

Our Ref: SO32-T00009

10 October 2025

Ben Harrison

Director Compliance

Department of Planning, Housing and Infrastructure

Locked Bag 5022

Parramatta NSW 2124

Dear Mr Harrison,

Eurobodalla Southern Storage SSD 7089 – Independent Environment Audit

Council is notifying the Department of a non-compliance. This is in reference to C10 of development consent where upon the Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliances. These non-compliances can be observed within the final Independent Environment Audit (IEA) #5, undertaken by Onwards Consulting which is attached to this email.

Please be advised that Council accepts the audit report provided by Onwards and the identified non-compliances and recommended actions included within this report, as summarised below.

CoA	Requirement	Details of non-compliance	Proposed action
A2	The development may only be carried out: a) In compliance with the conditions of this consent;	(a) The audit found 5 non-compliances (6 including against A2).	Recommended actions are listed against each specific non-compliance finding below.
B15	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.	A review of the incident notifications and summaries provided to the Department and EPA in relation to self-reported discharge events on 30 March 2025, 23 April 2025, 23 May 2025 and 2 July 2025 indicates that whilst the Project is reporting and investigating the discharge events as required, the events still constitutes a pollution of waters event as per the	The incident resulted from an extreme rainfall event and was appropriately reported. The Proponent will consider amending the EPL in consultation with the EPA to include rainfall event limits that would define an 'over-design' event. Contractor is in ongoing discussions with the EPA in relation to their EPL and current discharge requirements.

		POEO Act, resulting in a low risk non-compliance. Due to the events being investigated and reported accordingly, no CA or OFI has been identified.	
B33	The development must be constructed to achieve the construction noise management levels detailed in the interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in Appendix 2.	Conduct of the audit has found that quarterly noise monitoring required by commitments in the CNVMP did not occur during the audit period, due to a misplacement of the equipment upon returning from calibration activities. As a result, the auditor was unable to verify compliance with the requirements of this condition. Therefore, this is considered a low-risk non-compliance and CA01 has been identified.	Contractor has been advised to undertake quarterly noise monitoring as required in the CNVMP.
B35	The applicant must: (a) Not commence construction of any relevant stage until the Construction Noise and Vibration Management Plan is prepared in accordance with Condition B 34; and (b) Implement the most recent version of the Construction Noise and Vibration management Plan for the duration of construction.	The most recent revision (Rev D) of the CNVMP is generally being implemented on site; however, a low risk non-compliance has been identified in relation to implementation of the CNVMP due to quarterly noise monitoring required by commitments in the CNVMP not occurring during the audit period. Therefore, this is considered a low risk non-compliance and CA01 has been identified.	Contractor has been advised it is their responsibility to comply with the CNVMP.
C9	The Department must be notified in writing to complaince@planning.nsw.gov.au immediately after the applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development	For the incident (no. 8) occurring on 23 May 2025, the subsequent notification requirements and reports submitted were not in accordance with Appendix 3 of SSD-7089, with details provided to	Reporting for incident #8 was completed and submitted to the department 4 days after the 30-day notification requirement. All future investigation reports will be submitted within their respective timely requirements as recognised

	if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	the NSW EPA and Planning Secretary on 26 June 2025, which is more than the 30 days provided for in Appendix 3 of SSD-7089. Therefore, an ANC non-compliance finding has been made and CA03 identified.	in Appendix 3 of the conditions of SSD 7089.
C15	At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation, the Applicant must: (a) Make the following information and documents publicly available on its website: (i) The documents referred to in Condition A2 of this consent and the final layout plans for the development; (ii) All current statutory approvals for the development; (iii) All strategies, plans and programs required under the conditions of this consent; (iv) Regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (v) A comprehensive summary of the monitoring results of the development, reported in accordance with	Review of the Project website indicates the following documents are not available: • project EPL • revised BOS was not uploaded on the Project website • monitoring data available on the website only spans a portion of the life of the Project Therefore, an ANC non-compliance finding has been made and CA04 identified.	Council website will be updated to include: • Project EPL • Revised BOS • Most recent monitoring data

	the specifications in any conditions of this consent, or any approved plans and programs; (vi) Contact details to enquire about the development or to make a complaint; (vii) The Compliance Reporting of the development; and (viii) Any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.		
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Following up, the final IEA, along with this correspondence will be uploaded to the Planning Portal.

If you have any questions or queries, please don't hesitate to contact me on 0476 963 400.

Yours sincerely,



Josh Aschmann

Water & Sewer Environmental Engineer

cc. Lloyd Eley-Smith – Team Leader – Transport & Water Assessment

Katrina O'Reilly – Team Leader Compliance – Planning & Assessment

Michael Wood – Senior Compliance Officer – Planning & Assessment

Katrina O'Reilly – Manager - Department Housing Planning & Infrastructure

Mr Mark Wisely – Senior Planning Officer – Transport and Water Assessments