

Arianna Henty
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200 George Street
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26/08/2025

Subject: Environmental Management Strategy

Dear Ms Henty

I refer to the Environmental Management Strategy (EMS) submitted as required under Schedule 2, Condition C1 of the Tomago BESS project to the NSW Department of Planning, Housing and Infrastructure (NSW Planning). I thank you for your responses to the Department's review comments and requests for additional information.

The Department has carefully reviewed the document and is satisfied that it meets the requirements of the relevant conditions in consent (SSD-57107216).

Accordingly, as nominee of the Planning Secretary, I approve the Environmental Management Strategy (Revision 1, dated 15 August 2025) in accordance with Schedule 2, Condition C1.

Please ensure you make the document publicly available on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact Sarah Kamarudin on (02) 8275 1861 or email sarah.kamarudin@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "W Jones".

Wayne Jones
Team Leader - Post Approval
Energy Assessments

As nominee of the Planning Secretary

Environmental Management Strategy

Tomago Battery Energy Storage System

18-Aug-2025
Tomago Battery Energy Storage System

Environmental Management Strategy

Tomago Battery Energy Storage System

Client: AGL Energy Limited

ABN: 74 115 061 375

Prepared by

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Rev	Revision Date	Details	Approved	
			Name/Position	Signature
A	08-May-2025	Draft for AGL first review	Liam Buxton Principal Environmental Planner	
B	12-Jun-2025	Second draft: addressed AGLs review	Liam Buxton Principal Environmental Planner	
C	08-Jul-2025	Final draft: addressed legal comments	Liam Buxton Principal Environmental Planner	
0	28-Jul-2025	Final	Liam Buxton Principal Environmental Planner	
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Glossary and abbreviations

Abbreviations	Definition
ACHMP	Aboriginal Cultural Heritage Management Plan
AECOM	AECOM Australia Pty Ltd
AGL	AGL Energy Limited
AGLM	AGL Macquarie Pty Ltd as the proponent of the Project
BCS	Biodiversity, Conservation and Science division of the Environment and Heritage Group of the NSW Department of Planning and Environment
BESS	Battery Energy Storage System
BMP	Biodiversity Management Plan
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EP&A Act	Environmental Planning and Assessment Act 1979 (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2021 (NSW)
EPA	NSW Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Regulation 2000 (Commonwealth)
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ERA	Environmental Risk Assessment
FRNSW	Fire and Rescue New South Wales
HSE	Health, Safety and Environment
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
MW	Megawatt
NEM	National Electricity Market
NGSF	Newcastle Gas Storage Facility

Abbreviations	Definition
NPS	Newcastle Power Station
OSOM	Over Size Over Mass
PIRMP	Pollution Incident Response Management Plan
Planning Secretary	Secretary of the NSW Department of Planning, Housing and Infrastructure
POEO Act	Protection of the Environment Operations Act 1997 (NSW)
RFS	NSW Rural Fire Service
Roads Act	Roads Act 1993 (NSW)
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for New South Wales

1.0 Introduction

AGL Macquarie Pty Ltd (AGLM), a subsidiary wholly owned by AGL Energy Limited (AGL), was granted development consent to construct, operate and maintain a Battery Energy Storage System (BESS) of up to 500 megawatts (MW) and approximately 2000 megawatt-hour (MWh), as well as a new transmission connection/s that would connect the BESS facility to the Transgrid Tomago 132 kilovolts (kV) substation (the Project).

The Project is a State Significant Development (SSD) under the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) and is subject to Part 4, Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

An Environmental Impact Statement (EIS) was prepared in November 2023 in accordance with the Secretary's Environmental Assessment Requirements (SEARs). Development consent (SSD-57107216) was issued by the Department of Planning, Housing and Infrastructure (DPHI) on 8 November 2024.

AECOM Australia Pty Ltd (AECOM) has been commissioned by AGL to prepare an Environmental Management Strategy (EMS) for the approved Project.

1.1 Scope

This EMS applies to activities associated with the development and operation of the Tomago BESS, covering all relevant works during the construction, operation and decommissioning phases of the Project.

The EMS incorporates all relevant requirements of the Development Consent, EIS, and any associated licences, permits and approvals required for the BESS Project. It applies to AGL personnel, Project Contractors and Sub-Contractors carrying out works associated with the Project.

1.2 Purpose

The EMS has been prepared to provide a strategic framework for the environmental management of the Project (SSD-57107216). The EMS describes how the Project will comply with all relevant statutory requirements, manage potential environmental impacts, and ensure appropriate controls are in place to minimise and prevent risks to the environment. It identifies key personnel roles and responsibilities, and procedures for project communications and complaints handling.

1.3 Relevant approvals and conditions

AGLM received development consent (SSD-57107216) on 8 November 2024, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to construct and operate the Tomago BESS (Development Consent).

This EMS has been prepared in accordance with Condition C1 of the Development Consent, providing a strategic framework for environmental management for the Project. The requirements of Condition C1 and where these have been addressed within this EMS are outlined in **Table 1-1**. All other relevant conditions which have not been captured under another management plan are outlined in **Section 7.0**.

Table 1-1 Relevant conditions of the development consent

Consent requirement	Section / reference
C1. Prior to commencing construction, the Applicant must prepare and Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:	This document
(a) Provide the strategic framework for environmental management of the development	Section 4.0

Consent requirement	Section / reference
(b) Identify the statutory approvals that apply to the development	Section 3.0
(c) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development	Section 4.3
(d) Describe the procedures that would be implemented to:	
(i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development	Section 5.2
(ii) Receive, handle, respond to, and record complaints	Section 5.3
(iii) Resolve any disputes that may arise	Section 5.3
(iv) Respond to any non-compliance	Section 9.0
(v) Respond to emergencies	Section 4.5
(e) Include:	
(i) References to any strategies, plans and programs approved under the conditions of this consent	Section 6.0
(ii) A clear path depicting all the monitoring to be carried out in relation to the development	Section 8.0

2.0 Project description

2.1 Project overview

The Project comprises a BESS facility that would store energy from the grid with the ability to release electricity during periods of high demand and provide other ancillary services.

A summary of the key features of the Project is provided in **Table 2-1**.

Table 2-1: Overview of the Project

Project	Tomago Battery Energy Storage System (BESS)
Key features	- Construction and operation of a BESS with a capacity of up to 500 MW and up to 2,000 MWh; and - Connection of the BESS via transmission infrastructure to the Transgrid 132 kV Tomago Substation located on Lot 101 DP1125747.
Approved development	- Batteries located within battery enclosures and associated infrastructure including (but not limited to) inverters and a combination of high, medium and low voltage transformers - Cabling and collector units - Substation/s with associated infrastructure, including high voltage transformers and other equipment to meet Generator Performance Standards (e.g., harmonic filters and/or synchronous condensers, if required) - Underground connection to an existing electrical switchyard at the 132 kV substation - Temporary and permanent control room/s, office and maintenance buildings, warehouses, switch rooms, site access, internal roads, laydown areas and car parking - Other associated and ancillary infrastructure, including, for example, fire suppression, drainage and stormwater management, security fencing, lighting, and CCTV.
Project Area	The Project Area is shown in Figure 2-1 . The Project Area includes the Site (as described below), the transmission connection corridor, and the construction laydown area at the Newcastle Gas Storage Facility (NGSF).
Site	The Site is at 1940 Pacific Highway, Tomago (being Part Lot 5 and Lot 6 in DP 1286735).
Transmission connection corridor	The proposed transmission connection would be located across Lots 7, 8, 24, 25 and 28 DP1286735 to a substation on Lot 101 DP1125747.
Grid connection	An electricity transmission line is approved to connect the BESS to Australia's National Electricity Market (NEM). The transmission connection would be installed below ground. The transmission connection would connect the BESS to the neighbouring Transgrid 132kV substation located on Lot 101 DP1125747.

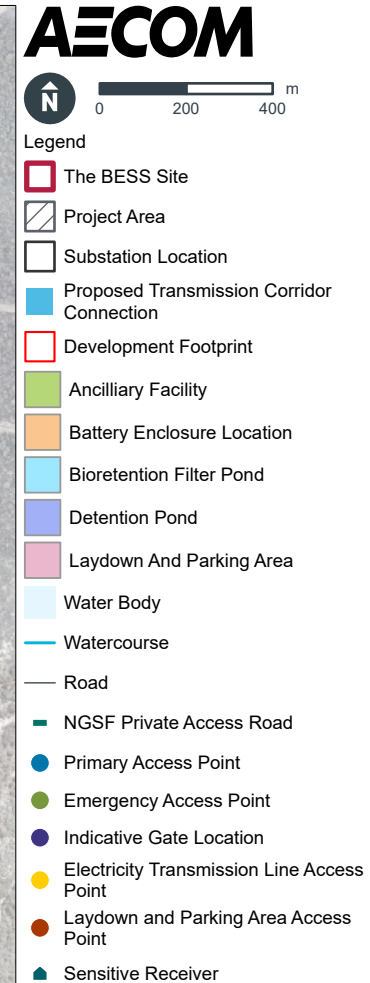
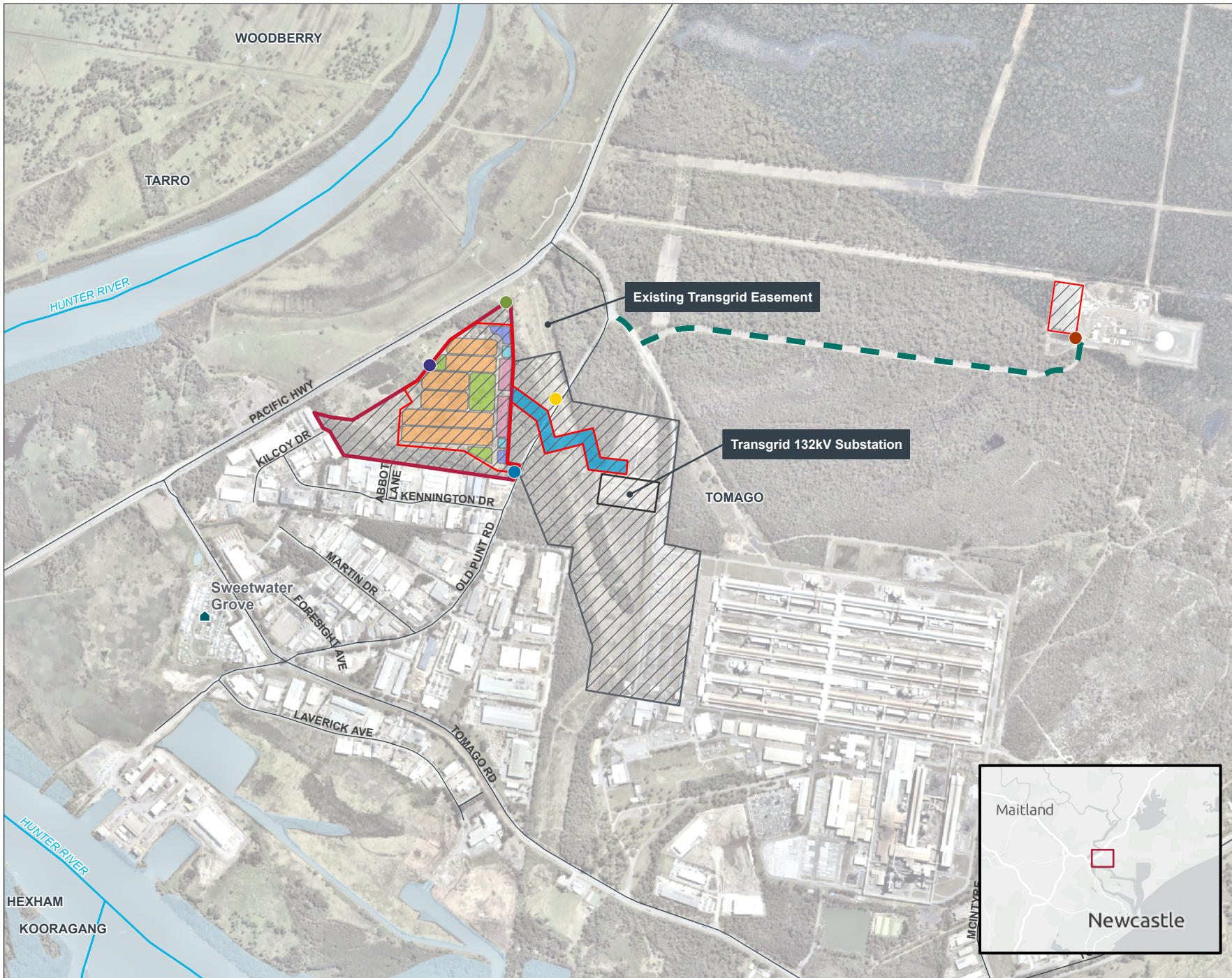


FIGURE 2.1: PROJECT AREA

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Source: Nearmap, 2022.

2.2 Project and site description

2.2.1 Site description

The Project is within the Port Stephens Local Government Area (LGA) and is located on land zoned E4 General Industrial under the *Port Stephens Local Environmental Plan 2013* (Port Stephens LEP). Old Punt Road borders the Site to the southeast and an existing general industrial precinct is located immediately adjacent to the south of the Site. Vacant rural land borders the Site to the west and northeast. The M1 Pacific Highway is located to the northwest of the Site.

The Site has previously been used for rural activities, including grazing and agricultural purposes. Some isolated trees have been retained on the Site, while patches of native vegetation are generally confined to the boundaries. The land is relatively flat, with a slight gradient towards the east and west. A number of access paths have been cleared across the Site.

2.2.2 Access, circulation and parking

Primary access to the Site during construction and operation would be via a new access point off Old Punt Road (refer to **Figure 2-2**). A secondary access point would be available in the northern corner of the Site to provide emergency access and egress to the M1 Pacific Highway on ramp once the M1 extension to Raymond Terrace project (SSI-7319) is constructed.

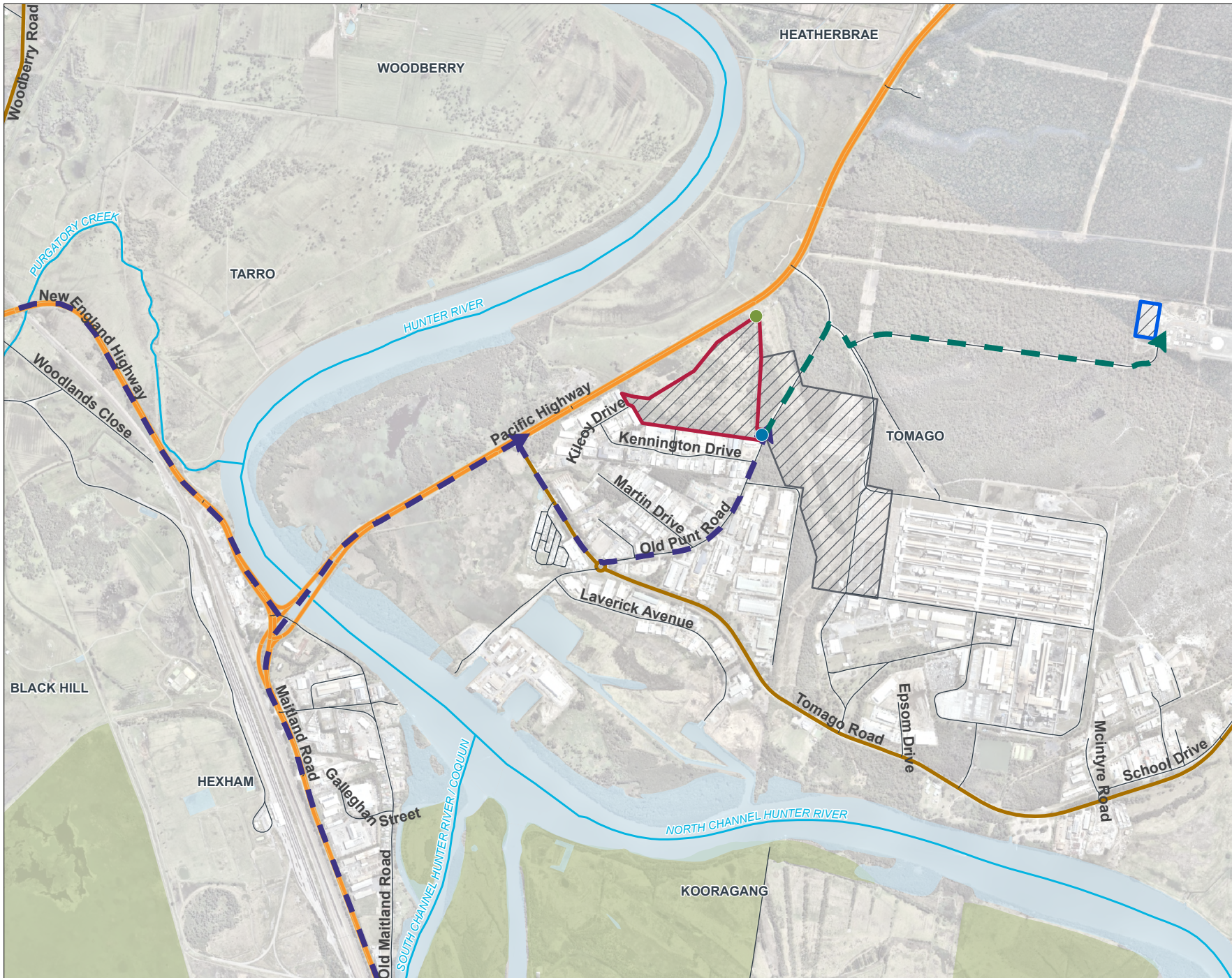
As shown in **Figure 2-2**, an internal road would be provided to enable vehicular access around the Site. Adequate parking would be provided onsite for the operation of the Project.

2.2.3 Transmission connection

The transmission connection would be installed below ground. As the connection is installed below ground, it could be in one or a number of trenches. The transmission connection would connect the BESS to the neighbouring Transgrid 132 kV Tomago Substation.

The proposed transmission connection would require the construction of associated infrastructure, including potentially a transmission line landing gantry at the Site and connections at the substation. The proposed transmission connection would be located across Lots 7, 8, 24, 25 and 28 DP1286735 to a substation on Lot 101 DP1125747.

Soils along the route of these trenches would be excavated and stockpiled nearby, or within the designated construction laydown areas for the Project. The transmission connection cables would be laid, and the trenches backfilled with the stockpiled soils. This process of excavation would be completed in a progressive manner to minimise the amount of material stockpiled and to reduce the potential impacts related to erosion.



AECOM

Legend

- Construction Laydown Area
- The BESS Site
- Project Area
- Water Body
- NPWS Reserve
- Watercourse
- Motorway
- Primary Road
- Local Road
- Access to the NGSF Construction Laydown Area
- Indicative Construction Haulage Routes
- Primary Access Point
- Emergency Access Point

FIGURE 2.2:
CONSTRUCTION ACCESS
POINTS AND HAULAGE ROUTES

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Source: Neamap, 2022.

2.3 Project construction

2.3.1 Construction

The construction program would be undertaken broadly in accordance with the following stages.

Enabling works

Enabling works for the Project would be carried out to prepare the Site for construction and would be likely to include:

- Site preparation including establishing site access, egress and emergency vehicle access, erosion and sediment controls, marked no go areas, site clearing, security fencing, laydown areas, construction amenities (including temporary offices, lunchrooms, storage areas and washrooms)
- Provision of temporary construction services, including site diesel generators until power can be sourced
- Transportation of plant, equipment, materials, and workforce to and from the Site, as required.

Civil, structural, mechanical and electrical works

The following works would be likely to be completed:

- Site drainage and underground services would be installed
- Concrete foundations and slabs for the battery enclosures, site facilities and ancillary components would be formed
- Construction of internal site roads, consisting of either compacted gravel or road base
- Minor earthworks and site levelling to form a suitable BESS pad onsite to ensure a suitable development footprint and establishment of site access
- Construction, installation and connection of aboveground civil, mechanical and electrical plant equipment and structures, including battery enclosures, connection infrastructure, formal access and circulation, as well as ancillary site facilities and site security
- Internal fit out of site office and control room, which may progress in several stages over an extended period
- Delivery and installation of BESS facility components.

Transmission connection

Construction of transmission connection is likely to include:

- Enabling works and clearing of the land corridor and works areas between the Site and preferred substation
- If installed above ground, installation of supporting and tension structures (poles), stringing of conductors (wires), and connection to the preferred substation to within the substation switchyard
- If installed below ground, excavation of trenches, installation of cables, backfilling trenches, and connection to the preferred substation within the substation switchyard. Horizontal direction drilling may also be required in specific locations.

Commissioning

This would include testing and general commissioning activities to confirm the correct operation of Project components. This will ensure that the Project is operating in accordance with the necessary performance requirements, including the Generator Performance Standards and any other AEMO requirements.

Demobilisation

Following completion of the construction activities, the disturbed areas onsite and within the transmission connection corridor would be recontoured and landscaped, if deemed necessary. Temporary construction facilities and equipment would be removed.

2.3.2 Materials, stockpiling and laydown areas

Materials, stockpiling and laydown areas would be designated prior to construction with identified locations for the following:

- Spoil handling and storage
- Dangerous goods storage
- Workshop and equipment storage
- Onsite parking
- Construction compounds with site offices and Staff amenities
- Site access and egress.

Laydown areas would be located on the Site during construction and would also be required on land near the Site (refer to **Figure 2-3** for the locations of the construction laydown areas). The Project is approved to include four (4) areas for construction laydown within the BESS Site, with additional construction laydown provided at the NGSF. Further details relating to the laydown areas will be provided in the Contractor's Construction Environmental Management Plan (CEMP).

The temporary construction laydown area would consist of an open-air, ground level laydown, possibly covered with temporary roofing to protect stored equipment. There would be no underground storage of material. There may be a need for a temporary hut or small building.

There is an allowance for an additional laydown area at the NGSF located at Lot 9 DP1286735 and Lot 1201 DP1229590 to the east of the Site (refer to **Figure 2-3**). Access to the NGSF construction laydown area will utilise the existing road network from Old Punt Road.

Legend

- The BESS Site
- Proposed Construction Laydown Area
- Project Area
- Cadastral Boundary
- Known Easements and Restrictions
- Transmission Line Easements
- Undefined Easements
- Land Owner**
- AGL Energy Limited
- AGL Macquarie Pty Ltd
- Hunter Water Corporation
- Tomago Aluminium Company
- Transgrid
- Properties Impacted by TfNSW Acquisition or Temporary Lease**
- Land Acquired by TfNSW
- TfNSW Temporary Lease Area
- Project Land Owned by TfNSW

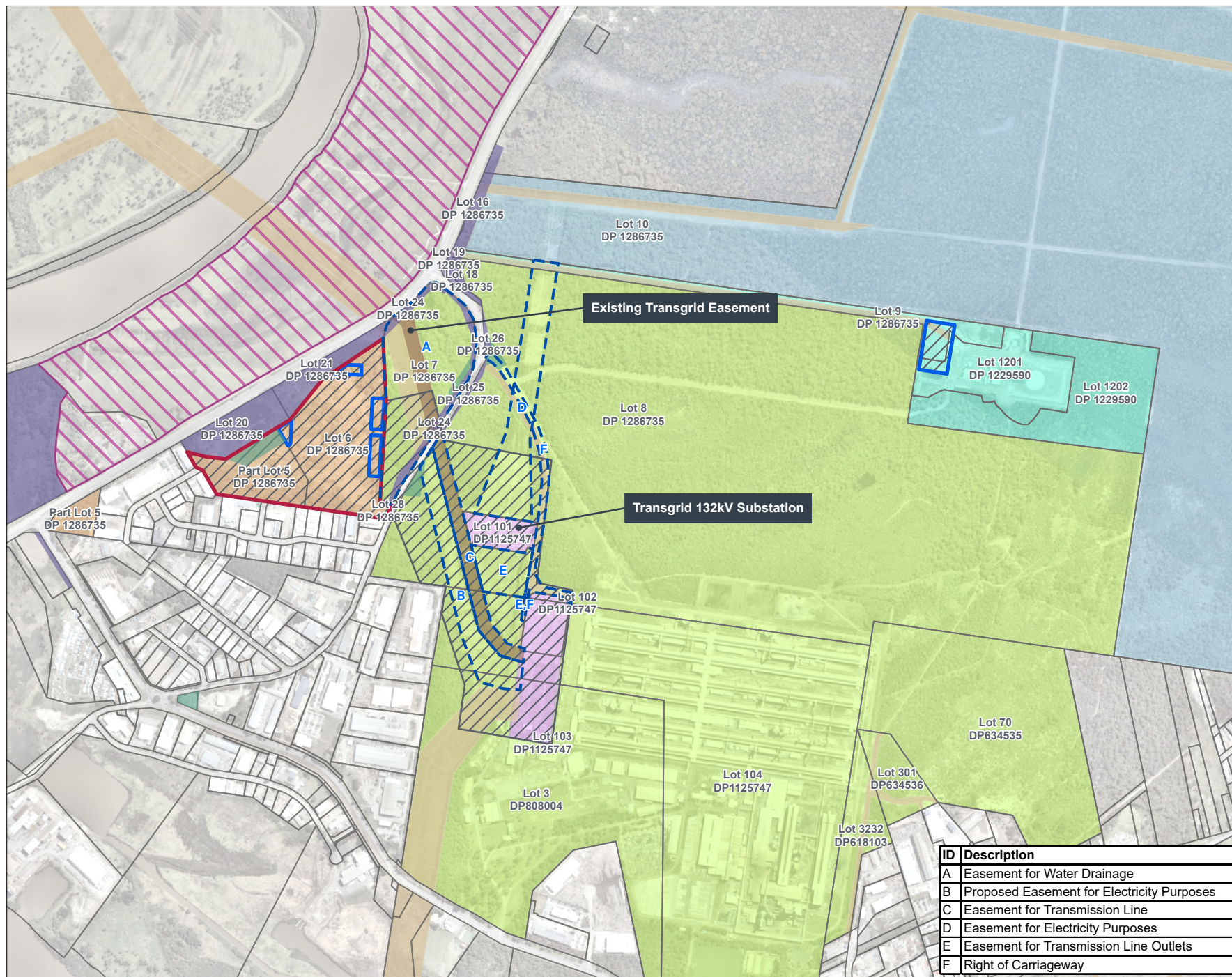
FIGURE 2-3: LAND OWNERSHIP AND EASEMENTS

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ID	Description
A	Easement for Water Drainage
B	Proposed Easement for Electricity Purposes
C	Easement for Transmission Line
D	Easement for Electricity Purposes
E	Easement for Transmission Line Outlets
F	Right of Carriageway

2.3.3 Construction equipment and vehicles

An indicative list of the plant and equipment that would be used to construct the Project is provided in **Table 2-2**.

Table 2-2: Indicative plant and equipment for construction

Equipment to be used during construction	
Enabling works and prefabrication	
Front end loaders	Excavators
Dump trucks	Graders
Road trucks	Compactors
Water trucks	Heavy vehicles
Light vehicles	Chainsaws
Tractors	Woodchippers/mulchers
Diesel generators	Flood lights
Structural, civil, mechanical and electrical works	
Front end loaders	Dump trucks
Road trucks	Excavators
Graders	Scrapers
Concrete trucks and pumps	Compactors and rollers
Elevated work platforms	Scrapers
Cranes	Backhoe
Concrete saws and grinders	Diesel generators
Water trucks	Light vehicles
Heavy vehicles	Flood lights
Transmission connection	
Excavators	Elevated work platforms
Backhoe	Cranes
Compactors	Chainsaws
Water trucks	Woodchippers/mulchers
Light vehicles	Horizontal directional drilling rig
Diesel generators	Flood lights
Commissioning	
Elevated work platforms	Diesel generators
Cranes	Light vehicles
Flood lights	
Finishes and demobilisation	
Road trucks	Backhoe
Water trucks	Compactors

Equipment to be used during construction

Light vehicles	Diesel generators
----------------	-------------------

2.3.4 Construction workforce and traffic

Up to 200 workers would be required during construction; however, at times this number could be less depending on the works being completed.

A new access into the Site would be constructed off Old Punt Road southeast of the Site. This access would be used for construction, operation, and maintenance activities.

Up to 50 heavy vehicles a day (a maximum of 33 heavy vehicle movements per hour) may attend the Site during construction, upgrading or decommissioning. Heavy vehicles would be required for the delivery of construction equipment, removal of spoil (if required) and the delivery of the various project components, including prefabricated elements and construction materials. These heavy vehicles could arrive and leave Site at any point during the day; however, it is likely that they may arrive in the mornings. Parking for heavy vehicles would be provided at the Site and the NGSF construction laydown area. In addition to these heavy vehicles, oversized and over mass vehicles (OSOM) are expected to be required to deliver large, prefabricated elements for the construction of the Project (e.g. onsite substation transformers, switch rooms).

The construction workforce would likely use light vehicles. A peak of 200 construction Staff would conservatively result in up to 200 light vehicles driving to and from the Site each day during the morning (AM) period and afternoon (PM) period, respectively.

During construction, some parking would be provided within the Site in the construction and storage, laydown and parking areas. Overspill parking for workers would be provided at the NGSF construction laydown area.

No parking of worker's vehicles (light or heavy) would occur along the verges of Old Punt Road or on other public roads in the vicinity of the Project Area unless required for safety or security reasons.

2.3.5 Construction hours

The construction activities would be primarily carried out during the following times of day (in accordance with Condition B14 of Development Consent):

- Monday-Friday 7:00 am to 6:00 pm;
- Saturday 8:00 am to 1:00 pm; and
- At no time on Sundays or NSW public holidays.

In accordance with Condition B15 of Development Consent, activities that may be undertaken outside of standard construction hours would be undertaken in accordance with an Out of Hours Works procedure and include:

- Commissioning activities that are inaudible at non-associated receivers;
- The delivery or dispatch of materials, plant or equipment as requested by the NSW Police Force or other public authorities for safety reasons; or
- Emergency work to avoid the loss of life, property or prevent material harm to the environment.

3.0 Legislation and guidelines

This section identifies the environmental legislative requirements relevant to the Project. It lists legislation applicable to the Site as well as relevant permits or licences held or required to be held.

3.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) provide the framework for environmental planning in NSW. They provide for the establishment of Environmental Planning Instruments (EPIs), including LEPs and State Environmental Planning Policies (SEPPs), which set out specific environmental planning requirements either generally or in certain areas across NSW.

3.1.1 Development consent

Development consent for the Project was granted on behalf of the Minister for Planning on 8 November 2024 under Part 4, Section 4.38 of the EP&A Act, subject to conditions. As outlined in Condition C1 of the Development Consent (refer to **Section 1.4.2**), AGL is required to prepare an EMS prior to the commencement of construction.

The development consent conditions, environmental impact statement, and other plans required under the conditions of the Development Consent act as the guiding documents for the development of this EMS and for environmental planning compliance at the Site.

3.2 Protection of the Environment Operations Act 1997

The POEO Act is the principal legislation established to protect, restore, and enhance the quality of the environment in NSW and reduce potential risks associated with pollution with regards to human health and degradation of the environment. The POEO Act also establishes an environmental protection licensing system for certain activities that are generally large-scale, industrial development, referred to as '*scheduled activities*'. Scheduled activities are those defined in Schedule 1 of the POEO Act.

The NGSF operates under the active EPL 20130, which specifies the environmental performance requirements for operations, including emission limits of certain pollutants. The Project has allowed for an additional laydown area to be located within this EPL at Lot 9 DP1286735 and Lot 1201 DP1229590.

Clause 17 of Schedule 1 lists general electricity works as a scheduled activity where they exceed the capacity to generate 30 MW. The Project does not involve the generation of electricity. Instead, the Project stores and releases electricity that has already been generated elsewhere. As such, an EPL is not required to support the Project. Instead, the EPL 20130 will be complied with to the extent of any Project related activities occurring within the boundary of EPL 20130.

3.3 Other legislation and guidelines

The BESS Project will be conducted in a manner consistent with the legislative requirements and guidance set out in the documents below:

- *Biodiversity Conservation Act 2016* (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Commonwealth)
- *Heritage Act 1977* (Heritage Act)
- *National Parks and Wildlife Act 1974* (NPW Act)
- *Protection of the Environment Operations (General) Regulation 2021*
- *Protection of the Environment Operations (Clean Air) Regulation 2021*
- *Protection of the Environment Operations (Waste) Regulation 2014*

- *Waste Classification Guidelines* (NSW EPA 2014)
- *Water Management Act 2000* (WM Act)
- *Managing Urban Stormwater: Soils and Construction Vol 1* (Landcom 2004).

Further details of legislation relevant to the Project is provided in **Appendix A**.

3.4 Approvals, permits and licences

AGL is responsible for obtaining the necessary approvals, permits and licences required for the Project, as provided in **Table 3-1**. The Contractors responsible for delivering the BESS Project stage must comply with the requirements of these approvals, permits and licences, where applicable.

Table 3-1 Approvals, permits and licences status required for the Project

Approval/ license/ permit	Legislation	Status
Development consent	EP&A Act	Approval received 8 November 2024 (SSD-57107216)
Permit under Section 138 of the Roads Act 1993 (the Roads Act)	Roads Act	Consent under section 138 of the Roads Act 1993

4.0 Environmental management framework

4.1 AGL Environmental Management Systems

AGL operates under its Health, Safety and Environment (HSE) Policy (October 2023) that commits to conducting business in a way that prevents harm to people, customers and the community, and minimises AGL's impact on the environment (refer to **Appendix C**).

The HSE Policy applies to all AGL and AGLM Employees, Contractors, products, services and joint ventures under AGL's operational control. Specifically, the HSE Policy states that AGL will:

1. Understand and meet or exceed our legal and regulatory compliance obligations.
2. Maintain, continuously improve, and adhere to an HSE Management System (HSEMS) that sets out how we will implement this Policy.
3. Create a working environment where everyone feels safe to speak up or intervene when they see something that does not seem right or is not consistent with our HSE Management Systems.
4. Provide a wide range of resources that improve the health and wellbeing of our employees.
5. Support employees who are injured at work to return to safe and sustainable work as soon as possible, and make reasonable adjustments, where appropriate, for non-work related injuries and illnesses.
6. Proactively identify and provide the resources to reduce, control, monitor and ensure awareness of the risks that have the potential to cause physical and/or psychosocial harm to people or impact the environment associated with our workplaces.
7. Consult and work collaboratively and transparently with our employees, customers, contractors, partners and the communities in which we operate on HSE matters.
8. Integrate HSE requirements when designing, purchasing, constructing and modifying facilities, equipment and systems for our customers and our own operations.
9. Continuously improve our processes, products and management systems by being curious, keeping current with industry leading practices and capturing lessons from rigorous incident investigations and adapting to meet the changing risks of the business as we transition.

AGL also operates under its Biodiversity Policy (July 2024), which sets out AGL's commitment to the following, in addition to meeting our legal and regulatory compliance obligations (refer to **Appendix D**):

- Manage the risk of impacts to biodiversity during each stage of an asset's lifecycle, by continuing to integrate biodiversity into AGL's HSEMS.
- Apply the mitigation hierarchy to ensure that impacts to biodiversity are first avoided. Where impacts cannot be avoided, they will be minimised, and residual impacts mitigated through restoration and use of relevant biodiversity offsets where necessary.
- Not develop any new facilities within the boundaries of Ramsar wetlands or World Heritage sites that may cause material adverse impacts to biodiversity.
- Commit to providing ongoing, open disclosure on our approach to the progressive and final rehabilitation of assets at the end of their operational lives.
- Seek opportunities to partner with organisations and communities where we operate to promote conservation of habitats and threatened species.
- Ensure that employees and contractors are aware of, and are provided with the resources to uphold, the commitments in this Policy.

AGL operates and maintains a HSEMS that provides the overall framework for health, safety and environmental management and sets out how the HSE Policy is implemented.

The HSEMS is supported by a series of standards, procedures and plans that set out the actions and controls to achieve the objectives of the HSEMS. The following standards relate to environmental management (referenced in **Appendix E**):

- AGL-HSE-STD-008.01 – Land Standard
- AGL-HSE-STD-008.02 – Groundwater Standard
- AGL-HSE-STD-008.03 – Surface Water Standard
- AGL-HSE-STD-008.04 – Air Emissions and Greenhouse Gas Standard
- AGL-HSE-STD-008.05 – Noise Emissions Standard
- AGL-HSE-STD-008.06 – Biodiversity Standard
- AGL-HSE-STD-008.07 – Waste Standard
- AGL-HSE-STD-008.08 – Cultural Heritage Standard

4.2 Contractor Environmental Management System requirements

Any Contractor or Sub-Contractor engaged to provide services for AGL is required to have an organisational Environmental Management System or may operate under AGL's HSEMS. If a Contractor has their own Environmental Management System, it must meet or exceed the minimum requirements set out in AGL's HSEMS.

4.3 Roles and responsibilities

This section outlines the key roles and responsibilities for both AGL and its Contractors and sub-Contractors working on the BESS Project.

4.3.1 AGL key personnel

AGL's key personnel will be responsible for the management of Contractors and Sub-Contractors and will each have the respective responsibilities provided in **Table 4-1**.

Table 4-1 AGL roles and responsibilities

Role	Responsibilities
Portfolio Director	• Accountable for all environmental matters • Accountable for reviewing environmental management programs, including the establishment of environmental objectives and targets • Accountable for monitoring and improving environmental performance • Accountable for renewing operating licences • Accountable for compliance with all licence conditions and regulatory reporting requirements
Project Manager	• Responsible for providing adequate resources for the implementation of this EMS • Responsible for ensuring all appropriate approvals have been obtained • Responsible for ensuring that all Staff or Contractors under their control are aware of environmental compliance issues and environmental controls listed in this EMS • Responsible for overseeing project implementation • Responsible for ordering Stop-work for an activity that may cause environmental harm • Responsible for all environmental matters

Role	Responsibilities
	- Responsible for reviewing environmental management programs, including the establishment of environmental objectives and targets - Responsible for monitoring and improving environmental performance - Responsible for renewing operating licences - Responsible for compliance with all licence conditions and regulatory reporting requirements
Site Manager	- Overall responsibility for the Site - Review environmental management programs, including the establishment of environmental objectives and targets - Ensure all appropriate approvals have been obtained prior to commencing works - Ensuring that all staff or contractors under their control are aware of environmental compliance issues and environmental controls listed in this EMS - Order Stop-work for an activity that may cause environmental harm - Ensure employees are equipped with sufficient skills to meet the objective of competent delivery of the project
Environment Manager	- Oversee the implementation of this EMS - Notify regulatory authorities and affected stakeholders of incidents or non-compliances in accordance with this EMS - Order Stop-work for an activity that may cause environmental harm - Coordinate ongoing consultation with stakeholders - Coordinate periodic reviews of this EMS
Supervisors	- Participate in awareness and environment training - Assist the Environment Manager/Advisor with investigations into non-compliances, incidents or complaints - Report and raise any issues that arise that may have an environmental impact
All personnel	- Undertake works in accordance with this EMS - Participate in awareness and environment training - Report and raise any issues that arise that may have an environmental impact

4.3.2 Contractor key personnel

The Contractor key personnel will include service providers engaged by AGL for the BESS Project and any Sub-Contracted personnel. **Table 4-2** outlines the Contractor key personnel and responsibilities.

Table 4-2 Contractor roles and responsibilities

Contractor role	Responsibility
Project Manager	- Provide adequate resources to implement the EMS and CEMP - Ensure the Contractor's staff and Sub-Contractors are aware of and trained in environmental compliance obligations - Oversee implementation of the Contractor's environmental controls and management programs - Support and facilitate environmental incident investigations, audits, and inspections - Approve and implement corrective actions for environmental non-compliances - Coordinate with AGL's Project Manager and Environment Manager on environmental matters

Contractor role	Responsibility
	• Ensure that environmental risks are considered and managed across all aspects of the Contractor's project delivery • Review and approve the Contractor's environmental reports and ensure timely submission to AGL as required • Support continuous improvement in environmental performance, including periodic review of environmental objectives and targets
Environmental Manager	• Initiate and support any external independent environmental audit program by liaising and providing required information • Communicate environmental performance to the AGL Environment Manager/Advisor • Assist in the management and investigation of environmental non-compliances, incidents or complaints • Manage the Contractor's environmental management plan • Provide necessary technical input • Co-ordinate environmental compliance • Assist in developing environmental objectives and targets and environmental management programs • Identify environmental incidents • Facilitate training of all Employees and Contractors in accordance with this EMS • Manage the Site on behalf of the Contractor • Must be a dedicated resource fully allocated to the Project • Must be on Site once a week • Must be readily available to the Principal at the Site
Site Manager	• Ensure effective internal and external communication programs are in place • Ensure that environmental considerations are integrated into all business functions where practical • Promote continual improvement and provide support as required • Ensure this EMS achieves its intended outcomes • Ensure Employees are equipped with sufficient skills to meet the objective of competent delivery of the project • Ensure plant is operated in an efficient manner • Review environmental management programs including the establishment and review of environmental objectives and targets • Monitor and improve environmental performance • Comply with all environmental requirements and regulatory and other reporting requirements • Ensure appropriate licences are held by Sub-Contractors (i.e. waste) where necessary • Participate in awareness and environment training • Report and raise any issues that arise that may have an environmental impact • Manage the activities of the Contractor and Sub-Contractors at the Site on behalf of the Contractor • Must be a dedicated resource fully allocated to the Project • Must be based on Site for the duration of the Work • Must be readily available for the Principal at the Site
Contractor Staff Sub-Contractors	• Undertake works in accordance with this EMS • Participate in awareness and environment training • Report and raise any issues that arise that may have an environmental impact

4.4 Training and awareness

All environmental management plans and strategies will include details on specific training, induction and awareness programs that are required for each stage of development. This should include:

- Purpose of the training, induction, and awareness program
- Training needs determination
- Frequency of training
- Person responsible for delivering the training.

Environmental issues will be discussed at daily pre-start meetings and weekly 'toolbox' talks. Pre-start meetings will be conducted prior to commencing works each day to raise potential safety and environmental issues, discuss works to be carried out and familiarise with the emergency response procedures.

'Toolbox' talks will be one method of raising awareness and educating personnel on issues related to all aspects of construction including environmental issues. The toolbox talks are used to ensure environmental awareness continues throughout construction.

Additional training requirements will be assessed and implemented as required. Attendance is mandatory and attendees of pre-start and toolbox talks will be required to sign an attendance form. All records will be maintained.

The contractor Manager will be responsible for ensuring that all construction personnel are appropriately qualified and experienced to undertake the specific tasks to which they are assigned and/or are responsible for.

4.5 Incident and emergency management

4.5.1 Incidents

AGL maintains an HSE *Incident, Near Miss and Hazard Management Procedure* as part of the HSEMS (AGL-HSE-PRO-012.1), outlining the procedure for identification, reporting and investigation of HSE incidents, near misses, hazards and regulatory issues. This procedure applies to all Employees, Contractors, and Sub-Contractors working for or on behalf of AGL.

Incidents, near misses, and hazards involving a Contractor(s) must be entered into the Contractor's HSE system by the Contractor or by the responsible Contract Manager or delegate, if the Contractor does not have access to the application.

An environmental incident is an unplanned event that causes or has potential to cause material harm to the environment. Environmental incidents include but are not limited to:

- Spills of chemicals including oils and fuels
- Unintended damage to native vegetation
- Injury to wildlife
- Dust and noise impacts on the surrounding community.

All personnel working on the BESS Project are responsible for reporting and raising any issues that may have an environmental impact. Should there be a concern that conditions of this EMS are not being met and unauthorised impacts are occurring to the environment, the steps outlined in **Section 9.1** shall be followed (in accordance with Condition C10 and Appendix 7 of the Development Consent).

4.5.2 Emergency response

A Project-specific Emergency Plan will be prepared prior to commencing construction in accordance with Condition B31 and implemented under Condition B32 of the Development Consent. AGL must develop and implement a comprehensive Emergency Plan (including an emergency responders induction plan) and detailed emergency procedures for the development and provide a copy of the plan to the NSW RFS Lower Hunter Fire Control Centre and FRNSW. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under condition B28 of Schedule 2;
- (b) be consistent with Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (c) be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*;
- (d) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (e) include bushfire emergency management planning, including:
 - i) details of the location, management and maintenance of the Asset Protection Zone;
 - ii) a list of works that must not be carried out during a total fire ban;
 - iii) details of how RFS would be notified, and procedures that would be implemented in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period;
- (f) a flood response plan detailing options for safe access to and from the site in the event of flooding, including emergency management and evacuation procedures; and
- (g) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW.

Table 4-3 identifies emergency contacts relevant to the Project.

Table 4-3 Emergency contacts

Contact	Name / type of emergency	Primary contact
EPA Pollution Line	Environmental incident notification	131 555 (hotline) or (02) 4908 6800 (Newcastle office)
Fire Brigade	Emergency	000
	NSW Rural Fire Service	(02) 6575 1200 (Hunter Valley office) (02) 8741 5555 (Headquarters)
Police	Emergency	000
	Raymond Terrace Police Station	(02) 4983 7599
Ambulance	Life threatening situations	000
	Non-life-threatening situations	131 233
State Emergency Service	Assistance during flood and storm emergencies	132 500
NSW Poisons Information Centre	Bites, stings and poisons	131 126
WIRES wildlife rescue	Injured wildlife	1300 094 737

4.5.3 Pollution Incident Response Management Plan

The NGSF operates under the active EPL 20130, which specifies the environmental performance requirements for operations, including emission limits of certain pollutants. Condition R1 of EPL 20130 requires a Pollution Incident Response Management Plan (PIRMP) be prepared for any relevant actual

or potential incidents within the EPL 20130 boundary. The Project has allowed for an additional laydown area to be located within this EPL boundary at Lot 9 DP1286735 and Lot 1201 DP1229590.

In the event of a pollution incident within the EPL 20130 boundary, the existing PIRMP would be implemented by the Contractor.

5.0 Community and stakeholder consultation

5.1 Overview

AGL procedure *Environment Communications* AGL-HSE-SDM-006 (Appendix E) describes the protocols and procedures that would be implemented to: keep the local community and relevant agencies informed about the operation and environmental performance of the development. This procedure applies to all employees and contractors operating for or on behalf of AGL to demonstrate compliance with Condition C1(d).

AGL maintains a public website that contains information regarding operations and current projects and is updated by the Environment Manager and Communications Manager as required. The website also contains contact details to submit enquiries.

AGL also maintains a stakeholder consultation standard which applies to all activities (e.g., new development, expansions of existing infrastructure, and ongoing operations). The standard requires AGL to:

- Conduct consultation with stakeholders, including government groups, asset owners, local community groups, businesses, residents, and local media
- Establish constructive working relationships and communication channels with stakeholders
- Consider Aboriginal cultural heritage issues in the consultation process
- Seek community feedback
- Provide regular updates to interested communities on the progress of projects.

Pursuant to Condition C14, AGL will make the following information publicly available on the Projects website as relevant to the stage of the development:

- The EIS
- The final layout plans for the development
- Current statutory approvals for the development
- Approved strategies, plans and programs required under the conditions of consent (other than the Fire Safety Study and Emergency Plan)
- The proposed staging plans for the development in construction, operation or decommissioning of the development is to be staged
- How complaints about the development are made,
- Complaints register
- Compliance reports
- Any independent audit prepared in accordance with Condition C13 and the Applicants response to the recommendations in any audit
- Any other matter required by the Planning Secretary

5.2 Stakeholder consultation

SEARs for the Project were issued on 12 May 2023. The SEARs required that AGL undertake an appropriate and justified level of communication with relevant parties during the preparation of the EIS, including:

- Local, State or Commonwealth Government authorities
- Infrastructure service providers
- Community groups

- Affected landowners
- Exploration licence and/or mineral title holders

The EIS describes the consultation that was carried out, identifies the issues raised during this consultation, and explains how those issues were addressed.

Following lodgement of the EIS, the Project (including EIS) was exhibited for interested parties and individuals to provide comments and indicate whether they support or object to the project. These responses were collected following exhibition and responded to in the form of the Submissions Report.

Any conditions relating to consultation in the Development Consent are to be included in the Contractor's CEMP or relevant management plans. The Contractor shall be responsible for any required consultation relevant to the CEMP, as they are responsible for administering the CEMP.

5.2.1 Community consultation

AGL has established and seeks to maintain authentic relationships with the community and interested stakeholders through consultation and effective communications. This is to ensure the community are meaningfully included during the feasibility, planning and development phases. AGL has been and will continue to inform the local community and stakeholders at key milestones of the Project's progression, demonstrating AGL's commitment to transparency and accountability.

No concerns have been brought forward by the community on the Project stage to date. AGL has consulted with and will continue to consult with the community using social media, one-on-one meetings, the Project website, community meetings, local newspaper advertisements, and the distribution of fact sheets. Given the proximity of the Project to AGL's NGSF and the overlapping stakeholders, Tomago BESS Project updates are given on a quarterly basis to AGL's Newcastle Gas Storage Facility Community Dialogue Group Meeting Members. The meeting minutes and presentations are uploaded onto the website after each meeting.

A Stakeholder Engagement Plan was developed for the Project using a community relations approach and objectives for the Project and surrounding communities. Communities stakeholders will continue to be identified and consulted during all phases of the Project, namely the construction, operation, and decommissioning and rehabilitation phases of the Project.

AGL contacted the following community groups:

- Hunter Business Chamber
- Newcastle Airport Pty Ltd.
- Worimi Local Aboriginal Land Council
- Wahrenonga Aboriginal Corporation
- Hunter Wildlife Rescue
- Port Stephens Koalas Management Group (PSC)
- Hunter Region Botanic Gardens
- Tomago and Heatherbrae residents (including Sweetwater Grove)
- Tomago businesses

5.2.2 Government authority consultation

Throughout the planning phase of the Project, AGL consulted with various government authorities and agencies, and will continue to do so during construction and operation as required.

A summary of agencies who provided comments throughout the planning phase is provided below:

- NSW Department of Planning, Housing and Infrastructure
- Federal Department of Climate Change; Environment, Energy and Water
- NSW Department of Climate Change; Environment, Energy and Water

- NSW Rural Fire Service
- Fire & Rescue NSW
- Transgrid
- Biodiversity, Conservation and Science(now Conservation Programs, Heritage and Regulation Group)
- Transport for NSW
- Port Stephens Council
- Hunter Water Corporation
- Department of Defence
- Newcastle City Council
- Maitland City Council

5.2.3 Indigenous stakeholder engagement

Indigenous stakeholder engagement and involvement is important for the identification of cultural values of the land on which the Project is located and its surrounds. Indigenous stakeholder consultation was carried out in four stages during the preparation of the EIS, from 30 March 2023 to 17 August 2023.

AGL recognises the Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the lands on which we work, and we acknowledge those communities continuing connections to their lands, waters and cultures. It always was, and always will be, Aboriginal land.

AGL has prepared a Reconciliation Action Plan (RAP) which aims to build upon the vision for a unified and inclusive Australia where Aboriginal and Torres Strait Islander peoples are respected and have equal voice, rights and opportunities for prosperity. The RAP commits AGL to certain actions and provides a detailed framework for Aboriginal and Torres Strait Islander engagement and reconciliation. The RAP can be found on AGL's website.

5.3 Complaints handling

AGL's Community Complaints and Feedback Policy outlines AGL's commitment to the effective management of complaints and resolution of disputes for all existing and planned projects. AGL aim to come to an early resolution on all feedback for complaints. Personnel and Contractors are to direct all community complaints to the Environment Manager, and a response is to be provided to the complainant as soon as practicable and recorded in the Community Complaints Register AGL-HSE-REG-008.09.2. Community complaints can be made through the following channels:

AGL Complaints and Enquiries Hotline: 1800 039 600

Email: AGLCommunity@agl.com.au

Mail: AGL Community Complaints and Enquiries
Locked Bag 14120 MCMC
Melbourne VIC 8001

If feedback is received on site, or directly to a Contractor, the Contractor's environmental representative will not respond to complaints from the public or other stakeholders but will immediately (or as soon as practicable) forward details of complaints onto the AGL Environment Manager, who will assign a Case Manager from the Government and Community Relations Team. The Case Manager will contact the complainant or enquirer and make a preliminary assessment (level of feedback required) of the type of feedback needed to resolve the issue. For urgent feedback, the Case Manager will work with AGL team members with a target resolution time of 24-hours. AGL target feedback to the complainant or enquirer within five days for standard feedback, and 30 days for complex feedback.

Where the complainant or enquirer does not consider their feedback resolved, AGL will escalate the issue to the Senior Manager of Government & Community Relations, who will act as the Case Manager

and will respond to urgent, standard, and complex feedback. Where required, the Case Manager may consult with and bring in an independent third-party (e.g. technical expert, mediator) to assist with the investigation or resolution. If this does not lead to resolution, the complainant or enquirer may refer the matter to an independent external body (e.g. NSW Land and Water Commissioner, State Planning Departments, Tribunals and Courts), and AGL will cooperate with the requirements and processes dictated by the external body.

The Contractor will support AGL in investigating and addressing complaints. The Contractor must include a complaint and enquiry management procedure within their management plans or strategies, which should outline actions to be taken when a complaint or enquiry is received, and the roles and responsibilities of the core team requirement to implement the procedure.

5.4 Development Consent consultation requirements

The development consent specifies certain plans and other documentation that require consultation prior to approval by the Planning Secretary. These plans are summarised in **Table 5-1**. In accordance with Condition C4, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition, if the Secretary agrees.

Where consultation is required, each document will clearly outline the consultation requirements and provide details of communication with the relevant party, the outcomes, and where they are addressed in that document.

Table 5-1 EMS consultation requirements of the development consent

Condition	Plan/ other document	Party required to be consulted
B8	Traffic Management Plan (TMP)	Transport for NSW (TfNSW) and Port Stephens Council
B10	Retirement of biodiversity credits	Department of Climate Change, Energy, Environment and Water (DCCEEW)
B11	Amendments to the ecosystem and species credit requirements	DCCEEW
B13	Biodiversity Management Plan (BMP)	DCCEEW
B23	Aboriginal Cultural Heritage Management Plan (ACHMP) (AECOM, 2025)	Heritage NSW and Aboriginal stakeholders
B27	Soil and Water Management Plan (SWMP) (AECOM, 2025)	Water Group
B28	Fire Safety Study	Fire and Rescue New South Wales (FRNSW)
B31	Emergency Response Plan	FRNSW and NSW RFS Lower Hunter Fire Control Centre

6.0 Related management plans and procedures

6.1 Traffic Management Plan

A Traffic Management Plan (TMP) is required to be implemented prior to the commencement of construction in accordance with Condition B8 of the Development Consent. The TMP has been prepared separately to this EMS as a standalone document. For traffic-related matters, the TMP should be read in conjunction with this EMS.

6.2 Biodiversity Management Plan

A Biodiversity Management Plan (BMP) is required to be implemented prior to the commencement of any development that could directly or indirectly impact biodiversity values, in accordance with Condition B13 of the Development Consent. The BMP has been prepared separately to this EMS as a standalone document. For biodiversity matters, the BMP should be read in conjunction with this EMS.

6.3 Heritage Management Plan

A Heritage Management Plan (HMP) is required to be implemented prior to the commencement of construction in accordance with Condition B23 of the Development Consent. The HMP has been prepared separately to this EMS as a standalone document. For Aboriginal heritage matters, the HMP should be read in conjunction with this EMS.

6.4 Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) is required to be implemented prior to commencing construction in accordance with Conditions B26 and B27 of the Development Consent. The SWMP has been prepared separately to this EMS as a standalone document. For soil and water matters, the SWMP should be read in conjunction with the EMS.

6.5 Fire Safety Study

A Fire Safety Study is required to be prepared at least one month prior to the commencement of construction in accordance with Condition B28 of the Development Consent. AGL received approval from the Planning Secretary to amend Condition B28 of the Development Consent, to defer the requirement of the FSS to within 3 months prior to the installation of BESS facility components. A copy of this approval has been provided in **Appendix B**. The Fire Safety Study has been prepared separately to this EMS as a standalone document. For matters related to fire risk management and safety systems, the Fire Safety Study should be read in conjunction with this EMS.

6.6 Emergency Plan

An Emergency Plan is required to be implemented prior to the commencement of construction in accordance with Condition B31 of the Development Consent, as well as in accordance with the findings of the Fire Safety Study required under Condition B28 of the Development Consent (**Section 6.4**). The Emergency Plan has been prepared separately to this EMS as a standalone document. For matters relating to emergency response, the Emergency Plan should be read in conjunction with this EMS.

7.0 Other environment management measures

All other relevant conditions not addressed in **Table 1-1**, and have not been captured under another management plan (refer to **Section 6.0**), are outlined in **Table 7-1**.

Table 7-1 Other relevant conditions of the Development Consent (not addressed in another management plan)

Category	Condition	Compliance requirement	Responsibility	Timing
Batteries				
Battery Storage Restriction	A5	Unless the Planning Secretary agrees otherwise, the total battery storage associated with the development must not exceed a total energy storage capacity of 2,000 MWh.	AGL	Operation
Upgrading of Battery Storage and Ancillary Infrastructure				
N/A	A6	The Applicant may upgrade the battery storage and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.	AGL	Pre-construction Construction Operation
Structural Adequacy				
N/A	A7	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.	Contractor	Construction
Demolition				
N/A	A8	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.	Contractor	Construction
Environmental				
Dust management	B19	The Applicant must minimise dust generated by the development	Contractor	Construction
Hazards				

Category	Condition	Compliance requirement	Responsibility	Timing
Fire Safety Study	B28	At least one month prior to the commencement of construction of the battery storage facility and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit to the satisfaction of the Planning Secretary, and send to FRNSW, a Fire Safety Study. Construction of the battery storage facility and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies) must not commence until the Fire Safety Study meets the requirements of FRNSW and approval has been given by the Planning Secretary. The study must: (a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline and FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations; (b) describe the final design of the battery storage; (c) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and (d) identify measures to eliminate the expansion of any fire incident including: (i) adequate fire safety systems and appropriate water supply; (ii) separation and / or compartmentalisation of battery units; and (iii) strategies and incident control measures specific to the battery storage design. Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study.	A Fire Safety Study (FSS) will be prepared to address these conditions, separate to this EMS AGL received approval from the Planning Secretary to amend Condition B28 of the Development Consent, to defer the requirement of the FSS to within 3 months prior to the installation of BESS facility components. A copy of this approval has been provided in Appendix B.	Construction

Category	Condition	Compliance requirement	Responsibility	Timing
Storage of chemicals	B29	The Applicant must store and handle all chemicals, fuels and oils used on site in accordance with: - The requirements of all relevant Australian Standards - The NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids. In the event of an inconsistency between the requirements listed from (a) and (b) above, the most stringent requirements must prevail to the extent of that inconsistency.	AGL/ Contractor	Construction/ Operation
Emergency Plan	B31	Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan (including an emergency responders induction plan) and detailed emergency procedures for the development and provide a copy of the plan to the NSW RFS Lower Hunter Fire Control Centre and FRNSW. The plan must: - be prepared in accordance with the findings of the Fire Safety Study required under condition B28 of Schedule 2; - be consistent with Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's Planning for Bushfire Protection 2019 (or equivalent); - be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; - include details on how the battery storage and sub-systems can be safely isolated in an emergency; - include bushfire emergency management planning, including: - details of the location, management and maintenance of the Asset Protection Zone; - a list of works that must not be carried out during a total fire ban; - details of how RFS would be notified, and procedures that would be implemented in the event that: - there is a fire on-site or in the vicinity of the site; - there are any activities on site that would have the potential to ignite surrounding vegetation; or - there are any proposed activities to be carried out during a bushfire danger period;	An Emergency Plan will be prepared to address these conditions, separate to this EMS	Pre-construction

Category	Condition	Compliance requirement	Responsibility	Timing
		(vi) a flood response plan detailing options for safe access to and from the site in the event of flooding, including emergency management and evacuation procedures; and (vii) include an Emergency Services Information Package in accordance with Emergency services		
Amenity				
Visual	B20	The Applicant must: (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection; (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.	Contractor	Construction
Lighting	B21	The Applicant must: (a) minimise the off-site lighting impacts of the development; and (b) ensure that any external lighting associated with the development: (i) is installed as low intensity lighting (except where required for safety or emergency purposes); (ii) does not shine above the horizontal; and (iii) complies with Australian Standard/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, or the latest version.	Contractor	Construction
Environmental Management Strategy				
Revision of Strategies, Plans and Programs	C2	The Applicant must: (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 (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: (i) submission of an incident report under condition C10 of Schedule 2;	AGL (Refer to Section 10.0)	Pre-construction Construction Operation Decommissioning

Category	Condition	Compliance requirement	Responsibility	Timing
		(ii) submission of an audit report under condition C13 of Schedule 2; or (iii) any modification to the conditions of this consent.		
Staging, Combining and Updating Strategies, Plans or Programs	C3	With the approval of the Planning Secretary, the Applicant may stage the development may: (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	AGL	Pre-construction Construction Operation Decommissioning
	C4	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	AGL	Pre-construction Construction Operation Decommissioning
	C5	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	AGL	Pre-construction Construction Operation Decommissioning
	C6	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	AGL	Pre-construction Construction Operation Decommissioning

Category	Condition	Compliance requirement	Responsibility	Timing
Notification of Department	C7	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 NSW planning portal (Major Projects) 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.	AGL	Pre-construction Construction Operation Decommissioning
Final Layout Plans	C8	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 battery storage or ancillary infrastructure. The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.	AGL	Pre-construction
Work as Executed Plans	C9	Prior to commencing operations or following the upgrades of any battery storage or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the approved layout to the Department via the Major Projects website.	AGL	Construction
Compliance				
Incident Notification	C10	The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including: (a) date, time and location; (b) a brief description of what occurred and why it has been classified as an incident; (c) a description of what immediate steps were taken in relation to the incident; and (d) identifying a contact person for further communication regarding the incident.	AGL Contractor (refer to Section 9.1)	Construction Operation Decommissioning

Category	Condition	Compliance requirement	Responsibility	Timing
	C11	The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).	AGL (refer to Section 9.1)	Construction Operation Decommissioning
Non-Compliance Notification	C12	Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.	AGL (refer to Section 9.2)	Construction Operation Decommissioning
Independent Environmental Audit	C13	Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website.	AGL (refer to Section 8.3)	Construction Operation Decommissioning
Access to Information	C14	The Applicant must: (a) make the following information publicly available on its website as relevant to the stage of the development: (i) the EIS; (ii) the final layout plans for the development; (iii) current statutory approvals for the development; (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan); (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; (vi) how complaints about the development can be made; (vii) a complaints register; (viii) compliance reports; (ix) any independent environmental audit prepared in accordance with condition C13, and the Applicant's response to the recommendations in any audit; and (x) any other matter required by the Planning Secretary; and	AGL	Pre-construction Construction Operation Decommissioning

Category	Condition	Compliance requirement	Responsibility	Timing
		(b) keep this information up to date.		

8.0 Monitoring and auditing

The Project Manager will ensure the Project's identified environmental impacts are consistently monitored, and any deviations from planning control programs are identified and corrected in an effective manner.

8.1 Monitoring

Regular inspections of the BESS Project area will be carried out to ensure environmental controls and required processes are being implemented appropriately and are being maintained.

The Site Manager will undertake weekly and/or daily site inspections of the BESS Project area using an inspection checklist to evaluate the effectiveness of the environmental controls and to ensure ongoing compliance with the requirements of the Development Consent, this EMS and any other relevant plans.

Specific monitoring measures described within each of the related management plans will be incorporated into the inspection program and inspection checklists where relevant.

The CEMP and Operation Environmental Management Plan (OEMP) shall detail monitoring activities to be carried out throughout the construction and operation of the Tomago BESS, respectively. These plans should include detail monitoring frequency, responsible personnel and record keeping requirements for each monitoring activity.

Surface water and noise monitoring locations are shown below in **Figure 8-1** and **Figure 8-2**.

8.2 Internal auditing

Internal auditing would be part of the AGL Group Operations Audit Program to assess legal compliance and the effectiveness of the system on site. Audits are conducted against ISO 14001, and audit criteria, scope, frequency, and methods are approved by the Environment Manager. The Internal Audit Checklist AGLM-HSE-FRM-008.08.3 specifies the audit requirements, including Staff interviews, observations, and a review of records and documentation. All non-conformances identified are to be recorded and reviewed to ensure any appropriate action is taken.

The Project Contractors are required to prepare a Compliance Register for the work they are conducting and to support the internal audits.

8.3 Independent auditing

Independent (external) environmental audits are required for the BESS Project. Condition C13 of the development consent outlines the requirements for independent environmental audits. Independent audits must be carried out in accordance with the requirements outlined in the Independent Audit Post Approval Requirements (Department of Planning, Industry and Environment (DPIE), 2020).

The proposed independent auditor must be endorsed by the Planning Secretary prior to the commencement of an independent audit.

The frequency of independent audits will, at a minimum, follow the requirements from Table 1 of the Independent Audit Post Approval Requirements (DPIE, 2020), as presented in **Table 8-1**. The Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified **Table 8-1**, upon giving at least 4 weeks' notice.

Table 8-1 Independent audit frequency

Phase	Initial independent audit	Ongoing Independent audits intervals
Construction	Within 12 weeks of the commencement of construction	At intervals, no greater than 26 weeks from the date of the initial Independent Audit or as otherwise agreed by the Secretary.

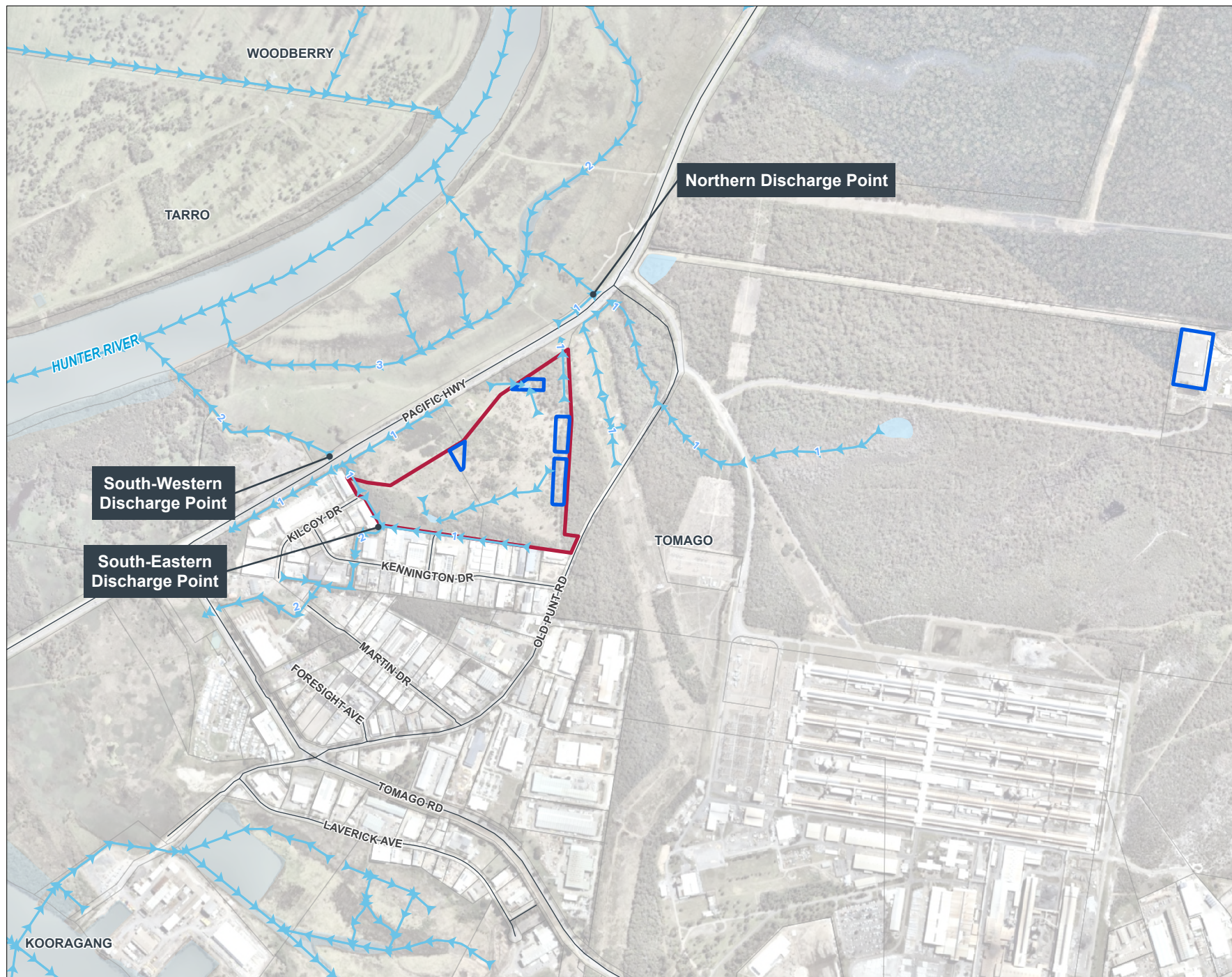
Phase	Initial independent audit	Ongoing Independent audits intervals
Operation	Within 26 weeks of the commencement of operation	At intervals, no greater than 3 years or as otherwise agreed by the Secretary.
Closure	Within 52 weeks from notifying of suspension/ceasing of operations	At intervals no greater than 1 year or as otherwise agreed by the Secretary.



0 150 300 m

Legend

- The BESS Site
- Construction Laydown Area
- Waterbody
- Cadastral Boundary
- Watercourse / Flow Path (SSO Labels)
- Road



**FIGURE 8-1:
SURFACE WATER MONITORING
LOCATIONS**

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Source: Nearmap, 2023.

9.0 Compliance and reporting

Conditions C10, C11 and C12 of Development Consent outlines the requirements for incident and non-compliance notification.

9.1 Incident notification

AGL must notify DPHI within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

AGL must provide the Department with a subsequent incident report within 7 days (or as otherwise agreed by the Planning Secretary) of the immediate incident notification being made. AGL is required to submit an incident report, in accordance with Appendix 7 of the Development Consent, that:

- (a) identifies how the incident was detected;
- (b) identifies when the Applicant became aware of the incident;
- (c) identifies any actual or potential non-compliance with conditions of consent;
- (d) identifies further action(s) that will be taken in relation to the incident;
- (e) a summary of the incident;
- (f) outcomes of an incident investigation, including identification of the cause of the incident;
- (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
- (h) details of any communication with other stakeholders regarding the incident.

AGL must submit any further reports as directed by the Planning Secretary.

AGL acknowledges separate incident notification requirements that may be triggered under the POEO Act, depending on the nature and circumstances relating to the incident.

9.2 Non-compliance notification

Within seven days of becoming aware of a non-compliance, AGL must notify DPHI of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

In the event that a non-compliance has been notified as an incident, there is no need to also submit a non-compliance notification.

10.0 Continual Improvement and Review

10.1 Review of EMS

Condition C2 of Development Consent outlines the requirements for revisions to strategies, plans and programs.

Prior to carrying out any upgrading or decommissioning activities on site, AGL must update the strategies, plans or programs required under Development Consent to the satisfaction of the Planning Secretary.

This EMS and all other associated plans will be reviewed, and where necessary, revised to the satisfaction of the Planning Secretary within 1 month of the:

- Submission of an incident report under Condition C10 of the Development Consent;
- Submission of an audit report under Condition C13 of the Development Consent; or
- Any modification to the conditions of this consent.

Appendix A

Legislative Summary

Appendix A Legislative Summary

Legislation	Relevance to the project
EP&A Act & EP&A Regulations	The Project is a State Significant Development (SSD) under the State Environmental Planning Policy (Planning Systems) 2021, requiring assessment in accordance with Division 4.7 of the EP&A Act due to the capital investment value exceeding \$30 million. Development Consent has been granted for this Project.
Port Stephens LEP	The Project Area is located on land that is zoned E4 General Industrial by the Port Stephens LEP. The Project is characterised as “electricity generating works”, which is not listed as a type of development that is permissible with consent under the LEP. However, permissibility for the Project is achieved through the application of section 2.36 of the Transport and Infrastructure SEPP.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The Project is declared as SSD under clause 2.6 of the Planning Systems SEPP. Furthermore, clause 2.10 of this SEPP states that Development Control Plans (DCPs) do not apply to SSDs.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The Site is zoned E4 General Industrial under the Port Stephens LEP. This land use zone is defined as a ‘prescribed non-residential zone’ for the purpose of electricity generating works. Under section 2.36 of the Transport and Infrastructure SEPP, the Project is considered permissible with development consent at the Site.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Biodiversity and Conservation SEPP is relevant to the Project, including: - Chapter 2 Vegetation in non-rural areas - applies to Port Stephens LGA, and land use zones contained under section 2.3, which includes land zoned E4 General Industrial. - Chapter 4 Koala habitat protection 2021- As Port Stephens Council has an approved Koala management plan in place, reference is made to section 4.8 of the Biodiversity and Conservation SEPP
State Environmental Planning Policy (Resilience and Hazards) 2021	An area of the Site mapped as Coastal Environment Area is part of the ‘exclusion zone’ within the Site and is not intended to be developed. Nevertheless, an assessment has been undertaken against the matters of consideration contained under section 2.10 of the Resilience and Hazards SEPP.
Roads Act 1993	Consent under s138 of Roads Act required for certain activities on public roads. A Roads Act consent cannot be refused if it is necessary for carrying out SSD that is authorised and is to be substantially consistent with the development consent.
Protection of the Environment Operations Act 1997 (POEO Act)	The POEO Act governs the issues of pollution, waste generation, reuse, recycling, transport, and disposal and establishes a waste hierarchy. The Project does not constitute a scheduled activity and is therefore not subject to the requirements of an environment protection licence.

Legislation	Relevance to the project
Environmentally Hazardous Chemicals Act 1985	Provides the EPA with the authority to declare chemical substances as chemical wastes and to make chemical control orders relating to those substances that are declared as chemical wastes.
Waste Avoidance and Resource Recovery Act 2001	Outlines the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development. The WARR Act outlines the requirement for the EPA to develop a waste strategy for the State. Chapter 18 of the EIS assesses the waste management components of the Project in relation to this Act.
Contaminated Land Management Act 1997	The contamination status of the site is suitable in its current state for the Project. There is a duty to notify any contamination under Section 60 of the CLM Act and this would be undertaken in the event that any previously unidentified contamination is encountered that exceeds notification thresholds.
Heritage Act 1977	There are no known relics located within the study area. The impact assessment completed for the EIS provides details of the heritage items in the vicinity of the Project and the required mitigation measures to avoid any significant impacts. The Heritage Act is concerned with all aspects of the conservation of heritage places and items, with items of state significance listed on the State Heritage Register. Part 4 of the Heritage Act states that approval must be obtained for works that have the potential to interfere with an item on the State Heritage Register or that is subject to an Interim Heritage Order. No approval is required for the Project.
Crown Land Management Act 2016	The Crown Land Management Act 2016 provides for the ownership, use and management of Crown land in NSW. Ministerial approval is required to grant a 'lease, licence, permit, easement or right of way over a Crown Reserve'. The Project will not impact on any Crown Land.
Rural Fires Act 1997	The Rural Fires Act outlines duties for landowners and public authorities to prevent bush fires and manage fire hazards. Consideration of possible bush fire risks is provided in section 6.8 of the EIS.
Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	The Project is proposed as an alternative to the NPS which was considered a controlled action (EPBC 2019/8425) under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) (EPBC Act). The Project's scale is significantly less than the NPS and as such the magnitude and type of potential impacts on Matters of National Environmental Significance (MNES) are also reduced or avoided entirely. As a pro-active and precautionary measure, a referral was made to the Department of Climate Change, Environment, Energy and Water (DCCEEW) in May 2023 to determine whether the Project constitutes a controlled action. DCCEEW determined on 14 September 2023 that the Project does not constitute a Controlled Action under the EPBC Act.

Appendix B

Regulator consultation

Appendix B Regulator consultation

Appendix C

AGL Health, Safety and Environment Policy

Appendix C AGL Health, Safety and Environment Policy

AGL Health, Safety and Environment Policy

Vision

We are respected for the care and commitment we demonstrate in prioritising our Health, Safety and Environment (HSE) obligations, managing risk and protecting our people and the environment in which we operate.

Scope

This policy applies to all AGL employees and contractors, and to the products and services that we provide to our customers. Where we do not have direct operational control, we will work productively with our stakeholders to achieve and maintain the standards described in this Policy.

Our Commitment

To conduct our business in a way that causes no harm to people and minimises impact on the environment.

To achieve this AGL will:

1. Understand and meet or exceed our legal and regulatory compliance obligations.
2. Maintain, continuously improve, and adhere to an HSE Management System that sets out how we will implement this Policy.
3. Create a working environment where everyone feels safe to speak up or intervene when they see something that does not seem right or is not consistent with our HSE Management Systems.
4. Provide a wide range of resources that improve the health and wellbeing of our employees.
5. Support employees who are injured at work to return to safe and sustainable work as soon as possible, and make reasonable adjustments, where appropriate, for non-work related injuries and illnesses.
6. Proactively identify and provide the resources to reduce, control, monitor and ensure awareness of the risks that have the potential to cause physical and/or psychosocial harm to people or impact the environment associated with our workplaces.
7. Consult and work collaboratively and transparently with our employees, customers, contractors, partners and the communities in which we operate on HSE matters.
8. Integrate HSE requirements when designing, purchasing, constructing and modifying facilities, equipment and systems for our customers and our own operations.
9. Continuously improve our processes, products and management systems by being curious, keeping current with industry leading practices and capturing lessons from rigorous incident investigations and adapting to meet the changing risks of the business as we transition.

This policy has been approved by the Board of AGL and will be reviewed regularly to ensure it is kept effective.



Damien Nicks

Chief Executive Officer and Managing Director

October 2023

Appendix D

AGL Biodiversity Policy

Appendix D AGL Biodiversity Policy

AGL Biodiversity Policy

Vision

Our vision is to minimise direct impacts on biodiversity in the areas where we operate, and to promote sustainable practices that protect and enhance the diversity of plant and animal species, as well as their habitats.

Scope

This Policy applies to all AGL employees and contractors, and to the products and services that we provide to our customers. Where we do not have direct control, we will work productively with our stakeholders to achieve and maintain the commitments described in this Policy.

Our Commitment

In addition to meeting our legal and regulatory compliance obligations, we will:

- Manage the risk of impacts to biodiversity during each stage of an asset's lifecycle, by continuing to integrate biodiversity into AGL's Health, Safety and Environmental Management System.
- Apply the mitigation hierarchy to ensure that impacts to biodiversity are first avoided. Where impacts cannot be avoided, they will be minimised, and residual impacts mitigated through restoration and use of relevant biodiversity offsets where necessary.
- Not develop any new facilities within the boundaries of Ramsar wetlands or World Heritage sites that may cause material adverse impacts to biodiversity.
- Commit to providing ongoing, open disclosure on our approach to the progressive and final rehabilitation of assets at the end of their operational lives.
- Seek opportunities to partner with organisations and communities where we operate to promote conservation of habitats and threatened species.
- Ensure that employees and contractors are aware of, and are provided with the resources to uphold, the commitments in this Policy.

This Policy has been approved by the Managing Director & Chief Executive Officer of AGL and will be reviewed regularly to ensure it is kept effective.



Damien Nicks
Managing Director and Chief Executive Officer
July 2024

Appendix E

AGL Health, Safety and Environment Standards

Appendix E AGL Health, Safety and Environment Standards

Several AGL standards have been referenced throughout this EMS, including:

- AGL-HSE-STD-008.4 (Air Emissions and Greenhouse Gas Standard)
- AGL-HSE-STD-008.6 (Biodiversity Standard)
- AGL-HSE-STD-008.8 (Cultural Heritage Standard)
- AGL-HSE-STD-008.2 (Groundwater Standard)
- AGL-HSE-STD-008.1 (Land Standard)
- AGL-HSE-STD-008.5 (Noise Emission Standard)
- AGL-HSE-STD-008.3 (Surface Water Standard)
- AGL-HSE-STD-008.7 (Waste Standard)
- AGL-HSE-SDM-006 (Environment Communications Standard)

This EMS should be read in conjunction with the relevant standards. These standards are subject to ongoing review. It is the responsibility of the Contractor engaged with AGL's Environment representative to ensure that the latest version of the standard is utilised.