



xenith

Independent Environmental Audit

Tomago Battery Energy Storage System
AGL Macquarie Pty Limited
May 2026

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1. INTRODUCTION

1.1 Background

Xenith has been commissioned by AGL Macquarie Pty Limited (AGLM) to conduct the first construction phase Independent Environmental Audit (IEA) for the Tomago Battery Energy Storage System Project (SSD 57107216) (the Project).

AGLM holds development consent to construct, operate, and maintain a Battery Energy Storage System (BESS) with a capacity of up to 500 megawatts (MW) and up to 2,000 megawatt hours. The Project is located in the Hunter-Central Coast Renewable Energy Zone (REZ), approximately 5 kilometres (km) south-west of Raymond Terrace in the Port Stephens Local Government Area (LGA).

State Significant Development (SSD) 57107216 provides for the following activities:

- › Construction and operation of a BESS with a nominal demand capacity of up to 500 MW and storage of up to 2,000 MWh (construction of the Project may be carried out in stages).
- › An above ground, below ground, or a combination of both transmission connection/s between the proposed BESS and one of the neighbouring substations. The proposed transmission connections would be located across Lots 7, 8, 24, 25 and 28 DP1286735, Lot 104 DP1125747 and Lot 3 DP808004. The BESS would connect to either:
 - 132 kV substation located on Lot 101 DP1125747; or
 - 330 kV substation located on Lot 3 DP808004, and Lots 102 and 103 DP1125747.
- › Key components of the Project include:
 - 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;
 - High voltage substation, 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);
 - Connection to an existing electrical switchyard at either the 132kV or 330kV Transgrid substation;
 - Temporary and permanent control, office and maintenance buildings, switch rooms, site access, internal roads, laydown areas and car parking; and
 - Other associated and ancillary infrastructure, including for example, fire suppression, drainage and stormwater management, security fencing, lighting, and CCTV.

Works associated with the development include the following:

- › Stage 1:
 - Pre-construction activities (road upgrades or maintenance works to the public road network);
 - Building/road dilapidation surveys;
 - Installation of fencing, artefact survey and/or salvage; and
 - Overhead line safety marking and geotechnical drilling and/or surveying.
- › Stage 2a:
 - Commence construction of the BESS including installation of new access point off Old Punt Road in accordance with Condition of Consent B5; and
 - Vegetation clearing, bulk earthworks laying of concrete slabs and construction of other ancillary infrastructure, excluding delivery and or storage of the BESS.
- › Stage 2b:
 - Continue construction of the BESS including delivery and storage of batteries on site, inclusive of storage on concrete slab(s), but excluding connection and energisation.

- › Stage 3:
 - Continue construction of the BESS including commissioning and operation of the BESS specifically connection of the BESS to the energy supply and energisation.
- › Stage 4:
 - Operation of the BESS.
- › Stage 5:
 - Decommissioning of the BESS.

SSD 57107216 was approved subject to conditions on 8 November 2024 by the Director, Energy, Resources and Industry Assessments of DPHI in accordance with Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Figure 1 and **Figure 2** show the layout of the Project as approved under SSD 57107216.

The IEA has been conducted generally in accordance with the NSW DPIE *Independent Audit Post Approval Requirements March 2026* (IEA Guidelines).

1.2 Audit Team

The IEA was completed by Dorian Walsh (Certified Auditor Certificate Number: 201881) and Sarah Moore of Xenith.

1.3 Audit Objectives

The IEA assesses the Project activities during the audit period (see **Section 3**) and compliance with key regulatory approvals for the Project. The IEA assessed the status of conditions and commitments from:

- › SSD 57107216; and
- › SSD 57107216 approved management plans, strategies and programs.

1.4 Audit Scope

The IEA scope is provided under Schedule 2, Condition C13 of SSD 57107216 which requires that:

Independent 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.'

The relevant requirements from the IEA Guidelines are outlined in **Table 1**.

1.5 Audit Period

The IEA covers the period from 5 January 2026 (date of commencement of Project construction under Stage 1 and Stage 2a) to 31 March 2026 (the day of the IEA site visit).

Table 1 IEA Guideline Requirements

Requirement	Report Section
Independent Audits must be documented, and their outcomes reported in an Independent Audit Report. This communicates an independent evaluation of a project's environmental performance and compliance status.	This IEA report

Requirement			Report Section												
The Planning Secretary may direct a proponent to undertake Independent Audits in addition to those provided for in an Independent Audit when considered necessary to address a particular issue, for example, following an incident			N/A; No direction has been made by DPHI for an additional audit												
The appointment of the audit team (consisting of the Lead Auditor, support auditor(s) and/or technical specialist(s), if required) must be agreed to in writing by the Planning Secretary before each audit commences.			Appendix A												
<p>Audit Frequency:</p> <table border="1"> <thead> <tr> <th>Phase</th> <th>Initial Independent Audit</th> <th>Ongoing Independent Audit Intervals</th> </tr> </thead> <tbody> <tr> <td>Construction</td> <td>Within 4 to 12 weeks of the commencement of construction</td> <td>At intervals no greater than 26 weeks, or as otherwise agreed to, or directed by, the Planning Secretary.</td> </tr> <tr> <td>Operation</td> <td>Within 12 to 26 weeks of the commencement of operation</td> <td>At intervals no greater than 3 years, or as otherwise agreed to or directed by, the Planning Secretary.</td> </tr> <tr> <td>Closure/Rehabilitation</td> <td>Within 52 weeks from notifying of suspension/ceasing of operations</td> <td>At intervals no greater than 1 year, or as otherwise agreed to, or directed by, the Planning Secretary.</td> </tr> </tbody> </table>			Phase	Initial Independent Audit	Ongoing Independent Audit Intervals	Construction	Within 4 to 12 weeks of the commencement of construction	At intervals no greater than 26 weeks, or as otherwise agreed to, or directed by, the Planning Secretary.	Operation	Within 12 to 26 weeks of the commencement of operation	At intervals no greater than 3 years, or as otherwise agreed to or directed by, the Planning Secretary.	Closure/Rehabilitation	Within 52 weeks from notifying of suspension/ceasing of operations	At intervals no greater than 1 year, or as otherwise agreed to, or directed by, the Planning Secretary.	Section 2.4; AGLM notified DPHI that construction works would commence on 5 January 2026. Xenith conducted the IEA site inspection on 31 March 2026.
Phase	Initial Independent Audit	Ongoing Independent Audit Intervals													
Construction	Within 4 to 12 weeks of the commencement of construction	At intervals no greater than 26 weeks, or as otherwise agreed to, or directed by, the Planning Secretary.													
Operation	Within 12 to 26 weeks of the commencement of operation	At intervals no greater than 3 years, or as otherwise agreed to or directed by, the Planning Secretary.													
Closure/Rehabilitation	Within 52 weeks from notifying of suspension/ceasing of operations	At intervals no greater than 1 year, or as otherwise agreed to, or directed by, the Planning Secretary.													
A completed Audit Table with all relevant conditions of consent, identifying each requirement, compliance status assessed and documenting the verified evidence. Additionally, the table should provide recommendations that allow appropriate corrective actions to be taken by the proponent to address those instances of non-compliance or opportunities for improvement.			Appendix C												
The proponent must submit their response to the audit findings to the Department in a separate document to the final Independent Audit Report.			N/A; AGLM to complete												
The final Independent Audit Report submitted to the Department must include a declaration by the Lead Auditor, completed in the Independent Audit Report Declaration Form and appended to the report.			Appendix B												
The final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department via the Major Projects Portal within 2 months of the final day of the audit site inspection, unless otherwise agreed by the Department or required by the conditions of consent.			N/A; AGLM to complete												

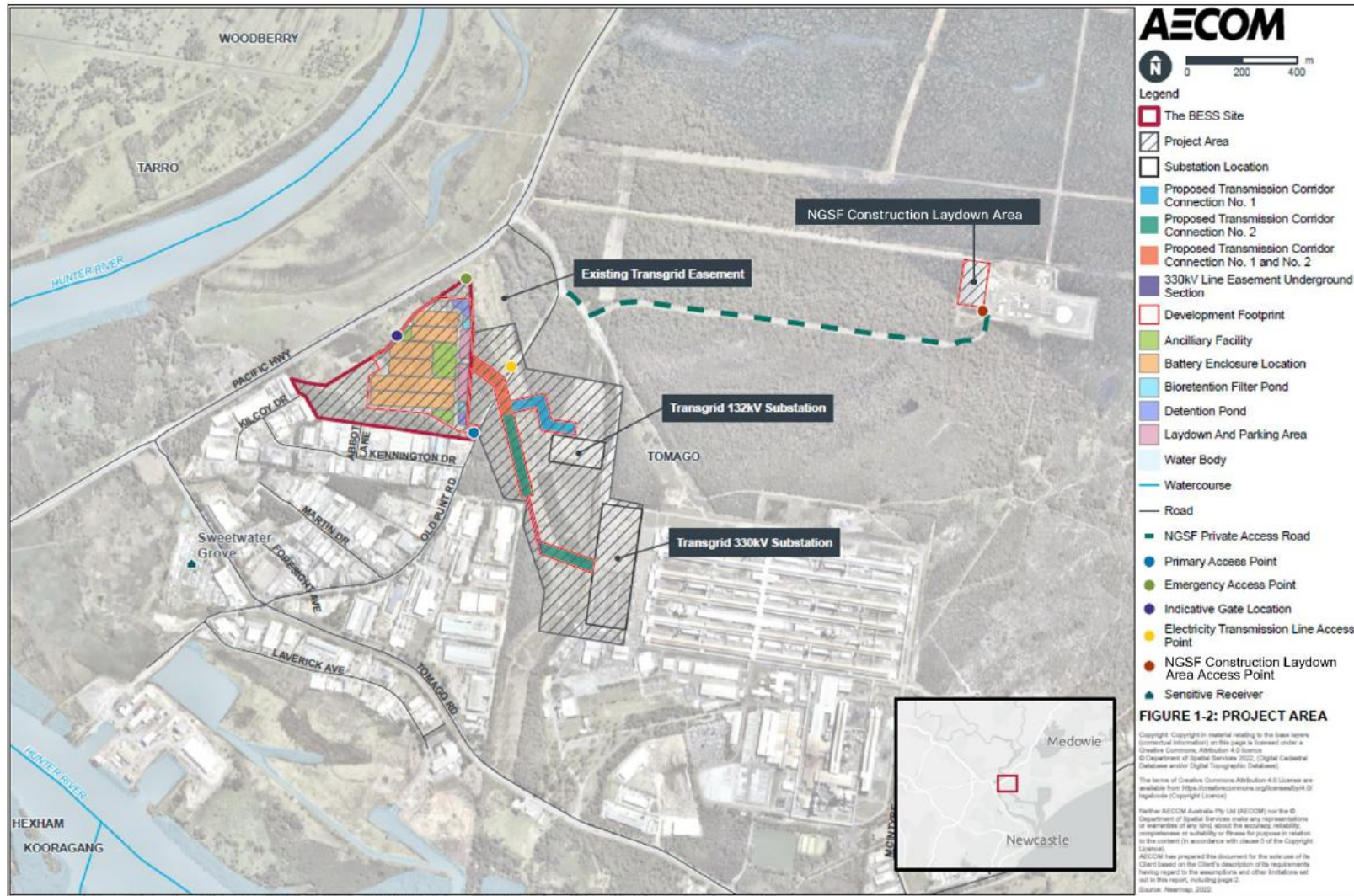


Figure 1 SSD 57107216 Development Layout

2. AUDIT METHODOLOGY

2.1 Overview

This IEA was undertaken in accordance with the requirements of SSD 57107216 (see **Section 1.4**) and the IEA Guidelines. **Appendix A** includes a copy of DPHI endorsement for the IEA team (see **Section 1.2**) and confirmation over audit requirements. Declarations of Independence completed by the IEA team are included as **Appendix B**.

The compliance status of Project activities during the audit period was determined by assessment of key approval documents regulating site activities (see **Section 3.3**) and a desktop review of all plans, strategies, programs, monitoring data and correspondence relevant to the audit period. The desktop review was used as a basis for this IEA report and identified potential compliance issues that were verified during the Project site inspection and in interviews with key AGLM personnel.

The audit methodology also included consultation with NSW DPHI, Environment Protection Authority (EPA) and Port Stephens Council (PSC) to seek any specific environmental issues that should be a focus of the IEA (see **Section 2.5**).

2.2 IEA Preparation

Preparation of the IEA involved:

- › Submission of an information request to the Client for the provision of evidence to verify the compliance status of AGLM Project activities during the audit period;
- › Engagement with key regulatory agencies for the Project regarding any specific issues that should be a particular focus of the IEA;
- › Submission of an audit agenda (see **Appendix E**) and confirmation over the scope of the Xenith site inspection component of the IEA;
- › Desktop review of documentation provided by the Client to determine the compliance status of approval and licencing conditions, identify good site practice and opportunities for improvement, in accordance with the requirements of the IEA Guidelines; and
- › Preparation of compliance tables and protocols for the site inspection, including a checklist of specific regulatory requirements obtained from documents provided.

2.3 Compliance Evaluation

The IEA consisted of a detailed desktop review of approval documentation and a site inspection. The findings of this IEA were based on verifiable evidence collected by:

- › Review of Project documentation (including document reference, revision numbers, dates and authors) by Xenith;
- › Interviews with key site personnel completed by Xenith; and
- › Inspections of the Tomago BESS Project site, activities and processes. Selected images taken during the site inspections are included in **Appendix F**.

Maris Steele (AGLM Environmental and Compliance Manager - Construction), Stephen Shoesmith (Fluence Environment Manager (Contractor)), and Mitch Stewart (Fluence Environment Advisor (Contractor)) were the primary AGLM contacts for the audit and were present during the audit site inspection and interviews.

A list of the key documentation reviewed for the IEA is found in **Section 3.1**. The evidence that was used to determine the compliance status with respect to each condition has been documented in the tables provided in **Appendix C**, along with relevant observations, notes and recommended opportunities for improvement.

2.4 Site Inspection

A site inspection of the SSD 57107216 development site was conducted by Xenith on 31 March 2026 and undertaken to ensure that all aspects of environmental management and performance of the Project were reviewed.

At the time of audit, AGLM had:

- › Undertaken road dilapidation surveys (see Schedule 2, Condition B6 in **Appendix C**);
- › Established a temporary site access point off Old Punt Road (see **Plate 4** and **Plate 5** in **Appendix F**);
- › Completed clearing and grubbing (see **Plate 1** and **Plate 2** in **Appendix F**);
- › Removed asbestos containing material (see Schedule 2, Condition B33(c) in **Appendix C**);
- › Commenced construction of the sediment basin, drains, and installation of erosion and sediment controls (see **Plate 21** to **Plate 23** and in **Appendix F**);
- › Established temporary site offices (see **Plate 34** in **Appendix F**);
- › Established an unloading and laydown areas (see **Plate 11** and **Plate 17** in **Appendix F**);
- › Established a main carpark (see **Plate 10** in **Appendix F**); and
- › Progressed with the treatment of acid sulfate soil (ASS) (see Schedule 2, Condition B27 in **Appendix C**).

Development of the other activities approved under SSD 57107216 had not commenced during the audit period.

2.4.1 Opening Meeting

The IEA site inspection completed by Xenith commenced with an opening meeting. Attendees included Dorian Walsh (Xenith), Sarah Moore (Xenith), Maris Steele (AGLM Environmental and Compliance Manager - Construction), Stephen Shoemsmith (Fluence Environment Manager (Contractor)), Maddison Stojcevski (IEMA Consulting Environment Advisor (Contractor)), and Mitch Stewart (Fluence Environment Advisor ((Contractor))).

The briefing included clarification of the audit objectives, scope, resources required and the methodology of the IEA.

2.4.2 Site Overview and Orientation Session

A site overview was provided by AGLM (Proponent), and Fluence (Project contractors), with Project personnel providing a general overview of activities during the audit period, an indication of the environmental setting, near neighbours, safety and emergency requirements and known environmental issues.

2.4.3 IEA Interviews

The IEA included interviews with key AGLM personnel involved with the management and operation of the Project. The IEA interviews during the Xenith site inspection were conducted to assist with verifying the compliance status of the Project.

AGLM personnel interviewed by Xenith during the audit process included:

- › Maris Steele (AGLM Environmental and Compliance Manager - Construction);
- › Stephen Shoemsmith (Fluence Environment Manager (Contractor));

- › Mitch Stewart (Fluence Environment Advisor (Contractor));
- › Michael Chipchase (RJE HSE Advisor (Contractor)); and
- › Rob Edwards (RJE Site Project Manager (Contractor)).

2.4.4 Focused Site Inspection

A focused site inspection was conducted on 31 March 2026 following the initial site overview session. The purpose of the site inspection was to review specific operation and environmental aspects of the Project that were completed during the audit period and to assess Project environmental management systems and performance in detail.

2.4.5 Site Documentation Review

Relevant site documentation was reviewed with AGLM personnel to verify compliance information. Key documents reviewed included SSD 57107216 environmental assessments, correspondence with regulatory agencies, Environmental Management Plans, and procedures.

2.4.6 Follow Up Auditing

Follow up interviews and document reviews were conducted by Xenith to clarify any outstanding compliance issues to be resolved prior to inclusion in the final IEA report.

2.4.7 Exiting Briefing

Attendees of the exit briefing included Dorian Walsh, Sarah Moore, Maris Steele, Stephen Shoesmith, Maddison Stojcevski and Mitch Stewart.

The exit meeting included the discussion of preliminary audit findings, recommendations and explanation of actions required by AGLM and by Xenith to complete the audit process required under the IEA Guidelines.

2.5 Audit Consultation

Correspondence was sent to the DPHI, EPA, and PSC, requesting their input into the scope of the IEA. A response was received from DPHI during the audit process (see **Appendix D**), with comments provided in **Table 2**. No specific comments on the IEA scope were received from the NSW EPA or PSC.

Table 2 Feedback received from IEA consultation

Stakeholder Comment	Response
DPHI	
In addition to the requirements of the Independent Audit Post Approval Guidelines, could you please consider the following:	An assessment of compliance for the management of erosion and sediment controls is included against Schedule 2, Conditions B26 and B27 in Appendix C and described in Section 3.7.4 .
› An assessment of erosion and sediment controls on site/compliance;	
› An assessment of vehicle activity, HV movements, traffic plans, parking etc and their compliance with relevant management plans;	An assessment of the adequacy of each environmental management document required under SSD 57107216 conditions is included against Schedule 2, Condition B13 in Appendix C .

Stakeholder Comment	Response
	<p>An assessment of vehicle activity and heavy vehicle (HV) movements is included against Schedule 2, Condition B1 in Appendix C.</p> <p>An assessment of traffic plans, parking and their compliance with relevant management plans is included against Schedule 2, Conditions B5, B7 and B8 in Appendix C.</p>
<p>› Boundary / Clearing delineation requirements / compliance.</p>	<p>An assessment of compliance for the management of boundary / clearing delineation requirements is included against Schedule 2, Condition Appendix C.</p> <p>Observations of boundary delineation made during the site inspection are outlined in Section 3.7.7.</p>

3. AUDIT FINDINGS

3.1 Approval and Document List

AGLM documentation for the IEA was sighted during a detailed desktop review and the audit site inspection on 31 March 2026. Approvals and documents assessed during the audit were related to:

- › SSD 57107216 approval conditions;
- › SSD 57107216 Statement of Commitments;
- › SSD 57107216 Environmental Management Plans and procedures;
- › AGLM environmental inspections and monitoring data; and
- › AGLM correspondence with regulatory agencies and other records of consultation.

The tables included within **Appendix C** discuss the documentation that was used to determine compliance with the conditions of SSD 57107216 assessed during the IEA.

3.2 Compliance Status Descriptors

The compliance status of each condition reviewed during the IEA was assessed based on evidence provided and determined in accordance with the descriptors provided in the IEA Guidelines. No other terms have been used to describe the compliance status of conditions within this IEA.

3.3 Compliance Performance

Table 3 provides a summary of compliance for key AGLM approvals and licensing during the audit period. A description of each identified non-compliance is provided in **Section 3.5** and **Appendix C**.

Table 3 Summary of Compliance

Document	C	NC	NT	Note	Total
SSD 57107216	84	8	65	8	165
SSD 57107216 Statement of Commitments (SoC)	50	4	36	0	90

3.4 Summary of Agency Notices and Orders

No notices or orders regarding the Project were issued to SSD 57107216 were issued to AGLM during the audit period.

3.5 Actions from Previous Audit

As this is the first SSD 57107216 IEA, there are no actions from a previous audit.

3.6 Non-Compliances During the Audit Period

Table 4 lists the non-compliances identified during the audit period. Recommendations made in relation to these non-compliances are provided in **Section 4**, with further context provided in **Appendix C**.

Table 4 IEA Non-Compliances

Condition	Non-Compliance	NC Ref
SSD 57107216 Conditions		
Schedule 2, Condition A2(a)	Non-compliances (NC) with SSD 57107216 conditions were identified during this IEA.	NC1
Schedule 2, Conditions A2(d), B9, B13	Notification of Non-Compliance Report dated 09/02/26 from AGLM to DPHI describes two areas totalling approximately 126 m2 being inadvertently cleared by a mulcher outside the approved development footprint. AGLM understood this clearing occurred on 02/12/26 and it was identified on 03/12/26.	NC2
Schedule 2, Condition B8	The Project Site Induction dated March 2026 contains a summary list of key Conditions from the Driver's Code of Conduct (DCoC); however, it does not cover all Conditions as listed. Evidence was not available at the time of the audit that to demonstrate that drivers working on the development had received the DCoC as approved under Traffic Management Plan Stage 1 (TMP), nor that they had formally acknowledged and signed off on its full contents.	NC3
Schedule 2, Condition B27	The SLR water monitoring report states that SLR have been advised by Fluence that the monitoring locations shown in Figure 6-1 of the Soil and Water Management Plan (SWMP) were later revised. The offsite locations of the NDP and SWDP sites were revised to the southern side of the Pacific Highway as works associated with the adjacent M1 Pacific Motorway extension to Raymond Terrace development prevented access to the locations originally proposed. The revised locations are inconsistent with the approved SWMP.	NC4
Schedule 2, Condition B29	A chemical storage pod was observed to be unbunded in the laydown area.	NC5
Schedule 2, Condition B33(b)	The Waste Tracking Register does not classify waste by type as per the EPA's Waste Classification Guidelines 2014. The register only contains tracking of septic waste, and it does not contain a record of the asbestos-contaminated material disposed of offsite during the audit period (see Schedule 2, Condition B33(c)).	NC6
Schedule 2, Condition C1	The approved Environmental Management Strategy at the time of audit did not reflect or describe the approved staging of the development.	NC7
Schedule 2, Condition C14(a), (b)	The EIS appendices were not available on the public website during the audit period.	NC8
SSD 57107216 EIS SoCs		
Commitment W-8	See NC6 noted against Schedule 2, Condition B33 above.	NC9

Condition	Non-Compliance	NC Ref
Commitment SC-5	See NC5 noted against Schedule 2, Condition B29 above.	NC10
Commitment NC-3	The Site Induction does not include a location of the nearest sensitive receivers, and doesn't outline the current construction employee parking areas.	NC11
Commitment BF-7	The Project Health and Safety Management Plan (HSMP) doesn't commit to postponing non-essential works on days with Fire Danger Rating of Extreme and Catastrophic.	NC12

3.7 Environmental Performance

3.7.1 Site Inspection Summary

The site inspection on 31 March 2026 included a review of the Project site, focussing on the construction activities underway at the time, as outlined in **Section 2.4**. Selected images taken during the site inspection are included as **Appendix F**.

The site inspection found that Stage 1 and Stage 2a construction areas for Project are generally being well maintained (see **Plates 8, 9, 13, 23 and 34 of Appendix F**). The boundaries of approved disturbance areas for the Project were clearly marked in the field at the time of audit and evidence that regular inspections of these controls are carried out by the Project contractor was available (see **Plates 12, 13, 14 and 19 of Appendix F**).

Evidence provided by AGLM and the Project contractor (CMA) also showed that maintenance and corrective actions (e.g. water management, erosion and sediment controls, waste management and housekeeping) recorded during internal environmental inspections were being tracked and completed.

The audit site inspection also confirmed that dust emissions from exposed surfaces and ASS treatment area within the Stage 1 demolition and construction areas were being well controlled at the time of the audit and that a water cart was in operation (see **Plates 1, 2, 8 and 18 in Appendix F**).

3.7.2 Environmental Management Documents

The adequacy of AGLM environmental management documents for the Project and the implementation of these plans was reviewed as a component of this IEA. In general, this review found that AGLM is operating in accordance with procedures and obligations required under SSD 57107216.

Management plans, strategies and programs reviewed as part of this IEA included the Project:

- › 'Environmental Management Strategy' (AECOM, 2025);
- › 'Aboriginal Cultural Heritage Management Plan' [ACHMP] (AECOM, 2025);
- › 'Biodiversity Management Plan' [BMP] (Coolburn, 2025);
- › 'Soil and Water Management Plan' [SWMP] (AECOM, 2025);
- › 'Traffic Management Plan Stage 1' [TMP Stage 1] (SLR, 2025);
- › 'Bushfire Risk Assessment and Management Plan' [BRAMP] (SLR, 2026);
- › 'Construction Environmental Management Plan' [CEMP] (Fluence 2025) and the associated sub plans including the:

- 'Construction Noise and Vibration Management Plan' [NVMP] (SLR, 2026);
- 'Acid Sulfate Soils Management Plan' [ASSMP] (Douglas Partners, 2025);
- 'Asbestos Management Plan' (Fluence, 2025); and
- 'Construction Waste Management Plan' [WMP] (SLR, 2026).

AGLM has not yet prepared the Fire Safety Study or Emergency Plan (see **Appendix C**), however the interim 'Emergency Management Plan' (Fluence, 2026) was reviewed.

Non-compliances and recommendations identified in relation to Project management plans are listed in **Table 4** and **Table 5**.

3.7.3 Waste Management

The WMP outlines the waste management measures for the Project, in conjunction with supporting measures outlined within the CEMP. The WMP identifies the waste management measures undertaken in relation to storage, tracking, disposal, reuse, recycling, and training. The site inspection confirmed the active construction areas for Stage 1 and Stage 2a were generally well-managed, with only minor housekeeping required. Waste materials were being contained within the designated boundaries of the Project construction area and waste segregation bins were in place and being used appropriately (see **Plates 34, 35, and 36** of **Appendix F**).

Discussions with key AGLM and Project contractor personnel confirmed that construction waste continues to be removed from the Project site by waste contractors and taken to licenced facilities for disposal. The desktop review confirmed that waste removal dockets from the AGLM-appointed waste contractor are being retained. A recommendation for AGLM to develop a waste tracking register for the Project is listed in **Table 5**.

Interviews conducted during the site inspection confirmed that a small area of asbestos contaminated material identified within the Project Boundary has been disposed of at a licensed waste facility, and Clearance Certificates completed.

3.7.4 Erosion and Sediment Control

Stage 1 and Stage 2a of the Project operates in accordance with the SWMP. Records were made available to demonstrate that the Project contractor has established a process to use excess water from sediment basins for dust suppression when available, reducing reliance on clean water use.

The site inspection confirmed that appropriate controls around stockpiles and the perimeter of the Stage 1 disturbance footprint were in place at the time of the audit (see **Plates 15, and 16** of **Appendix F**). AGLM have implemented a series of progressive Erosion and Sediment Control Plans (ESCPs) during construction. These ESCPs were reviewed against on-ground controls observed during the site inspection and found to be consistent. During audit site inspection, AGLM were actively salvaging felled trees and establishing temporary stockpiles for mulching and reuse for erosion and sediment control, as shown in **Plates 1, 2 and 15** of **Appendix F**. Erosion and sediment attenuation basins and drains were also observed to be well maintained at the time of audit, and consistent with ESCPs (see **Plates 6, 21, 22, and 23** of **Appendix F**).

3.7.5 Operation of Plant and Equipment

Schedule 2, Condition A10 of SSD 57107216 requires all plant and equipment used on site, or in connection with the development, to be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Interviews with key Project contractors during the site inspection confirmed that all employees complete site inductions, which include content on the safe operation of plant and equipment. A desktop review of maintenance reports verified that plant and equipment are appropriately assessed prior to mobilisation to site (including completion of pathogen inspections during the mobilisation of equipment to site). Example evidence was also provided to show that regular maintenance actions were being completed by Project contractors.

Equipment in operation during the audit site inspection was seen to be operating effectively to minimise dust and noise emissions (see **Plates 1 and 2 of Appendix F**).

3.7.6 Air Quality

Dust emissions from Project work areas and stockpiles within the Stage 1 construction areas was observed to be well controlled at the time of audit (see **Plates 1, 2, 8, 18 and 19 of Appendix F**). A recommendation has been made for AGLM to retain records of operational changes made during construction to minimise air quality impacts in response to adverse weather conditions or elevated dust levels (see **Table 5**).

Discussions with key AGLM personnel confirmed that water carts are retained on site for dust suppression and water carts were operating at the time of audit. Examples of environmental inspections completed during the audit period include verification of dust controls.

No complaints in relation to air quality impacts from the Project were received during the audit period.

3.7.7 Biodiversity

The disturbance boundary for the Project was found to be clearly delineated in the field during the audit site inspections, with daily and weekly inspections being completed to verify that environmental controls from the BMP are being implemented. Evidence was provided to confirm that contractor inductions include content on biodiversity management requirements.

Discussions with key AGLM personnel confirmed that during the audit period, a contractor tracked machinery through a flagged 'No Go' zone. A full boundary survey was undertaken in response, to confirm the 'No Go' flagging was correctly located, and the requirements around 'No Go' zones were tool boxed with the work crew. AGLM reported this event as a non-compliance to DPHI (see **Section 3.7.14**).

At the time of the audit site inspection, flagging and signage identifying 'no-go' zones was observed to be maintained around the extent of active disturbance areas (see **Plates 12, 13 and 14 in Appendix F**).

3.7.8 Visual Amenity and Lighting

Discussions with key AGLM personnel confirmed that Project construction works are only undertaken during daylight hours, with outdoor lighting plant used for safe access around the Project carpark and offices (see Plate 20 in **Appendix F**).

Interviews with key AGLM personnel confirmed that the final infrastructure design for the Tomago BESS facility is not completed. The design will incorporate visual mitigation measures in accordance with SSD 57107216.

Evidence was also provided to confirm that AGLM continue to maintain a sign-in and sign-out register for all personnel coming onto the Project site, which records working hours.

No complaints were received during the audit period in relation to visual amenity or lighting impacts.

3.7.9 Noise

Discussions with key AGLM personnel confirmed that the Project operates in accordance with the NVMP. The desktop review confirmed that AGLM have scheduled the first round of attended noise monitoring for the construction phase. AGLM employees and contractors undertake site inductions which includes content on noise management considerations.

3.7.10 Aboriginal Heritage

Discussions with AGLM personnel and a review of consultation records confirmed that prior to carrying out any construction activities, AGLM commissioned a salvage of the Aboriginal objects listed in Appendix 2, Table 2 of SSD 51707216. The desktop review confirmed that the ACHMP outlines procedures to be followed

in the event of any unanticipated Aboriginal and non-Aboriginal heritage items being identified during construction, with these procedures also reflected in the CEMP. A review of the Project site induction package confirmed that all Project staff and contractors are briefed on Aboriginal heritage obligations and response procedures.

Discussions with key AGLM personnel confirmed that there were no unanticipated heritage finds during the audit period.

3.7.11 Rehabilitation

No Project rehabilitation establishment activities were undertaken during the audit period.

At the time of the audit inspection, ASS was being actively treated with lime and topsoil stockpiles were being managed accordingly (see **Plates 16** and **24** in **Appendix F**). A Soil Validation Report was reviewed, which confirms that ASS disturbance and treatment works undertaken during the reporting period were implemented generally in accordance with the ASSMP.

3.7.12 Bushfire Management

AGLM manage bushfire risks in accordance with the BRAMP. The BRAMP outlines hot work management measures, and interviews with contractors confirmed that personnel carrying out any hot work for the Project are required to complete AGLM Hot Works Permits. A review of Project induction packages confirmed that all Project staff and contractors are briefed on mitigation measures required for bushfire management and response.

The site inspection confirmed that fire response equipment is in place at key areas within construction work areas (see **Plates 32** to **33** of **Appendix F**).

3.7.13 Traffic Management

AGLM manage traffic related impacts in accordance with the TMP Stage 1. The new access point off Old Punt Road ('Primary Access Point' as per SSD 57107216) is currently under construction, and a temporary contractors carpark has been established (see **Plates 4** and **10** in **Appendix F**).

Interviews with contractors confirmed that the that the current workforce represents only about a quarter of the peak construction levels, and an offsite parking location for peak workforce periods is currently being investigated.

Recommendations were made for AGLM to make improvements in relation to the tracking of vehicle movements and implementation of TMP controls (see **Table 5**).

3.7.14 Environmental Incidents

Discussions with key AGLM personnel confirmed that no environmental incidents reportable under SSD 57107216 were recorded during the audit period.

As noted in **Section 3.7.7** AGLM reported a non-compliance to DPHI during clearing activities, to notify the Department of a breach of a disturbance 'no-go' zone by Project equipment. Impacts from this this non-compliance were communicated to DPHI in accordance with SSD 57107216 requirements, along with follow up actions, which included:

- › Re-survey of the Project Boundary and 'no-go' zones to confirm that these were appropriately delineated in the field;
- › Review of the non-compliant clearing area by an ecologist; and
- › Follow-up toolbox talks with the Project workforce over the non-compliance and breach of the associated AGLM Ground Vegetation Disturbance Approval permit; and

- › Installation of an additional exclusion area at a 3m buffer from the re-surveyed exclusion boundary.

This non-compliance and verification of AGLM's response is discussed further in **Appendix C**.

3.7.15 Environmental Complaints

Discussions with key AGLM personnel confirmed that no community complaints were received regarding Project activities during the audit period.

3.7.16 Environmental Impact Comparison

Project activities during the audit period were found to be being undertaken generally in accordance with those described in SSD 57107216 environmental assessment documents.

A detailed review of AGLM compliance with SSD 57107216 conditions and commitments during the audit period is provided in **Appendix C**.

4. Recommendations

A summary of the non-compliances with SSD 57107216 approvals identified during the audit period is provided in **Table 4**. Recommendations made to respond to these non-compliances, as well as opportunities identified to improve AGLM's general environmental performance for the Project are provided in **Table 5**.

Table 5 IEA Recommendations

Reference	Recommendation Description
SSD 57107216 Conditions	
Schedule 2, Condition A2(d), B9, B13	It is recommended that AGLM conduct regular toolbox talks to communicate environmental controls to Project workers.
Schedule 2, Condition B1, B2	It is recommended that AGLM update the 'Heavy Vehicle Movements' Tracking Spreadsheet to include daily limit triggers as per SSD 57107216 Schedule 2 Condition B1 to improve record keeping and tracking of heavy vehicle movements.
Schedule 2, Condition B5	It is recommended that AGLM: <ul style="list-style-type: none"> › Complete maintenance works on the existing site access road adjacent to Old Punt Road, to improve access for vehicles entering and leaving site; › Progress with construction of the access point off Old Punt Road and ensure that records are kept to confirm that the access point has been designed and constructed in accordance with the Austroads Guide to Road Design Guidelines, unless the Secretary agrees otherwise; and › Implement a documented process to ensure that the temporary access point and erosion and sediment controls are regularly inspected and maintained.
Schedule 2, Condition B7(b)	It is recommended that AGLM proceed with a review of additional parking options to ensure that sufficient on-site parking capacity will be available during peak construction periods.
Schedule 2, Condition B7(e)	It is recommended that AGLM implement the use of street sweepers and a wheel wash to ensure that the potential for material to be tracked onto the public road network by Project vehicles is minimised, in accordance with the TMP.
Schedule 2, Condition B8(c)	It is recommended that AGLM implement procedures to track what percent of the workforce is carpooling during peak construction periods, or review the TMP to reflect current site practices.
Schedule 2, Condition B8(d)	It is recommended that AGLM ensure drivers working on the development receive training on the DCoC as approved under TMP Stage 1, and that documented evidence of this training is retained.

Reference	Recommendation Description
Schedule 2, Condition B8(e)	It is recommended that AGLM update the Site Induction to include reference to all the Conditions from the DCoC, or implement a separate procedure to ensure that relevant Project personnel are trained in DCoC obligations.
Schedule 2, Condition B19	It is recommended that AGLM retain and implement a register to record actions taken to minimise dust generation on site (e.g. suspending or modifying operations during high wind events), to demonstrate ongoing compliance with the management measures outlined in the CEMP.
Schedule 2, Condition B20	It is recommended that AGLM: <ul style="list-style-type: none"> › Update the Site Induction to include content on measures to minimise visual impacts of the Project; and › Update the site inspection program to include a check that visual impacts are being minimised.
Schedule 2, Condition B27	It is recommended that AGLM: <ul style="list-style-type: none"> › Continue consultation with DPHI regarding approval of the updated water monitoring locations identified in the revised SWMP; and › Revise the SWMP Trigger Action Response Plan to clearly define when an exceedance of SWMP water monitoring parameters would trigger regulatory reporting as an incident or non-compliance.
Schedule 2, Condition B28, B31	It is recommended that AGLM consult with DPHI to clarify when the Project Fire Safety Study and Emergency Response Plan will be required to be submitted to DPHI given Fire and Rescue NSW (FRNSW) will not approve submission of the Fire Safety Study prior to commencing Stage 3 of construction.
Schedule 2, Condition B29(a)	It is recommended that AGLM install appropriate signage on the dangerous goods storage container to clearly indicate its contents, and at the designated refuelling area to identify it as such.
Schedule 2, Condition B29(b)	It is recommended that AGLM regularly inspect all laydown / storage areas and ensure that chemical containers are bunded, and spare portable bunds available for use as required.
Schedule 2, Condition B30	It is recommended that AGLM: <ul style="list-style-type: none"> › Install a 20,000 litre water supply tank(s), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection prior to the operational phase; and › Implement the BRAMP dated 22/05/26, as finalised following the completion of the audit period.

Reference	Recommendation Description
Schedule 2, Condition B33(b), (c)	It is recommended that AGLM Develop a waste tracking register to classify all Project-generated waste in accordance with the EPA's <i>Waste Classification Guidelines</i> (2014). The register should record waste descriptions, disposal facilities, disposal dates, and recyclability status.
SSD 57107216 EIS SoCs	
Commitment W-8	See recommendation against SSD 57107216 Schedule 2, Condition B29(b).
Commitment SC-5	See recommendation against SSD 57107216 Schedule 2, Condition B29(b).
Commitment NV-3	It is recommended that AGLM revise the Site Induction to identify the location of nearest sensitive receivers and clearly identify the current carpark(s) available to be used by construction contractors.
Commitment BF-1	See recommendation against SSD 57107216 Schedule 2, Condition B30(a).
Commitment BF-7	It is recommended that AGLM revise the HSMP and associated Fluence Hot Works Permit form to commit to postponing non-essential works on days with Fire Danger Rating of Extreme and Catastrophic.
Commitment SI-4	It is recommended that AGLM ensure that the principles of Crime Prevention Through Environmental Design (CPTED) are applied to the construction site layout and that evidence for the application of the CPTED principles is retained in design documentation.
Commitment AQ-1	See recommendation against SSD 57107216 Schedule 2, Condition B19.
Commitment AQ-2	It is recommended that AGLM include consideration of opportunities to reduce fuel emissions within the next review of the site Risk Register.



Appendix A Endorsement of IEA Team

Department of Planning, Housing and Infrastructure

Reference: SSD-57107216-PA-40

Michele Nettlefold
Manager Land and Approvals - Ops
AGL MACQUARIE PTY LIMITED
26/02/2026

Sent via the Major Projects Portal only

Subject: Tomago BESS - Auditor Endorsement Request

Dear Ms Nettlefold

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit of the Tomago Battery Energy Storage System submitted as required by Schedule 2, Condition C13 of SSD-57107216 as modified (the consent) to NSW Department of Planning, Housing and Infrastructure (the Department) on 25 February 2026.

The Department has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed persons are suitably qualified, experienced, and independent.

Consequently, as nominee of the Planning Secretary, I endorse the following independent audit team:

- Mr Dorian Walsh - Lead Auditor
- Ms Sarah - Auditor

Please note:

- This correspondence must be appended to the Independent Audit Report.
- The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the Department's *Independent Audit Post Approval Requirements* (2020) unless directed otherwise. Failure to meet these requirements will require revision and resubmission.
- The above audit team is approved for the duration of construction and the initial operational audit of the development. However, the Department reserves the right to request an alternate auditor or audit team at any time.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.

Department of Planning, Housing and Infrastructure

- Endorsed experts/specialists must attend the site inspection component of the audit unless otherwise agreed by the Planning Secretary.
- The audit period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.

Should you wish to discuss the matter further, please contact Laura Gothard, Senior Compliance Officer on 0484 269 988 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters".

Heidi Watters
Team Leader - Hunter
Compliance

As nominee of the Planning Secretary



Appendix B

IEA Declaration

Appendix E

Independent Audit Report Declaration Form Template

Final Independent Audit Report Declaration Form – Lead Auditor	
Project Name	Tomago Battery Energy Storage System
Application Number	SSD 57107216
Project Address	1940 Pacific Highway Tomago NSW 2322
Proponent	AGL Macquarie Pty Limited
Title of Audit	AGL Macquarie SSD 57107216 Independent Environmental Audit
Date	27 May 2026
<p>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</p> <ol style="list-style-type: none">i. the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);ii. the findings of the audit are reported truthfully, accurately and completely;iii. I have exercised due diligence and professional judgement in conducting the audit;iv. I have acted professionally, objectively and in an unbiased manner;v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; andviii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so. <p>Notes:</p> <ol style="list-style-type: none">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	

Final Independent Audit Report Declaration Form – Lead Auditor

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor **Dorian Walsh (Lead Auditor)** **Sarah Moore**

Signature  

Qualification Auditor for Environmental Management, EMS and Compliance Audits. Cert# 201881

Company Xenith Consulting Pty Ltd

Company Address Shops 4-6, 157 - 159 John Street Singleton NSW 2330



Appendix C IEA Compliance Tables

Table C1 Project Approval SSD 57107216

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
SCHEDULE 2: PART A - ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
A1	In meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, operation, commissioning, upgrading, rehabilitation or decommissioning of the development.	C	A review of AGLM records and inspection of the SSD 57107216 Project site found that reasonable and feasible controls are in place to minimise the potential for material environmental harm from site operations. AGLM environmental controls for the Project are discussed under relevant conditions below.	
TERMS OF CONSENT				
A2	The development may only be carried out: (a) in compliance with the conditions of this consent	NC1	Non-compliances (NC) with SSD 57107216 conditions were identified during this IEA. Findings and recommendations in relation to each non-compliance are provided against the relevant conditions below.	
	(b) in accordance with all written directions of the Planning Secretary	NT	Maris Steel (MS) (pers comms) confirmed that no written directions have been made by the Department of Planning, Housing and Infrastructure (DPHI) during the audit period. Correspondence from DPHI regarding documents required under SSD 57107216 are noted against the relevant conditions below.	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(c) generally in accordance with the EIS; and	C	A review of AGLM information found that the development is being carried out generally in accordance with the EIS.	
	(d) generally in accordance with the Development Layout in Appendix 1.	NC2	<p>Sighted Notification of Non-Compliance Report dated 09/02/26 from AGLM to DPHI, in relation to two areas totalling approximately 126 m² being inadvertently cleared by a mulcher outside the approved development footprint. AGLM understood this clearing occurred on 02/12/26 and it was identified on 03/12/26. Native species affected were Coastal Wattle (<i>Acacia longifolia</i>) and juvenile Cheese Tree (<i>Glochidion ferdinandi</i>). The ecologist review of the clearing event (Worimi Green Team, undertaken on 03/02/26), as communicated in the incident report provided to DPHI, concluded that the clearing has not caused, or threatened to cause, any material harm to the environment. AGLM noted a non-compliance against Condition B9, B13 and A2(d) and the notification of 09/02/26 identified the development, explained why the action does not comply with the abovementioned SSD 57107216 conditions, and what actions have been undertaken. The cleared area</p>	<p>It is recommended that AGLM conduct regular toolbox talks to communicate environmental controls to Project workers.</p>

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>was inspected by an ecologist the day following the incident. No injured fauna was identified during the inspection. There was some disturbance to the groundcover, no native mature vegetation was impacted. A full boundary survey was undertaken to confirm the 'No Go' flagging was correctly located, and the requirements around 'No Go' zones were tool boxed with the work crew (sighted). In addition, a full boundary survey was undertaken to confirm 'exclusion zone' flagging is correct. Sighted the survey titled 'Exclusion Zone Clearing Area' dated 11/02/26 (FYFE, 2026). During the audit site inspection 'No Go' zones with fencing and delineation were observed across construction areas, as shown in Plate 12, Plate 13 and Plate 14.</p> <p>Viewed Fluence Toolbox Talk 'Tomago Permit Violation', associated presentation and attendee signoff form dated 04/02/26. The toolbox talk described the apparent breach of the relevant Ground Vegetation Disturbance Approval (GVDA) permit, the investigation process underway and corrective actions to be taken in response, including provision of a 3m buffer from the surveyed exclusion boundary.</p> <p>Sighted DPHI correspondence of 13/02/26 in response to AGLM's incident notification, which notes that DPHI is reviewing the matter and may</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			request further information.	
A3	The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of: (a) any strategies, plans or correspondence that are submitted in accordance with this consent;	C	Directions from DPHI on SSD 57107216 documentation are noted against the relevant conditions below.	
	(b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and	C	Directions from DPHI on SSD 57107216 documentation are noted against the relevant conditions below. MS (pers comms) noted that DPHI did not commission any audits during the audit period.	
	(c) the implementation of any actions or measures contained in these documents.	NT	MS (pers comms) confirmed that DPHI did not make any directions during the audit period on AGLM implementation of actions from SSD 57107216 documents.	
A4	The conditions of this consent and written directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	NT	MS (pers comms) confirmed that inconsistencies were not identified during the audit period.	
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.	C	MS (pers comms) confirmed that no batteries were installed during the audit period. MS advised that delivery and installation of batteries is not anticipated to commence until Quarter 3, 2026.	
	Note: <i>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 in the future.</i>	Note	Noted.	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
UPGRADING OF BATTERY STORAGE AND ANCILLARY INFRASTRUCTURE				
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.	NT	MS (pers comms) confirmed that AGLM has not sought to upgrade the battery storage and ancillary infrastructure during the audit period.	
STRUCTURAL ADEQUACY				
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 <i>Building Code of Australia</i> .	NT	MS (pers comms) confirmed that there were no permanent structures constructed during the audit period, therefore no construction certificates were sought. Several temporary offices have been installed and are being utilised by the workforce during the construction period, prior to the completion of site offices under development at the time of audit. This was confirmed during the IEA site inspection (see Plate 34 and Plate 35).	
	<p>Notes:</p> <ul style="list-style-type: none"> Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. 	Note	Noted.	
DEMOLITION				
A8	The Applicant must ensure that all demolition work on site is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	NT	MS (pers comms) confirmed no demolition work has occurred during the audit period.	
PROTECTION OF PUBLIC INFRASTRUCTURE				
A9	Unless the Applicant and the applicable authority agree otherwise, the Applicant	NT	MS) (pers comms) confirmed that no public infrastructure was relocated and	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and		no repairs to public infrastructure were required during the audit period.	
	(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	NT	See Condition A9(a) above.	
	Note: <i>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.</i>	Note	Noted.	
OPERATION OF PLANT AND EQUIPMENT				
A10	The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is: (a) maintained in a proper and efficient condition; and	C	Viewed examples of Project contractor documents for plant and equipment maintenance during the audit period, including: <ul style="list-style-type: none"> • Service history reports for: <ul style="list-style-type: none"> – Kobelco 21t Excavator, dated 20/02/28; – Kobelco SK2233R Excavator, dated 20/10/25; and – Bandit 21XP Wood Chipper, dated 16/07/25. • Risk Management Reports for: <ul style="list-style-type: none"> – Komatsu HM-300-5, dated 04/12/25; – Kobelco 21t Excavator, dated 24/02/26; and – Kobelco SK2233R Excavator, dated 11/06/25. • Fluence 'Mobile Plant Induction Forms' completed for: <ul style="list-style-type: none"> – Komatsu HM-300-5, dated 12/03/26; – Kobelco 21t Excavator, dated 19/01/26; 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<ul style="list-style-type: none"> – Kobelco SK2233R Excavator, dated 13/01/26; and – Bandit 21XP Wood Chipper, dated 12/01/26. <p>The Mobile Plant Induction approval forms viewed have several maintenance-related items that require sign-off as compliant, and a requirement to attach a completed 'Weed and Seed Certificate' to confirm the machine has been checked and cleaned to be free of weeds, seeds, soil, debris, and pests before entering site.</p>	
	(b) operated in a proper and efficient manner.	C	<p>Reviewed screenshots from the 'Done Safe' contractor management system used for the Project, displaying individual personnel profiles, which included examples of the following competencies:</p> <ul style="list-style-type: none"> • National Licence to Perform High Risk Work (Dogman) (expiry 23/12/27); • White Card (expiry 02/02/29); • Electrical Licence (expiry 05/12/27); and • High Risk Licence (Forklift) expiry 23/12/27). <p>Viewed 'Fluence Tomago BESS Induction' (Site Induction) dated 10/03/26, which outlines pre-requisites for operators and requirements for the management of Project plant and machinery.</p> <p>Plant and equipment in operation during the audit site inspection were</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			observed to be operating efficiently and generally in accordance with commitments in Project management documents (see Plate 1 and Plate 2).	
APPLICABILITY OF GUIDELINES				
A11	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Note	Noted.	
COMPLIANCE				
A12	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	C	Sighted Site Induction dated 10/03/26, which contains key relevant content associated with SSD 57107216 requirements. Also sighted a screenshot from the 'Done Safe' contractor management system displaying the list of individuals who have completed the Site Induction, along with the completion date for each.	
EVIDENCE OF CONSULTATION				
A13	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document	C	Sighted the 'Traffic Management Plan Stage 1' (SLR, 2025) [TMP Stage 1] dated 03/12/25. The TMP required	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	to the Planning Secretary for approval; and		<p>consultation with consultation with Transport for NSW (TfNSW) and Port Stephens Council. Appendix H contains a summary of consultation with TfNSW and Port Stephens Council. DPHI confirmed via approval letter dated 16/12/25 that the TMP Stage 1 was prepared in consultation with TfNSW and Port Stephens Council.</p> <p>Sighted 'Tomago Battery Energy Storage System (BESS) Aboriginal Cultural Heritage Management Plan' (AECOM, 2025) [ACHMP] dated 11/08/25. The ACHMP required consultation with Aboriginal stakeholders and Heritage NSW. Copies of the Registered Aboriginal Party (RAP) correspondence on the document is provided in Appendix B of the ACHMP. Section 7 of the ACHMP states that on 03/06/25 a draft was provided to Heritage NSW, resulting in minor modifications to the document. The ACHMP approval letter from DPHI dated 14/08/25 confirms that the ACHMP was prepared in consultation with Heritage NSW.</p> <p>Sighted 'Biodiversity Management Plan Tomago Battery Energy Storage System' (Coolburn, 2025) [BMP] dated 09/09/26. The BMP required consultation with Department of Climate Change, Energy, the Environment and Water (DCCEEW) Conservation Programs, Heritage and Regulation Group (CPHR) (previously referred to as Biodiversity,</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>Conservation and Science Group within NSW DCCEEW. Table 2 of the BMP states that 'A draft of the BMP (V1) was provided to CPHR via email on 11 June 2025. CPHR attended a site visit (15 June 2025) to discuss the BMP and review appropriate biodiversity mitigation measures.</p> <p>Sighted 'Soil and Water Management Plan Tomago Battery Energy Storage System' (AECOM, 2025) [SWMP] dated 15/09/25. Section 1.4 of the SWMP confirms that DCCEEW reviewed the Plan, and provided a post approval recommendation regarding water supply, take and licencing. This correspondence has been noted and provided in Appendix C. DPHI's letter of 17/09/25 approving the SWMP notes that the document was prepared in consultation with DCCEEW Water.</p>	
	<p>(b) provide details of the consultation undertaken including:</p> <ul style="list-style-type: none"> (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved. 	C	See Schedule 2, Condition A13(a).	
COMMUNITY ENHANCEMENT				
A14	<p>Unless the Planning Secretary agrees otherwise, prior to the commencement of construction, the Applicant must enter into a Voluntary Planning Agreement (VPA) with Council in accordance with:</p> <ul style="list-style-type: none"> (a) Division 7.1 of Part 7 of the EP&A Act; and 	C	<p>Sighted signed and executed 'VPA for Tomago Battery Energy Storage System Project' dated 26/11/25.</p> <p>Also sighted email from DPHI dated 27/01/26 with attached Post Approval Form confirming AGLM lodged the executed VPA on 27/01/26.</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(b) the terms of the Applicant's VPA offer dated 30 August 2024, which are summarised in Part 1 of Appendix 3.	C	See Appendix 3 Part 1 and Part 2.	
A15	Unless the Planning Secretary agrees otherwise, if the Applicant and Council do not enter into a VPA or other agreement prior to the commencement of construction, then the Applicant must make Section 7.12 of the EP&A Act contributions to Council for the amount and, at the timeframes, specified in Part 2 of Appendix 3.	NT	AGLM commenced construction on 05/01/26 (refer to Schedule 2, Condition C7). The VPA was signed and executed on 26/11/25 (see Schedule 2, A14), prior to commencement of construction.	
SCHEDULE 2: PART B - ENVIRONMENTAL CONDITIONS				
TRANSPORT				
Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions				
B1	Unless the Planning Secretary agrees otherwise, the Applicant must ensure that the: (a) development does not generate more than: (i) 50 heavy vehicle movements a day (a maximum of 33 heavy vehicle movements per hour) during construction, upgrading or decommissioning; and (ii) 12 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and	C	Sighted RJE Global 'Traffic Movement Register Tomago 500MW BESS' dated 23/03/26. This register is a form filled out daily listing the registration, type, time-in and time-out of each heavy vehicle going onto site. This information is then put into the 'Heavy Vehicle Movements' tracking spreadsheet. Sighted the 'Heavy Vehicle Movements' tracking spreadsheet for the project (Tracking Spreadsheet). The Tracking Spreadsheet lists every heavy vehicle truck movement in and out of the site from 15/01/26 until 31/03/26. There were no instances of there being more than 50 heavy vehicles movements per day, and only one recorded heavy vehicle that required an escort. Mitch Steward (MSt) advised that there had been no instances of a heavy vehicle over 26	It is recommended that AGLM update the 'Heavy Vehicle Movements' Tracking Spreadsheet to include daily limit triggers as per SSD 57107216 Schedule 2 Condition B1 to improve record keeping and tracking of heavy vehicle movements.

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			metres (m) being used for the project to date. The Tracking Spreadsheet does not include: <ul style="list-style-type: none"> • Triggers to flag instances of where there are more than 50 movements or 12 escorted heavy vehicle movements per day during construction; • Records of the daily total of heavy vehicle movements; • Indication of whether heavy vehicles required escorts. 	
	(b) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed 26 metres.	NT	See Schedule 2, Condition B1.	See recommendation against Schedule 2, Condition B1.
B2	The Applicant must keep accurate records of the number of heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.	C	See Schedule 2, Condition B1.	See recommendation against Schedule 2, Condition B1.
Access Route				
B3	Unless the Planning Secretary agrees otherwise, all heavy vehicles and heavy vehicles requiring escort associated with the development must travel to and from the: <ul style="list-style-type: none"> (a) BESS site via the Pacific Highway, Tomago Road and Old Punt Road (vehicles exiting the site must turn left onto the Pacific Highway only); 	C	Viewed 'Fluence Tomago BESS Induction' dated 10 March 26, which states that that "Vehicle movements are left-in / left-out only: vehicles must enter the site turning left and exit the site turning left." Compliance with this obligation was observed during the site inspection, and signage was installed indicating to drivers that they must turn left upon exiting (see Plate 3 and Plate 5). Existing traffic signage and road	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			configuration at the Old Punt Road to Pacific Highway junction permit only left turns; right turns are not permitted.	
	(b) NGSF Construction Laydown area via the Pacific Highway, Tomago Road, Old Punt Road and the NGSF private access road (vehicles exiting the site must turn left onto the Pacific Highway only); and	NT	MS (pers comms) that use of the NGSF Construction Laydown area is not currently required for the Project, and will not be needed for the foreseeable future.	
	(c) electricity transmission line via the Pacific Highway, Tomago Road and Old Punt Road (vehicles exiting the site must turn left onto the Pacific Highway only), as identified in the figure in Appendix 4.	NT	MS (pers comms) advised that the final design of the electricity transmission line remains incomplete and construction has not commenced.	
Site Access				
B4	Unless the Planning Secretary agrees otherwise, all vehicles associated with the development must enter and exit in the following manner: (a) the BESS site via the 'Primary Access Point' off Old Punt Road;	C	The Site Induction describes the Primary entry point via Old Punt Road and the requirements for drivers entering and exiting the site, including the requirement to enter left-in and exit left-out. During the audit site inspection, the Primary Access Point was inspected and all vehicles were entering and exiting via the 'Primary Access Point' of Old Punt Road. (see Plate 3, Plate 4, and Plate 5).	
	(b) the NGSF Construction Laydown area via the 'NGSF Laydown Area Access Point' off the NGSF private access road; and	NT	See Schedule 2, Condition B3(b).	
	(c) the electricity transmission line via the 'ETL Access Point' off Old Punt Road, as identified in Figure 1 of Appendix 1.	NT	See Schedule 2, Condition B3(c).	
	Note: Other site access points may be used for emergency purposes.	Note	Noted.	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
Road Upgrades				
B5	<p>Unless the Planning Secretary agrees otherwise, prior to commencing construction, a new access point off Old Punt Road must be provided as shown in Appendix 5.</p> <p>The upgrade must be designed and constructed in accordance with the Austroads Guide to Road Design Guidelines, unless the Secretary agrees otherwise.</p>	C	<p>Sighted letter from AGLM to DPHI dated 21/11/25, proposing proposed staging strategy for construction and the associated Fire Safety Study, Emergency Plan, and Traffic Management Plan. The letter stated that:</p> <ul style="list-style-type: none"> • Stage 1 would include 'Pre-construction activities (road upgrade maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying); and • Stage 2a would include 'Commence construction of the BESS including installation of new access point off Old Punt Road in accordance with Condition B5, vegetation clearing, bulk earthworks laying of concrete slabs and construction of other ancillary infrastructure, excluding deliver and or storage of BESS'. <p>Therefore, the letter indicated that certain construction works would be occurring concurrently during construction of the new access point off Old Punt Road. DPHI approved this proposed staging request as indicated on 24/12/25 in a letter to AGLM (as sighted) which stated that 'on 21 November 2025 the Planning Secretary</p>	<p>It is recommended that AGLM:</p> <ul style="list-style-type: none"> • Complete maintenance works on the existing site access road adjacent to Old Punt Road, to improve access for vehicles entering and leaving site; • Progress with construction of the access point off Old Punt Road and ensure that records are kept to confirm that the access point has been designed and constructed in accordance with the Austroads Guide to Road Design Guidelines, unless the Secretary agrees otherwise; and • Implement a documented process to ensure

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>approved Stage 1 to be undertaken concurrently with Stage 2a’.</p> <p>MS confirmed that AGLM were in Stage 2a of the construction phase and this was evident during the audit site inspection (see Plate 4). At the interface between the placed gravel and Old Punt Road, additional gravel placement and surface levelling appeared to be required to achieve a uniform transition (see Plate 5). This observation was confirmed by site personnel present during the inspection. Temporary erosion and sediment controls were also in place (see Plate 6 and Plate 7).</p>	<p>that the temporary access point and erosion and sediment controls are regularly inspected and maintained.</p>
Road Maintenance				
B6	<p>The Applicant must:</p> <p>(a) undertake an independent dilapidation survey to assess the:</p> <p>(i) condition of Old Punt Road from the Pacific Highway to the intersection of Old Punt Road and Tomago Road, and Tomago Road from the Pacific Highway to the intersection of Old Punt Road and Tomago Road, prior to construction, upgrading and decommissioning activities; and</p>	C	<p>Sighted Fluence ‘Pavement Dilapidation Survey (Baseline Condition) Report, Tomago BESS’ (Dilapidation Report). This report is dated 3/11/25 and completed prior to AGLM commencing construction on 05/01/26 (refer to Schedule 2, Condition C7). Section 3 of the Dilapidation Report outlines that the purpose of the dilapidation survey is to determine the baseline condition of an approximately 700 m long section of Tomago Rd and approximately 2,012 m long section of Old Punt Road.</p>	
	<p>(ii) condition of Old Punt Road from the Pacific Highway to the intersection of Old Punt Road and Tomago Road, and Tomago Road from the Pacific Highway to the intersection of Old Punt Road and Tomago Road,</p>	NT	<p>Not triggered. MS (pers comms) confirmed the Project is in Stage 2a of the construction phase and this was</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	following the completion of construction, upgrading and decommissioning activities;		confirmed during the audit site inspection.	
	(b) on completion of the dilapidation reports undertaken in conditions B6(a)(i) and B6(a)(ii) provide a copy to the relevant roads' authorities; and	C	On 07/01/26, AGLM emailed the Dilapidation Report to Port Stephens Council (PSC) and Transport for NSW (TfNSW) (sighted emails).	
	(c) repair and/or make good any development-related damage to Tomago Road and Old Punt Road identified in dilapidation surveys during construction, upgrading or decommissioning works in consultation with the relevant roads authority. If there is a dispute between the Applicant and the relevant roads authority about repairs required under this condition, then either party may refer the matter to the Planning Secretary for resolution.	NT	MS (pers comms) confirmed that there has been no development-related damage to Tomago Road or Old Punt Road to date.	
Operating Conditions				
B7	The Applicant must ensure: (a) the internal roads are constructed as all-weather roads;	C	During the audit site inspection internal roads appeared maintained and fit for all-weather (see Plate 8 and Plate 9).	
	(b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site, unless required for emergency work to avoid the loss of life, property or prevent material harm to the environment;	C	Sighted 'Fluence Tomago BESS Induction' dated 10 March 26, which states 'No parking is permitted on the public road network near the site, unless required for emergency works to avoid loss of life or property, or to prevent material harm to the environment.' The Site Induction has a figure showing the concept layout of parking once construction is fully established however it doesn't identify the current main carpark contractors are utilising for parking during the initial stages of the Project (see Plate 10 and refer to	It is recommended that AGLM proceed with a review of additional parking options to ensure that sufficient on-site parking capacity will be available during peak construction periods. Refer to additional recommendation under RtS Commitment NV-3.

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>recommendation under the Project Response To Submissions (RtS) Commitment NV-3).</p> <p>MSt (pers comms) confirmed that the current workforce (a maximum of approximately 50 personnel at the time of audit) represents only about a quarter of the peak construction levels, and an offsite parking location for peak workforce periods is currently being investigated. During the audit site inspection there appeared to be sufficient parking on site for all vehicles (see Plate 10 and Plate 11). This was supported by a Fluence plan 'Overall Site Satellite Construction Compound Layout' dated 02/03/26, which shows the location of light vehicle parking available at the time of audit.</p> <p>Current parking arrangements appear inadequate to accommodate the workforce required for the peak construction period; it is therefore recommended that this investigation proceed as a priority.</p>	
	(c) the capacity of the existing roadside drainage network is not reduced;	C	<p>During the audit site inspection, there was no apparent reduction in the capacity of the existing roadside drainage network. Temporary erosion and sediment controls were in place at the access point from Old Punt Road (see Plate 6 and Plate 7).</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and	C	Viewed 'Fluence Tomago BESS Induction' dated 10 March 26, which states 'All vehicles will be loaded and unloaded on site and must enter and leave in a forward direction (no reversing onto public roads).' Compliance with these requirements was observed during the audit site inspection.	
	(e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.	C	The TMP includes the following commitment: 'use of water trucks and sweeper trucks shall ensure the existing network is kept free of dirt from the site. Wheel wash bays will be utilised on site to ensure development-related vehicles leaving the site are in a clean condition. The Fluence 'Weekly Inspection' also includes a check to ensure there is no presence of mud tracking onto public roads. Interviews with site personnel during the audit site inspection confirmed that a street sweeper has not been required to date, and wheel wash bays have not been installed at the site. MSt confirmed that should machinery require washing down water carts were available for use. Although vehicles exiting the site were not observed to be unclean at the time of inspection, the site includes gravel access tracks and unsealed internal areas, which can lead to Project vehicles tracking material onto the public road network, particularly during wet weather	It is recommended that AGLM implement the use of street sweepers and a wheel wash to ensure that the potential for material to be tracked onto the public road network by Project vehicles is minimised, in accordance with the TMP.

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>conditions. As such, it is recommended that the AGLM implement mitigation measures in accordance with the TMP.</p>	
Traffic Management Plan				
B8	<p>Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Port Stephens Council, and to the satisfaction of the Planning Secretary. Unless the Planning Secretary agrees otherwise, this plan must include:</p> <p>(a) details of the transport route to be used for development-related traffic;</p>	C	<p>Sighted letter from AGLM to DPHI dated 21/11/25, proposing proposed staging strategy for construction and the associated Fire Safety Study, Emergency Plan, and Traffic Management Plan. The letter stated that: 'AGLM requests that the submission of the TMP is staged as outlined in Attachment A. In accordance with Condition B8 (xii) the TMP requires details for 'a traffic management system to manage heavy vehicles requiring escorts'. The information to satisfy this condition can be more accurately provided once the delivery schedule has been clarified, and as such AGLM requests that the TMP be submitted in two stages. This approach will enable the TMP to be endorsed to commence construction works and an updated TMP which contains the relevant OSOM management measures, submitted prior to Stage 2b, which is prior to the delivery of the Project Batteries.</p> <p>DPHI approved the TMP Stage 1 on 16/12/25 (sighted letter) prior to commencement of construction on 05/01/26 (see Schedule 2, Condition C7).</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			See Schedule 2, Condition A13 for details regarding consultation undertaken for the TMP.	
	(b) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS have been included in the plan;	C	Table 2 of the TMP Stage 1 identifies the traffic-related management measures and recommendations identified in the EIS, and outlines what section of the TMP Stage 1 addresses each requirement.	
	(c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including: <ul style="list-style-type: none"> (i) details of the dilapidation surveys required by condition B6 of this consent; (ii) temporary traffic controls, including detours and signage; (iii) notifying the local community about project-related traffic impacts; (iv) procedures for receiving and addressing complaints from the community about development related traffic; (v) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network; (vi) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works; (vii) minimising dirt tracked onto the public road network from development-related traffic; (viii) measures for managing light vehicle peak numbers, including employee use of shuttle bus service, carpooling or ride sharing by employees; (ix) details and volume of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service; scheduling of heavy vehicle movements to 	C	(i) Section 3.9 of the TMP Stage 1 outlines the scope of the dilapidation survey undertaken by SLR. The pre-construction dilapidation survey has been completed (see Schedule 2, Condition B6). (ii) Section 6.2 of the TMP Stage 1 outlines the Traffic Guidance Scheme (TGS) and Appendix E includes the initial TGSs. Sighted the following TGSs prepared to facilitate the construction of the new access point of Old Punt Road: <ul style="list-style-type: none"> - 'Long Term – Shoulder closure TGS', dated 30/10/25; - 'Short Term – Shuttle Flow TGS' dated 30/10/2; and - 'Short Term – Intermittent Stoppages'. (iii) Section 7.5 outlines the traffic communications strategy. To assist in determining whether impacts are occurring, the TMP Stage 1 commits to monitoring all	It is recommended that AGLM implement procedures to track what percent of the workforce is carpooling during peak construction periods, or review the TMP to reflect current site practices.

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	<p>minimise convoy length or platoons, and to minimise conflict with light vehicles;</p> <p>(x) SIDRA modelling of the turning lanes from the Pacific Highway onto Tomago Road, and mitigation measures to ensure that project traffic does not result in an exceedance of the capacity of the turning lanes, including prior, during or after any future intersection upgrades (including interactions with the M1 Extension Project (SSI-7319));</p> <p>(xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather;</p> <p>(xii) responding to any emergency repair or maintenance requirements; and</p> <p>(xiii) a traffic management system for managing heavy vehicles requiring escort;</p>		<p>construction traffic entering and exiting the site to determine whether staggering start and finishing times for contractors is required. Interviews with personnel during the audit site inspection confirmed that all vehicles entering and exiting site are monitored and this is reflected in the Heavy Vehicle Tracking Spreadsheet (see Schedule 2, Condition A13 above).</p> <p>(iv) Section 7.6 of the TMP outlines the process for handling complaints regarding traffic or construction impacts. MS confirmed that no complaints have been received to date for the Project, and a 'Complaints Register' is kept updated and available on the AGLM Tomago BESS public website (see Schedule 2, Condition C14).</p> <p>(v) Section 3.8 of the TMP identifies school bus services that overlap with construction routes and advises that impacts are not anticipated.</p> <p>(vi) Section 1.4 of the TMP Stage 1 address cumulative traffic impacts with other relevant developments. The M1 extension is a major development in proximity and has been considered in Project SIDRA</p>	

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			<p>(modelling) analysis.</p> <p>(vii) Table 12 of the TMP Stage 1 includes mitigation measures associated with ensuring vehicles leaving site are in a clean condition. Refer to Schedule 2, Condition B7 for an assessment of compliance against this obligation.</p> <p>(viii) Section 3.4.2 of the TMP outlines the workforce arrangements and a commitment that that 20% of the peak workforce will carpool. MS noted that the maximum construction workforce on site during the audit period was not at peak numbers required for the Project, being approximately 50 people per day.</p> <p>(ix) Section 3.6 of the TMP Stage 1 outlines that for about 3.5 months shuttle buses will be used to transport workers to/from the site. A designated overflow parking area is yet to be determined, however AGLM have committed to updating the TMP Stage 1 at such a time, to reflect peak construction period. See Schedule 2, Condition B7(b) which provides a recommendation on this commitment.</p> <p>(x) Section 4.1.2 of the TMP outlines the SIDRA assessment, with all</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>modelling outputs included in Appendix G.</p> <p>(xi) Section 6.4.3 of the TMP outlines dust management measures and Appendix F includes the response to follow in adverse weather conditions. Refer to Schedule 2, Condition B19 for an assessment of compliance with dust management obligations.</p> <p>(xii) Section 6.7 outlines response to emergency repair or maintenance requirements. No repairs to public infrastructure were required during the audit period (see Schedule 2, Condition B6(c)).</p> <p>(xiii) Section 3.11.1 and 3.11.2 of the TMP outlines that it is the responsibility of the transporting company to provide an appropriate Traffic Management System for escorting OSOM vehicle when required. AGLM also committed to stage the development and the TMP specifically for works requiring high risk OSOM transport. The Recommended OSOM Material Transportation Route Study will be included in the TMP Stage 2.</p>	
	<p>(d) a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> (i) driver fatigue; (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and 	C	<p>Appendix D of the TMP Stage 1 is the 'Driver's Code of Conduct' (SLR, 2025) [DCoC].</p> <ul style="list-style-type: none"> (i) The DCoC identifies that drivers must not report for duty if they 	<p>It is recommended that AGLM ensure drivers working on the development receive training on</p>

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(iii) procedures to ensure that drivers implement safe driving practices;		<p>are fatigued, and must take adequate breaks during shifts to ensure fatigue does not occur.</p> <p>(ii) The DCoC advise that primary entry and exist points are via Old Punt Road via the all-movements crossover, and that movements within the site are restricted to 20 km/hr.</p> <p>(iii) The DCoC outlines conditions of entry and designated construction vehicle routes are shown in Figure 1.</p>	<p>the DCoC as approved under TMP Stage 1, and that documented evidence of this training is retained.</p>
	(e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan; and	NC3	<p>The DCoC includes a sign off register to confirm workers have read and understood and agree to the DCoC. Table 14 of the TMP Stage 1 advises that vehicle operators shall attend an induction including the Driver’s Code of Conduct which must be done prior to entering site.</p> <p>MSt confirmed (pers comms) that the current training program for the Project requires all contractors to complete a site induction, which includes training content on the DCoC. The Project Site Induction dated March 2026 contains a summary list of key Conditions from the DCoC; however, it does not cover all Conditions as listed. Evidence was not available at the time of the audit that to demonstrate that drivers working on the development had received the DCoC as approved under TMP</p>	<p>It is recommended that AGLM update the Site Induction to include reference to all the Conditions from the DCoC, or implement a separate procedure to ensure that relevant Project personnel are trained in DCoC obligations.</p>

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			Stage 1, nor that they had formally acknowledged and signed off on its full contents.	
	(f) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding.	C	Section 5.4 of the TMP Stage 1 outlines the assessed flood risk and procedure to follow in the event of partial inundation.	
	Following the Planning Secretary's approval, the Applicant must implement the Traffic Management Plan.	NC3	See non-compliances / recommendations noted against: <ul style="list-style-type: none"> • Schedule 2, Condition B7(e); and • Schedule 2 Condition B8(c); and • Schedule 2 Condition B8(e). 	See recommendations noted against: <ul style="list-style-type: none"> • Schedule 2, Condition B7(e); • Schedule 2 Condition B8(c); and • Schedule 2 Condition B8(e).
BIODIVERSITY				
Vegetation Clearance				
B9	The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.	NC2	Sighted Notification of Non-Compliance Report dated 09/02/26 from AGLM to DPFI, in relation to two areas totalling approximately 126m² being inadvertently cleared by a mulcher outside the approved development footprint. AGLM reported a non-compliance against Condition B9, B13 and A2(d). Refer to Schedule 2, Condition A2(d) for further details. Native	See recommendation noted against Schedule 2, Condition A2(d).

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			species affected were Coastal Wattle (<i>Acacia longifolia</i>) and juvenile Cheese Tree (<i>Glochidion ferdinandi</i>).																																												
Biodiversity Offsets																																															
B10	<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.</p> <p>The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</p> <p>(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; and/or funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p>Table 1 Ecosystem Credit Requirements</p> <table border="1"> <thead> <tr> <th rowspan="2">Plant Community Type</th> <th colspan="2">Credits Required</th> </tr> <tr> <th>BESS with connection to Transgrid Tomago 132 kilovolts (kV) substation (on Lot 101 DP1125747)</th> <th>BESS with connection to the Transgrid Tomago 330 kV substation (on Lot 3 DP808004, and Lots 102 and 103 DP1125747)</th> </tr> </thead> <tbody> <tr> <td>1590 - Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest</td> <td>194</td> <td>202</td> </tr> </tbody> </table> <p>Table 2 Species Credit Requirements</p> <table border="1"> <thead> <tr> <th rowspan="2">Common Name (Scientific Name)</th> <th colspan="2">Credits Required</th> </tr> <tr> <th>BESS with connection to Transgrid Tomago 132 kilovolts (kV) substation (on Lot 101 DP1125747)</th> <th>BESS with connection to the Transgrid Tomago 330 kV substation (on Lot 3 DP808004, and Lots 102 and 103 DP1125747)</th> </tr> </thead> <tbody> <tr> <td>Common Planigale (<i>Planigale maculata</i>)</td> <td>212</td> <td>222</td> </tr> <tr> <td>Southern Myotis (<i>Myotis macropus</i>)</td> <td>174</td> <td>176</td> </tr> <tr> <td><i>Pterostylis chaetophora</i></td> <td>82</td> <td>84</td> </tr> <tr> <td>Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)</td> <td>136</td> <td>150</td> </tr> <tr> <td>Netted Bottlebrush (<i>Callistemon linearifolius</i>)</td> <td>3</td> <td>3</td> </tr> <tr> <td>Leaf-less Tongue Orchid (<i>Cryptostylis hunteriana</i>)</td> <td>61</td> <td>61</td> </tr> <tr> <td>Squirrel Glider (<i>Petaurus norfolcensis</i>)</td> <td>136</td> <td>150</td> </tr> <tr> <td>Eastern Cave Bat (<i>Vespadelus troughtoni</i>)</td> <td>319</td> <td>334</td> </tr> <tr> <td>Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)</td> <td>319</td> <td>334</td> </tr> <tr> <td>Singleton Mint Bush (<i>Prostanthera cineolifera</i>)</td> <td>82</td> <td>82</td> </tr> </tbody> </table>	Plant Community Type	Credits Required		BESS with connection to Transgrid Tomago 132 kilovolts (kV) substation (on Lot 101 DP1125747)	BESS with connection to the Transgrid Tomago 330 kV substation (on Lot 3 DP808004, and Lots 102 and 103 DP1125747)	1590 - Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	194	202	Common Name (Scientific Name)	Credits Required		BESS with connection to Transgrid Tomago 132 kilovolts (kV) substation (on Lot 101 DP1125747)	BESS with connection to the Transgrid Tomago 330 kV substation (on Lot 3 DP808004, and Lots 102 and 103 DP1125747)	Common Planigale (<i>Planigale maculata</i>)	212	222	Southern Myotis (<i>Myotis macropus</i>)	174	176	<i>Pterostylis chaetophora</i>	82	84	Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	136	150	Netted Bottlebrush (<i>Callistemon linearifolius</i>)	3	3	Leaf-less Tongue Orchid (<i>Cryptostylis hunteriana</i>)	61	61	Squirrel Glider (<i>Petaurus norfolcensis</i>)	136	150	Eastern Cave Bat (<i>Vespadelus troughtoni</i>)	319	334	Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	319	334	Singleton Mint Bush (<i>Prostanthera cineolifera</i>)	82	82	C	<p>Sighted NSW Biodiversity Conservation Trust (BCT) 'Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation' for SSD 57107216 dated 18/08/25 (prior to Project commencement).</p> <p>Also sighted 'Credit retirement report' dated 08/11/24. Credits were retired in accordance with and amended Table 2 (Species Credit Requirements), with the changes outlined in 'Credit Adjustment Report for Tomago Battery Energy Storage System' dated 07/03/25 (Biosis, 2025) following approval by DPPI (see Schedule 2, Condition 10).</p>	
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	BESS with connection to Transgrid Tomago 132 kilovolts (kV) substation (on Lot 101 DP1125747)	BESS with connection to the Transgrid Tomago 330 kV substation (on Lot 3 DP808004, and Lots 102 and 103 DP1125747)																																													
Common Planigale (<i>Planigale maculata</i>)	212	222																																													
Southern Myotis (<i>Myotis macropus</i>)	174	176																																													
<i>Pterostylis chaetophora</i>	82	84																																													
Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	136	150																																													
Netted Bottlebrush (<i>Callistemon linearifolius</i>)	3	3																																													
Leaf-less Tongue Orchid (<i>Cryptostylis hunteriana</i>)	61	61																																													
Squirrel Glider (<i>Petaurus norfolcensis</i>)	136	150																																													
Eastern Cave Bat (<i>Vespadelus troughtoni</i>)	319	334																																													
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	319	334																																													
Singleton Mint Bush (<i>Prostanthera cineolifera</i>)	82	82																																													

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
B11	<p>The Applicant may seek to review and update the species credit requirements in Table 2 above to reflect additional survey effort and the resulting extent and type of species to be impacted. Any additional survey effort should be conducted in accordance with the BAM and shown in a Credit Adjustment Report. Requests to amend the credit requirements must be prepared in consultation with BCS and NSW DCCEEW and be to the satisfaction of the Planning Secretary prior to the commencement of construction.</p>	C	<p>AGLM sought to review and update the species credit requirement in Table 2 and DPHI approved this request (prior to commencing construction). Sighted the following consultation documents:</p> <ul style="list-style-type: none"> • Letter from AECOM (on behalf of AGLM) to DPHI dated 19/06/25 seeking an amendment to the credit requirements resulting from additional surveys and selection of the preferred transmission line connection. The letter contained consultation records to demonstrate that the Credit Adjustment Report was issued to Conservation Programs, Heritage and Regulation (formerly referred to as the Biodiversity Conservation Science Group), which is a part of the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW); • 'Credit Adjustment Report for Tomago Battery Energy Storage System' dated 07/03/25 (Biosis, 2025); and • Letter of approval from DPHI dated 23/06/25. DPHI referred to the AECOM letter on behalf of AGLM dated 19/06/25 requesting Secretary's discretion for the approval to amend Table 2 under Condition B10 Schedule 2. 	
B12	<p>Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the</p>	C	<p>See Schedule 2, Condition B10(a). Sighted letter from AGLM to DPHI</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	Planning Secretary that biodiversity credits have been retired.		dated 19/09/25. AGLM provided the credit retirement report and Section 6.33 certificate, demonstrating that offsets have been retired in accordance with the credit adjustment report.	
Biodiversity Management Plan				
B13	<p>Prior to carrying out any development that could directly or indirectly impact biodiversity values, 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) be prepared in accordance with the <i>Biodiversity Development Assessment Report</i> (dated 30 August 2024);</p>	C	<p>Sighted 'Biodiversity Management Plan Tomago Battery Energy Storage System' (Coolburn, 2025) [BMP] dated 09/09/26. DPHI approved the BMP on 12/09/25 and the DPHI approval letter is attached as the first page of the BMP.</p> <p>See Schedule 2, Condition A13 for details regarding consultation undertaken during preparation of the BMP.</p>	
	<p>(b) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> (i) protecting vegetation and fauna habitat outside the approved disturbance areas; (ii) managing and enhancing the remnant vegetation and fauna habitat on site; (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development; (iv) minimising the impacts of the development on threatened flora and fauna species within the disturbance footprint and its surrounds; (v) minimising the impacts to fauna on site and implementing fauna management protocols; (vi) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions; (vii) maximising the salvage of vegetative and soil resources within the 	C	<ul style="list-style-type: none"> (i) Section 3.1 of the BMP outlines the activities to be implemented to ensure only permitted vegetation is cleared. (ii) Section 4.3 outlines the requirement to rehabilitate and revegetate areas where practicable. (iii) Section 3.1.1 – 3.1.2 of the BMP states that the development footprint must be delineated entirely prior to any clearing works, and outlines additional mitigation measures to minimise impacts. (iv) Section 3.1 outlines Project 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	<p>approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</p> <p>(viii)controlling weeds, feral pests and pathogens;</p>		<p>controls for clearing, and 4.4 outlines the incidental finds protocol.</p> <p>(v) Section 3.1.1 – 3.1.4 of the BMP outlines the controls associated with minimising impacts to fauna.</p> <p>(vi) Section 4.3 outlines the measures associated with rehabilitation.</p> <p>(vii) Section 3.1.5 outlines the management measures associated with re-use of features and materials.</p> <p>(viii) Section 3.2 and Section 3.3 outline weed management measures.</p>	
	<p>(c) include a program to monitor and report on the effectiveness of mitigation measures and report to BCS;</p>	C	<p>Section 4.2.1 of the BMP states that AGLM will submit an annual report to CPHR (previously referred to as BSC) to demonstrate compliance with the BMP. Monitoring details are provided in Table 6 within the BMP.</p>	
	<p>(d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and</p>	C	<p>Section 4.4 of the BMP contains an incidental finds protocol.</p>	
	<p>(e) include details of who would be responsible for monitoring, reviewing and implementing the plan.</p>	C	<p>Section 4.1.4 of the BMP outlines responsibilities, and Table 6 outlines the monitoring schedule.</p>	
	<p>Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p>	NC2	<p>A review of the following documents found that AGLM were generally implementing the BMP during the audit period:</p> <ul style="list-style-type: none"> • 'Dam Dewatering pre-clearance survey at Tomago BESS Site' dated 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>17/03/26 (SSSafe Training and Environmental, 2026);</p> <ul style="list-style-type: none"> • Letter from Brad Gabriel (ecologist) of SSSafe Training and Environmental confirming the outcome of a pre-clearance survey undertaken on 10/03/26; • 'Pre-Clearing Survey Report' works on Lots 5,6,7,20 and 21 DP 1286735 (Worimi Green Team); • 'Site Wide Clearing & Grubbing Activity Method Statement – Rev D' dated 17/02/26 (Symal, 2026); • 'Clearing Works Reports' completed by Worimi Green Team dated 15/01/26 and 18/02/26; • 'Pre-clearance Habitat Assessment – Tomago Battery Storage System' for an assessment completed on 26/11/25; • 'Daily Works Record' completed on 10/11/25 and 11/11/25 which provide record of weeding works completed. On this date hand removal of 'Mother of Millions' occurred; • 'GVDA – Application Form for Weed Control of Mother of Millions' dated 03/11/25; • 'GDVA – Application Form for Site Wide Clearing of Trees and Vegetation as required for the permanent design works and other temporary construction areas and accessways' dated 29/01/26. The 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>GDVA describes controls required for the disturbance of approximately 12.9 ha of land within the SSD 57107216 Project Boundary;</p> <ul style="list-style-type: none"> • 'Biosecurity Works – Completion Letter: AGLM Tomago Battery Energy Storage System' from Coolburn Fire and Ecology dated 03/04/25. The letter outlined a weed works program completed in response to a concern raised by PSC; and • 'Weed and Seed Certificate's dated 02/03/26, 19/03/26, and 10/03/26 which confirm machines have been checked and cleaned to be free of weeds, seeds, soil, debris, and pests before entering site. <p>Disturbance areas were verified during regular inspections of the construction work areas. Examples of inspections completed during the audit period were viewed, including:</p> <ul style="list-style-type: none"> • 'TBESS – Weekly Environmental Inspections' completed on 12/01/26, 21/01/26, 06/02/26, 29/02/26 and 05/03/26 ` by Fluence. The checklist includes items for review of biodiversity, noise, dust, erosion and sediment controls, waste, chemicals and spills, heritage, traffic, bushfire, and actions for follow up; • 'Weekly Safety and Environmental Inspections' completed on 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>15/01/26, 22/01/26, 12/03/26 and 13/03/26 by RJE Global. The checklist includes items to check exclusion zones, no mud is dropped outside boundary, waste, dust controls, noise, chemical and spills, and heritage, and actions for follow up;</p> <ul style="list-style-type: none"> • 'Daily Environmental Checklists' completed on 27/01/26, 30/01/26, 06/02/26, 09/02/26, 06/03/26 and 13/03/26 by RJE Global. The checklist includes items to check dust, erosion and sediment controls, chemicals and spills, stockpiles, and project boundaries are being adhered to; • 'Civil Works Pre/Post Rainfall Inspection Checklists' completed on 10/12/25 and 22/12/25. The inspections include a check to ensure all erosion and sediment controls are in good repair prior to expected rainfall; and • 'TBESS – Pre and Post Rainfall Environmental Inspection' completed on 09/03/26, 19/03/26 and 25/03/25. The inspections include a check to ensure all erosion and sediment controls are in good repair prior to expected rainfall. Fluence provided an export from the 'Donesafe' corrective actions register implemented for the Project during the period from January 2026. This register 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>included corrective actions for environmental controls. Examples of Fluence emails to other Project personnel on the identification and closeout of corrective environmental actions were also provided by MSt.</p> <p>During the audit site inspection 'No Go' zones with fencing were observed across construction areas as shown in Plate 12, Plate 13 and Plate 14.</p> <p>In accordance with the BMP, AGLM were actively salvaging felled trees and establishing temporary stockpiles for mulching and reuse at the time of audit, as shown in Plate 1, Plate 2 and Plate 15. Topsoil undergoing lime treatment for acid sulfate soil management was being stockpiled for reuse as seen in Plate 16.</p> <p>Sighted Notification of Non-Compliance Report dated 09/02/26 from AGLM to DPHI, in relation to two areas totalling approximately 126m² being inadvertently cleared by a mulcher outside the approved development footprint. AGLM reported a non-compliance against Condition B9, B13 and A2(d). Refer to Schedule 2, Condition A2(d) for further details.</p>	<p>See recommendation noted against Schedule 2, Condition A2(d).</p>
AMENITY				
Construction, Upgrading and Decommissioning Hours				

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
B14	<p>Unless the Planning Secretary agrees otherwise, the Applicant may only undertake construction, commissioning, upgrading or decommissioning activities on site between:</p> <ul style="list-style-type: none"> (a) 7 am to 6 pm Monday to Friday; (b) 8 am to 1 pm Saturdays; and (c) at no time on Sundays and NSW public holidays. 	C	<p>The Site Induction dated March 2026 lists the approved hours of work as per SSD 57107216. A daily 'Pre-Start' meeting occurs which requires signing on and off a register by all attendees. Sighted example 'Tomago BESS Pre-Start Meeting Minutes' completed on 09/02/26 and 13/02/26. The examples of completed forms viewed included a daily attendance record, with sign-on and sign-off times for all workers, which aligned with the approved construction hours.</p>	
Exceptions to Construction Hours				
B15	<p>The following activities may be carried out outside the hours specified in condition B14 above:</p> <ul style="list-style-type: none"> (a) commissioning activities that are inaudible at non-associated receivers; (b) the delivery or dispatch of materials, plant or equipment as requested by the NSW Police Force or other public authorities for safety reasons; or (c) emergency work to avoid the loss of life, property or prevent material harm to the environment. 	NT	<p>MS (pers comms) confirmed that no out of hours work was been carried out during the reporting period.</p>	
Variation of Construction Hours				
B16	<p>The hours of construction activities specified in condition B14 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:</p> <ul style="list-style-type: none"> (a) considered on a case-by-case or activity-specific basis; 	NT	<p>MS (pers comms) confirmed that AGLM did not seek to vary the approved hours of construction activities during the audit period.</p>	
	<ul style="list-style-type: none"> (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours; 	NT	<p>See Schedule 2, Condition B16(a).</p>	
	<ul style="list-style-type: none"> (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been and will be undertaken; 	NT	<p>See Schedule 2, Condition B16(a).</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and	NT	See Schedule 2, Condition B16(a).	
	(e) accompanied by a noise impact assessment consistent with the requirements of the <i>Interim Construction Noise Guideline</i> (DECC, 2009), or latest version.	NT	See Schedule 2, Condition B16(a).	
Noise				
B17	<p>The Applicant must:</p> <p>(a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) or its latest version; and</p>	C	<p>Appendix G of the 'Construction Environmental Management Plan: Tomago BESS' (CEMP) dated 06/03/26 (Fluence, 2026) contains the 'Tomago BESS Project Construction Noise and Vibration Management Plan' (NVMP) dated 11/02/26 (SLR, 2026). Table 17 of the NVMP lists environmental management controls for construction noise and vibration. A review of the following confirmed that noise minimising measures described in the NVMP were being implemented:</p> <ul style="list-style-type: none"> • Fluence undertake weekly environmental inspections (Fluence Weekly Inspections) across the Project site which include a check to determine whether noise is being managed appropriately, and to confirm equipment is operating with squawker reversing alarms. Sighted examples of 'TBESS – Weekly Environmental Inspections' completed on 12/01/26, 21/01/26, 06/02/26, 29/02/26 and 05/03/26; • The Site Induction dated March 2026 notes that noise mitigation measures including the requirement to turn off or throttle 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>down equipment when not in operation;</p> <ul style="list-style-type: none"> • During the site inspection it was observed that squawker alarms were being used when equipment was in reverse, and equipment was parked up and turned off when not in operation; • Equipment is being maintained in accordance with the NVMP. Viewed completed examples of Project contractor documents for plant and equipment maintenance during the audit period (see Schedule 2, Condition A10(a)); and • Dedicated loading and unloading areas were being used (Plate 11 and Plate 17). 	
	<p>(b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below to be determined in accordance with the procedures in the NSW <i>Noise Policy for Industry</i> (EPA, 2017) at any non-associated residences or places of worship, unless the Planning Secretary agrees otherwise.</p>	C	<p>Appendix G of the CEMP dated 06/03/26 contains the NVMP. The NVMP commits to attended noise monitoring being undertaken at the commencement of bulk earthworks and other high-noise stages to confirm compliance with modelled assumptions.</p> <p>EMM were engaged by AGLM at the time of the audit inspection to undertake the first round of attended noise monitoring to occur on 08/04/26, as outlined in email correspondence from AGLM (sighted).</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations																																																					
	<p>Table 3 Operational Noise Limit Requirements</p> <table border="1" data-bbox="286 276 1182 707"> <thead> <tr> <th rowspan="3">Location</th> <th colspan="4">Noise Limits in dB(A)</th> </tr> <tr> <th>Day</th> <th>Evening</th> <th>Night</th> <th>Night</th> </tr> <tr> <th>L_{day}(15min)</th> <th>L_{even}(15min)</th> <th>L_{night}(15min)</th> <th>L_{night}</th> </tr> </thead> <tbody> <tr> <td>R1</td> <td>45</td> <td>45</td> <td>45</td> <td>56</td> </tr> <tr> <td>R2</td> <td>42</td> <td>42</td> <td>42</td> <td>56</td> </tr> <tr> <td>All Other Residential Receivers Outside of Sweetwater Grove</td> <td>40</td> <td>35</td> <td>35</td> <td>52</td> </tr> <tr> <td>Educational Premises</td> <td colspan="4">40</td> </tr> <tr> <td>Places of Worship</td> <td colspan="4">40</td> </tr> <tr> <td>Active Recreation Receivers</td> <td colspan="4">55</td> </tr> <tr> <td>Commercial Receivers</td> <td colspan="4">65</td> </tr> <tr> <td>Industrial Receivers</td> <td colspan="4">70</td> </tr> </tbody> </table>	Location	Noise Limits in dB(A)				Day	Evening	Night	Night	L _{day} (15min)	L _{even} (15min)	L _{night} (15min)	L _{night}	R1	45	45	45	56	R2	42	42	42	56	All Other Residential Receivers Outside of Sweetwater Grove	40	35	35	52	Educational Premises	40				Places of Worship	40				Active Recreation Receivers	55				Commercial Receivers	65				Industrial Receivers	70						
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B18	<p>Unless the Planning Secretary agrees otherwise, within 3 months of the commencement of operation, the Applicant must prepare and submit a Noise Monitoring Report for the development to the satisfaction of the Planning Secretary. The Noise Monitoring Report must:</p> <p>(a) be prepared by a suitably qualified, experienced and independent acoustic consultant;</p>	NT	Not triggered. MS (pers comms) confirmed the Project is in Stage 2a of the construction phase.																																																						
	<p>(b) demonstrate that noise monitoring:</p> <p>(i) has been carried out in accordance with the procedures in the <i>NSW Noise Policy for Industry</i> (EPA, 2017); and</p> <p>(ii) includes monitoring during the day, evening and night periods during operational, temperature and meteorological conditions that would represent typical worst-case scenarios where reasonable and feasible; and</p>	NT	See Schedule 2, Condition B18(a).																																																						
	<p>(c) include:</p> <p>(i) 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and</p>	NT	See Schedule 2, Condition B18(a).																																																						

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	directionality; (iii) (ii) an analysis of compliance with the noise limits specified in condition B17 at R1 and R2; (iv) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and (iv) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B17 at all times; and			
	(d) The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.	NT	See Schedule 2, Condition B18(a)	
Dust				
B19	The Applicant must minimise the dust generated by the development.	C	Section 9.3 of the CEMP includes measures to manage air quality, which are in line with RTS Mitigation Measure AQ-1. Section 9.3 of the CEMP states that 'Records of daily qualitative air quality assessment and any corrective actions will be maintained and reported monthly'. Sighted 'Dust Monitoring Inspection' completed by RJE Global on 14/03/26. The inspection was undertaken on a Saturday and notes that no activities were being completed (out of hours). Also sighted an inspection undertaken on 16/03/26 which noted that the machinery was travelling at reduced speed in response to wind conditions. It is recommended a register is implemented to track actions undertaken and better	It is recommended that AGLM retain and implement a register to report actions taken to minimise dust generation on site (e.g. suspending or modifying operations during high wind events), to demonstrate ongoing compliance with the management measures outlined in the CEMP.

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>demonstrate ongoing compliance against dust management measures in the CEMP.</p> <p>Generation of dust from project equipment and exposed areas was adequately managed during the audit site inspection (see Plate 1 and Plate 2).</p> <p>A watercart was also operating to minimise dust in construction areas at the time of audit (see Plate 18) and the access roads were well watered (see Plate 8).</p> <p>The Project has a speed limit of 20 kilometre (km) across the whole site and signage was observed in certain areas indicating 10 km speed limit (see Plate 19).</p> <p>Sighted examples of environmental inspections completed during the audit period. The example inspections viewed include comments to verify that appropriate dust controls are in place (see Schedule 2, Condition B13).</p>	
Visual				
B20	<p>The Applicant must:</p> <p>(a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;</p>	C	<p>No significant visual impacts from Project infrastructure were observed at the time of audit and no advertising signage was observed (see Plate 4).</p> <p>The construction of permanent ancillary infrastructure had not been completed at the time of the audit site inspection.</p> <p>A commitment to minimise visual impacts in accordance with Schedule</p>	<p>It is recommended that AGLM:</p> <ul style="list-style-type: none"> • Update the Site Induction to include content on measures to minimise visual impacts of the Project; and

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>2, Condition B20 is outlined in Table 7-1 of the Project Environmental Management Strategy (AECOM, 2025) [EMS], approved by DPHI by letter dated 26/08/25.</p> <p>MS (pers comms) advised that when a final infrastructure design for the Tomago BESS facility is completed a review will be conducted to ensure that the design will be in accordance with Schedule 2, Condition B20.</p> <p>The Fluence Weekly Inspections do not include a check for whether there are visual impact issues and visual impact management is not addressed within the Site Induction. This may become increasingly important as construction continues and infrastructure is progressively installed.</p>	<ul style="list-style-type: none"> • Update the site inspection program to include a check that visual impacts are being minimised.
	(b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and	C	See Schedule 2, Condition B20(a).	
	(c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.	C	See Schedule 2, Condition B20(a).	
Lighting				
B21	<p>The Applicant must:</p> <p>(a) minimise the off-site lighting impacts of the development; and</p>	C	<p>A commitment to minimise lighting impacts and ensure lighting is installed in accordance with Schedule 2, Condition B21 is outlined in Table 7 of the Project EMS.</p> <p>The Fluence Weekly Inspection contains a review of off-site lighting impacts and the Site Induction states that 'off-site lighting impacts will be minimised through appropriate</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			positioning and shielding'. The site only has one lighting plant, located at the entry to the site (see Plate 20). Sighted 'Solar Lighting Tower GP65K Urban' product brochure. The light fittings are oriented downward, shielded where necessary, and positioned to minimise light spill and glare to adjacent areas.	
	(b) ensure that any external lighting associated with the development: <ul style="list-style-type: none"> (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 <i>Australian Standard/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting</i>, or the latest version. 	C	See Schedule 2, Condition B21(a).	
HERITAGE				
Protection of Heritage Items				
B22	The Applicant must ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items identified in Table 1 of Appendix 6 or any heritage items located outside the approved development footprint.	C	MS (pers comms) confirmed that the Project has not caused any direct or indirect impacts to Aboriginal items as identified in Table 1 of Appendix 6. Sighted the approved Project ACHMP dated 11/08/25. The ACHMP states that 'in accordance with Development Consent Condition B22, Aboriginal reburial site 38-4-1753 must not be directly or indirectly harmed. To ensure that inadvertent impacts do not occur, the ACHMP notes that the site should be protected with permanent fencing at a radius of approximately 3m and appropriate signage. Site fencing should be erected under the	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>direction of a qualified archaeologist or a person familiar with the contents and extent of the site.</p> <p>MS (pers comms) confirmed that Aboriginal reburial site 38-4-1753 is not yet fenced, and that fencing will occur when repatriation of artefacts occurs. Aboriginal reburial site 38-4-1753 is located adjacent to the proposed NGSF Construction Laydown area. As previously stated against Schedule 2, Condition B3(b), use of the NGSF Construction Laydown area is not currently required for the Project.</p>	
Heritage Management Plan				
B23	<p>Prior to commencing construction, 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 in writing;</p>	C	<p>Sighted Project ACHMP dated 11/08/25. The ACHMP was approved by DPFI on 14/08/25 (prior to commencement of construction on 05/12/25). DPFI's approval letter is attached as the front page of the ACHMP.</p> <p>Section 1.6 of the ACHMP outlines that Geordie Oakes (Principal Heritage Specialist, AECOM) was the primary author of the ACHMP. Geordie's Curriculum Vitae and the Planning Secretary's endorsement of the author are attached as Appendix A of the ACHMP.</p>	
	(b) be prepared in consultation with Aboriginal stakeholders;	C	See Schedule 2, Condition A13.	
	(c) be reviewed by Heritage NSW;	C	See Schedule 2, Condition A13.	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(d) be prepared in accordance with the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (DECC, 2010), or its latest version;	C	Section 6.5.6 of the ACHMP references the relevant requirements of the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (DECC, 2010).	
	(e) include a description of the measures that would be implemented for: <ul style="list-style-type: none"> (i) protecting and avoiding the Aboriginal heritage items identified in Table 1 of Appendix 6, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items; (ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 6; (iii) undertaking additional subsurface investigation within the disturbance footprint of the transmission line connection, including salvage excavation if required; (iv) a contingency plan and reporting procedure if: <ul style="list-style-type: none"> • heritage items outside the approved development footprint are damaged • previously unidentified heritage items are found; or • Aboriginal skeletal material is discovered; (v) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and (vi) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; 	C	(i) Section 6.3 of the ACHMP outlines that Aboriginal reburial site 38-4-1753 must not be directly or indirectly harmed, consistent with Table 1 of SSD 57107216 Appendix 6. See Schedule 2, Condition B22 for an assessment of compliance against this obligation. (ii) Section 6.5 of the ACHMP outlines the salvage program associated with the Project and states that the Archaeological Salvage Report (ASR) will be completed within two years of the fieldwork. The salvage program incorporates five phases – surface collection, site delineation, transmission line text excavation, open area excavations, and geomorphological assessment. MS (pers comms) confirmed that the salvage had occurred. Sighted email from Geordie Oakes (Archaeologist) from AECOM on 18/09/25 to AGLM, indicating that salvage work on-site finished on 17/09/25 and that the next step is reporting. Also sighted another email from	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>Geordie Oakes on 17/11/25 to MS confirming that subsurface investigation within the disturbance footprint of the Project transmission line connection had occurred, and provided test pit locations.</p> <p>(iii) Section 6.5.2 of the ACHMP outlines that Phase 2 of the salvage program involving subsurface excavation of a section of land in the western portion of the ACHMP area. See Schedule 2, Condition B23(e)(iii).</p> <p>(iv) Section 6 of the ACHMP outlines a contingency plan and reporting procedure. MS (pers comms) confirmed there had been no suspected heritage sights or skeletal remains discovered to date.</p> <p>(v) Section 4 of the ACHMP commits to provision of Aboriginal cultural heritage management training to all employees and contractors through the site induction process. The Site Induction dated March 2026 includes relevant heritage awareness training content, in accordance with the ACHMP.</p> <p>(vi) Section 5.5 of the ACHMP outlines the strategy for ongoing consultation with Aboriginal stakeholders. Regular consultation occurs between</p>	

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			AGLM and Aboriginal stakeholders via the AGL Newcastle Community Dialogue Group. Sighted meeting notes from meeting held on 26/02/26 which included Aboriginal community representatives. AGLM provided a Project update at the meeting.	
(f)	include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.	C	Section 8 of the ACHMP outlines heritage reporting commitments.	
	Following the Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.	C	See Schedule 2, Condition B23.	
SOIL AND WATER				
Water Supply				
B24	<p>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.</p>	C	<p>The SWMP outlines this commitment in Section 3. The 'Tomago Battery Energy Storage System Surface Water and Flooding Assessment' [Project Water Assessment] (AECOM, 2023) states that 'water required for construction would be supplied by the contractor. It is assumed that a temporary pipe connection to the Council's municipal water supply system, provided by Hunter Water, would be established until the permanent connection is completed. This would be completed during early works to facilitate construction. This connection would provide the primary means of supply. Raw water may also be delivered on-site as a secondary means of supply.</p>	

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			<p>This would be stored in temporary tanks on-site.'</p> <p>MSt (pers comms) advised that as per the Project Water Assessment, water is currently supplied by the contractor for use in water carts, and water for potable use is also delivered and stored in temporary tanks on-site. A pipe connection to the Council's municipal water supply system had not been developed at the time of audit.</p> <p>Sighted 'Water Cart Tracker' spreadsheet that records the usage of water for Project construction works for the period 23/03/26 to 10/04/26.</p>	
Water Pollution				
B25	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	C	MS (pers comms) confirmed that there have been no Project incidents resulting in water pollution to date.	
Operating Conditions				
B26	<p>The Applicant must:</p> <p>(a) minimise any soil erosion and control sediment generation;</p>	C	<p>Appendix A of the SWMP outlines a Concept Erosion and Sediment Control Plan (ESCP).</p> <p>Sighted the current ESCP for the Project titled 'Bulk Earthworks Erosion and Sedimentation Control Plan' Revision B, dated 26/03/26 (Fluence, 2026).</p> <p>Also sighted examples of the following ESCPs progressively developed during construction:</p> <ul style="list-style-type: none"> 'Tomago BESS 500MW Overall Project ESCP 003 – Erosion and Sediment Control Plan – Ass 	

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			<p>Treatment Pad Revision A dated 13/01/26;</p> <ul style="list-style-type: none"> • 'Tomago BESS 500MW Overall Project ESCP 001 – Progressive Erosion and Sediment Control Plan – Access and Clearing Works' dated 13/01/26; and • 'Tomago 500MW BESS Overfall Project ESCP004 Sitewide Clearing and Grubbing Plan' dated Revision C 29/01/26. <p>The ESCPs sighted all refer to and appear to be generally consistent with the <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) and the <i>Managing Urban Stormwater: Soils and construction - Volume 2A</i> manual (Landcom, 2008).</p> <p>Erosion and sediment attenuation basins and drains were observed to be well maintained at the time of audit, and consistent with the ESCP current at the time of audit, with the major stormwater basins for the Project under construction (see Plate 6, Plate 7, Plate 13, Plate 14 and Plate 21 to Plate 23).</p> <p>Regular environmental inspections completed for the Project contractor during the audit period include the review of erosion and sediment controls and attenuation basins (see Schedule 2, Condition B13).</p>	
	(b) ensure that battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or	C	See Schedule 2, Condition B26(a).	

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	decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) and the <i>Managing Urban Stormwater: Soils and construction - Volume 2A</i> manual (Landcom, 2008), or their latest versions;			
(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;	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed.	
(d)	ensure the battery storage and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;	NT	See Schedule 2, Condition 26(b).	
(e)	ensure all works within waterfront land is undertaken in accordance with <i>Guidelines for Controlled Activities on Waterfront Land</i> (DPE, 2022); and	NT	This commitment is made in Section 3.1 of the SWMP. The Project EIS (AECOM, 2023) confirms that the project does not involve works within waterfront land.	
(f)	incorporate a staged throttle outlet above the permanent water level on the stormwater basin to provide a detention and retention function, to allow contaminants to be intercepted and removed from the basin in the event of fire damage to the battery cells.	NT	<p>The SWMP states that this requirement for the stormwater basin is addressed in Appendix A of the SWMP (concept ESCP). The SWMP also states that the requirement for <i>'...a staged throttle outlet will be incorporated above the permanent water level on each on site detention (OSD) basin to provide a detention and retention function'</i>, however it also states that this listed control measures is <i>'...proposed as part of the Concept ESCP and are subject to change based on detailed facility design, where appropriate or practical.'</i></p> <p>MS (pers comms) advised that the stormwater basin will be required during the operational phase, and a final design for the water outlet has not been completed yet.</p>	

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Soil and Water Management Plan				
B27	<p>Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with the Water Group. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons;</p>	C	<p>Section 1.4 of the SWMP states that the SWMP was prepared by Liam Buxton (Registered Planner No. 72130), a suitably qualified professional, being a Principal Environmental Planner with 15 years' experience in planning and environmental science and management.</p> <p>Schedule 2, Condition A13 for details regarding consultation undertaken during development of the SWMP.</p>	
	<p>(b) include a description of the measures that would be implemented to ensure that the objectives of condition B26 (a) – (f) above are achieved;</p>	C	<p>Section 6 of the SWMP outlines the measures to be implemented.</p>	
	<p>(c) include a program to monitor and report on the effectiveness of these measures; and</p>	C	<p>Section 7 of the SWMP outline the monitoring and reporting requirements.</p>	
	<p>(d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p>	C	<p>Table 6-1 of the SWMP outlines the responsibilities, and timing for implementing measures.</p>	
	<p>Once prepared, the Applicant must implement the Soil and Water Management Plan.</p>	NC4	<p>A review of the following documents found that AGLM were generally implementing the SWMP during the audit period:</p> <ul style="list-style-type: none"> Regular inspections completed for the Project contractor during the audit period which include a review of erosion and sediment controls and OSD basins (see Schedule 2, Condition B13); 'Acid Sulfate Soil Management Plan' (ASSMP) dated 09/12/25 (Douglas 	<p>It is recommended that AGLM:</p> <ul style="list-style-type: none"> Continue consultation with DPHI regarding approval of the updated water monitoring locations identified in the revised SWMP; and

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			<p>Partners, 2025). At the time of the audit inspection acid sulfate soil was being actively treated with lime (Plate 24) and stockpiles were being managed (Plate 16) accordingly. Sighted examples of 'Acid Sulfate Soils – Daily Inspection Checklists' completed by Symal on 28/01/26, 06/02/26, and 13/02/26 which confirm sampling requirements, results and treatment records. Also sighted 'Tomago BESS – Acid Sulfate Soils Interim Validation Report' dated 12/02/26 (Hawk Geo, 2026) which confirms that acid sulfate soil disturbance and treatment works undertaken during the reporting period were implemented generally in accordance with the ASSMP;</p> <ul style="list-style-type: none"> • ESCPs (see Schedule 2, Condition B26(a); • 'Appendix B – Site Water Transfer (Dewatering) Procedure' [Dewatering Procedure] (Fluence, 2026) and 'Tomago BESS Dewatering Permit – Application Form'. The Dewatering Procedure applies to all water removed, transferred, treated or discharged. The Dewatering Procedure outlines the water quality discharge criteria and testing methods. Reuse on site for dust suppression or moisture conditioning is the preferred management method; 	<ul style="list-style-type: none"> • Revise the SWMP TARP to clearly define when an exceedance of SWMP water monitoring parameters would trigger regulatory reporting as an incident or non-compliance.

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			<p>Examples of Project ASS monitoring records were reviewed, including:</p> <ul style="list-style-type: none"> • Email from SLR dated 14/01/26 to Fluence with the surface water monitoring results for the Northern Discharge Point which were completed pre-construction on 16/12/25. The 'Certificate of Analysis' was attached to the email with results; and • 'Construction Surface Water Monitoring – Monthly – January' dated 24/03/26 (SLR, 2026). The SLR water monitoring report states that SLR have been advised by Fluence that the monitoring locations shown in Figure 6-1 of the SWMP were later revised. The offsite locations of the NDP and SWDP sites were revised to the southern side of the Pacific Highway as works associated with the adjacent M1 Pacific Motorway extension to Raymond Terrace development prevented access to the locations originally proposed. The revised locations are inconsistent with the approved SWMP. <p>MS (pers comms) noted that AGLM has identified this inconsistency and that a revised SWMP was subsequently submitted to DPHI on 29 April 2026.</p>	

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			<p>In addition, the monitoring results indicate several exceedances of the surface water quality impact assessment criteria, however SLR (2026) notes that the monitoring results do not indicate that actual or potential harm to the environment has been presented due to the Project, and no further investigation is recommended at this stage. Under Table 6-4 'Trigger Action Response Plan' (TARP) within the SWMP it is not clear what would trigger regulatory reporting of an exceedance in surface water impact assessment criteria as an incident or non-compliance.</p> <p>Sighted email correspondence between Fluence and SLR confirmation that no monthly monitoring was conducted for February and March because the sites were dry. The email also confirmed that surface water monitoring following <20 mm rainfall event and that a memorandum will be supplied outlining the monitoring results.</p>	
HAZARDS				
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	NT	Sighted letter from AGLM to DPFI dated 21/11/25, clarifying proposed staging strategy for construction and the associated Fire Safety Study,	It is recommended that AGLM consult with DPFI to clarify when the

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	<p>must prepare and submit to the satisfaction of the Planning Secretary, and send to FRNSW, a Fire Safety Study.</p> <p>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:</p> <p>(a) be consistent with the <i>Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline</i> and <i>FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations</i>;</p>		<p>Emergency Plan, and Traffic Management Plan. The letter stated that Stage 3 would include 'Continue construction of the BESS including commissioning and operation of the BESS specifically connection of the BESS to the energy supply and energisation' and clarified that AGLM was seeking to stage the Fire Safety Study to prepare the plan (to the satisfaction of the Planning Secretary and FRNSW) prior to the commencement of Stage 3. DPHI approved the staging request on 22/11/25 (sighted), however they noted that their approval of the staging request is conditional upon receipt of approval from Fire and Rescue NSW (FRNSW) and NSW Rural fire Service (RFS) for the proposed staging.</p> <p>Sighted email correspondence between AGLM and RFS, whereby the RFS indicated they were satisfied with the plan for staging. MS (pers comms) confirmed that at the time of the audit site inspection that FRNSW had not formally approved the proposed staging approach and AGLM will continue to consult with FRNSW and DPHI to resolve the matter. Sighted correspondence (email) between AGLM and FRNSW dated 30/03/26 discussing the staging approach.</p>	<p>Project Fire Safety Study and Emergency Response Plan will be required to be submitted to DPHI given FRNSW will not approve submission of the Fire Safety Study prior to commencing Stage 3 of construction.</p>
	(b) describe the final design of the battery storage;	NT	See Schedule 2, Condition B28(a).	
	(c) include reasonable worst-case fire scenario to and from the battery	NT	See Schedule 2, Condition B28(a).	

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	storage and the associated fire management; and			
	(d) identify measures to eliminate the expansion of any fire incident including: <ul style="list-style-type: none"> (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. 	NT	See Schedule 2, Condition B28(a).	
	Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study. <i>Note: to satisfy 'meet the requirements of Fire & Rescue NSW' above, the Applicant should provide confirmation in writing from Fire & Rescue NSW that the Study meets the requirements of Fire & Rescue NSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 Fire Safety Study' guideline.</i>	NT	See Schedule 2, Condition B28(a).	
Storage and Handling of Dangerous Materials				
B29	The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with: <ul style="list-style-type: none"> (a) the requirements of all relevant Australian Standards; and 	C	Sighted examples of environmental inspections completed during the audit period include verification of chemical and spill management (See Schedule 2, Condition B13). Viewed bunded dangerous storage container used by Project contractors for the storage of small volumes of hazardous chemicals / dangerous goods stored on site (see Plate 25). Signage on new container indicated compliance with AS1940-2004. It was noted that the dangerous goods storage container lacked clear on the outside identifying it as a flammable goods storage area. Several self-bunded diesel storage tanks were being utilised on-site	It is recommended that AGLM install appropriate signage on the dangerous goods storage container to clearly indicate its contents, and at the designated refuelling area to identify it as such.

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			(Plate 27 and Plate 28). The designated refuelling area, comprising compacted gravel, was inspected and appeared to be maintained (see Plate 28), however it lacked signage identifying it as a refuelling area.	
	(b) the NSW EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> if the chemicals are liquids. In the event of an inconsistency between the requirements listed from (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.	NC5	A chemical storage pod was observed to be unbunded in the laydown area (Plate 26). Stocked spill kits were observed to be in place at key locations within the construction work area, including at the refuelling area and at diesel storage tanks (see Plate 29 to Plate 31).	It is recommended that AGLM regularly inspect all laydown / storage areas and ensure that chemical containers are banded, and spare portable bunds available for use as required.
Operating Conditions				
B30	The Applicant must: (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;	NT	Not triggered. The Project is in the construction phase. An assessment of the preliminary controls applicable to construction activities is provided below. Sighted the 'Bushfire Risk Assessment and Management Plan' dated 16/03/26 [BRAMP] (SLR, 2026). Key mitigation measures include: <ul style="list-style-type: none"> Asset Protection Zones (APZs) to minimise the impact of radiant heat and flame contact and vegetation management: The BRAMP has a Figure showing the recommended Asset Protection Zone proposed for 	It is recommended that AGLM: <ul style="list-style-type: none"> Install a 20,000 litre water supply tank(s), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection prior to the operational phase; and Implement the

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>the BESS Site upon construction of the Tomago BESS infrastructure. The BRAMP states that 'Bushfire mitigation measures forming part of this Plan include a provision pertaining to the management of all cleared areas at the Site surrounding all equipment compounds (including during construction). This is a 34 m zone to the east and south and a 20 m zone to the northwest from the nearest critical equipment. Whilst the BRAMP explains the APZ pertaining to the construction phase, there is no Figure attached to the plan and it is not clear what the interim APZs are for the current construction stage. It would be beneficial to have a figure showing the current layout and APZs are;</p> <ul style="list-style-type: none"> • Construction Standards and Design to minimise building vulnerability to bushfire flames, radiation and embers: MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility is not complete; • Access and egress for the public and for firefighters and their equipment: The BRAMP indicates on a Figure that external access is from Old Punt Road consistent with the interim site access road. However, sighted email between John Holland Gamuda (JHGA) and AGL, discussing a 	<p>BRAMP dated 22/05/26, as finalised following the completion of the audit period.</p>

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			<p>proposed change to the emergency access location with a figure attached;</p> <ul style="list-style-type: none"> • Fire-fighting supplies and equipment: Portable fire extinguishers were noted throughout the construction area (see Plate 32 and Plate 33), and observed on mobile equipment during the site audit inspection; • Adequate water supply for fire suppression: MSt (pers comms) confirmed that stormwater tanks for fire suppression have not been constructed yet; and • Management of bushfire Initiators: A daily 'Pre-Start' meeting occurs which requires signing on and off a register. Sighted 'Tomago BESS Pre-Start Meeting Minutes' completed on 09/02/26 and 13/02/26. The form has a section to record the current bushfire danger rating for the day. This informs the site when it is safe to conduct hot works under the Health and Safety Permit System. Sighted 'Project Health and Safety Management Plan' (HSMP) dated 11/03/26 (Fluence). The HSMP outlines the Hot Work Procedure and permitting process implemented on site. MSt (pers comms) confirmed that no hot works were required during the audit period. 	
	<p>(b) ensure that the development: (i) complies with the relevant asset protection requirements in the RFS's</p>	NT	Not triggered. The Project is in the construction phase (Stage 2a).	

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	<p><i>Planning for Bushfire Protection 2019</i> (or equivalent) and <i>Standards for Asset Protection Zones</i>; and</p> <p>(ii) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank(s), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;</p>		Refer to Schedule 2, Condition B30(a) for an assessment of the preliminary controls applicable to construction activities.	
	<p>(c) ensure that the battery storage area and infrastructure:</p> <p>(i) includes a 10 metre defendable space around the perimeter, with up to a 4 metre trafficable surface (unless the Planning Secretary agrees otherwise), that permits unobstructed vehicle access to assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</p> <p>(ii) is managed as an asset protection zone (including the defendable space);</p>	NT	Not triggered. The Project is in the construction phase (Stage 2a). Refer to Schedule 2, Condition B30(a) for an assessment of the preliminary controls applicable to construction activities.	
	(d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and	NT	MSt (pers comms) confirmed there have been no fires in the vicinity of the site to date.	
	(e) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.	NT	Not triggered. The Project is in the construction phase (Stage 2a).	
Emergency Plan				
B31	<p>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:</p> <p>(a) be prepared in accordance with the findings of the Fire Safety Study required under condition B28 of Schedule 2;</p>	C	Sighted letter from AGLM to DPHI dated 21/11/25, clarifying the proposed staging strategy for construction and the associated Fire Safety Study, Emergency Plan (EP), and Traffic Management Plan. AGLM sought to defer the EP submission until prior to energisation and commissioning of the BESS (Stage 3) whilst developing an Interim Emergency Response procedure to meet the requirements of Stage 2a and Stage 2b of project development. DPHI noted in their approval of the	See recommendation against Schedule 2, Condition B28(a).

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			<p>AGLM staging request dated 22/11/25 that the approval of the EP is conditional upon receipt of approval from FRNSW and NSW RRFs for the above staging.</p> <p>Sighted email correspondence between AGLM and RFS, whereby the RFS indicated they were satisfied that the plan for staging. MS (pers comms) confirmed that at the time of the audit site inspection, FRNSW had not formally approved the proposed staging approach and AGLM will continue to consult with FRNSW and DPHI to resolve the matter.</p> <p>Sighted the interim 'Tomago BESS Emergency Response Plan' for Stage 2a dated 11/03/25. DPHI approved this interim EP on 27/02/26 via letter to AGLM (sighted). The interim EP was provided via email to FRNSW and RFS on 06/01/26 via email (sighted).</p>	
	(b) be consistent with Department's Hazardous Industry Planning Advisory Paper No. 1, <i>'Emergency Planning'</i> and RFS's <i>Planning for Bushfire Protection 2019</i> (or equivalent);	NT	See Schedule 2, Condition B31(a).	
	(c) be consistent with the NSW RFS document: <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> ;	NT	See Schedule 2, Condition B31(a).	
	(d) include details on how the battery storage and sub-systems can be safely isolated in an emergency;	NT	See Schedule 2, Condition B31(a).	
	(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;	NT	See Schedule 2, Condition B31(a).	

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	(iii) details of how RFS would be notified, and procedures that would be implemented in the event that: <ul style="list-style-type: none"> 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	NT	See Schedule 2, Condition B31(a).	
	(g) include an Emergency Services Information Package in accordance with <i>Emergency services information package and tactical fire plan</i> (FRNSW, 2019), to the satisfaction of FRNSW.	NT	See Schedule 2, Condition B31(a).	
B32	The Applicant must:	NT	See Schedule 2, Condition B31(a).	
	(a) implement the approved Emergency Plan and Emergency Services Information Package for the duration of the development; and			
	(b) following commencement of commissioning of the battery storage, keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.	NT	See Schedule 2, Condition B31(a).	
WASTE				
B33	The Applicant must:	C	Sighted the 'Fluence Tomago BESS Construction and Operational Waste Management Plan' (WMP) dated 04/03/26 (SLR, 2026). The WMP is Appendix E of the CEMP. Section 5.5 and Section 5.6 of the WMP outline waste avoidance and recycling measures to minimise waste. Regular inspections completed by the Project contractor during the audit period reviewed waste management	
	(a) minimise the waste generated by the development;			

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			<p>and housekeeping, including the location of waste bins and spill kits (see Schedule 2, Condition B13). Segregated waste bins were in place at key locations within the construction work area at the time of inspection (see Plate 34, Plate 35 and Plate 36).</p>	
	<p>(b) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version);</p>	<p>NC6</p>	<p>Section 5.9 of the WMP states that 'The following data will be provided to the site manager by any waste service providers in a report format to be agreed:</p> <ul style="list-style-type: none"> • Copies of tipping dockets for any waste recycled or disposed of; • Types of waste collected from site; • Quantities of waste recycled and disposed of; • Details of delivery or disposal location including address, owner or operator; and • Licence number. <p>Sighted 'Waste, Fuel and Water Tracking Register – Tomago BESS' updated until 31/03/26 and JJ's Waste & Recycling 'Waste Services' Reports for the Project for February and March 2026. The Waste Tracking Register does not classify waste by type as per the EPA's <i>Waste Classification Guidelines 2014</i>. The register only contains tracking of septic waste, and it does not contain a record of the asbestos-contaminated material disposed of offsite during</p>	<p>It is recommended that AGLM Develop a waste tracking register to classify all Project-generated waste in accordance with the EPA's <i>Waste Classification Guidelines (2014)</i>. The register should record waste descriptions, disposal facilities, disposal dates, and recyclability status.</p>

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			the audit period (see Schedule 2, Condition B33(c)).	
	(c) store and handle all waste on site in accordance with its classification;	C	MSt (pers comms) confirmed the only special waste that has been disposed of was asbestos on one occasion. Management measures for asbestos are outlined in Appendix F of the CEMP which is the 'Asbestos Management Plan Tomago BESS' (AMP) dated 15 December 2025 (Fluence, 2025). Sighted 'City of Newcastle Summerhill Waste Management Centre' 8 waste delivery dockets dated 11/03/26 for delivery of asbestos contaminated material. Also sighted 'SP4 – Tomago BESS – Asbestos Visual Clearance Certificates' completed by HazChek Pty Ltd for stockpiles SP3, SP4 (locations), and an excavator dated 11/03/26.	See recommendation against Schedule 2, Condition B33(b).
	(d) not receive or dispose of any waste on site; and	C	Section 5.1 of the WMP contains a commitment to not receive or dispose of any waste on-site. During the audit site inspection, there appeared to be sufficient waste bins and no waste management issues were observed (see Plate 34 to Plate 36).	
	(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.	C	See Schedule 2, Condition B33(a) regarding the removal of asbestos contaminated material from site during the audit period. Sighted example JJB Liquid Waste Solution invoices for the Project, dated 19/02/26 and 05/03/26.	
DECOMMISSIONING AND REHABILITATION				

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations								
B34	<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 4.</p> <p>Table 4 Rehabilitation Objectives</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Site</td> <td> <ul style="list-style-type: none"> Safe, stable and non-polluting </td> </tr> <tr> <td>Battery Storage and ancillary infrastructure</td> <td> <ul style="list-style-type: none"> To be decommissioned and removed where buried to be less than 500mm, unless the Planning Secretary agrees otherwise, with exception of the assets held by the Netw Provider </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> <u>Ensure public safety at all times</u> </td> </tr> </tbody> </table>	Feature	Objective	Site	<ul style="list-style-type: none"> Safe, stable and non-polluting 	Battery Storage and ancillary infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed where buried to be less than 500mm, unless the Planning Secretary agrees otherwise, with exception of the assets held by the Netw Provider 	Community	<ul style="list-style-type: none"> <u>Ensure public safety at all times</u> 	NT	MS confirmed that AGLM were in Stage 2a of the construction phase and this was evident during the audit site inspection.	
Feature	Objective											
Site	<ul style="list-style-type: none"> Safe, stable and non-polluting 											
Battery Storage and ancillary infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed where buried to be less than 500mm, unless the Planning Secretary agrees otherwise, with exception of the assets held by the Netw Provider 											
Community	<ul style="list-style-type: none"> <u>Ensure public safety at all times</u> 											
SCHEDULE 2: PART C – ENVIRONMENTAL MANAGEMENT AND REPORTING												
ENVIRONMENTAL MANAGEMENT												
Environmental Management Strategy												
C1	<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>	C	Sighted the Project EMS dated 18/08/25. DPHI approved the EMS on 26/08/25 and the approval letter is attached as the first page of the EMS. Section 4 of the EMS provides the strategic framework for environmental management of the Project.									
	<p>(b) identify the statutory approvals that apply to the development;</p>	C	Section 3 of the EMS outlines the environmental legislation and approvals relevant to the Project.									
	<p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p>	C	Section 4.3 of the EMS outlines the key responsibilities for both AGLM and its contractors working on the Project.									

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(d) describe the procedures that would be implemented to: <ul style="list-style-type: none"> (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and 	C	<ul style="list-style-type: none"> (i) Section 5 of the EMS outlines how community and stakeholder consultation will be managed for the Project. (ii) Section 5.3 of the EMS outlines the complaints handling procedures. (iii) Section 5.3 of the EMS outlines how disputes will be handled. (iv) Section 9.0 of the EMS outlines the procedures for compliance management and reporting. (v) Section 4.5 of the EMS outlines the incident and emergency management procedures for the Project. 	
	(e) include: <ul style="list-style-type: none"> (i) references to any strategies, plans and programs approved under the conditions of this consent; and (ii) a clear plan depicting all the monitoring to be carried out in relation to the development. 	C	<ul style="list-style-type: none"> (i) Section 6 of the EMS lists all the related management plans and procedures. (ii) Section 8 of the EMS outlines the monitoring and auditing to be carried out for the Project. 	
	Following the Planning Secretary's approval of the Environmental Management Strategy, the Applicant must implement the Environmental Management Strategy.	NC7	A review of the following found that AGLM were generally implementing the Project EMS documents during the audit period: <ul style="list-style-type: none"> • AGLM and contractor induction and training records (refer to Schedule 2, Condition A10(b)); • Environmental inspections (refer to Schedule 2, Condition B13); 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<ul style="list-style-type: none"> • The general layout and condition of the site during the audit site inspections (see Appendix C); • Pre-Start Meetings to confirm construction hours are being adhered to (see Schedule 2, Condition B14); • Site Induction and contractor management system for tracking training requirements (see Schedule 2, Condition A12); and • 'Project Stakeholder and Community Relations Management Plan' (Fluence, 2025) which outline key stakeholders and engagement methods, in accordance with the EMS. Also sighted 'Tomago BESS Project Execution Plan – Stakeholder and Community Engagement Plan (AGLM, 2025) (see RtS Commitment SI-2). <p>Sighted AGL Newcastle Community Dialogue Group meeting notes from meetings held on 26/11/25 and 26/02/26, which includes representatives from John Holland & Gamuda Australia, Tomago Aluminium, TfNSW, and the Asset Manager for the NGSF. AGLM provided Project update at the meeting.</p> <p>Viewed the 'AGLM Complaints Register 2026' up to March 2025. No Project-related complaints were received during the audit period.</p> <p>Environmental incidents are recorded in the Fluence 'Donesafe' system. One</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<p>reportable incident occurred during the reporting as detailed against Schedule 2, Condition A2(d). The incident register includes four (4) minor / low risk incidents such as minor fuel spills recorded in Donesafe on 10/01/26, 06/03/26, 16/03/26 and 23/03/26. Sighted a Fluence 'Donesafe' system record documenting the action taken to clean up the spill that occurred on 10 March 2026, and the photos attached as evidence.</p> <p>As described in Schedule 2, Conditions 28(a), 31(a) and C3(a), AGLM sought to stage the management plans for the project and outlined what activities are applicable to each stage of the Project. The EMS currently does not reflect or describe those stages. It is noted that a revision to the Project EMS was approved by DPHI following the audit period, on 24/04/26. Table 2 and Section 2.3 of the revised EMS approved by DPHI describe the development stages of the Project.</p>	
Revision of Strategies, Plans and Programs				
C2	<p>The Applicant must:</p> <p>(a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and</p>	NT	MS (pers comms) confirmed that no upgrading or decommissioning activities have occurred.	
	<p>(b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:</p>	NT	MS (pers comms) there have been no reportable incidents that have occurred.	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	(i) submission of an incident report under condition C10 of Schedule 2;			
	(ii) submission of an audit report under condition C13 of Schedule 2; or	NT	This is the first construction audit.	
	(iii) any modification to the conditions of this consent.	NT	The conditions of this consent have not been modified.	
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);	C	See Schedule 2, Conditions B28(a), Condition B31(a), and C8.	
	(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	NT	Not triggered.	
	(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).	NT	MS (pers comms) confirmed that AGLM has not updated any strategies / plans / programs to date.	
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.	NT	MS (pers comms) confirmed that AGLM has not requested a strategy / plan / program be updated without consultation being undertaken.	
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.	NT	Please refer to: <ul style="list-style-type: none"> • Schedule 2, Condition B8; • Schedule 2, Condition B13; • Schedule 2, Condition B23; • Schedule 2, Condition B27; 	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			<ul style="list-style-type: none"> Schedule 2, Condition B28; and Schedule 2, Condition B32(b). 	
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.	C	Refer to Schedule 2, Condition C3(a).	
NOTIFICATIONS				
Notification of Department				
C7	<p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the NSW planning portal (Major Projects) of the date of commencement, or cessation, of the relevant phase.</p> <p>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>	C	<p>Sighted letter from AGLM to DPHI dated 18/12/25 providing notification that construction works for Stage 2a of the Project will commence on 05/01/26. Sighted letter from DPHI dated 24/12/26 acknowledging AGLM's notification.</p> <p>DPHI also noted that on 07/11/25 the Planning Secretary approved the development to be constructed in stages. DPHI also noted that on 21/11/25, the Planning Secretary approved Stage 1 to be undertaken concurrently with Stage 2a and therefore the acknowledgment covered any pre-construction or construction works included in Stage 1.</p>	
Final Layout Plans				
C8	<p>Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of battery storage or ancillary infrastructure.</p> <p>The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.</p>	NT	Sighted letter from AGLM to DPHI dated 28/10/26 requesting that the Final Layout Plan will be submitted to DPHI for review prior to the commencement of construction for Stage 2b and will include detailed final plans of battery storage locations, adjacent infrastructure (any fire source	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
			feature) and details of any required/additional firefighting infrastructure, if proposed. DPHI approved this request via letter to AGLM dated 07/11/25.	
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.	NT	Not triggered. The project is in the construction phase (Stage 2a) and has not commenced operations.	
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.	C	See Schedule 2, Condition A2(d).	
C11	The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).	NT	See Schedule 2, Condition C10.	
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	C	See Schedule 2, Condition A2(d).	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
	non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.			
	<i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i>	Note	Note only.	
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.	C	This IEA. Under the Independent Audit Post Approval Requirements (2020) (IAPAR), an initial independent audit must be completed within 12 weeks of the commencement of construction. Development under SSD 24937520 commenced on 05/01/26. The site inspection for this IEA occurred on 31/03/26 (within 12 weeks of commencement).	
ACCESS TO INFORMATION				
C14	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <ul style="list-style-type: none"> (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 	NC8	<p>Viewed AGLM Project website on 22/01/26. The public website provides links to:</p> <ul style="list-style-type: none"> • The main body of the EIS; • Current plans required for Stage 1 and Stage 2a; • Complaints registers (for 2026); and • Details for how complaints can be made (phone number / email). <p>The EIS appendices were not available on the public website during the audit period. AGLM updated the Project website to include a link to all EIS appendices in May 2026, which was verified on 26/05/26.</p>	

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations				
	any audit; and (x) any other matter required by the Planning Secretary; and							
	(b) keep this information up to date.	NC8	See Schedule 2, Condition C14(a).					
APPENDIX 3								
PART 1 - GENERAL TERMS OF APPLICANT'S VPA OFFER								
	<p>The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community enhancement in the area surrounding the project site.</p> <table border="1"> <thead> <tr> <th>Council</th> <th>Payment Details</th> </tr> </thead> <tbody> <tr> <td>Port Stephens Council</td> <td> <p>Monetary contribution of \$200,000 to be paid as a lump sum registration on the National Energy Market.</p> <p>A further payment annually of \$200 per MW per annum of installed capacity commencing on the commencement of operations and ending on the cessation of operations of the BESS Project or the 20th anniversary of the commencement of Operations (whichever is earlier).</p> </td> </tr> </tbody> </table>	Council	Payment Details	Port Stephens Council	<p>Monetary contribution of \$200,000 to be paid as a lump sum registration on the National Energy Market.</p> <p>A further payment annually of \$200 per MW per annum of installed capacity commencing on the commencement of operations and ending on the cessation of operations of the BESS Project or the 20th anniversary of the commencement of Operations (whichever is earlier).</p>	C	<p>Sighted signed and executed 'VPA for Tomago Battery Energy Storage System Project' (VPA) dated 26/11/25.</p> <p>The VPA outlines the development contributions as listed within Appendix 3 within Schedule 2 of SSD 51707216.</p>	
Council	Payment Details							
Port Stephens Council	<p>Monetary contribution of \$200,000 to be paid as a lump sum registration on the National Energy Market.</p> <p>A further payment annually of \$200 per MW per annum of installed capacity commencing on the commencement of operations and ending on the cessation of operations of the BESS Project or the 20th anniversary of the commencement of Operations (whichever is earlier).</p>							
PART 2 - GENERAL TERMS FOR CONTRIBUTIONS TO COUNCIL								
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Council	Payment Details							
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Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations																					
APPENDIX 6																									
HERITAGE ITEMS																									
	<p>Table 1 Aboriginal heritage items – avoid impacts</p> <table border="1"> <thead> <tr> <th>Item Name</th> </tr> </thead> <tbody> <tr> <td>38-4-1753</td> </tr> </tbody> </table>	Item Name	38-4-1753	Note	Note only.																				
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	<p>Table 2 Aboriginal heritage items – surface collection and salvage</p> <table border="1"> <thead> <tr> <th>Item Name</th> <th>Degree of Impact</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>38-4-1751</td> <td>Partial</td> <td>Surface collection and salvage</td> </tr> <tr> <td>38-4-1837</td> <td>Whole</td> <td>Surface collection (if proposed Transmission Connection Corridor No. 2 is constructed)</td> </tr> <tr> <td>38-4-2020</td> <td>Whole</td> <td>Surface collection</td> </tr> <tr> <td>38-4-2021</td> <td>Whole</td> <td>Surface collection</td> </tr> <tr> <td>38-4-2022</td> <td>Whole</td> <td>Surface collection</td> </tr> <tr> <td>38-4-2038</td> <td>Partial</td> <td>Surface collection and salvage</td> </tr> </tbody> </table> <p><i>*Refer to the Figure in this Appendix to identify items</i></p>	Item Name	Degree of Impact	Action	38-4-1751	Partial	Surface collection and salvage	38-4-1837	Whole	Surface collection (if proposed Transmission Connection Corridor No. 2 is constructed)	38-4-2020	Whole	Surface collection	38-4-2021	Whole	Surface collection	38-4-2022	Whole	Surface collection	38-4-2038	Partial	Surface collection and salvage	Note.	Note only.	
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38-4-2022	Whole	Surface collection																							
38-4-2038	Partial	Surface collection and salvage																							

Cond	Project Approval SSD 57107216	Status	Evidence	Recommendations
APPENDIX 7 - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS				
INCIDENT NOTIFICATION REQUIREMENTS				
	1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).	C	See Schedule 2, Condition A2(d).	
	2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.	C	See Schedule 2, Condition A2(d).	
	3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that: <ul style="list-style-type: none"> (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; and (a) a summary of the incident; (b) outcomes of an incident investigation, including identification of the cause of the incident; (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and (d) details of any communication with other stakeholders regarding the incident. 	C	See Schedule 2, Condition A2(d).	
	4. The Applicant must submit any further reports as directed by the Planning Secretary.	C	See Schedule 2, Condition A2(d).	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
APPENDIX B – UPDATED MITIGATION MEASURES				
MITIGATION AND MANAGEMENT MEASURES				
GENERAL				
G-1	AGL will prepare and implement a Construction Environment Management Plan (CEMP) and relevant subplans for the Project, which include the measures outlined in this table, relevant conditions of consent and the relevant requirements of other approvals.	C	Sighted the 'Construction Environmental Management Plan: Tomago BESS' (CEMP) dated 06/03/26 (Fluence, 2026). AGLM environmental controls for the Project are discussed under relevant conditions / RtS Commitments throughout this document.	
G-2	AGL will appoint an Environmental Management Representative (EMR) to monitor the implementation of all environmental management measures. The EMR will ensure that conditions of consent and management and mitigation measures are being met or effectively applied during construction and that the work is being carried out in accordance with the CEMP and other relevant requirements.	C	Stephen Shoesmith (SLR Consulting) is the appointed Environmental Manager for the Project. This is outlined in the Site Induction dated March 2026.	
G-3	Community engagement will be maintained throughout the construction of the Project. A specific email address, dedicated phone number and online forum will be set up to receive and address questions, comments and concerns from the community.	C	Sighted AGLM Project-specific website which sets out a hotline number, email address and mail address for public queries.	
HARARDS AND RISKS		NT	MS (pers comms) advised that the final	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			infrastructure design for the Tomago BESS facility has not been completed.	
HR-1	Relevant requirements in the Australian Standards will be applied for the Project, and requirements in relevant International Standards such as the US National Fire Protection Association Code NFPA855 (2023) will also be applied.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet. Australian Standards and the US National Fire Protection Association Code NFPA855 (2023) are applicable for incorporation into the design.	
HR-2	The BESS technology installed as part of the Project will be certified under an internationally recognised test method such as the Underwriters Limited UL 9540A Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems (BESS). Other means of demonstrating that a credible fire within a HR-3 battery enclosure will not propagate to other enclosures will also be considered when procuring the BESS technology. The BESS will be equipped with an internal alarm system to notify operators of equipment and technology faults. Operators will also be responsible for maintenance and regular monitoring of the BESS infrastructure and equipment.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
HR-3	An Emergency Response Plan will be developed for the construction and operational phases of the Project. Evacuation protocols for personal not involved in an emergency response and not wearing appropriate Personal Protective Equipment (PPE) will be provided in this plan. The plan will also include details regarding the possible release of gas and a pressure release from a battery enclosure during a fire and will include details on how to communicate these hazards to first responders.	C	See Schedule 2, Condition B31(a). The interim EP outlines evacuation protocols in Section 10.1.	
HR-4	A Fire Safety Study (FSS) for the Project will be prepared in consultation with NSW Rural Fire Service (RFS) and Department of Planning, Housing and Infrastructure (DPHI) during detailed design. The measures, controls, and recommendations within the FSS will be	NT	Schedule 2, Condition B28(a).	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<p>implemented prior to commissioning of the BESS.</p> <p>The FSS will be submitted to FRNSW for review and include:</p> <ul style="list-style-type: none"> • An Initial Fire Safety Report (IFSR) and/or • A performance-Based Design Brief/Fire Engineering Brief Questionnaire (FEBQ). <p>The FSS will be consistent with the <i>FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations</i> (FRNSW 2023).</p>			
HR-5	The detailed design of the BESS facility will consider the hazards associated with deflagration and will minimise the risk associated with this hazard to as low as reasonably practicable (ALARP).	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
HR-6	Measures to prevent leaks from the BESS and transformers, and for containing spills if they occur, will be identified in the detailed design phase and implemented during construction and operation of the Project as relevant.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
HR-7	The person-in-charge of the AGL gas pipeline will be consulted on the design of the transmission connection and will be provided relevant studies (including the alternating current (AC) induction study) relating to works in proximity to or crossing the pipeline in order to provide comment and safeguard the integrity of the pipeline.	NT	MS (pers comms) confirmed that Transgrid have been engaged by AGLM to install the underground transmission line and a final design has not been developed yet, and a person-in-charge has not been determined.	
HR-8	Materials or substances that could potentially pollute the Tomago Sandbeds aquifer or impact on the NGSF will not be stored at the temporary construction laydown area at the Newcastle Gas Storage Facility (NGSF). Fuels, lubricants, oils, corrosive liquids, battery enclosures or lithium-ion battery modules will not be stored at the NGSF construction laydown area.	C	MS (pers comms) that use of the NGSF Construction Laydown area is not currently	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			required for the Project, and will not be for the foreseeable future. See Schedule 2, Condition B29 for a review of the storage chemicals / hazardous goods.	
HR-9	The person-in-charge of the AGL gas pipeline will be consulted to confirm weight restrictions for vehicles and plant crossing the buried pipeline. Vehicles or plant that exceed the weight limit will only be able to cross the pipeline if appropriate controls to protect the pipeline have been agreed person-in-charge of the AGL gas pipeline.	NT	See RtS Commitment HR-7.	
HR-10	Security, access and egress to/from the temporary construction laydown area at the NGSF will be determined during detailed design once the need for the location and the types of materials to be stored there has been confirmed.	NT	See RtS Commitment HR-7.	
HR-11	The asset protection zone (APZ) established at the NGSF will be reviewed once the need for the temporary construction laydown area and the types of materials to be stored there has been confirmed.	NT	See RtS Commitment HR-7.	
HR-12	A Fire Management Plan (FMP) will be prepared in consultation with NSW Rural Fire Service Lower Hunter Fire Control Centre (FCC). The FMP will include: <ul style="list-style-type: none"> • 24-hour emergency contact details including alternative telephone contact • Site infrastructure plan • Firefighting water supply plan • Site access and internal road plan • Construction of Asset Protection Zones (APZ) and their continued maintenance • Location of hazards (Physical, Chemical and Electrical) that will impact on firefighting operations and procedures to manage identified hazards during firefighting operations • Additional matters as required by the Lower Hunter FCC (FMP review and updates). 	NT	See Schedule 2, Condition B31(a).	
HR-13	An Emergency Plan (EP) will be developed for the Project prior to batteries being commissioned. This EP will be developed in broad accordance with HIPAP No.1 (Department of Planning 2011).	NT	See Schedule 2, Condition B31(a).	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
HR-14	An Emergency Services Information Package (ESIP) will be prepared prior to the batteries being commissioned. This ESIP will be in broad accordance with <i>FRNSW Fire Safety Guideline – Emergency services information package and tactical fire plans</i> (FRNSW 2019).	NT	See Schedule 2, Condition B31(a).	
HR-15	An Emergency Responders Induction Package will be developed for the Project in consultation with, and to the satisfaction of, FRNSW, prior to the batteries being commissioned. The package will inform first responders of site-specific features and safety measures, and be in a format that can be shared across all relevant agencies.	NT	See Schedule 2, Condition B31(a).	
BIODIVERSITY				
BD-1	<p>A Biodiversity Management Plan will be prepared for the Project. This plan will include management and monitoring measures to be implemented to mitigate potential biodiversity impacts which could occur during construction. The following measures will be included in the plan:</p> <ul style="list-style-type: none"> • Appropriate exclusion fencing will be installed to the boundary of the retained vegetation and any construction areas where there is some potential for accidental encroachment. This will include appropriate signage such as 'No Go Zone' or 'Environmental Protection Area' to protect areas of biodiversity value. • No Go Zones or similar will be identified in site inductions and communicated to all construction personnel. • Internal fencing / barricades are to be used to establish Tree Protection Zones (TPZs) around retained individual native trees (i.e. biodiversity values that are not part of existing 'No Go Zones') in accordance with the Standards Australia Committee (2009). • All construction site perimeter fencing is to be of a design that excludes terrestrial fauna, so as to minimise the risk of Koala ingress to the construction site. • A speed limit compatible with the Port Stephens CKPoM will be enforced and temporary wildlife signage will be installed along Old Punt Road • All material stockpiles, vehicle parking and machinery storage should be located within the areas proposed for clearing, and not in areas of native vegetation that are to be retained. • Weed and pathogen management measures including weed hygiene protocols for personnel, machinery and construction materials entering and exiting construction areas to minimise risk of weed and pathogen introduction and spread. 	C	See Schedule 2, Condition B13.	
BD-2	A Biosecurity Management Plan prepared as part of the Project's CEMP/OEMP will prevent the spread of weeds and pathogens, and other biosecurity items into or out of the impact area	C	See Schedule 2, Condition B13.	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	upon implementation.			
BD-3	All material stockpiles, vehicle parking and machinery storage, and other ancillary works will be located within areas considered impacted within the current assessment and not be located within retained vegetation outside the impact area unless an updated impact assessment is undertaken.	C	See Schedule 2, Condition B13.	
BD-4	Construction fencing will be established to minimise the risk of fauna entering the construction zones.	C	See Schedule 2, Condition B13.	
BD-5	All construction traffic and machinery will be restricted to 30 km/h and erection of signage informing personnel of this restriction.	C	See Schedule 2, Condition B19.	
BD-6	Offsetting requirements of this Project will be met as determined by the BAM Calculator following detailed design.	C	See Schedule 2, Condition B10.	
SURFACE WATER AND GROUNDWATER				
W-1	<p>A Water and Soil Management Plan (WSMP) will be prepared as part of the CEMP. It will include a framework for the management of soils and water during construction of the Project. The construction phase WSMP will include:</p> <ul style="list-style-type: none"> • Surface water management strategy for containing and safely conveying surface water runoff around construction works • Erosion and Sediment Control Plan/s • Dewatering Procedure (detailed below) • Spill Response Procedure (detailed below) • Surface water discharge monitoring requirements • Surface water control monitoring requirements. 	C	See Schedule 2, Condition B27.	
W-2	<p>Construction phase monitoring will occur at stormwater control measures to help satisfy regulatory requirements and identify if water quality issues are occurring as the result of construction works.</p> <p>Monitoring will occur upstream and downstream of the construction works. Monitoring will occur monthly and as soon as practical following rainfall events. As a minimum the following locations will be monitored during construction:</p> <ul style="list-style-type: none"> • Northern ephemeral drainage line and southern industrial precinct channel, as designated 'background areas' 	C	See Schedule 2, Condition B27.	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<ul style="list-style-type: none"> • Sediment basins • Discharge points from the Site. The following parameters will be monitored: <ul style="list-style-type: none"> • pH • Total suspended solids (TSS) • Turbidity (NTU) • Electrical conductivity (EC) • Dissolved oxygen (DO) • Oils and grease (visual assessment). 			
W-3	<p>The WSMP and ESCP will be developed in accordance with the Blue Book (Landcom, 2004). Measures to be included in these plans will include:</p> <ul style="list-style-type: none"> • Designated vehicle access tracks to reduce the risk of soil disturbance onsite and vibration grids to prevent the transportation of sediments offsite • Minimising the area of exposed and unstable ground surfaces by resealing or revegetating surfaces as soon as practicable • Clean water diversion drains to direct external, 'clean' surface water around the Site and prevent it from mixing with 'dirty' surface water runoff generated by the construction site • Early installation of necessary permanent drainage culverts, under access roads or wherever drainage paths are obstructed to prevent localised ponding/flooding across the site • Locating stockpiles and other loose materials at localised high points, away from drainage paths, and protecting these stockpiles from rainfall with geofabric or other equivalent measures • Installation of sediment controls to slow down flow rates and capture and contain mobilised sediments and gross pollutants carried by Site runoff • Scour protection and energy dissipaters along steep channels and at discharge points • Sediment basins near both northern and southern discharge points to store, test and manage surface water from disturbed areas onsite • Reuse of water stored within sedimentation basins for dust suppression and irrigation purposes. 	C	See Schedule 2, Conditions B13 and B26(a).	
W-4	<p>A Dewatering Procedure will be developed to control the process for removing water from excavations, storing this water, testing water (where applicable) and either releasing water into the environment or removing it from Site. The procedure will outline the testing methods, treatment options and water quality requirements to discharge the water into the</p>	C	See Schedule 2, Condition B27.	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	receiving environment.			
W-5	<p>An Emergency Response Plan (ERP) will be prepared for the Project. The ERP will include procedures for the protection of personnel and infrastructure during extreme flood events, up to the PMF event. This plan will include:</p> <ul style="list-style-type: none"> • Roles, responsibilities and communication procedures including emergency contacts, monitoring procedures for predicted rainfall and flood warnings • Requirements to monitor weather forecasts and flood warnings to enable flood preparedness procedures to be implemented ahead of potential flooding events • Site shutdown and flood preparedness procedures, to minimise harm to persons, plant and the environment. This will include: <ul style="list-style-type: none"> -Actions in the lead up to a potential flood -Actions at the time of a flood -Actions post-flood • Safe evacuation routes and procedures • Rescue procedures • Procedure for resuming operations • Reporting requirements and corrective actions. 	NT	See Schedule 2, Condition B31(a).	
W-6	<p>Spill Response Procedures will be prepared to help avoid and manage spills of potentially hazardous substances. Separate procedures will be prepared for both construction and operational phases. Both procedures will include:</p> <ul style="list-style-type: none"> • Training and required PPE requirements • Measures for handling and storing chemicals and fuels • Details of a program of regular inspections for spills, leaks or damages to bunds/sumps • Spill response protocols • Reporting procedures <p>Spill kits will be kept at the Site during construction and operation and close to worksites during the transmission connection installation.</p>	C	<p>Section 9.6 of the CEMP outlines the spill response procedure, measures for handling and storing chemicals, program for inspections, and reporting procedures.</p> <p>The Site Induction contains the procedure in the event of a spill which all contractors received.</p> <p>Stocked spill kits were observed to be in place at key locations within</p>	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			the construction work area, including at the refuelling area and at diesel storage tanks (see Plate 29 to Plate 31).	
W-7	The Site will include dedicated re-fuelling areas with bunded fuel and liquid storage areas to minimise the risk of potential losses of containment.	C	See Schedule 2, Condition B29(a).	
W-8	<p>Potentially contaminating substances such as chemicals, fuels, oils and caustic (drilling mud additive) will be handled and stored in accordance with relevant Australia Standards and the NSW Environment Protection Authority's (EPA's) Storing and Handling of Liquids: Environmental Protection – Participants Handbook (DECC, 2007).</p> <p>The storage of liquids will be within bunded areas with sufficient capacity to be able to contain 110% of the volume of the liquid stored within the bund.</p> <p>Inspection and, if required, maintenance will be undertaken after significant rainfall events.</p> <p>Licensed contractors will be engaged to collect, transport and dispose of liquid hazardous materials, waste solvents, paints and hydrocarbon products to an appropriate offsite facility in accordance with relevant EPA guidelines.</p>	NC9	See Schedule 2, Condition B29(b).	See Schedule 2, Condition B29(b).
W-9	Lined concrete washout areas will be established away from drainage paths and waterbodies. The washout capacity will be regularly checked before being used. The wash water will be left to evaporate, with dried concrete removed for recycling as required. Inspection of the capacity of the washout area and integrity of the liner will be undertaken prior to each use, and prior to rainfall events or site shut down. Wash water will be pumped out as required to maintain capacity or prior to rain events and disposed offsite as contaminated water.	NT	See Schedule 2, Condition B7(e).	
W-10	<p>If encountered, groundwater will be managed in accordance with groundwater provisions in the WSMP. These provisions will align with the Dewatering Procedure. Information and measures relating to groundwater within the WSMP will include:</p> <ul style="list-style-type: none"> • Background groundwater quality and levels • Management of groundwater interference and dewatering • Groundwater discharge or reinjection criteria • Groundwater monitoring program during construction • Reporting requirements 	NT	MS (pers comms) confirmed that groundwater has not been encountered.	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<ul style="list-style-type: none"> Protocol for the investigation, notification and mitigation of identified exceedances of the groundwater quality criteria. 			
W-11	Groundwater encountered and abstracted from the Tomago Sandbeds aquifer during the transmission connection construction works will be managed in line with statutory and environmental requirements.	NT	See RtS Commitment W-10.	
W-12	Sealed pavement areas will be used for refuelling and chemical storage areas, where practicable, to minimise the risk of spills infiltrating to groundwater.	C	See Schedule 2, Condition B29(a). The refuelling area is currently compacted gravel (see Plate 28).	
W-13	<p>If under-boring or Horizontal Directional Drilling (HDD) is required for the transmission connections, a Drilling Fluid Management Plan will be produced as part of the WSMP, to guide the environmental management of the HDD work. The drilling will be undertaken by an appropriately trained and experienced person.</p> <p>Should construction works intercept groundwater, the make-up of the drilling fluid will be determined by an appropriately qualified drilling fluid engineer, based on local groundwater and soil geochemistry so that it forms a suitable wall cake to minimise fluid loss and exchange with local groundwater.</p> <p>Inert or non-contaminating additives for drilling fluids will be used. Drilling fluid additives used will be certified for use in potable aquifers (certified to American National Standards Institute (ANSI)/NSF International (NSF) STD 60 Certified well Drilling Aids and well Sealants).</p> <p>The drilling fluid additives will be monitored by the drilling fluid engineer and driller to remain chemically stable and volumetrically balanced with the progression of the hole and, if necessary, modified to maintain stability and minimise interaction with the groundwater.</p>	NT	MS (pers comms) confirmed that the final design of the electricity transmission line remains incomplete and construction has not commenced.	
W-14	Transformers will be designed in line with the relevant Australian Standards for power transformers and located within impermeable bunds which are designed to contain 110% of the volume of the oil in the transformer.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
W-15	A Surface Water Management Plan (SWMP) will be prepared as part of the Operational Environmental Management Plan (OEMP). It will include details on the required surface water	NT	MS (pers comms) advised that the final	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<p>management measures and monitoring requirements needed to manage surface water runoff within the Site and control the quality and quantity of surface water discharge into receiving environments. The plan will detail the final stormwater management approach and treatment train for the Project including the internal drainage system, bioretention system, interceptors, gross pollutant traps, scour protection and outlet control measures. The plan will include the water quality monitoring procedures to ensure the above measures can achieve the required level of treatment.</p> <p>The SWMP will include the requirement for contaminated waters to be disposed of at an appropriately licensed facility. Runoff generated during maintenance/cleaning activities, along with oily or contaminated water, will be trucked offsite and disposed of at an appropriate liquid waste facility.</p>		<p>infrastructure design for the Tomago BESS facility has not been completed yet.</p>	
W-16	<p>The On Site Detention (OSD) system will be designed to ensure no increase in peak flow between the predevelopment and the post-development conditions of the existing main outlets. The Project will not alter the flows discharging from the Site.</p>	NT	<p>MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.</p>	
W-17	<p>AGL will secure a section 50 compliance certificate with Hunter Water to confirm a secure water supply. The compliance certificate will be provided to NSW DCCEE Water.</p>	NT	<p>Table 6-1 of the SWMP states that AGLM lodged a section 50 compliance certificate with Hunter Water to confirm a secure water supply in February 2024. Hunter Water provided a letter detailing requirements to be met before a Compliance Certificate can be issued (as attached in Appendix B). Sighted 'Tomago Battery Energy Storage System (BESS) Utilities Connection – Water Supply Hydraulic</p>	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			Assessment' dated 03/03/26 (SLR, 2026) which outlines AGLM's design for connecting to Hunter Water's reticulation network in line with Hunter Water's requirements. AGLM are awaiting the Compliance Certificate.	
W-18	A Wastewater Management Report will be prepared by a suitably qualified wastewater or environmental consultant in accordance with PSC Onsite wastewater Development Assessment Framework (DAF) requirements for high hazards sites.	NT	Table 6-1 of the SWMP states that this report will be prepared during the operational phase of the Project.	
SOILS AND CONTAMINATION				
SC-1	Either one or more Erosion and Sediment Control Plans (ESCP) will be prepared as part of the WSMP developed in accordance with the 'Blue Book' Managing Urban Stormwater: Soils and Construction Guidelines (Landcom, 2004). ESCPs will detail specific controls that will be employed to help ensure that erosion is minimised. This includes, but is not limited to: <ol style="list-style-type: none"> 1. Exposed soils and stockpile management measures 2. Stockpile management procedures for segregating spoil and preventing cross-contamination of clean spoil (virgin excavated natural material or excavated natural material) with potentially contaminated soil (if required) 	C	See Schedule 2, Conditions B13 and B26(a).	
SC-2	Further ground investigations will be undertaken to determine the presence and, if present, depth of acid sulfate soils at the Site. These investigations will be used to inform the detailed design.	C	See Schedule 2, Condition B27.	
SC-3	Where soil or ground is to be left exposed for more than three days, a soil binder will be used to help prevent water and wind induced erosion. Binders or covers will be used on soil stockpiles where these stockpiles are to be in situ for more than 24 hours.	C	Topsoil undergoing lime treatment for acid sulfate soil management was being stockpiled for reuse as seen in Plate 16 . See Schedule 2,	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			Condition B26 which outlines the management measures being implemented under the ASSMP.	
SC-4	Bare ground and exposed soils across the Site will be rehabilitated and returned to a pre-development condition as far as practicable and/or will be landscaped.	NT	See Schedule 2, Condition B34.	
SC-5	<p>The following measures will be included as part of the WSMP to mitigate potential impacts to soil and surface water:</p> <ul style="list-style-type: none"> • Impermeable barriers will be placed between the source/s of contamination (e.g. contaminated soil stockpiles or certain construction materials) and the natural ground • Potentially contaminating substances such as chemicals, fuels, oils and caustic (drilling mud additive) will be handled and stored in accordance with relevant Australia Standards and the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook (DECC, 2007). 	NC10	See Schedule 2, Condition B29(b).	See Schedule 2, Condition B29(b).
SC-6	Heavy machinery and site vehicles will be assigned allocated tracks and temporary roads for access around the Site and construction areas to minimise ground disturbance and soil erosion.	C	See Schedule 2, Condition B7.	
SC-7	An Acid Sulfate Soil Management Plan (ASSMP) will be a subplan to the CEMP and implemented for the construction of the Project. The ASSMP will include an evaluation of the ASS risk, clearly defined and site-specific management actions including the handling of PASS, and monitoring and reporting procedures (e.g., recording pH levels).	C	See Schedule 2, Condition B26.	
SC-8	<p>An unexpected finds protocol for contaminated material will be established as part of the WSMP and include:</p> <ol style="list-style-type: none"> 1. Delegation of responsibilities 2. Identification and handling procedures – General procedures for recognising and handling unexpected contaminated soils or materials 3. Reporting and notification – internal and external reporting and regulatory obligations 4. Mitigation measures – stop work procedure, containment and isolation, and consultation 5. Remediation and disposal – procedures for containing, disposing, and documenting the disposal of the contaminated material. 	C	An unexpected finds procedure for contamination has been developed, which details the actions to be taken when potential contaminated soil and/ or “unexpected” material is encountered during excavation and	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			construction works. The plan is included as Appendix D of the SWMP.	
SC-9	Diesel will be stored in line with NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook (DECC, 2007). It will be stored on an impermeable surface in a bunded area where a potential leak or spill can be contained and will not enter the Site's stormwater management system. The bund will be able to contain 110% of the volume of the diesel stored at the Site.	C	See Schedule 2, Condition B29(a).	
TRAFFIC AND TRANSPORT				
T-1	Consultation will be carried out between Port Stephens Council, TfNSW, John Holland, emergency services and other relevant authorities to minimise transport impacts during construction and secure additional approvals (e.g. for OSOM movements or as required under the Roads Act 1993 (NSW)).	C	Consultation was carried out with TfNSW and Port Stephens (refer to Schedule 2, Condition A13(a) in development of the TMP. MS confirmed that consultation occurs with TfNSW as required and through the AGL Newcastle Community Dialogue. Sighted from meetings held on 26/11/25 and 26/02/26, which includes John Holland, Gamuda Australia and TfNSW representatives.	
T-2	Community consultation will be carried out and notifications will be issued in advance for proposed road, bus or pedestrian network changes through appropriate channels and forms of communication.	NT	MS (pers comms) confirmed that there have been no proposed road, bus or pedestrian network changes to	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
T-3	<p>A Construction Traffic Management Plan (CTMP) will be prepared and include the following measures:</p> <ul style="list-style-type: none"> • Vehicle access to and from the Project Area will be managed to minimise safety risk to pedestrians, cyclists and motorists. To minimise traffic impacts on the surrounding network, heavy vehicles will enter and exit the Project Area in a forward direction and outside of peak periods, where this is feasible • Near the proposed site access, appropriate signage, line marking and/or traffic control measures will be used to direct and guide pedestrians, cyclists and motorists past the Project Area during oversized delivery and high usage times • Workers will be encouraged to utilise the shuttle buses if deemed to be required as part of the Project or carpool • The proposed Site access will be designed to ensure construction vehicles (including, OSOM, heavy and light vehicles) can safely enter the Site • Heavy vehicle drivers associated with the construction work will be directed to access the Site via the signal-controlled intersection of Old Punt Road and the Pacific Highway • Potential provision of a channelised right turn treatment at the intersection of Old Punt Road with the site access, subject to further evaluation in later design stage. 	C	<p>trigger consultation.</p> <p>Sighted TMP which includes the following:</p> <ul style="list-style-type: none"> • Minimising safety risks to pedestrians, cyclists and motorists – refer to Appendix E (Traffic Guidance Schemes); • Requirement for appropriate signage – refer to Appendix E (Traffic Guidance Schemes); • Workers are encouraged to utilise shuttle buses – refer to Section 3.6; • Designated site access requirements – refer to Section 2.4; • Heavy vehicle requirements to access site via signal-controlled intersection – refer to Section 3.7; and • Potential provision of a channelised right turn treatment – refer to Section 	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			3.5.1.1 and 3.5.1.2.	
T-4	The primary access point off Old Punt Road will be constructed in accordance with Port Stephens Council requirements and relevant Austroads guidelines	NT	See Schedule 2, Condition B5.	
NOISE AND VIBRATION				
NV-1	<p>A Construction Noise and Vibration Management Plan (CNVMP) will be prepared as part of the Construction Environmental Management Plan. The CNVMP will identify:</p> <ul style="list-style-type: none"> • The objectives of the CNVMP • Performance criteria and key performance indicators to measure the success of plan • Legislative requirements including reference to relevant conditions of consent and management and mitigation measures • Identification of nearby sensitive receivers • Description of approved construction hours • Description and identification of all construction activities, including work areas, equipment and duration • A summary of the activities that are likely to cause impacts related to noise and vibration and the potential impacts identified in the SSD application documentation (including the EIS) • A list of the measures that will be implemented to minimise noise and vibration impacts including performance criteria alongside information on who is responsible for each measure, and the frequency and/or timing that applies to each measure will also be detailed • A complaint handling process • An outline of the noise and vibration monitoring requirements • Overview of community consultation required for identified high impact works. 	C	See Schedule 2, Condition B17(a).	
NV-2	<p>All sensitive receivers likely to be affected by noise during construction will be notified at least five days prior to commencement of works associated with the scenario that may have an adverse noise or vibration impact. The notification will include details of:</p> <ul style="list-style-type: none"> • The Project • Construction period and construction hours • Contact information for proposal management staff • Complaint and incident reporting and how to obtain further information. 	C	Section 8.2.1 of the NVMP outlines the procedure associated with notifying sensitive receivers in the event of anticipated noise impacts. MS (confirmed that the need to contact sensitive receivers has not been	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			triggered to date.	
NV-3	<p>All employees, contractors and subcontractors will receive an environmental induction. The induction will at least include:</p> <ul style="list-style-type: none"> • All relevant proposal specific and standard noise and vibration mitigation measures • Relevant approval conditions • Permissible hours of work • Any limitations on high noise generating activities • Location of nearest sensitive receivers • Construction employee parking areas • Designated loading/unloading areas and procedures • Site opening/closing times (including deliveries) • Environmental incident procedures. 	NC11	Viewed the Site Induction dated March 2026, which generally contains all the listed items. However, the Site Induction does not include a location of the nearest sensitive receivers, and doesn't outline the current construction employee parking areas (See Schedule 2, Condition B7(b)).	It is recommended that AGLM revise the Site Induction to identify the location of nearest sensitive receivers and clearly identify the current carpark(s) available to be used by construction contractors.
NV-4	<p>The construction activities will be primarily carried out during the following times of day:</p> <ul style="list-style-type: none"> • Monday to Saturday 7:00 am to 6:00 pm • Sunday 8:00 am to 1:00 pm • NSW Public holidays 8:00 am to 1:00 pm. <p>Activities that may be undertaken outside of aforementioned hours will be completed in accordance with an Out of Hours Works procedure and include:</p> <ul style="list-style-type: none"> • Receipt of deliveries • Emergency situations where work is required to prevent harm to persons, property and environment • Testing and commissioning. <p>Works generating high noise and/or vibration levels where feasible will be scheduled during less sensitive time periods.</p>	C	See Schedule 2, Conditions B14, B15 and B16.	
N-5	<p>The following will be implemented for deliveries to and from the Site:</p> <ul style="list-style-type: none"> • Loading and unloading of materials/deliveries is to occur as far as possible from sensitive receivers • Dedicated loading/unloading areas are to be shielded if close to sensitive receivers • Delivery vehicles are to be fitted with straps rather than chains for unloading, wherever 	C	See Schedule 2, Conditions B17(b), B7(d) and B8. The CEMP commits to these mitigation as	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	possible <ul style="list-style-type: none"> Construction site will be arranged to minimise the need for reversing associated with regular/repeatable movements. 		outlined in Table 1.	
N-6	Non-tonal reversing beepers (or an equivalent mechanism), where feasible and reasonable, will be fitted and used on all construction vehicles and mobile plant regularly used onsite and for any out of hours work.	C	See Schedule 2, Condition B17.	
N-7	In circumstances where the noise levels are predicted to exceed construction noise management levels after implementation of the general work practices, additional mitigation measures will be required. These measures include the following: <ul style="list-style-type: none"> Monitoring Notification (letterbox drop or equivalent) Specific notifications Phone calls Individual briefings Respite offers Respite periods Duration respite Alternative temporary accommodation. 	C	See RtS Commitment NV-2.	
N-8	Equipment noise levels will be reviewed during Detailed Design.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
BUSHFIRE				
BF-1	Where practicable, at the commencement of construction works the relevant parts of the Site will be managed as an APZ (IPA) as outlined within Appendix 4 of PBP 2019 and the NSW RFS's document 'Standards for asset protection zones'. The APZ will be set up during the construction phase and will be managed through construction, commissioning and operation of the Project. The location of maintenance works to be conducted for trees, shrubs, and grass are as	NT	See Schedule 2, Condition B30(a).	See Schedule 2, Condition B30(a).

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	shown in Figure 6.8 3 of the EIS.			
BF-2	Vulnerable buildings and/or critical assets will be designed and constructed in accordance with Section 9.2 of the Bushfire Threat Assessment report (Appendix I of the EIS). This will be refined during detailed design.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
BF-3	<p>The following will be provided on Site:</p> <ul style="list-style-type: none"> • A minimum static water supply of 20,000 litres for firefighting • A 65-mm metal Storz outlet with a gate or ball valve as an outlet on each of the tanks • The water tank, if located above ground, will be of a non-combustible material • Underground tanks will have an access hole of 200 mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 m of the access hole • All associated above ground fittings to the tank will be non-combustible • The water tank will be located adjoining the internal property access road within the required APZ • Firefighting equipment will be maintained at and/or accessible to all active construction site during the declared bushfire danger season, and site personnel trained in its use. <p>Equipment will be appropriate to the activities being conducted and the fire danger at the time of works, but as a minimum must include:</p> <ul style="list-style-type: none"> • 4WD Striker with slip-on water unit, equipped with diesel pump and hoses • Extinguishers • Knap sacks • Hand tools (e.g., fire rakes). 	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
BF-4	<p>A Bushfire Emergency Management and Evacuation Plan will be completed for the construction and operational phases of the Project (see Section 24 of the Bushfire Threat Assessment (Appendix I of the EIS)).</p> <p>The bushfire evacuation procedures will be completed in accordance with NSW Rural Fire Service <i>Guide to Developing a Bushfire Emergency Management Plan</i>.</p>	C	See Schedule 2, Condition B30(a).	
BF-5	The following access for Category 1 fire appliances will be provided and maintained:	NT	MS (pers comms)	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<ul style="list-style-type: none"> • The trafficable surface leading to the fence will have width of 4 m except for short constrictions to 3.5 m for no more than 30 m in length where an obstruction cannot be reasonably avoided or removed • Curves have a minimum inner radius of 6 m. The minimum distance between inner and outer curves is 6 m. • Trail surfaces and crossing structures are capable of carrying vehicles with a gross vehicle mass of 15 tonnes and an axle load of 9 tonnes • The maximum grade of a trail is not more than 15 degrees • The crossfall of the trail surface is not more than 6 degrees • A minimum vertical clearance of 4 m is provided above the surface of the trafficable surface clear of obstructions • Capacity for passing is provided every 250 m comprising a widened trafficable surface of at least 6 m for a length of at least 20 m • A 6-m wide and 8-m-long area clear of the trafficable surface with a minimum inner curve radius of 6 m and minimum outer radius of 12 m Applicable location for this environmental safeguard includes around the perimeter of the BESS Site and to and from the BESS Site. 		advised that the final infrastructure design for the Tomago BESS facility has not been completed yet.	
BF-6	<p>Hot work (activities involving high temperatures) and fire risk work (activities involving heat or with the potential to generate sparks) from construction activities may cause fire ignition. These works will be managed under a Hot Work and Fire Risk Work procedure, with measures including suspension of activities on days of elevated fire danger Certain construction activities, including hot works, are prohibited by law on any day declared to be a Total Fire Ban (TOBAN).</p> <p>Essential work during operations may be completed on a TOBAN providing it complies with the Hot Work and Fire Risk Work procedure exemption from the NSW RFS.</p>	C	See Schedule 2, Condition B30(a).	
BF-7	Non-essential works will be postponed on days with Fire Danger Rating (FDR) of Extreme and Catastrophic.	NC12	The HSMP states that 'During a Total Fire ban general purpose hot works (such as welding, grinding or gas cutting or any activity that produces a spark or flame) are not to be done in the open.' The HSMP	It is recommended that AGLM revise the Health and Safety Management Plan and associated Fluence Hot Works Permit form to commit to

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			doesn't commit to postponing non-essential works on days with Fire Danger Rating of Extreme and Catastrophic.	postponing non-essential works on days with Fire Danger Rating of Extreme and Catastrophic.
ABORIGINAL HERITAGE				
AH-1	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be prepared for construction of the Project. This will guide the management of Aboriginal cultural heritage within the Project Area during construction of the Project.	C	See Schedule 2, Condition B23.	
AH-2	An archaeological salvage program will be completed incorporating surface collection of all Aboriginal objects/sites to be impacted by the Project, including Aboriginal objects associated with open artefact scatter sites 38-4-1837, 38-4-2020, 38-4-2021, 38-4-2022, 38-4-1751 and 38-4-2038. A program of open area salvage excavation, as detailed in Appendix G of the ACHAR, will be completed for sites 38-41751 and 38-4-2038.	C	See Schedule 2, Condition B23.	
AH-3	All Aboriginal sites not impacted by the Project but close to the Project Area will be conserved in-situ. All relevant staff and contractors are to be made aware of the nature and locations of all sites as well as legal obligations with respect to them. Protected sites will need to be identified on all relevant site plans. Details for the care of protected sites will be outlined in the Project's ACHMP.	C	See Schedule 2, Condition B23.	
AH-4	An Unexpected Aboriginal Heritage Finds Procedure (UAHFP) will be included in the ACHMP to cover the unanticipated discovery, at any point outside of the salvage program, of any actual or potential Aboriginal heritage item for which there is not an existing management process in place. The procedure will cover all Aboriginal objects (as defined by the NPW Act), including human skeletal remains. Management action/s for unexpected finds will vary according to the type of evidence identified, its significance (both scientific and cultural) and the nature of potential impacts.	C	See Schedule 2, Condition B23(e).	
AH-5	Provisions for appropriate consultation protocols with Registered Aboriginal Parties (RAPs) will be incorporated into the ACHMP. Contact details and preferred contact methods for each RAP, as well as other relevant stakeholders, will be specified.	C	See Schedule 2, Condition B23(b).	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
AH-6	The Project's standard environmental site induction will include an Aboriginal heritage component. This will outline current protocols and responsibilities with respect to the management of Aboriginal cultural heritage within the Project Area (including the unexpected finds protocol) and provide an overview of the diagnostic features of potential Aboriginal sites and objects.	C	See Schedule 2, Condition B23(e)(v)	
SOCIO-ECONOMIC				
SI-1	Construction workers for the Project will be employed from the local area, where possible, to reduce the need for workers to relocate to the area for the duration of construction, and to contribute to local employment opportunities.	C	Sighted the 'Sustainability and Social License Management Plan' dated 19/03/26 [SSLMP] (Fluence, 2026). The SSLMP commits to a target of 10% of the contract price being contracted to local businesses based in the Hunter Central Coast Renewable Energy Zone (REZ) and adjacent local government areas. It also commits to a target of 50% of total labour hours being performed by local workers from the Hunter Central Coast REZ.	
SI-2	Stakeholder engagement activities carried out during construction will be accessible to a range of groups in the community. This will include, at a minimum, a range of engagement methods (including options for physical copies of engagement materials) and opportunities for translated materials, upon request.	C	Section 5 of the EMS outlines how community and stakeholder consultation will occur	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			<p>throughout the Project duration. Sighted 'Project Stakeholder and Community Relations Management Plan' (Fluence, 2025) which outline key stakeholders and engagement methods, in accordance with the EMS. Also sighted 'Tomago BESS Project Execution Plan – Stakeholder and Community Engagement Plan (AGLM, 2025). Section 8.1 of the plan states that AGLM engages 'with stakeholders and the community in a multitude of ways, determined in consultation with them to ensure it is relevant and accessible.'</p>	
SI-3	<p>Coordination and engagement with other projects will occur before and throughout construction to manage consultation and construction fatigue where possible.</p>	C	<p>As outlined in the 'Project Stakeholder and Community Relations Management Plan' (Fluence, 2025), the key engagement method is the AGL Community Dialogue Group. Sighted AGL Newcastle Community Dialogue Group</p>	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
			meeting notes from meetings held on 26/11/25 and 26/02/26, which includes representatives from John Holland & Gamuda Australia, Tomago Aluminium, TfNSW, and the Asset Manager for the NGSF. AGLM provided Project update at the meeting. The Project public website contains the meeting notes, and contacts for community enquiries.	
SI-4	The principles of Crime Prevention Through Environmental Design (CPTED) will be applied at the construction site.	NT	MS (pers comms) advised that the final infrastructure design for the Tomago BESS facility is not complete, and no preliminary design was available at the time of the audit inspection.	It is recommended that AGLM ensure that the principles of CPTED are applied to the construction site layout and that evidence for the application of the CPTED principles is retained in design documentation.
AIR QUALITY				
AQ-1	The CEMP will include measures to manage air quality, including dust and fuel emissions. These will include: <ul style="list-style-type: none"> Weather conditions being considered at the start of each day of work and strategies will be 	C	Section 9.3 of the CEMP includes measures to manage	See Schedule 2, Condition B19.

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<p>implemented to reduce dust generation</p> <ul style="list-style-type: none"> • Designated access roads and main entry and exit points to the Site will be defined to minimise tracking of soil on surrounding roads • Heavy vehicles entering and leaving the Site will be covered to prevent material from escaping during transport, where there is a risk of this occurring • A record of maintenance and service logs of machinery and vehicles (excluding workforce vehicles) used onsite to be kept, to help confirm vehicles and machinery are operating efficiently • Instructions to turn off vehicles while idled, when practicable and safe to do so • Stop works procedure in the event dust levels impact public amenity or become hazardous. 		air quality, which are in line with RTS Mitigation Measure AQ-1. See Schedule 2, Condition B19 for an assessment of mitigation measures being implemented.	
AQ-2	<p>Opportunities to reduce impacts on air quality will be investigated and included in the Project Risk and Opportunity Register. Opportunities that may be investigated to reduce fuel emissions during construction include:</p> <ul style="list-style-type: none"> • Use of hybrid vehicles • Use of green fleet vehicles or newer model vehicles with high fuel efficiency • Use of diesel particulate filters on vehicles and/or machinery 	C	Sighted the 'Tomago Risk Register' (Risk Register) dated 03/06/26. The Risk Register includes consideration of hazards associated with dust generation, however it does not include opportunities to reduce fuel emissions such as use of hybrid vehicles, green fleet vehicles or newer models, or use of diesel particulate filters.	It is recommended that AGLM include consideration of opportunities to reduce fuel emissions within the next review of the site Risk Register.
NON-ABORIGINAL HERITAGE				
NAH-1	<p>If any heritage objects and/or relics are uncovered during the construction of the Project, the following steps will be followed:</p> <ul style="list-style-type: none"> • All activity in the immediate area will cease immediately 	NT	Section 6.8 of the ACHMP outlines an unanticipated finds protocol. There have	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
	<ul style="list-style-type: none"> The project manager will be notified Flagging or fencing will be erected to demarcate and protect the area Site personnel and visitors will be advised to avoid the area until further notice An appropriately qualified heritage professional will be consulted to confirm if the object/s is a heritage item or relic. Depending on the advice received from the appropriately qualified heritage profession, further consultation with RAPs may be required, where relevant. NSW DCCEEW -Heritage (Heritage NSW) will be contacted An appropriately qualified heritage professional will record the location and attributes of the site and determine the significance of the find. 		been no discoveries to date for the Project (see Schedule 2, Condition B23(e)(iv).	
NAH-2	<p>In the event of the discovery of human skeletal material (or suspected human skeletal material) during project activities in the Project Area, the following steps will be followed:</p> <ul style="list-style-type: none"> All activities and/or works in the immediate area will cease as soon as practicable The NSW Police will be immediately contacted along with the project manager and Heritage NSW Flagging or fencing will be erected to demarcate and protect the area Site personnel and visitors will be advised to avoid the area until further notice Any sand or soils removed from the near vicinity of the find will be identified and set aside for assessment by the investigating authorities. 	NT	Section 6.8.2 of the ACHMP outlines the management of potential or definite human skeletal remains. There have been no discoveries to date for the Project.	
VISUAL AMENITY				
V-1	During detailed design of the Project, a review of materials and colour finishes for visible built components of the Project will be completed to further reduce potential visual impacts, where practicable.	NT	See Schedule 2, Condition B20(a).	
V-2	Retention and enhancement of existing landscape features (areas of scrub, individual trees) will be considered where feasible.	NT	See Schedule 2, Condition B20(a).	
V-3	Lighting of the Site will be designed in accordance with AS 4282:2019 Control of the obtrusive effects of outdoor lighting.	C	See Schedule 2, Condition B21(a).	
V-4	Where possible, the use of reflective surfaces will be minimised to avoid drawing attention to the Site within views due to reflective glare.	C	See Schedule 2, Condition B21(a).	
WASTE MANAGEMENT				
WM-	A Waste Management Sub-Plan will be prepared as part of the CEMP and will:	C	Schedule 2, Condition	

Cond	RTS Updated Mitigation Measures (AECOM, 2024)	Status	Evidence	Recommendations
1	<ul style="list-style-type: none"> • Identify requirements consistent with the waste hierarchy and circular economy initiatives • Include relevant measures from the National Waste Policy: Less Waste, More Resources (Department of Agriculture, Water and the Environment, 2018) • Provide a framework to target resource efficiency through the design and construction phases • Provide consistent clear direction on waste and resource handling, storage, stockpiling, use and reuse management measures • Set out processes for disposal, including onsite transfer, management, and the necessary associated approvals/permits • Describe the process for regularly removing waste from the Project Area to avoid issues associated with odour, visual amenity, and the attraction of animal/pest species • Outline procedures for waste generated within the Project Area to be segregated at source and suitably stored in designated waste management areas within the Project Area. <p>Include material tracking measures to track waste and recyclables generated from the Project and removed from the Project Area.</p>		B33(a).	
WM-2	All waste will be assessed, classified, managed, and disposed of in accordance with the Waste Classification Guidelines and other relevant legislation (NSW EPA, 2014).	C	See Schedule 2, Condition B33(b).	



Appendix D Stakeholder Engagement

From: [Laura Gothard](#)
To: [Dorian Walsh](#); [Sarah Moore](#)
Cc: [Heidi Watters](#)
Subject: RE: Tomago BESS IEA - Consultation Request (ref: SSD-57107216)
Date: Wednesday, 4 March 2026 1:49:59 PM
Attachments: [image001.png](#)
[image002.png](#)

Some people who received this message don't often get email from laura.gothard@dpie.nsw.gov.au. [Learn why this is important](#)

[CAUTION] This email originated from outside of the organisation.

Hi Dorian, Sarah,

Thank you for reaching out to the Department for consultation relating to the upcoming IEA for Tomago BESS.

In addition to the requirements of the Independent Audit Post Approval Guidelines, could you please consider the following:

- An assessment of ERSED controls on site/compliance
- An assessment of vehicle activity, HV movements, traffic plans, parking etc and their compliance with relevant management plans
- Boundary/Clearing delineation requirements/compliance

Regards,

Laura Gothard
Senior Compliance Officer

Development Assessment and Sustainability | Department of Planning, Housing and Infrastructure



Our ref: DOC26/136843-1

SHOPS 4 6, MEZZANINE LEVEL, THE SINGLETON CENTRE
157 159 JOHN STREET
SINGLETON NSW 2330

Attention: Dorian Walsh
By email: dorian.walsh@xenith.com.au

Dear Mr Walsh

**RE: Consultation Request – Independent Environmental Audit
Tomago Battery Energy System**

Thank you for your email dated 4 March 2026 requesting consultation with the NSW Environment Protection Authority (EPA) for the Independent Environmental Audit (IEA) of the Tomago Battery Energy Storage System (the Project) as required by Part C, Condition C13 of Development Approval SSD-57107216.

I understand that the Project does not require a licence under Schedule 1 of the *Protection of the Environment Operations Act 1997* (the Act) and that Port Stephens Council is the Appropriate Regulatory Authority as defined by section 6 of the Act for activities undertaken by the Project.

EPA encourages companies to undertake IEAs to ensure that they are meeting their statutory obligations and designated environmental objectives. Being a regulatory authority, the EPA's role is to set environmental management objectives rather than being directly involved in the development of strategies to achieve those objectives.

Accordingly, I have not reviewed the scope of the proposed IEA.

If you have any questions about this matter, please contact me on 02 4908 6808 or by email to info@epa.nsw.gov.au.

Yours sincerely

Anthony van der Horst
Operations Officer
NSW Environment Protection Authority

11 March 2026

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

6&8 Parramatta
Square 10 Darcy
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Appendix E
IEA Site Visit
Agenda

AGL Macquarie Pty Limited Independent Environmental Audit

Tomago Battery Energy Storage System (BESS) Project

Agenda for SSD 57107216 Site Inspection 31 March 2026

Table 1 Meeting Invitees

Name	Initials	Title	Company
Maris Steele	MS	Environmental and Compliance Manager - Construction	AGLM
Stephen Shoesmith	SS	Environment Manager (Contractor)	SLR
Maddison Stojcevski	MSv	Environment Advisor (Contractor)	IEMA Consulting
Mitch Stewart	MSt	Environment Advisor (Contractor)	SQE Solutions
Dorian Walsh	DW	Lead Auditor	Xenith
Sarah Moore	SM	Auditor	Xenith

Table 2 Audit Agenda Items

Time	Description	Location	Invitees
9:00am - 10:00am	Opening Meeting <ul style="list-style-type: none"> › Introductions / Housekeeping (MS) › IEA scope and purpose (DW) › Confidentiality arrangements (DW) › IEA process and timing (DW) › Overview of site and activities during the audit period (MS) › Discussion on SSD 51707216 requirements 	Tomago BESS Meeting Room	MS, SS, MSv, MSt, DW, SM
10:00 - 11:30am	Site Inspection <ul style="list-style-type: none"> › Review of environmental controls for construction works: <ul style="list-style-type: none"> ▪ Amenity management ▪ Active construction areas ▪ Water management, erosion and sediment controls ▪ Biodiversity controls ▪ Laydown areas and storages ▪ Waste and materials management 	Field	MS, SS, MSv, MSt, DW, SM
11:30am – 1:00pm	Compliance Review <ul style="list-style-type: none"> › SSD 57107216 conditions and environmental commitments › EA and Management Plan commitments › Site procedures 	Meeting Room	MS, SS, MSv, MSt, DW, SM
1:00- 1:30pm	Lunch		

Time	Description	Location	Invitees
1:30- 3:30pm	Compliance Review (continued) <ul style="list-style-type: none"> › Licencing review › Review of any remaining compliance documents › Xenith prepare preliminary findings 	Tomago BESS Meeting Room	MS, SS, MSv, MSt, DW, SM
3:30 - 4:00pm	Close Out Meeting <ul style="list-style-type: none"> › Overview of preliminary findings › Confirmation of outstanding information requirements › Confirmation of process for audit completion and reporting 	Tomago BESS Meeting Room	MS, SS, MSv, MSt, DW, SM



Appendix F

Site Inspection

Plates



Plate 1 - Equipment operating within the clearing and grubbing work area



Plate 2 – Grader operating within the clearing and grubbing work area



Plate 3 - Signage on Old Punt Road upon exiting the Tomago BESS site



Plate 4 – Access point off Old Punt Road



Plate 5 – Access point off Old Punt Road with traffic signage



Plate 6 – Erosion and sediment controls at the access point off Old Punt Road #1



Plate 7 – Erosion and sediment controls at the access point off Old Punt Road #2



Plate 8 – Access road going to laydown areas



Plate 9 – Access road at security gate



Plate 10 – Main carpark



Plate 11 – Carpark and unloading area (site offices were being installed at the time of audit)



Plate 12 – 'No Go' signage in construction area



Plate 13 – ‘No Go’ fencing and signage with erosion and sediment controls



Plate 14 – ‘No Go’ fencing and signage with



Plate 15 – Stockpiled vegetation to be used for mulch and placement along the Project disturbance boundary



Plate 16 – Treated topsoil stockpile with signage in place



Plate 17 – Unloading and laydown area



Plate 18 – Watercart in operation for active Acid Sulfate Soil treatment area



Plate 19 – Speed limit signage within the Project site



Plate 20 – Portable lighting plant inside site entry point



Plate 21 – Southern Water Basin being constructed



Plate 22 – Northern Water Basin being constructed



Plate 23 – Rock drains along internal access road



Plate 24 – Acid Sulfate Soil being treated



Plate 25 – Dangerous goods storage container



Plate 26 – Unbundled chemical storage pod at laydown area



Plate 27 – Self-bunded diesel tank for generator at site offices



Plate 28 – Self-bunded diesel tank in refuelling area



Plate 29 – Portable spill kit within temporary office area



Plate 30 – Spill kit in layout area



Plate 31 – Spill Kit in refuelling area



Plate 32 – Portable fire extinguisher



Plate 33 – Portable fire extinguisher in office



Plate 34 – Segregated bulk waste bins at temporary site offices area



Plate 35 – Segregated waste bins available at entry to contractor’s facilities



Plate 36 – Large bulk waste bins available in laydown area



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