug-24.</p>	Compliant
4.13	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.	The requirements of this condition were not triggered during the audit period.	Not Triggered



Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
4.14	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:</p> <p>(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;</p> <p>(b) submit the response to the Planning Secretary; and</p> <p>(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.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>AGL website, including the Construction IEA and the AGL response to the audit (<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>) (accessed 25-Sept-24)</li> <li>Incident Report – Broken Hill Battery Energy Storage System (Epic, 12-Dec-22)</li> <li>Correspondence from AGL to DPHI (24 January 2023) enclosing the Response to Audit Recommendations</li> <li>Correspondence from DPHI to AGL (30 January 2023) advising that the Construction IEA does not satisfy the reporting requirements of the consent or the IAPAR</li> <li>Correspondence from DPHI to AGL (24 March 2023) confirming that the revised Construction IEA generally satisfies the reporting requirements of the consent</li> <li>Correspondence from AGL to DPHI (27 March 2024) detailing the actions taken in response to vegetation clearance non-compliances / environmental incidents that occurred in late 2022 and early 2023.</li> </ul> <p><b>Finding:</b> The Construction IEA identified four non-compliances and a further four opportunities for improvement, each with recommended actions. The Response to Audit Recommendations prepared by AGL addressed three opportunities for improvement. The recommendations arising from the non-compliances and the fourth opportunity for improvement were addressed in the Incident Report submitted to DPHI and closed in correspondence to DPHI dated 27 March 2024.</p>	Compliant
4.15	<p>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.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>Construction IEA (ERM, 3-Feb-23), noting that the site inspection was undertaken on 24 and 25 November 2022</li> <li>Correspondence from AGL to DPHI (24 January 2023) enclosing the Response to Audit Recommendations.</li> </ul> <p><b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition.</p>	Compliant

Ref.	Condition	Evidence Collected, Independent Audit Findings & Recommendations	Status
4.16	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.	The requirements of this condition were not triggered during the audit period.	Not Triggered
<b>ACCESS TO INFORMATION</b>			
4.17	<p>The Applicant must:</p> <p>(d) 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>(e) keep this information up to date.</p>	<p><b>Evidence</b></p> <ul style="list-style-type: none"> <li>• AGL Broken Hill Battery Energy Storage System website (<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>) (accessed 25-Sept-24).</li> </ul> <p><b>Finding:</b> Adequate evidence was sighted by the auditor to demonstrate compliance with the requirements of this condition. AGL advised that the due to significant safety and security risks, the Broken Hill BESS Project Emergency Management Plan (22-Jul-22) and the Fire Safety Study Report (Planager, 6 April 2023) are not publicly available. It is noted that the Emergency Management Plan and Fire Safety Study Report were prepared in consultation with relevant stakeholders.</p>	Compliant

## Appendix C Site Photos



Photo C1: Broken Hill Battery Energy Storage System site signage



Photo C2: Waste separation and storage





Photo C3: Spill kit adjacent to Control Building



Photo C4: Control Building fire extinguisher

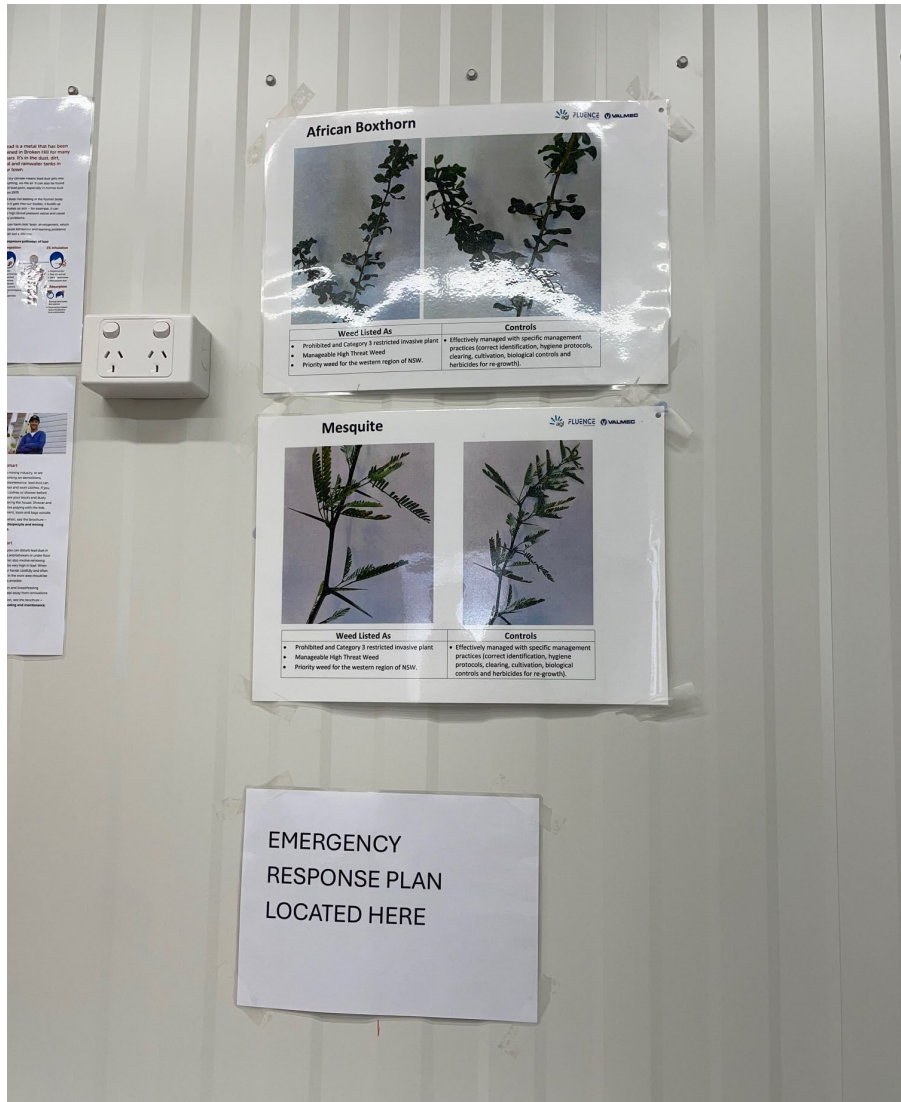


Photo C5: Control Building signage



Photo C6: Control Building water tank





Photo C7: Transformer bund with water treatment (carbon filter)



Photo C8: Exterior lighting





Photo C9: Fluence Energy Gen 6 Cube (battery enclosure) system



Photo C10: High voltage transmission connection (underground)



Photo C11: Fuel and chemical storage cabinet



## Appendix D Consultation

**From:** [Denise Corish](#)  
**To:** [ceo@bhlalc.org.au](mailto:ceo@bhlalc.org.au)  
**Cc:** [Lachy Taylor](#)  
**Subject:** RE: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Wednesday, 18 September 2024 7:16:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi Amanda,

Thanks for your response. As requested, the consultation period has been extended to **30 September 2024**.

Kind regards,

Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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

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---

**From:** ceo@bhlalc.org.au <ceo@bhlalc.org.au>  
**Sent:** Wednesday, 18 September 2024 11:29 AM  
**To:** Denise Corish <denise.corish@treoenvironment.com>  
**Cc:** Lachy Taylor <LTaylor2@agl.com.au>  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Hi Denise

I do apologise for the late reply. BHLALC have been dealing with sorry business these past few weeks and have been unable to yet provide feedback as requested.

Can I please request an extension for 10 days for BHLALC to provide any feedback.

Kind regards,

Amanda Stone

Acting Chief Executive Officer

Broken Hill Local Aboriginal Land Council

Office: 08 8087 7310/ 8087 7413

Mobile: 0438 095 821



*I acknowledge the Traditional Owners of the country in which I work on, the Wilyakali people and all Traditional Owners of Country throughout Australia. I recognise their continuing connection to Land, Water and Culture and I pay my respects to the Elders, past, present and emerging.*

---

**From:** Denise Corish <[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)>

**Sent:** Tuesday, 17 September 2024 2:12 PM

**To:** [ceo@bhlalc.org.au](mailto:ceo@bhlalc.org.au) <[ceo@bhlalc.org.au](mailto:ceo@bhlalc.org.au)>

**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>

**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Stone,

A final reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by tomorrow **(18 September 2024)**.

Kind regards,

Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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---

**From:** Denise Corish  
**Sent:** Wednesday, 11 September 2024 1:43 PM  
**To:** [ceo@bhlalc.org.au](mailto:ceo@bhlalc.org.au)  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Stone,  
A gentle reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by **18 September 2024**.

Kind regards,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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**From:** Denise Corish  
**Sent:** Wednesday, 4 September 2024 11:22 AM  
**To:** [ceo@bhlalc.org.au](mailto:ceo@bhlalc.org.au)  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Stone,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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**From:** [Planning](#)  
**To:** [Denise Corish](#)  
**Cc:** [Lachy Taylor](#)  
**Subject:** RE: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Thursday, 12 September 2024 4:04:10 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Good afternoon Denise,

Please be advised that Broken Hill City Council does not have any comment or submission to make in regards to the Environmental Audit for the Broken Hill Battery Energy Storage System.

Thank you.

Kind regards,  
Tracey.

**Tracey Stephens**

Town Planner  
240 Blende Street  
PO Box 448  
Broken Hill NSW 2880  
**Phone** 08 8080 3313  
**Mobile** 0438761070  
Tracey.Stephens@brokenhill.nsw.gov.au  
[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)



*We acknowledge the traditional owners of the land on which we live and work, and pay our respects to their elders past, present, and emerging.*

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Broken Hill City Council does not warrant this message to be free of errors, interference or viruses.

---

**From:** Denise Corish <denise.corish@treoenvironment.com>  
**Sent:** Wednesday, September 4, 2024 10:51 AM  
**To:** Tracey Stephens <Tracey.Stephens@brokenhill.nsw.gov.au>  
**Cc:** Lachy Taylor <LTaylor2@agl.com.au>  
**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Stephens,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is

requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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**From:** [South West Planning Mailbox](#)  
**To:** [Denise Corish](#)  
**Cc:** [Simon Maffei](#); [Leigh Maloney](#); [Adam Vey](#)  
**Subject:** BCS Response RE: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Tuesday, 17 September 2024 10:34:37 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Hi Denise,

Thank you for the opportunity to provide input into the upcoming audit for the Broken Hill BESS.

We have reviewed the results of the previous audit and note that there were four non-compliances, including clearing of native vegetation outside of the approved disturbance area and in relation to the Biodiversity Management Plan (BMP) and the Soil and Water Management Plan.

As part of this audit BCS would like to know whether the clearing of native vegetation that occurred outside of the approved disturbance area has been revegetated or if it is required to be revegetated. If it is required to be revegetated, BCS expects this to be done using species from the original PCT and captured in an updated BMP.

Also please ensure that weeds are being monitored and managed as per the Stage 3 (Operation and Maintenance) BMP, including in the area cleared outside of the approved disturbance area.

Regards

**Andrew Fisher**

Senior Team Leader, Planning - South West  
Biodiversity, Conservation and Science  
Department of Climate Change, Energy, the Environment and Water  
T 02 6022 0623 M 0427 562 844 E [andrew.fisher@environment.nsw.gov.au](mailto:andrew.fisher@environment.nsw.gov.au)  
620 Macauley St, Albury NSW 2640  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

*Contact the South West Planning Team about biodiversity and flood management planning matters by emailing [planning.southwest@environment.nsw.gov.au](mailto:planning.southwest@environment.nsw.gov.au)*



---

**From:** Denise Corish <[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)>  
**Sent:** Wednesday, September 4, 2024 11:21 AM  
**To:** Andrew Fisher <[Andrew.Fisher@environment.nsw.gov.au](mailto:Andrew.Fisher@environment.nsw.gov.au)>  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit



Dear Mr Fisher,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

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**From:** [Denise Corish](#)  
**To:** [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)  
**Cc:** [Lachy Taylor](#)  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Tuesday, 17 September 2024 2:43:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[BH BESS IEA Consult FRNSW.pdf](#)  
[Appointment of Experts 20082024\\_075403.pdf](#)

---

Dear Ms Gingell,

A final reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by tomorrow (**18 September 2024**).

Kind regards,  
Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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**From:** Denise Corish  
**Sent:** Wednesday, 11 September 2024 1:45 PM  
**To:** [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Gingell,

A gentle reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by **18 September 2024**.

Kind regards,  
Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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

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**From:** Denise Corish

**Sent:** Wednesday, 4 September 2024 11:22 AM

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

**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>

**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Gingell,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,

Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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Our ref: OUT24/13745

Denise Corish  
Treo Environment PTY  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

05 September 2024

---

Subject: Broken Hill Battery Energy Storage System - SSD-11437498 - IEA

Dear Denise,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, "Independent Audit Post Approval Requirements (2020)" extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
  - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
  - Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.

- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact DCCEE - Water Assessments at [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au)

Yours sincerely,



Tim Baker  
Project Officer  
Water Assessments  
NSW Department of Climate Change, Energy, the Environment and Water

Our ref: HMS ID 7135

Denise Corish  
Denise.Corish@pcplr.com.au

Letter uploaded to the Major Projects Planning Portal

---

**Independent Environmental Audit – State Significant Development**

**Proposal:** Broken Hill Battery Energy Storage System

**Major Project reference:** SSD-1147498-PA-61

**Received:** 3 September 2024

Dear Denise,

Thank you for your referral seeking comment from Heritage NSW on the scope for the Independent Environmental Audit for the above Development. Thank you for the continued opportunity to comment on the project.

In respect to the scope of audit for Aboriginal cultural heritage (ACH), Heritage NSW notes Schedule 3, Conditions 18-19 (as modified) and those ACH sites listed in Appendix 5. It is recommended that the Department of Climate Change, Energy, the Environment and Water Compliance Team be contacted via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) to determine if there is any non-compliance with Conditions of Consent for the project.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Corey O’Driscoll, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely,

*Alison Lamond*

Alison Lamond  
Manager (Acting)  
Major Projects  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As Delegate under *National Parks and Wildlife Act 1974*  
23 September 2024

**From:** [Denise Corish](#)  
**To:** [Rodney.Grenfell@essentialenergy.com.au](mailto:Rodney.Grenfell@essentialenergy.com.au)  
**Cc:** [Lachy Taylor](#)  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Tuesday, 17 September 2024 2:43:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[BH BESS IEA Consult RFS.pdf](#)  
[Appointment of Experts 20082024\\_075403.pdf](#)

---

Dear Mr Grenfell,

A final reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by tomorrow (**18 September 2024**).

Kind regards,  
Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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

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**From:** Denise Corish  
**Sent:** Wednesday, 11 September 2024 1:47 PM  
**To:** [Rodney.Grenfell@essentialenergy.com.au](mailto:Rodney.Grenfell@essentialenergy.com.au)  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Mr Grenfell,

A gentle reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by **18 September 2024**.

Kind regards,  
Denise





Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

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[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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---

**From:** Denise Corish

**Sent:** Wednesday, 4 September 2024 11:22 AM

**To:** [Rodney.Grenfell@essentialenergy.com.au](mailto:Rodney.Grenfell@essentialenergy.com.au)

**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>

**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Mr Grenfell,

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In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,

Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

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**From:** [Tom Carruthers](#)  
**To:** [Denise Corish](#)  
**Cc:** [Lachy Taylor](#)  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Tuesday, 17 September 2024 4:08:50 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Denise,

Apologies for the delayed response. I have no comments to provide as it has very little relevance to my role.

Have you sought feedback from other people within Transport for NSW?

Kind Regards,

Thomas Carruthers  
Senior Manager Project Services West  
Network and Assets  
Regional and Outer Metropolitan  
Transport for NSW  
T 02 6841 4778 | M 0437 631 078  
Ground Level, 15-23 Tynan Street, Orange NSW 2800

OFFICIAL

---

**From:** Denise Corish <denise.corish@treoenvironment.com>  
**Sent:** Tuesday, September 17, 2024 14:44  
**To:** Tom Carruthers <Tom.CARRUTHERS@transport.nsw.gov.au>  
**Cc:** Lachy Taylor <LTaylor2@agl.com.au>  
**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

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Dear Mr Carruthers,

A final reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by tomorrow (**18 September 2024**).

Kind regards,  
Denise



Denise Corish

## Manager, Environmental Performance and Assurance

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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

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**From:** Denise Corish

**Sent:** Wednesday, 11 September 2024 1:47 PM

**To:** Tom Carruthers <Tom.CARRUTHERS@transport.nsw.gov.au>

**Cc:** Lachy Taylor <LTaylor2@agl.com.au>

**Subject:** Re: Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Mr Carruthers,

A gentle reminder that your feedback (should you have any) on the scope of the Independent Environmental Audit of the Broken Hill Battery Energy Storage System is requested by **18 September 2024**.

Kind regards,

Denise



Denise Corish

**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552

2 Abbey Street

Randwick NSW 2031

[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)

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

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**From:** Denise Corish

**Sent:** Wednesday, 4 September 2024 11:22 AM

**To:** Tom Carruthers <Tom.CARRUTHERS@transport.nsw.gov.au>

**Cc:** Lachy Taylor <LTaylor2@agl.com.au>

**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Mr Carruthers,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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**From:** [Briohny Seaman](#)  
**To:** [Denise Corish](#)  
**Subject:** FW: Broken Hill Battery Energy Storage System Independent Environmental Audit  
**Date:** Thursday, 5 September 2024 2:00:12 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[BH BESS IEA Consult EPA.pdf](#)  
[Appointment of Experts 20082024\\_075403.pdf](#)

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Hi Denise,

I refer to the below email and attached letter requesting input from the NSW Environment Protection Authority (EPA) on the Independent Environmental Audit being undertaken by Treo Environment for the Broken Hill Battery Energy Storage System (BESS) project (SSD11437498).

We have reviewed the request and note that the subject premises do not hold an environment protection licence under the *Protection of the Environment Operations Act 1997*. Further, the EPA understands that the project is not being undertaken by or on behalf of a NSW Public Authority nor are the subject activities other activities for which the EPA is the appropriate regulatory authority.

In view of these factors, the EPA has no comments to provide in relation to this matter and no follow-up consultation is required.

Please ensure all future correspondence is directed to [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) to ensure that it is allocated to the appropriate team.

Kind regards,

**Briohny**

**Briohny Seaman**  
Unit Head  
Regulatory Operations  
NSW Environment Protection Authority  
D 02 6983 4918 | M 0417 203 094



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) [@NSW\\_EPA](https://www.facebook.com/NSW_EPA)

*The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.*

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

---

**From:** Denise Corish <[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)>  
**Sent:** Wednesday, September 4, 2024 11:22 AM  
**To:** Jessica Creed <[Jessica.Creed@epa.nsw.gov.au](mailto:Jessica.Creed@epa.nsw.gov.au)>  
**Cc:** Lachy Taylor <[LTaylor2@agl.com.au](mailto:LTaylor2@agl.com.au)>  
**Subject:** Broken Hill Battery Energy Storage System Independent Environmental Audit

Dear Ms Creed,

I refer to the attached correspondence from the Department of Planning, Industry and Environment (the Department) granting approval for Denise Corish of Treo Environment to conduct the Operation Independent Environmental Audit of the Broken Hill Battery Energy Storage System.

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020), feedback is requested on the scope of the audit as detailed in the attached letter. To enable timely completion of the audit and demonstrate compliance with the audit period defined in the Development Consent, your feedback (should you have any) is requested by **18 September 2024**.

Thank you in advance for your consideration of this matter.

Sincerely,  
Denise



Denise Corish  
**Manager, Environmental Performance and Assurance**

**M:** 0448 039 552  
2 Abbey Street  
Randwick NSW 2031  
[denise.corish@treoenvironment.com](mailto:denise.corish@treoenvironment.com)  
[www.treoenvironment.com](http://www.treoenvironment.com)

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sender expressly and with authority states them to be the views of the Environment Protection Authority.

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## Appendix E Meeting Minutes

## 2024 Broken Hill Battery Energy Storage System IEA Opening Meeting

<b>Date</b>	3 September 2024	
<b>Time</b>	10:00am – 10:30am	
<b>Chair</b>	Denise Corish	Environmental Auditor (Treo Environment)
<b>Attendees</b>	Lachy Taylor Alen Mathews Paul	Environment Advisor (Wind) (AGL) Field Service Engineer (Fluence Energy)

### Objectives

The objective of the audit is to provide reasonable assurance that the Broken Hill Battery Energy Storage System is operating in accordance with the Development Consent and Environmental Management Plans.

The requirement to conduct an Independent Environmental Audit (IEA) is captured within Conditions 04.11 to 04.16 of the Development Consent. Specifically, Condition 4.11 requires an independent audit to be carried out in accordance with the Independent Audit Post Approval Requirements (DPHI, 2020) (IAPAR) within three months of commencing construction and within three months of commencement of operations.

The Construction IEA was conducted on 24 and 25 November 2022 and considered data from the construction start on 10 October 2022 (ERM, 3 February 2023).

### Scope and Criteria

In accordance with the Independent Audit Post Approval Requirements (DPHI, May 2020) (IAPAR), the scope of the audit is detailed in the table below. In addition, the IAPAR specifies that the auditor must consult with the Department of Planning, Housing and Infrastructure (DPHI) who may request that other parties or agencies are consulted on the scope of the audit. Consultation will commence following the opening meeting.

No.	Scope Requirement
1a	An assessment of compliance with all conditions of consent applicable to the phase of the Project that is being audited
1b	An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans
2a	A review of the environmental performance of the Project, including but not necessarily limited to, an assessment of: <ul style="list-style-type: none"> <li>Actual impacts compared to predicted impacts documented in the environmental impact assessment</li> </ul>
2b	<ul style="list-style-type: none"> <li>The physical extent of the Project in comparison with the approved boundary</li> </ul>
2c	<ul style="list-style-type: none"> <li>Incidents, non-compliances and complaints that occurred or were made during the audit period</li> </ul>
2d	<ul style="list-style-type: none"> <li>The performance of the Project having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit</li> </ul>
2e	<ul style="list-style-type: none"> <li>Feedback received from DPHI, and other agencies and stakeholders, including the community, on the environmental performance of the Project during the audit period</li> </ul>
3	The status of implementation of previous Independent Audit findings, recommendations and actions
4	A high level of assessment of whether Environmental Management Plans are adequate
5	Any other matters considered relevant by the auditor or DPHI, taking into account relevant regulatory requirements and legislation, knowledge of the Project's past performance and comparison to industry best practice.

## Resources

- Environmental and/or site personnel with access to documentation
- Technical/project personnel
- Community manager
- Consultants (where relevant)
- Site-based personnel to guide site inspection and provide relevant records/documents.

## Audit Period

Condition 4.11 requires an independent audit to be carried out within three months of commencing construction and within three months of commencement of operations.

The Construction IEA was conducted on 24 and 25 November 2022 and considered data from the construction start on 10 October 2022 (ERM, 3 February 2023).

The Operational IEA was formally commissioned on 3 September 2024 (within three months of commencement of operations) and the findings reflect conditions and documentation presented during the period 26 November 2022 to the date of the site inspection.

## Audit Schedule

The draft audit schedule is provided below for discussion.

Task	Date
Audit commissioning	3 September 2024
Opening meeting	3 September 2024
Site inspection	1 October 2024
Closing meeting (discussion of preliminary audit findings)	TBC
Draft report	18 October 2024
Client review	18 October to 1 November 2024
Final report	8 November 2024
Response to audit findings (prepared by client)	8 November to 28 November 2024
DPHI submission (maximum of three months after audit commissioning – Schedule 4, Condition 8)	2 December 2024

## Methodology

- IAPAR
- ISO 19011:2018 – Guidelines for Auditing Management Systems.

## Items for Discussion

- Confirmation of asset owner, manager and operations/maintenance service provider
- DPHI and stakeholder consultation
- Proposed site inspection date
- Document Request Register
- Overview of works and activities undertaken during the audit period.

## 2024 Broken Hill Battery Energy Storage System IEA Closing Meeting

Date	11 October 2024	
Time	3:00pm to 3:30pm	
Chair	Denise Corish	Environmental Auditor (Treo Environment)
Attendees	Lachy Taylor	Environment Advisor (AGL)

### Agenda

1. Operation IEA Preliminary Audit Findings (Attachment A)
2. Audit Schedule – timing of remaining tasks in the Audit Program.

**Attachment A: Preliminary Audit Findings**

**Table A.1 Preliminary Non-Compliances**

ID	Reference	Condition	Non-Compliance	Recommended Action
<b>2024-NC-01</b>	3.10	<b>Vegetation Clearance</b> The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.	In early 2023, an environmental incident/non-compliance was reported by AGL regarding the unapproved clearing of native vegetation and removal of topsoil adjacent to the high voltage transmission corridor. The auditor sighted relevant records associated with the event, including the investigation report and notifications. As detailed in correspondence from AGL to DPHI (27-Mar-24), adequate and appropriate actions were undertaken in response to the event, including rehabilitation works, education and awareness initiatives, and the appointment of a full-time site based AGL Environmental Management Representative.	The auditor inspected the area where the incident occurred and noted that rehabilitation was adequately progressed. As such, there are no further recommended actions.

2024-NC-02	3.27	<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> <ul style="list-style-type: none"> <li>(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);</li> <li>(b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;</li> <li>(c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;</li> <li>(d) list works that should not be carried out during a total fire ban;</li> <li>(e) include availability of fire suppression equipment, access and water;</li> <li>(f) include procedures for the storage and maintenance of any flammable materials;</li> <li>(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;</li> <li>(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;</li> <li>(i) include a figure showing site infrastructure, Asset Protection Zone and any on-site water supply tank;</li> <li>(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;</li> <li>(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;</li> <li>(l) include bushfire emergency management planning; and</li> <li>(m) include details of the how RFS would be notified, and procedures that would be implemented, in the event that: <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> </ul> </li> </ul>	<p>The BHBESS O&amp;M Emergency Response Plan (17-Jul-24) (Stage 3) does not adequately address the requirements of Condition 3.27. Specifically:</p> <ul style="list-style-type: none"> <li>• The Department’s Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’ is not referenced in the Plan (Section 3.2) and it is unclear whether the Plan is consistent with the requirements of the Advisory Paper</li> <li>• The Plan does not include RFS notification and procedural requirements as detailed in Condition 3.27(g) and 3.27(m)</li> <li>• While the Plan includes a figure detailing site infrastructure, the Asset Protection Zone and the on-site water supply tank are not included (Condition 3.27(i)).</li> <li>• There are no details on the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone (Condition 3.27(k)).</li> </ul>	<p>It is recommended that the BHBESS O&amp;M Emergency Response Plan is reviewed and revised to address all requirements of Condition 3.27.</p>
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ID	Reference	Condition	Non-Compliance	Recommended Action
		<ul style="list-style-type: none"> <li>• there are any proposed activities to be carried out during a bushfire danger period; and</li> </ul> (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency. The Applicant must implement the Emergency Plan for the duration of the development.		
2024-NC-03	4.02	<b>Revision of Strategies, Plans and Programs</b> The Applicant must: <ul style="list-style-type: none"> <li>(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</li> <li>(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:               <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> </ul> </li> </ul> any modification to the conditions of this consent.	Insufficient evidence was provided to demonstrate that strategies, plans and programs were reviewed within one month of submission of the Construction IEA (3-Feb-23) and within one month of the incident report (17-May-23) prepared for the unapproved clearing of native vegetation adjacent to the high voltage transmission corridor.	It is recommended that all strategies, plans and program are reviewed within one month of submission of the Operation IEA to DPHI.

## **Appendix F Auditor Approval**

NSW Planning ref: SSD-11437498-PA-59

Mr Lachlan Taylor  
Environment Advisor  
AGL ENERGY LIMITED  
200 Mary Street  
Brisbane Queensland 4000

20/08/2024

---

Sent via the Major Projects Portal only

**Subject: Broken Hill Battery Energy Storage System – Independent Environmental Audit – 3 months from Operations - audit team endorsement**

Dear Mr Taylor

Reference is made to your post approval matter, SSD-11437498-PA-59, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person to conduct an Independent Environmental Audit (IEA) (3 months within operations) of the Broken Hill Battery Energy Storage System, submitted as required by Schedule 4, Condition 12 of SSD-11437498 as modified (the consent) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 15 August 2024.

NSW Planning has reviewed the independent auditor nomination and based on the information you have provided is satisfied that the proposed person is suitably qualified, experienced, and independent.

In accordance with Schedule 4, Condition 12 of the consent and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse Ms Denise Corish of Treo Environment Pty Ltd to undertake the IEA and prepare the IEA report.

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

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

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

Please ensure that in accordance with Schedule 4 Condition 15 of the consent the IEA Report and AGL's response to audit findings is 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.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "K. O'Reilly".

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

## **Appendix G Independent Auditor Declaration Form**



**Treo Environment**

78 Denison Street  
Bondi Junction  
NSW, 2022

Phone: 02 9389 7699  
info@treoenvironment.com  
www.treoenvironment.com

Lachy Taylor  
Environmental Advisor (wind)  
AGL  
Ltaylor2@agl.com.au  
14/08/2024

ABN: 42 158 013 944  
ACN: 158 013 944

Dear Lachy,

**Re: Broken Hill Battery Energy Storage System – Independent Environmental Audit  
Independent Auditor Declaration of Independence**

Treo Environment Pty Ltd has been requested to provide a proposal to conduct the Broken Hill Battery Energy Storage System Independent Environmental Audit. The Independent Audit Post Approval Requirements (DPIE, May 2020) require the nominated auditor to provide a written declaration of their independence. This letter has been prepared to fulfill this requirement.

Declaration of Independence - Auditor	
Project Name	Broken Hill Battery Energy Storage System
Consent Number	SSD-11437498
Description of Project	The Broken Hill Battery Energy Storage System is a 50 megawatt (MW) / 100 MW/hour (MWh) battery energy storage system located on a 0.8 hectare site within the City of Broken Hill. The project includes the construction and operation of a large-scale battery to store energy, support the reliability of the Broken Hill energy supply and connect to the electricity grid at the nearby TransGrid substation.
Project Address	Broken Hill, NSW 2880
Proponent	AGL
Date	14 August 2024


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)

<b>Name of Proposed Auditor</b>	Denise Corish
<b>Signature</b>	
<b>Qualification</b>	Environmental Lead Auditor with Exemplar Global
<b>Company</b>	Treo Environment Pty Ltd

Yours faithfully,



Denise Corish  
**Lead Auditor**

