

DRAFT Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission of NSW grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.

[Name of Commissioner]

Member of the Commission

[Name of Commissioner]

Member of the Commission

[Name of Commissioner]

Member of the Commission

SCHEDULE 1

Application Number: SSD-72258210

Applicant: Avenir Energy Pty Ltd (on behalf of AE BESS 4 Pty Ltd as Trustee for AE BESS 4 Unit Trust)

Consent Authority: The Independent Planning Commission

Site: See Appendix 1

Development: Deniliquin Battery Energy Storage System

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development, including Registered Aboriginal Parties
Ancillary infrastructure	All project infrastructure with the exception of battery storage, including but not limited to the substation, switching rooms, control rooms, permanent offices, site compounds, maintenance buildings, laydown areas, carparking, lighting, electricity transmission lines and internal roads
Applicant	Avenis Energy Pty Ltd (on behalf of AE BESS 4 Pty Ltd as Trustee for AE BESS 4 Unit Trust), or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
BAR	Basic Right Turn
Battery storage	Large scale energy storage system
BESS Area	The area within the site marked as 'BESS Area' in Appendix 1
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedule 2
Consent authority	NSW Independent Planning Commission
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of the battery storage and any ancillary infrastructure (but excludes road upgrades or 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)
Council	Edward River Council
CPHR	Conservation Programs, Heritage and Regulation Group within NSW DCCEE
CPI	Consumer Price Index
Decommissioning	The removal of battery storage infrastructure and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Housing and Infrastructure
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
EIS	The Environmental Impact Statement for the Deniliquin Battery Energy Storage System, dated 9 January 2025, the Submissions Report dated 1 August 2025, Amendment Report dated 1 August 2025, and the additional information dated 18 September 2025, 17 October 2025 and 20 October 2025
Emergency vehicles	As defined by the <i>Road Rules 2014</i> .
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FERP	Flood Emergency Response Plan
Fire break	An area maintained as mineral earth and/or gravelled and/or paved and/or only grass that is managed to a maximum height of 10 cm (ie. no vegetation >10cm).
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with no more than 2 axels
Heritage NSW	Heritage NSW Group within NSW DCCEE
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
High-risk heavy vehicle requiring escort	A vehicle under escort identified "high risk" as defined in Table 1 of TfNSW's <i>Fact Sheet for Transport Management Plan</i> (as amended)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance
Light vehicle	As defined by the Transport for NSW Vehicle Standards Information Sheet <i>VSI 05 Light vehicle dimension limits Rev 6</i> (TfNSW, 11 March 2015)

Material harm	Is harm that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval. Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
Maximum Energy Discharge Capacity (MW)	Is the rated output active power as defined by 4.3.5 of IEC 62933-1 Ed. 2.0 b:2024, <i>Electrical energy storage (EES) systems – Part 1</i>
Maximum Energy Storage Capacity (MWh)	Is the Effective Energy Storage Capacity at the Beginning of Service Life as described by Figure 1 of IEC 62933-1 Ed. 2.0 b:2024, <i>Electrical energy storage (EES) systems – Part 1</i>
Megawatt	Megawatt
MWh	Megawatt hour
Non-associated residence	A dwelling in existence at the date of this consent which is not associated with the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW Operation	NSW Department of Climate Change, Energy, the Environment and Water The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PCT	Plant Community Type
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-construction minor works	Includes the following activities: - artefact surveys and/or salvage; - overhead line safety marking; - building and road dilapidation surveys; - geotechnical drilling, excavation or salvage; - establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent) - installation of environmental impact mitigation measures, fencing and enabling works; and - construction of minor access roads and minor adjustments to services/utilities, etc.
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
Site	As indicated by the red line on the figure in Appendix 1 and listed in Appendix 2.
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of battery storage and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW

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.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1.
- 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;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.
- A4. The conditions of this consent and 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.

BATTERY STORAGE RESTRICTION

- A5. Unless the Planning Secretary agrees otherwise, the battery storage system associated with the development must not exceed a Maximum Energy Discharge Capacity of 120 MW and a Maximum Energy Storage Capacity of 480 MWh.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the parameters of the battery energy storage system in the future.

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.

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 *Building Code of Australia*.

Notes:

- 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.

DEMOLITION

- A8. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: 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.

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
 - (b) operated in a proper and efficient manner.

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.

COMPLIANCE

- A12. The Applicant must ensure that all of its employees and 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.

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 to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (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.

COMMUNITY ENHANCEMENT

- A14. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must enter into a Voluntary Planning Agreement (VPA) with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of Avenis Energy's letter of offer dated 29 October 2025 and included in Appendix 6.

PART B ENVIRONMENTAL CONDITIONS

TRANSPORT

High-Risk Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 43 heavy vehicle movements a day (a maximum of 11 heavy vehicle movements per hour) during construction, upgrading or decommissioning;
 - (ii) 3 movements of high-risk heavy vehicles requiring escort during construction, upgrading or decommissioning;
 - (b) length of any vehicles (excluding high-risk heavy vehicles requiring escort) accessing the Site Access identified in Appendix 1 does not exceed 26 metres; and
 - (c) length of any vehicles accessing the Substation Access identified in Appendix 1 does not exceed 19 metres, unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of high-risk heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Routes

- B3. Unless the Planning Secretary agrees otherwise:
- (a) all heavy vehicles travelling to the site from the south must travel via the Cobb Highway (Ochertyre Street, Hardinge Street, Charlotte Street Davidson Street) and the Riverina Highway (Finley Road) as shown in Appendix 3;
 - (b) all heavy vehicles travelling to the site from the north must travel via the Riverina Highway as shown in Appendix 3; and
 - (c) high-risk heavy vehicles requiring escort must travel the route from the Port of Melbourne or Glen Waverley to the site via the Newell Highway, Tongs Street, Dales Road, Hamilton Street and the Riverina Highway as shown in Appendix 4.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of heavy vehicles requiring escort on the road network.

Site Access

- B4. All vehicles associated with the development must enter and exit the site via the:
- (a) Site Access; and/or
 - (b) Substation Access (excluding high-risk heavy vehicles requiring escort), off Riverina Highway as identified in Appendix 1, except for emergency vehicles.

Road Upgrades

- B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must complete the road upgrades detailed in Table 1 of Appendix 5 to the satisfaction of the relevant roads authority (and TfNSW for upgrades to the State Road network).

Operating Conditions

- B6. The Applicant must ensure:
- (a) the internal roads are constructed as all-weather roads;
 - (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) the capacity of the existing roadside drainage network is not reduced;
 - (d) all vehicles are loaded and unloaded on-site, and enter and leave the site in a forward direction; and
 - (e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

Traffic Management Plan

- B7. Prior to commencing pre-construction minor works or road upgrades (whichever comes first), the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. Unless the Planning Secretary agrees otherwise, this plan must include:

- (a) details of the transport route(s) to be used for all development-related traffic, including details of the chosen high-risk heavy vehicle requiring escort vehicle configuration;
- (b) details and timing of the road upgrade works required by condition B5 of this consent;
- (c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS have been included in the plan;
- (d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) temporary traffic controls, including detours and signage;
 - (ii) notifying the local community about project-related traffic impacts;
 - (iii) procedures for receiving and addressing complaints from the community about development related traffic;
 - (iv) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
 - (v) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
 - (vi) minimising dirt tracked onto the public road network from development-related traffic;
 - (vii) measures for managing light vehicle peak numbers, including employee carpooling or ride sharing by employees;
 - (viii) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (ix) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (x) responding to any emergency repair or maintenance requirements; and
 - (xi) a traffic management system for managing high-risk heavy vehicles requiring escort;
- (e) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
 - (iii) procedures to ensure that drivers implement safe driving practices; and
- (f) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

Following the Planning Secretary's approval, the Applicant must implement the Traffic Management Plan.

BIODIVERSITY

Vegetation Clearance

- B8. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

- B9. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits specified in Table 1 and Table 2 below.
- B10. The retirement of these credits must be carried out in accordance with the NSW *Biodiversity Offsets Scheme* and can be achieved by:
- (a) acquiring or retiring 'biodiversity credits' within the meaning of *the Biodiversity Conservation Act 2016*;
 - (b) making payments into an offset fund that has been developed by the NSW Government; and/or
 - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1 | Ecosystem Credit Requirements

Vegetation Community	Credits Required
PCT 20 – Moonah – Black Box open woodland on sandy rises of semi-arid (warm) climate zone (mainly Riverina Bioregion and Murray Darling Depression Bioregion),	19

Table 2 | Species Credit Requirements

Threatened fauna species	Credits Required
Southern Myotis (<i>Myotis Macropus</i>).	2

- B11. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

Biodiversity Management Plan

- B12. Prior to carrying out any development that could directly or indirectly impact biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the project in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must:
- be prepared in accordance with the *Biodiversity Development Assessment Report* (dated 1 August 2025);
 - include a description of the measures that would be implemented for:
 - protecting vegetation and fauna habitat outside the approved disturbance areas;
 - managing and enhancing the remnant vegetation and fauna habitat on-site, including vegetation screening;
 - minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - minimising the impacts of the development on threatened flora and fauna species within the disturbance footprint and its surrounds;
 - minimising the impacts to fauna on site and implementing fauna management protocols;
 - rehabilitating, revegetating and maintaining temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
 - 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;
 - any tree branch trimming of PCT 237 woodland areas for line of sight on the Riverina Highway (if relevant); and
 - controlling weeds, feral pests and pathogens;
 - include a program to monitor and report on the effectiveness of mitigation measures and report to CPHR following each annual reporting window;
 - 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
 - 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.

HERITAGE

Protection of Heritage Items

- B13. The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items except as authorised by this approval.

Chance Finds Protocol

- B14. Prior to carrying out any development, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders and Heritage NSW. Following consultation, the Applicant must implement the Chance Finds Protocol.

LANDSCAPING

Vegetation Buffer

- B15. The Applicant must establish and maintain a vegetation buffer (vegetation screening) as described in the EIS and shown in Appendix 1. The vegetation screening must:
- be planted prior to commencing operation;
 - be comprised of species that are endemic to the area;
 - be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - be properly and actively maintained with appropriate weed management and replacement of failed plantings,
- unless the Planning Secretary agrees otherwise.

AMENITY

Visual

B16. The Applicant must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (b) implement all reasonable and feasible measures to minimise the visual impact of infrastructure, including the selection of paint colours and finishes to blend with the surrounding landscape; and
- (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Lighting

B17. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal; and
 - (iii) complies with *Australian Standard/New Zealand Standard AS/NZS 4282:2023 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

Construction, Upgrading and Decommissioning Hours

B18. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake construction, commissioning, upgrading or decommissioning activities on site between:

- (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.

Exceptions to Construction Hours

B19. The following activities may be carried outside the hours specified in condition B18 above:

- (a) commissioning activities that are inaudible at non-associated residences;
- (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; and
- (c) emergency work to avoid the loss of life, property or prevent material harm to the environment.

Variation of Construction Hours

B20. The hours of construction activities specified in condition B18 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:

- (a) considered on a case-by-case or activity-specific basis;
- (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
- (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been or will be undertaken;
- (d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and
- (e) accompanied by a construction method statement consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

B21. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version;
- (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 Noise Policy for Industry* (EPA, 2017) at any non-associated residences, unless the Planning Secretary agrees otherwise.

Table 3 | Operational Noise Limit Requirements

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{AFmax}
Any non-associated residence	40	35	35	52

Noise Monitoring

B22. Unless the Planning Secretary agrees otherwise, within 3 months of commencing 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:

- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant;
- (b) demonstrate that noise monitoring:
 - (i) has been carried out in accordance with the procedures in the *Noise Policy for Industry* (EPA, 2017); and
 - (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
- (c) include:
 - (i) an analysis of compliance with the noise limits specified in condition B21;
 - (ii) an outline of implemented mitigation measures and their effectiveness at reducing operational noise; and
 - (iii) 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 B21 at all times.

The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

Dust

B23. The Applicant must minimise the dust generated by the development.

SOIL AND WATER**Water Supply**

B24. 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.

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.

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.

Operating Conditions

B26. The Applicant must:

- (a) minimise any soil erosion and control sediment generation;
- (b) ensure that battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction - Volume 2A* manual (Landcom, 2008), or their latest versions;
- (c) establish ground cover with appropriate perennial species on land within the disturbance footprint within 3 months of completion of construction or upgrade, and maintain ground cover with weed management;
- (d) ensure the battery storage and ancillary infrastructure is compatible with the flood function and hazard of the site;
- (e) ensure the battery storage and ancillary infrastructure (including security fencing and drainage infrastructure) are designed, constructed and maintained to prevent detrimental impacts on surface water, localised flooding and groundwater;
- (f) ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion;

- (g) provide for interception and removal of contaminants from stormwater basin(s) in the event of fire damage to the battery cells; and
- (h) ensure all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022).

Unexpected Finds Procedure

B27. An Unexpected Finds Procedure for contamination must be prepared before commencing construction and implemented throughout construction. The procedure must:

- (a) be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered; and
- (b) include details of who will be responsible for implementing the Unexpected Finds Procedure and the roles and responsibilities of all parties involved.

HAZARDS

Fire Safety Study

B28. A fire safety study must be prepared for the development. The study must:

- (a) be prepared and submitted to the Planning Secretary for approval prior to commencing construction of the battery storage facility (including associated foundations and cabling);
- (b) be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline and FRNSW's *Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations*;
- (c) describe the final design of the battery storage facility;
- (d) include the most credible worst-case fire scenario to and from the battery storage facility and associated fire management procedures; and
- (e) identify measures to eliminate the expansion of any fire incident including:
 - (i) adequate fire safety systems and appropriate water supply;
 - (ii) separation and / or compartmentalisation of battery units; and
 - (iii) strategies and incident control measures specific to the battery storage facility design.

Unless otherwise agreed by the Planning Secretary, construction of the battery storage facility must not commence until the Planning Secretary has received evidence that FRNSW has confirmed in writing that the fire safety study meets the requirements of condition B28, and the study has been approved by the Planning Secretary. The fire safety study must be implemented, as approved by the Planning Secretary, and a copy of the approved fire safety study provided to Council.

Storage and Handling of Dangerous Materials

- B29. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B30. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

In the event of an inconsistency between the requirements listed from (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions

B31. The development must:

- (a) provide a trafficable fire break around the perimeter of the BESS area, that permits unrestricted vehicle access and movement, with a minimum width of 11 metres;
- (b) be managed as per the Asset Protection Zone standards in accordance with *Planning for Bushfire Protection* (RFS, 2019, or equivalent); and
- (c) include provision for a minimum 20,000 litre water supply tank(s) fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal road.

B32. The Asset Protection Zones (including fire break) must be maintained in perpetuity and located wholly within the site.

Flood Management

- B33. Prior to commencing construction, the Applicant must prepare a Flood Emergency Response Plan (FERP) for the development. The FERP must:
- (a) be prepared by suitably qualified and experienced persons;
 - (b) address the relevant provisions of the *Floodplain risk management manual* (DPE, 2023) and *Support for emergency management planning – Flood Risk Management Guideline EM01* (DPE, 2023);
 - (c) consider isolation, access and evacuation during extreme events up to and including the probable maximum flood;
 - (d) be consistent with the Local Flood Plan and/or the State Emergency Service flood emergency strategy for the area; and
 - (e) include details of:
 - (i) the flood emergency responses for the development;
 - (ii) predicted flood levels, including probable maximum flood;
 - (iii) shelter in place protocols for all relevant flooding events (if necessary);
 - (iv) awareness training for employees and contractors;
 - (v) protocols for advising site employees and visitors to stay away from the site during flood events;
 - (vi) flood warning time, flood notification, signs and depths indicators;
 - (vii) evacuation protocols including assembly points and evacuation routes (where applicable); and
 - (viii) provisions for periodic review of the plan, including following a significant flooding event. The applicant must:
 - (f) Submit a copy of the FERP required by Condition B33 to the Planning Secretary and Council prior to commencing construction; and
 - (g) Implement the most recent version of the FERP submitted to the Planning Secretary for the duration of construction.

Emergency Plan

- B34. An emergency plan must be prepared for the development. The plan must:
- (a) be prepared and implemented prior to the commissioning of the battery storage facility;
 - (b) be prepared in consultation with FRNSW and RFS;
 - (c) be provided to the local Fire Control Centre, relevant local emergency management committee, Council and FRNSW;
 - (d) be prepared in accordance with the findings of the Fire Safety Study required under condition B28;
 - (e) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, '*Emergency Planning*' guideline;
 - (f) include details on general emergency management planning, including:
 - (i) details of how the battery storage and sub-systems can be safely isolated in an emergency;
 - (ii) identification of fire risks and hazards and detailed measures for the development to prevent fires igniting;
 - (iii) availability of fire suppression equipment, access and water;
 - (g) include bushfire emergency management planning consistent with *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014) and *Planning for Bushfire Protection* (RFS, 2019, or equivalent) including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone;
 - (ii) a list of works that must not be carried out during a total fire ban;
 - (iii) details of how RFS would be notified, and procedures that would be implemented in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period;
 - (h) include emergency management and evacuation procedures and identification of specific emergency exit routes to be used including evidence of access agreements with relevant landowners (e.g. right of carriageway); and
 - (i) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019).

B35. Two copies of the plan and the Emergency Services Information Package must be kept on-site in prominent positions adjacent to the site entry point(s) at all times.

WASTE

B36. Unless the Planning Secretary agrees otherwise, the Applicant must:

- (a) prepare and implement a Waste Management Plan prior to commencing construction, which must:
 - (i) be prepared in consultation with Council;
 - (ii) be consistent with the EIS;
 - (iii) identify opportunities to maximise recycling;
 - (iv) identify appropriately licensed waste and resource management facilities at which waste disposal and recycling will take place;
 - (v) identify the location and method of storing of lithium-ion batteries if immediate recycling is not possible; and
 - (vi) include a description of the measures that will be implemented to ensure that the objectives of condition B36 (b)-(f) below are achieved;
- (b) minimise the waste generated by the development;
- (c) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (d) store and handle all waste on site in accordance with its classification;
- (e) not receive or dispose of any waste on site; and
- (f) 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 (in consultation with Council for use of Council waste facilities).

ACCOMMODATION AND EMPLOYMENT STRATEGY

B37. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development. This strategy must:

- (a) be prepared in consultation with Council and informed by consultation with local accommodation and employment service providers;
- (b) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (c) consider the cumulative impacts associated with other State significant development projects in the area;
- (d) investigate options for prioritising the employment of local workers and use of local businesses during the construction and operation of the development, where feasible; and
- (e) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction, upgrading and decommissioning.

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencing construction, and implement the plan.

DECOMMISSIONING AND REHABILITATION

B38. 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.

Table 4 | Rehabilitation Objectives

Feature	Objective
Site	Safe, stable and non-polluting.
Battery storage facility and ancillary infrastructure	To be decommissioned and removed where buried to depths of less than 500mm, unless the Planning Secretary agrees otherwise, with the exception of the assets held by the Network Provider.
Land use	Restore land to pre-existing use.
Community	Ensure public safety at all times.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. 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:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (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
 - (e) include:
 - (vi) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (vii) a clear plan depicting all the monitoring to be carried out in relation to the development including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

Following the Planning Secretary's approval of the Environmental Management Strategy, the Applicant must implement the Environmental Management Strategy.

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 3 months of the:
 - (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
 - (iii) any modification to the conditions of this consent.

Staging, Combining and Updating Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the Applicant may stage the development and may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- 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.
- 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.
- 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.

NOTIFICATIONS

Notification of Department

- C7. Prior to commencing construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the NSW planning portal (Major Projects) of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

Final Layout Plans

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of battery storage or ancillary infrastructure.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

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 Final Layout Plans to the Department via the Major Projects website.

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.

- C11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7.

Non-Compliance Notification

- C12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

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.

ACCESS TO INFORMATION

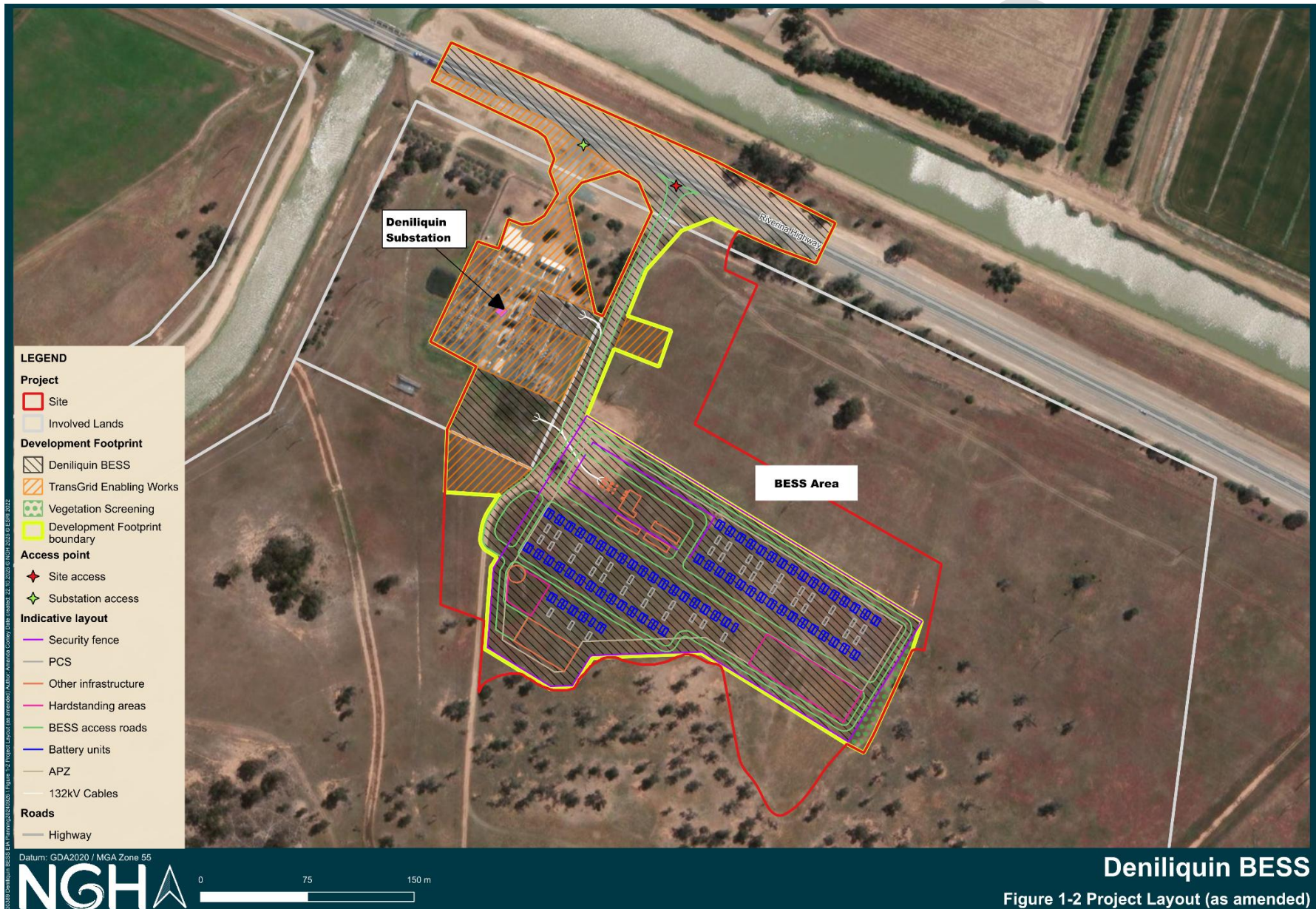
- C14. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);
 - (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (vi) how complaints about the development can be made;
 - (vii) a complaints register;
 - (viii) compliance reports;

- (ix) any independent environmental audit prepared in accordance with condition C13, and the Applicant's response to the recommendations in any audit; and
 - (x) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

RECOMMENDED

APPENDIX 1 GENERAL DEVELOPMENT LAYOUT

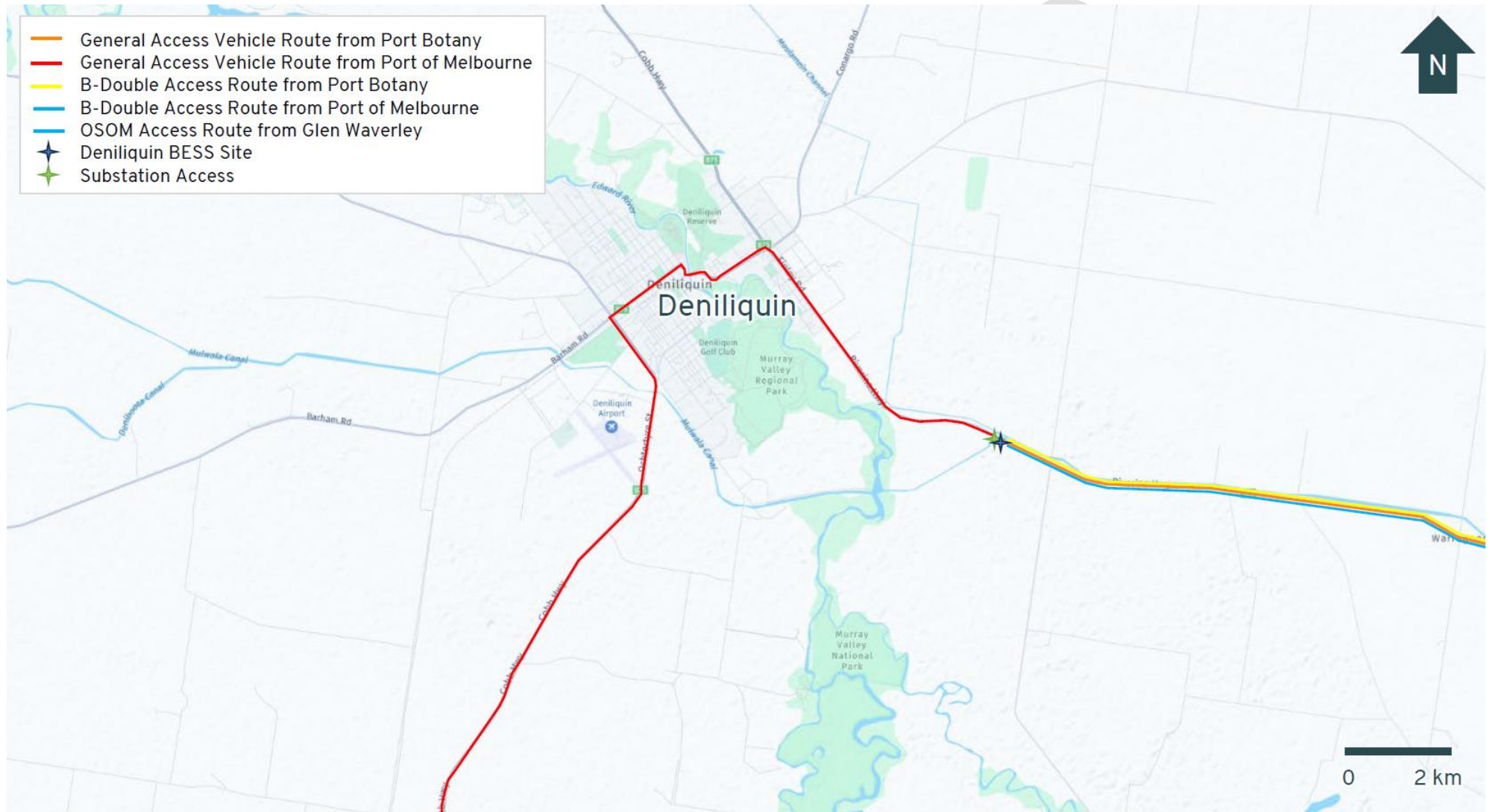


APPENDIX 2 SCHEDULE OF LANDS

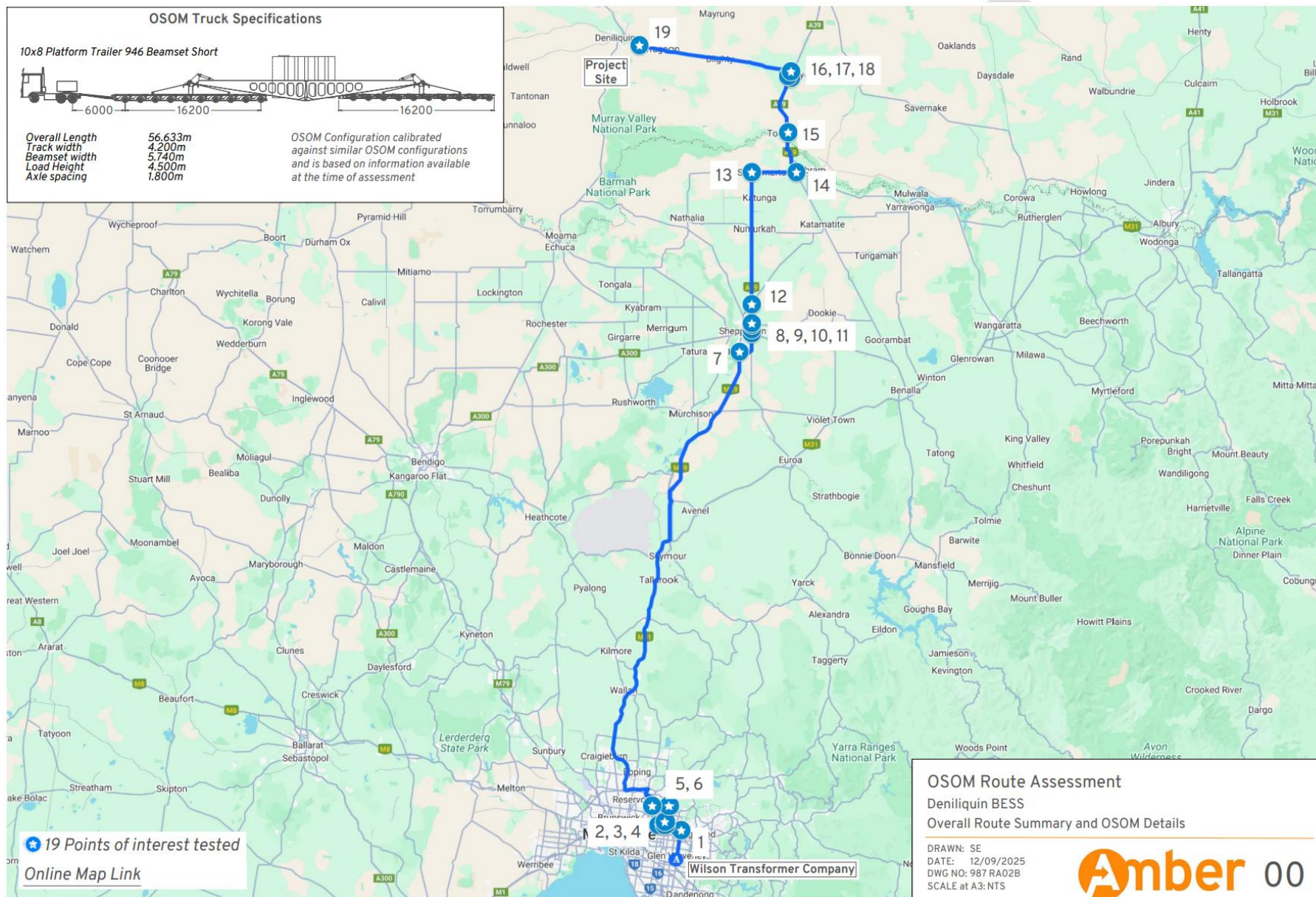
<i>Lot Number (the portion of which is identified in Appendix 1)</i>	<i>Deposited Plan (DP)</i>
1	DP536901
2	DP536901
The land identified for road upgrades in Appendix 5	

RECOMMENDED

APPENDIX 3 SITE ACCESS ROUTE



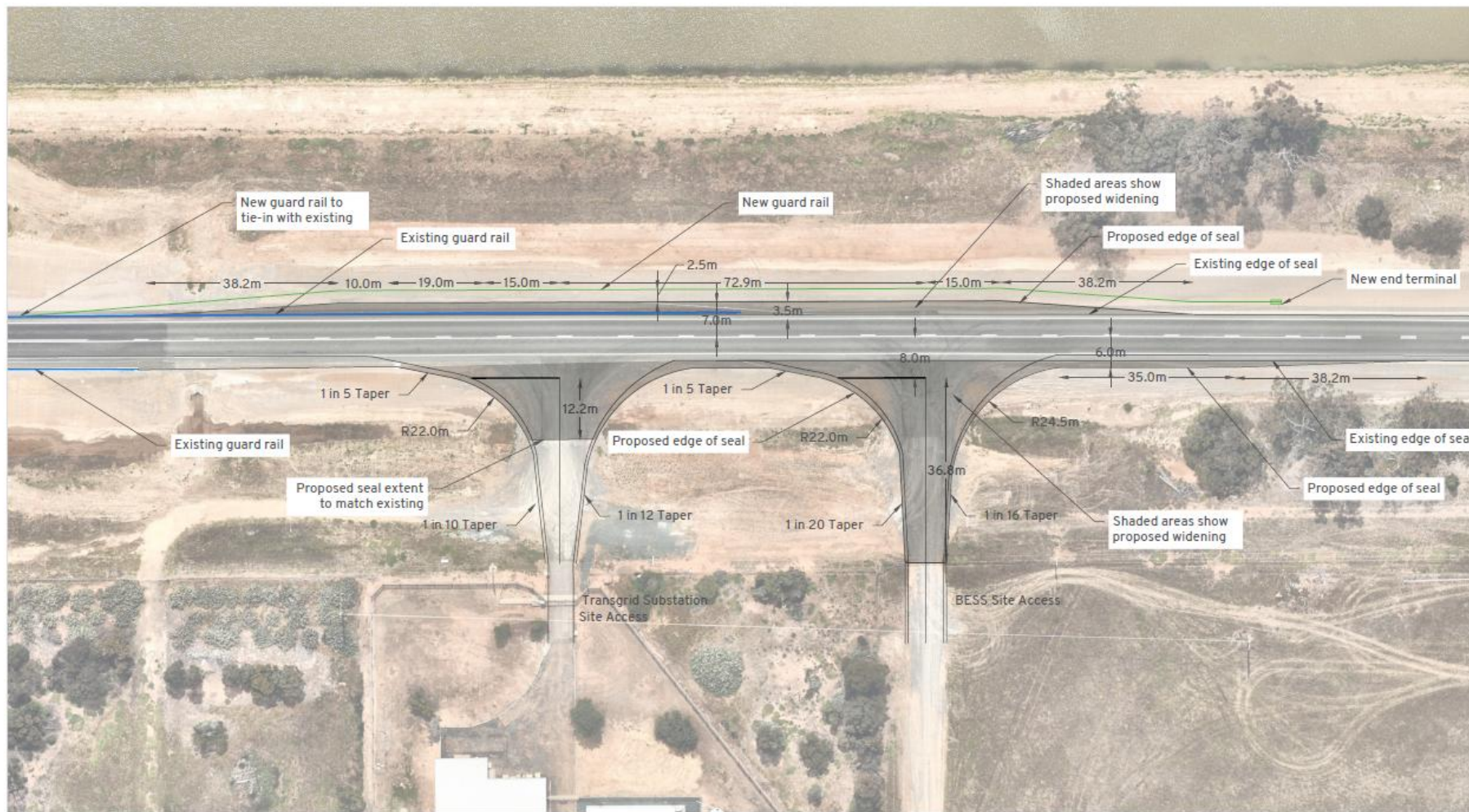
APPENDIX 4 HVRE HAULAGE ROUTE



APPENDIX 5 ROAD UPGRADES AND ACCESS

Table 1 | Road upgrades

Road / Intersection	Location	Upgrade Requirements
Riverina Highway	At the locations identified as 'BESS site access' and "Transgrid substation site access" in Figure 1, Appendix 5.	Provide a BAL and BAR treatment to cater for the largest vehicle entering both site accesses. Extension of roadside guard rail. Sealing of the throat of the intersections as per Figure 1, Appendix 5.



The following design details have been taken from Austroads Guide to Road Design Part 4A

Rural Basic Right-turn Treatment (BAR) - Section 7.2.1.

- 1: Design speed of 110km/h.
- 2: Nominal lane width of 3.5m.
- 3: Formation/carriageway widening is 2.5m, total width (C) is 7m.
- 4: Taper lengths calculate to 38.2m.
- 5: Storage length is 19.0m for one Semi-Articulated Vehicle.

Rural Left-turn Treatment (BAL) - Part 4A Section 8.2.1.

- 1: Design speed of 110km/h.
- 2: Nominal lane width of 3.5m.
- 3: Formation/carriageway widening is 2.5m, total width (C) is 6m.
- 4: Taper length calculates to 38.2m.
- 5: Minimum length of parallel widened shoulder used from Table 8.1 is 35m.



Concept Access Design

Deniliquin BESS

Intersection Design (BAR/BAL)

DRAWN: SE
DATE: 08/04/2025
DWG NO: 987 S01D
SCALE at A3: 1:750

Amber 00

Figure 1 | Road upgrades – Site Access and Substation Access off Riverina Highway

APPENDIX 6 TERMS OF THE APPLICANT'S VPA OFFER



Avenis Energy Pty Ltd on behalf of
AE BESS 4 Pty Ltd as Trustee for AE BESS 4 Unit Trust
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Milsons Point NSW 2061

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Avenis Energy Pty Ltd
ABN 662 243 987

Edward River Council
Attn: Simone Hughes
180 Cressy Street
Deniliquin NSW 2710

29.10.2025

Minister for Planning and Public Spaces
Wollongong NSW 2500

Dear Simone,

Re: Response to Edward River Council's Letter dated 23 October 2025

I would like to take this opportunity to thank you and the Edward River Council for your continued engagement and contribution to the Deniliquin BESS project (SSD-72258210) (the Project), it is greatly appreciated.

Further, AE BESS 4 would like to acknowledge and thank you for your consideration of our Letter of Offer to enter into a Voluntary Planning Agreement (VPA) with Edward River Council, dated 1 October 2025, and for your response provided on 23 October 2025.

Following your response, please see below agreed items:

1. Contribution Rate

Both parties agree in principle that the base financial contribution to the Community Benefit Fund (CBF) will be in accordance with the Benefit Sharing Guidelines, being \$150 per megawatt hour¹ (MWh) energy storage capacity.

Based on the project's 480MWh energy storage capacity, and 20-year operational period, the proposed total financial contribution to the CBF will be \$1,440,000.00 over this operational period.

AE BESS 4 agrees to the Edward River Council's proposed distribution of financial contributions, as detailed in the Council's Response Letter, dated 23 October 2025. The agreed contributions are as follows:

- An Initial Upfront Contribution Amount of 10% of total proposed contributions (being \$144,000.00) to be paid on issue of the Construction Certificate for the Project.

¹ Department of Planning, Housing and Infrastructure, (2024). *Overview of the Renewable Energy Planning Framework*. Available at: <https://www.planning.nsw.gov.au/sites/default/files/2024-11/overview-of-the-renewable-energy-planning-framework.pdf>

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Avenis Energy Pty Ltd
ABN 662 243 987

- A Second Upfront Contribution Amount of 10% of total proposed contributions (being \$144,000.00) to be paid on the Commercial Operation Date of the Project.
- The remaining sum will be distributed via equal annual contributions for the 20-year operational period (being \$57,600.00) to be paid on the anniversary of Commercial Operation Date (Contribution Amount).
- All amounts are expressed in 2024 dollars and will be adjusted annually from 2024² in line with movements in the Consumer Price Index (CPI) — All Groups, Sydney, as published by the Australian Bureau of Statistics.

2. Reimbursement of Costs

Both parties agree that AE BESS 4 shall reimburse the Edward River Council for its reasonable legal costs and disbursements incurred in connection with the negotiation, preparation, execution and carrying into effect of the VPA.

Reimbursement does not cover the Edward River Council's costs in administering any Community Benefit Fund.

3. Security

To secure the performance of AE BESS 4's obligations under the VPA, AE BESS 4 will provide security to the Edward River Council prior to the issue of the Construction Certificate for the Project.

AE BESS 4 agrees to the Edward River Council's proposed security provision, as detailed in the Council's Response Letter, dated 23 October 2025.

The security shall be provided to an amount equivalent to 30% of the total proposed contributions (being \$432,000.00), and will be provided via an appropriate mechanism, such as a bank guarantee or insurance bond.

Consistent with Planning Agreements for other renewable SSD applications within Edward River Council's LGA, and given the proposed security provision under the VPA, it is not proposed to register the planning agreement on the land title (Lot 2 in DP536901).

4. Application of Contributions under the Act

The application of Section 7.11, Section 7.12, and Subdivision 4, Division 7.1 of Part 7 under the *Environmental Planning and Assessment Act 1979* (the Act) are excluded from the VPA. Accordingly, this offer is addressed to both the Edward River Council and the Minister for Planning and Public Spaces.

² The release year of the Department of Planning, Housing and Infrastructure Benefit Sharing Guidelines — November 2024.



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Yours sincerely,

A handwritten signature in blue ink, appearing to read "Tom Lukins".

Tom Lukins
Development Manager
tom.lukins@avenisenergy.com.au
0405 622 058

APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
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.
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:
 - (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
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.