

05 February 2026

WELLINGTON BATTERY ENERGY STORAGE SYSTEM PROJECT – SSD 27014706
CONDITION C17 – Submission of Response to Independent Environmental Audit Report

This letter is provided in accordance with Condition C17 of the WS BESS Conditions of Consent (SSD 27014706).

We refer to the relevant condition of approval requiring the submission of a response to the Independent Environmental Audit Report received on 18/01/2026 and submitted to the Department on 21/01/2026.

We have reviewed the findings detailed in the audit report. Ampyr is committed to high standards of compliance and has taken immediate action to address the matters raised. Please refer to the attached Table containing responses for all Non-Compliances and Opportunities for Improvement identified during the audit.

Should you require any further information or clarification, please do not hesitate to contact us.

Yours sincerely,

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Wellington South BESS Independent Environmental Audit							
NCR or Opportunity #	Condition Number ID	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent Response	Proposed Action Due Date	
2025-IEANC-01	A2 (b) & (d) B14 (b)	<p>A2 - The development may only be carried out:</p> <p>a) in compliance with the conditions of this consent;</p> <p>b) in accordance with all written directions of the Planning Secretary;</p> <p>c) generally in accordance with the EIS; and</p> <p>d) generally in accordance with the Development Layout in Appendix 1.</p> <p>B14. Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in accordance with the revised Biodiversity Development Assessment Report (dated 13 September 2023);</p> <p>(b) include a description of the measures and timeframes that would be implemented for:</p> <p>(i) protecting vegetation and fauna habitat outside the approved disturbance areas;</p> <p>(ii) managing the remnant vegetation and fauna habitat on site;</p> <p>(iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;</p> <p>(iv) minimising the impacts to fauna on site and implementing fauna management protocols;</p> <p>(v) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</p> <p>(vi) controlling weeds, feral pests and pathogens.</p> <p>(c) include a program to monitor and report on the effectiveness of mitigation measures;</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> <p>(e) include details of who would be responsible for monitoring, reviewing and implementing the plan.</p> <p>Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.</p>	<p>There is evidence of impact by the project outside the Development Layout in three locations, being:</p> <p>1. Minor and temporary use of areas outside the development footprint for initial access to site. This area is no longer utilised and has been rippled to encourage natural revegetation (Refer to Appendix E, Photo 5).</p> <p>2. Minor and temporary use of areas outside the development footprint on previously disturbed areas of land (former access track area) for parking of site vehicles to manage a perceived safety hazard. This area was in use at the time of the audit site inspection (Refer to Appendix E, Photo 24 and 25).</p> <p>3. Placement of additional excavated natural material outside the development footprint adjacent to the eastern and southern boundary of the BESS plan. (Refer to Appendix E, Photo 14 and 15). Refer to Note below regarding prior placement of excavated material in this area by the landholder prior to commencement of construction. This is non-compliant with Protocol 1 – Vegetation Clearing – General, within the Biodiversity Management Plan, which specifically state that: 'All material stockpiles, vehicle parking and machinery storage will be signposted and located within cleared areas or areas proposed for clearing, and not within areas of vegetation to be retained'.</p> <p>The auditor was unable to confirm that approved disturbance areas align with actual clearing conditions. Evidence to confirm clearing limits, such as GIS and digital records as proposed in Protocol 1 – Vegetation Clearing – General, within the Biodiversity Management Plan, were not able to be provided by the RJE Global as it had not been undertaken. This is non-compliant with the implementation requirements of Protocol 1 – Vegetation Clearing – General, within the Biodiversity Management Plan, which states that: 'The Principal Contractor HSE Manager will regularly record the clearing as undertaken and confirm that approved disturbance areas align with actual clearing conditions. GIS and digital records (photographs, GPS coordinates and GIS shapefiles) will be kept and updated regularly'.</p> <p>The auditor was unable to determine the exact location of the construction perimeter fence in relation to the approved Development Layout. NOTE: AMPYR noted that prior to the commencement of construction of the project, the landholder had undertaken some earthworks on the property (including upgrade of access tracks, creation of some dams, and establishment of some turning areas near her main shearing shed). These works are unrelated to the Wellington South BESS Project. The landholder used spare spoil from those works to commence the establishment of some visual screening berms outside our development boundary around the perimeter of our battery project. Drone photos dated 27 July 2025 (prior to commencing construction) shows the commencement of this by the landholder.</p> <p>The drone photos were provided by AMPYR and are included in Appendix E (Photo 29 and Photo 30).</p>	<p>a) Quantify the area of impact outside the approved development footprint, specifically the direct and indirect impacts to PCT266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion.</p> <p>b) Determine if additional ecosystem credits and/or species credits are required for the project.</p> <p>c) Consult with the NSW DPHI regarding offset requirements and potential remediation for the impacted areas.</p> <p>d) In line with control measure 8(c) nominated in Protocol 1 – Vegetation Clearing – General of the Biodiversity Management Plan, the proponent is to prepare digital recording (photographs, GPS Coordinates and GIS shapefiles) of cleared areas after clearing.</p> <p>e) Perimeter / exclusion fencing to be established in the transmission corridor and associated Transgrid work areas prior to construction</p>	<p>a) The proponent has instructed the main construction contractor to undertake a spatial survey to detect the extent of the areas impacted outside the approved development footprint. The proponent expects this to be concluded within the next 30 days and will share the results with the Department. The proponent has also instructed the contractor not to utilize areas outside of the approved development footprint.</p> <p>b) The survey results will be shared with our Specialist Environmental Consultants (EMM), who undertook the initial BDAR assessment, to confirm the amount of additional direct and indirect impacts on PCT266.</p> <p>c) The Proponent will consult with DPHI regarding any additional offset requirements and/or remediation measures arising from the identified impacts. This consultation will occur within one month of receipt of the survey results.</p> <p>d) While the construction contractor is responsible for implementing the Biodiversity Management Plan, the Proponent has formally directed the contractor to provide evidence of implementation of control measure 8(c) of Protocol 1, including digital records (photographs, GPS coordinates and GIS shapefiles) of cleared areas. The Proponent will review this evidence upon receipt and ensure ongoing compliance for all future works.</p> <p>e) Perimeter and exclusion fencing for the transmission corridor and associated Transgrid work areas has been installed prior to the commencement of Transgrid construction activities, which commenced on 27 January 2026.</p>	Apr-26	
2025-IEANC-02	C8	Final Layout Plans 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 and to Council, showing comparison to the approved layout and including details on the siting of battery storage and ancillary infrastructure. The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.	Final layout plans were submitted to the Department, via the Major Project Portal, prior to commencement of Stage 1b construction activities. Non-Compliance: Final layout plans were submitted to Dubbo Regional Council, after commencement of Stage 1b construction activities.	AMPYR immediately issued the Final Layout Plans to Council via email on 28 October 2025. No further action required.	The proponent has sent the Final Layout Plans to Dubbo Council on 28/10/2025. No further action required.	N/A	
2025-IEAOFI-01	C1	Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary.	Whilst approved by the Planning Secretary, the current version of the Environmental Management Strategy does not clearly distinguish all stages of the project.	Update the Environmental Management Strategy to reflect the breakdown of the staged approach to construction, i.e. Stage 1a, Stage 1b, Stage 1c, Stage 1d, Stage 1e, Stage 2 etc.	The proponent is currently updating the management plans in preparation for re-approval prior to the commencement of Stage 2a. The proponent will ensure that this recommendation is implemented as part of this update and re-approval process. The proponent is targeting submission of draft plans in April/2026.	Apr-26	
2025-IEAOFI-02	C1	Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary.	Table 7.1 Monitoring and Inspections within the Environmental Strategy does not identify the relevant records to be recorded, for the Project could benefit from including an additional column setting out what record(s) will be maintained (if any) to demonstrate compliance with monitoring activities being completed (e.g. Record: Weekly site inspection checklist).	Update the Environmental Management Strategy - Table 7.1 Monitoring and Inspections to include an additional column setting out what record(s) will be maintained (if any) to demonstrate compliance with monitoring activities being completed (e.g. Record: Weekly site inspection checklist).	The proponent commits to update the EMS according to the audit recommendations.	Apr-26	

2025-IEAOFI-03	C1	Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary.	The RJE Global Environmental Management Plan - Table 5.11 Environmental Verification Schedule does not currently address all items required for inspection, e.g. sediment and erosion controls, and does not detail what record(s) will be maintained (if any) to demonstrate compliance with monitoring activities being completed (e.g. Record: 'Weekly site inspection checklist).	<ul style="list-style-type: none"> Review and updated the RJE Global Environmental Management Plan - Table 5.11 Environmental Verification Schedule to include all items required inspection and/or maintenance. Review and updated the RJE Global Environmental Management Plan - Table 5.11 Environmental Verification Schedule to detail what records will be maintained. 	The proponent commits to update the EMP according to the audit recommendations.	Apr-26
2025-IEAOFI-04	B14	Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must: <ul style="list-style-type: none"> (a) be prepared in accordance with the revised Biodiversity Development Assessment Report (dated 13 September 2023); (b) include a description of the measures and timeframes that would be implemented for: <ul style="list-style-type: none"> (i) protecting vegetation and fauna habitat outside the approved disturbance areas; (ii) managing the remnant vegetation and fauna habitat on site; (iii) minimizing clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development; (iv) minimizing the impacts to fauna on site and implementing fauna management protocols; (v) maximizing the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and (vi) controlling weeds, feral pests and pathogens; (c) include a program to monitor and report on the effectiveness of mitigation measures; (d) include an incidental threatened species finds protocol to identify the avoid and/or minimize and/or offset options to be implemented if additional threatened species are discovered on site; and (e) include details of who would be responsible for monitoring, reviewing and implementing the plan. Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan. Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.	Whilst approved by the Planning Secretary, the current version of the Biodiversity Management Plan does not clearly distinguish all stages of the project, i.e. Stage 1a, Stage 1b, Stage 1c, Stage 1d, Stage 1e, Stage 2 etc.	Update the Biodiversity Management Plan be updated to reflect the breakdown of the staged approach to construction, i.e. Stage 1a, Stage 1b, Stage 1c, Stage 1d, Stage 1e, Stage 2 etc.	The proponent is currently updating the Biodiversity Management Plan in preparation for re-approval prior to the commencement of Stage 2a. The proponent will ensure that this recommendation is implemented as part of this update and re-approval process. The proponent is targeting submission of draft plans in April 2026.	Apr-26
2025-IEAOFI-05	A2	Terms of Consent The development may only be carried out: <ul style="list-style-type: none"> e) in compliance with the conditions of this consent; f) in accordance with all written directions of the Planning Secretary; g) generally in accordance with the EIS; and generally in accordance with the Development Layout in Appendix 1.	Whilst works had not commenced within the TransGrid transmission scope of works the approved development boundary had not yet been clearly delineated on site.	Clearly delineated the boundary with at minimum until construction commences exclusion zone flagging and signage or perimeter temporary fencing in preparation for construction.	This has now been completed prior construction works, as Transgrid mobilized to site on 21/01/2026.	N/A
2025-IEAOFI-06	B26	Operating Conditions The Applicant must: <ul style="list-style-type: none"> a) minimize any soil erosion and control sediment generation; b) ensure that construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with the relevant requirements in the Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version; c) ensure the battery storage and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localized flooding and groundwater at the site; and d) ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site. 	A temporary earth dam has been constructed to trap and divert clean water above the large culvert work areas. Construction sediment and erosion controls installed on the BESS pad site upslope this dam appear to potentially discharge into this dam and thus separation of clean water and dirty water may not be adequately maintained.	It is recommended that all construction impacted dirty water be diverted away from the earth dam and be treated within an area already disturbed by construction activities.	This opportunity for improvement relates to temporary works installed while the permanent site access / creek crossing culvert upgrade was constructed. As at the date of this submission (5/2/2026) the permanent site access / creek crossing is nearly finalised, and the temporary works are being removed and the surrounding area will be rehabilitated. Permanent works (once completed) will address the opportunity identified.	Mar-26