Development Consent

Section 4.38 of the *Environmental Planning & Assessment Act 1979*

As Delegate of the Minister for Planning and Public Spaces, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise and/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.

Chris Ritchie
Executive Director
Energy, Resource and Industry Assessments

Sydney 15 October 2025

SCHEDULE 1

Application Number:	SSD 41020244
Applicant:	Richmond Valley Solar & BESS Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Land:	See Appendix 2
Development:	Richmond Valley Solar Farm

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	Richmond Valley Solar & BESS Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
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 Schedules 1 and 2 inclusive
Consent authority	Minister for Planning and Public Spaces
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of solar panels 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)
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW DCCEEW
Council	Richmond Valley Council
Decommissioning	The removal of solar panels 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 Richmond Valley Solar Farm dated June 2024, the Submissions Report dated June 2025, the Amendment Report dated June 2025, and the additional information provided to the Department by the Applicant dated 11 July, 29 July, 14 August, 29 September 2025 and 10 October 2025.
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPA	NSW Environment Protection Authority
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).
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the *Heavy Vehicle National Law (NSW)*, but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the *National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide* or a NSW notice on the NHVR website
Heritage NSW	Heritage NSW Group within NSW DCCEEW
Heritage item	An item as defined under the *Heritage Act 1977* and/or an Aboriginal Object or Aboriginal Place as defined under the *National Parks and Wildlife Act 1974*
High-risk heavy vehicle requiring escort	A vehicle under escort is identified as "high risk" as defined in Table 1 of T*fNSW's Fact Sheet for Transport Management Plan (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
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.*
Maximum Energy Discharge Capacity (MW)	The rated output active power as defined by 4.3.5 of *IEC 62933-1 Ed. 2.0 b:2024, Electrical energy storage (EES) systems—Part 1*
Maximum Energy Storage Capacity (MWh)	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, Electrical energy storage (EES) systems—Part 1*
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
MW	Megawatt
RVC	Richmond Valley Council
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	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Secretary of the Department, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
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 shown 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 solar panels 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, upgrading, commissioning, 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 associated with the development must not exceed a Maximum Energy Discharge Capacity of 475 MW and a Maximum Energy Storage Capacity of 3,148 MWh.

Note: 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.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

A6. The Applicant may upgrade the solar panels 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.*
- *EP&A (Development Certification and Fire Safety) Regulation 2021 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.

A9. Any temporary structures erected during the construction phase must be removed and the area rehabilitated promptly, temporary structures must not remain onsite during ongoing operation.

PROTECTION OF PUBLIC INFRASTRUCTURE

A10. 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

A11. 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.

SUBDIVISION

A12. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 3 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.*
- *Division 6.4 of Part 6 of the EP&A Act sets out the application requirements for subdivision certificates.*

APPLICABILITY OF GUIDELINES

A13. 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

A14. 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.

EVIDENCE OF CONSULTATION

A15. 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

A16. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must enter into a VPA with Council in accordance with:

(a) Division 7.1 of Part 7 of the EP&A Act; and

(b) the terms of Ark's letter of offer dated 2 October 2025 as included in Appendix 4.

PART B ENVIRONMENTAL CONDITIONS

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

B1. The Applicant must ensure that the:

(a) development does not generate more than:

(i) 53 heavy vehicle movements a day (a maximum of 16 heavy vehicle movements per hour) during construction, upgrading or decommissioning;

(ii) 12 movements of heavy vehicles requiring escort (including high risk heavy vehicles requiring escort) during construction, upgrading and decommissioning; and

(b) length of any vehicles (excluding high risk heavy vehicles requiring escort and heavy vehicles requiring escort) used for the development 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 Route

B3. The Applicant must ensure:

(a) All heavy vehicles associated with the development travel to and from the site via Summerland Way, Main Camp Road and Avenue Road.

(b) All heavy vehicles requiring escort (including high risk heavy vehicles requiring escort) associated with the development travel to and from the site via the route(s) identified in Appendix 5.

Unless the Planning Secretary agrees otherwise.

Site Access

B4. Unless the Planning Secretary agrees otherwise, all vehicles associated with the development must enter and exit the site via one of the three site access points off Avenue Road, as identified in Appendix 1.

Note: Other site access points may be used for emergency purposes.

Road Upgrades

B5. Unless the Planning Secretary agrees otherwise, the Applicant must complete the road upgrades as detailed in Appendix 5, in accordance with the relevant standard and timing requirements in Appendix 5.

Unless the relevant roads authority agrees otherwise, these upgrades must comply with the *Austroads Guide to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority (and TfNSW for upgrades to the State Road network).

Road Upgrades: High Risk Heavy Vehicles Requiring Escort

B6. Prior to the use of high risk heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (specifically for the use of roads, and any road upgrades that may be required, from the point of origin to the approved site access points including those identified in the RFI dated 10 October 2025).

Note: this Development Consent does not provide consent for the use of the public road network, or any upgrades, for heavy vehicles and heavy vehicles requiring escort on the over dimensional transport routes identified in the EIS, with the exception of the road upgrades described in conditionB5.

Road Maintenance

B7. The Applicant must, in consultation with the relevant roads authority:

(a) undertake an independent dilapidation survey which records the condition of the road pavement, drainage structure and other road related infrastructure, and assesses the:

(i) condition of Main Camp Road from the intersection of Summerland Way to the intersection of Avenue Road, following upgrade in accordance with condition B5, and prior to and immediately following construction, upgrading and decommissioning activities; and

(ii) condition of Avenue Road from the intersection of Main Camp to the furthest site access point as described in condition B3, following upgrade in accordance with condition B5, and prior to and immediately following construction, upgrading and decommissioning activities;

(b) on completion of the dilapidation reports undertaken in B7(a)(i) and B7(a)(ii) provide a copy to the relevant road authority;

(c) repair and/or make good any development-related damage to Main Camp Road and Avenue Road (including road drainage infrastructure) 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 road repairs (including timeframes) required under this condition, then either party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

B8. 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;

(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

B9. Prior to commencing the road upgrades identified in condition B5 of this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and RVC, and to the satisfaction of the Planning Secretary. This plan must include:

(a) details of the transport route to be used for development-related traffic;

(b) details 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) details of the dilapidation surveys required by condition B7 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 opportunities for employee shuttle bus service, carpooling or ride sharing by employees;

(ix) temporarily reducing heavy vehicle speed limits to 60 km/h along Avenue Road during construction;

(x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;

(xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;

(xii) measures to minimise dust generated by construction traffic;

(xiii) responding to any emergency repair or maintenance requirements;

(xiv) a traffic management system for managing high risk heavy vehicles requiring escort including traffic mitigation measures required by the bridge assessment;

(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;

(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; and

(g) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding.

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

BIODIVERSITY

Vegetation Clearance

B10. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

B11. 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. 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	***PCT ID***	***Credits Required***
Clarence Lowland Ironbark-Spotted Gum Grassy Forest	3420	364
Northern Lowland Red Gum-Swamp Turpentine Grassy Forest	3428	80
Far North Floodplain Forb-Sedge Wetland	3965	45
Northern Lowland Swamp Turpentine-Red Gum Forest	4046	26

Table 2. Species Credit Requirements

Species	***Credits Required***
Rotala tripartita	102
Green-thighed Frog *(Litoria brevipalmata)*	52
Squirrel Glider *(Petaurus norfolcensis)*	262
Brush-tailed Phascogale *(Phascogale tapoatafa)*	492
Southern Myotis *(Myotis macropus)*	133
Barking Owl (*Ninox connivens*)	322
Common Planigale (*Planigale maculata*)	492

B12. 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

B13. 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 CPHR and DCCEEW, and to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced biodiversity expert/s;

(b) be prepared in accordance with the *'Richmond valley Solar Farm: Biodiversity Development Assessment Report (BDAR) Amended BADR for Response to Submissions''* dated 4 June 2025;

(c) include a description of the measures that would be implemented for:

(i) protecting vegetation and fauna habitat outside the approved disturbance areas;

(ii) managing and enhancing the remnant vegetation and fauna habitat on site;

   - (iii) establishing and managing the biodiversity corridor along the northern boundary of the site;
   - (iv) minimising the impacts of the development on threatened flora and fauna species within the disturbance footprint and its surrounds;
   - (v) maintaining and improving the condition of *Rotala tripatita* and its habitat being retained, including regular reporting on the effectiveness of these measures to CPHR;
   - (vi) measures to maintain hydrological flow to retained vegetation for all known and potential *Rotala tripartita* habitat;
   - (vii) retain topsoil from within the impacted areas of known and potential *Rotala tripartita* habitat and respread within that habitat during earthworks for construction;
   - (viii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
   - (ix) minimising the impacts to fauna on site and implementing fauna management protocols;
   - (x) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
   - (xi) protection of downstream aquatic habitat including key fish habitat through exclusion zones and revegetation;
   - (xii) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
   - (xiii) 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
   - (xiv) controlling weeds, feral pests and pathogens;
- (d) include a program to monitor and report on the effectiveness of mitigation measures and report to CPHR following each annual reporting window;
- (e) include an incidental threatened species finds protocol to identify the avoid and/or minimise options to be implemented if additional threatened species are discovered on site; and
- (f) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

HERITAGE

Protection of Heritage Items

B14. The Applicant must ensure the development does not cause any direct or indirect impacts to any heritage items located outside the approved development footprint.

Heritage Management Plan

B15. Prior to carrying out any development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary.
- (c) be prepared in consultation with Registered Aboriginal Parties (RAPs) and reviewed by Heritage NSW.
- (d) include a description of the measures that would be implemented for:
   - (i) salvage and analysis of the Aboriginal heritage item identified in Table 1 of Appendix 6 of this consent;
   - (ii) participation by the RAPs in any salvage works that will be undertaken;
   - (iii) a contingency plan and reporting procedure if:
      - heritage items outside the approved development footprint are damaged;
      - previously unidentified heritage items are found; or
      - Aboriginal skeletal material is discovered;
   - (iv) ensure workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
   - (v) ongoing consultation with Aboriginal stakeholders during the implementation of the plan.
- (e) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

LANDSCAPING

Land Management

B16. The Applicant must maintain the agricultural land capability of the site, including:

(a) establishing the ground cover of the site within 3 months following the completion of any construction or upgrading; and

(b) properly maintaining the ground cover with appropriate perennial species and weed management over the life of the development,

unless the Planning Secretary agrees otherwise.

AMENITY

Visual

B17. The Applicant must:

(a) unless the Planning Secretary agrees otherwise, limit the angle of solar panels in accordance with the 'Scenario 6' set out within the *Glint and Glare Assessment* prepared by Moir Landscape Architecture and provided in Appendix 12 of the EIS (any request to the Planning Secretary to vary this condition must include consultation with Council);

(b) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;

(c) implement all reasonable and feasible measures to minimise the visual impacts of ancillary infrastructure, including the selection of paint colours and finishes to blend with the surrounding landscape; and

(d) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Landscaping Plan

B18. Prior to commencing construction, the Applicant must prepare a Landscaping Plan for the development in consultation with Council, to the satisfaction of the Planning Secretary. This plan must include:

(a) details of the vegetation planting identified in Appendix 1 to provide intermittent planting along Avenue Road within the project site;

(b) a description of the measures to be implemented, including ensuring the planting is:

(i) planted prior to operation of the project;

(ii) comprised of species that are endemic to the area;

(iii) is designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and

(iv) is maintained for the life of the development, including appropriate weed management; and

(c) a program for monitoring and reporting on the effectiveness of the vegetation planting.

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

Lighting

B19. 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

B20. Unless the Planning Secretary agrees otherwise, the Applicant must only undertake road upgrades, construction, upgrading, commissioning 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.

B21. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that heavy vehicles (including heavy vehicles requiring escort and high risk heavy vehicles requiring escort) do not travel along Avenue Road between 10 pm and 7 am.

Exceptions to Construction Hours

B22. The following activities may be carried out outside the hours specified in condition B20:

(a) commissioning activities that are inaudible at non-associated receivers;

(b) the delivery or dispatch of materials 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.

Variation of Construction Hours

B23. The hours of construction activities specified in condition B20 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 and 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 noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Site Facilities

B24. The Applicant must ensure any required onsite/offsite effluent disposal and management approval(s) from Council are obtained prior to installation and associated works.

Noise

B25. 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; and

(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, to be determined in association 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
	LAeq (15min)	LAeq (15min)	LAeq (15min)	LAfmax
Non-associated residences	40	35	35	52

B26. 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:

(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) 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and directionality;

(ii) an analysis of compliance with the noise limits specified in condition B25 at D3_3;

(iii) 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 B25 at all times.

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

Dust

B27. The Applicant must minimise the dust generated by the development.

SOIL AND WATER

Water Supply

B28. 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

B29. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

B30. The Applicant must:

(a) minimise any soil erosion and control sediment generation;

(b) ensure any solar panels and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have 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) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;

(d) ensure the solar panels and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;

(e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site;

(f) ensure all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022); and

(g) ensure the design of the all waterway crossings (including internal tracks and cables) is in accordance with the documents *Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries 2003) and the *Policy and Guidelines for Fish Habitat Conservation and Management* (Update 2013) and does not materially alter the hydrological characteristics of the site or surrounds.

Soil and Water Management Plan

B31. 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:

(a) be prepared by suitably qualified and experienced persons;

(b) include a description of the measures that would be implemented to ensure that the objectives of condition B30 (a) – (g) above are achieved;

(c) include a program to monitor and report on the effectiveness of these measures; and

(d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

The Applicant must implement the Soil and Water Management Plan.

Flood Management

B32. Prior to the commencement of 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* (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

(e) be prepared in consultation with the NSW Reconstruction Authority including how the plan aligns with the Northern Rivers Disaster Adaption Plan; and

(f) 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);

(viii) provisions for periodic review of the plan, including following a significant flooding event; and

(ix) communication strategies to ensure all potential tenants are aware of flood levels (including probable maximum flood).

B33. The applicant must:

(a) Submit a copy of the FERP required by Condition B32 to the Planning Secretary prior to the commencement of construction; and

(b) Implement the most recent version of the FERP submitted to the Planning Secretary for the duration of construction.

HAZARDS

Fire Safety Study

B34. A fire safety study must be prepared for the development. The study must:

(a) be prepared and submitted to the satisfaction of the Planning Secretary 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 reasonable 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 B35, and the study has been approved by the Planning Secretary. The fire safety study must be implemented, as approved by the Planning Secretary.

Note: 'to the satisfaction of FNSW' above means confirmation in writing from FRNSW that the study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.

Storage and Handling of Dangerous Materials

B35. 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.

B36. 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

B37. The development must:

(a) include a minimum 10 metre wide fire break around the perimeter of the development that permits unrestricted vehicle access and movement;

(b) be managed as per the Asset Protection Zone standards in accordance with *Planning for Bushfire Protection* (RFS, 2019, or equivalent);

(c) provide Asset Protection Zones generally as outlined within '*Bushfire Threat Assessment – Ark Energy Pty Ltd Proposed solar farm and BESS Richmond Valley NSW*' dated 30 April 2024 (Version 1.0) and subsequent '*Bushfire Threat Assessment memo – following post-exhibition amendments*,' dated 20 May 2025, prepared by Blackash Bushfire Consulting';

(d) include provision of fire fighting water supply tank(s) fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal road. The volume, quantity and location of the tanks is to be determined in consultation with the local Fire Control Centre; and

(e) provide internal access roads complying with the requirements of Table 7.4a of *Planning for Bushfire Protection* 2019. The main access road to the substation and parking area shall be a minimum of 6 m wide.

B38. The Asset Protection Zones (including fire break) must be maintained in perpetuity and located wholly within the site.

Emergency Plan

B39. An emergency plan must be prepared for the development. The plan must:

(a) be prepared and implemented prior to the operations or commissioning of the battery storage facility (whichever comes first);

(b) be prepared in consultation with FRNSW and RFS;

(c) be provided to the local Fire Control Centre, relevant local emergency management committee and FRNSW;

(d) be prepared in accordance with the findings of the Fire Safety Study required under condition B34 of Schedule 2;

(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).

B40. 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.

REMEDIATION

Unexpected Finds

B41. Prior to the commencement of construction, the Applicant must prepare an unexpected finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the Environmental Management Strategy for the development and must ensure any material identified as contaminated is to be disposed of off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

ACCOMMODATION AND EMPLOYMENT STRATEGY

B42. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with RVC, Ballina Shire Council, Lismore City Council and Clarence Valley Council. This strategy must:

(a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development including during periods of high demand;

(b) consider the cumulative impacts associated with other State significant development projects in the area;

(c) investigate options for prioritising the employment and training of local workers and First Nations people for the construction and operation of the development, where feasible; and

(d) includes a Local Procurement Strategy which provides mechanisms to prioritise local employment; 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.

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

WASTE

Waste Management Plan

B43. 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) consider opportunities to recycle solar panel related waste, where reasonable and feasible;

(iv) identify appropriately licenced waste and resource management facilities at which waste disposal and recycling will take place; and

(v) consider the location and method of storing lithium-ion batteries; and

(vi) include a description of measures that will be implemented to ensure that the objectives of condition B43 (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.

DECOMMISSIONING AND REHABILITATION

B44. 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
Solar farm and ancillary infrastructure	• All infrastructure, including above and below ground, to be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	• Restore land capability to pre-existing productive capacity
Community	• Ensure public safety at all times

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

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:

(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, including a table summarising all monitoring and reporting obligations under the conditions of this consent.

Following the Planning Secretary's approval, 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 1 month 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.

Updating and Staging of Strategies, Plans or Programs

C3. With the approval of the Planning Secretary, the development may be staged and the Applicant 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 the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal 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, showing comparison to the approved layout and including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.

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 solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development 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) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;

(vii) how complaints about the development can be made;

(viii) a complaints register;

(ix) compliance reports;

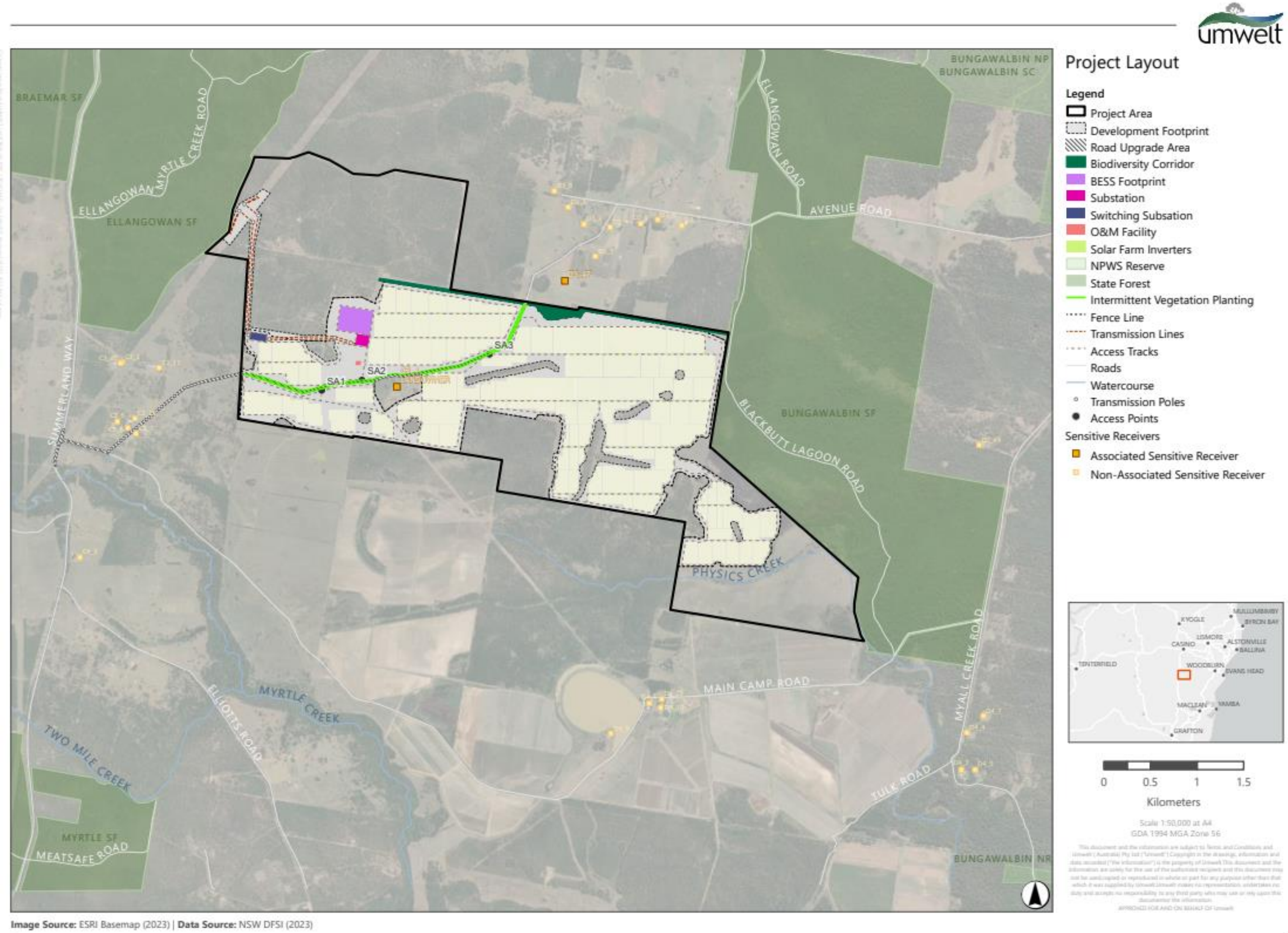
(x) any independent environmental audit, and the Applicant’s response to the recommendations in any audit; and

(xi) any other matter required by the Planning Secretary; and

(b) keep this information up to date; and

(c) provide Council details of a contact person responsible for managing and responding to community complaints and who is authorised to liaise with Council regarding complaints.

APPENDIX 1:
GENERAL LAYOUT OF DEVELOPMENT



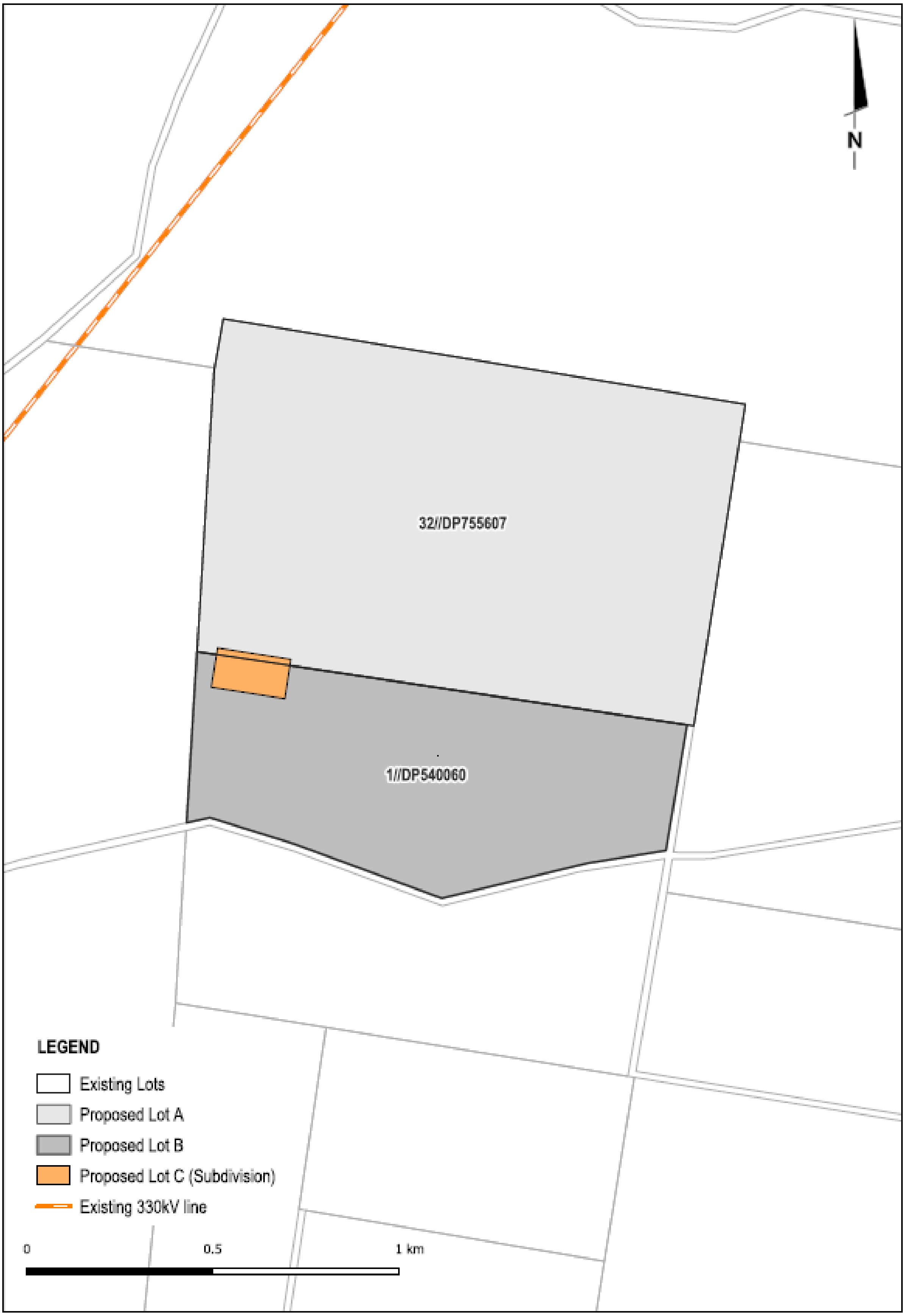
APPENDIX 2:
SCHEDULE OF LANDS

Lot Number	Plan Number	Deposited Plan (DP)
29	755607	DP755607
30	755607	DP755607
32	755607	DP755607
34	755607	DP755607
36	755607	DP755607
57	755607	DP755607
62	755607	DP755607
1	540060	DP540060
2	540060	DP540060
5	113452	DP113452

Notes:

- *The project site will also be taken to include any Crown land and road reserves contained within the site.*
- *Purchase applications must be submitted to DPHI – Crown Lands and Public Spaces for any Crown roads in the project. While awaiting determination of the applications, any works or occupation on Crown roads must be authorised by the Department prior to commencement.*

APPENDIX 3:
INDICATIVE SUBDIVISION PLAN



APPENDIX 4:
PART 1 - APPLICANT'S LETTER OF OFFER

2nd October 2025

Stacey Mills
Manager Invest and Live RV
Richmond Valley Council
E: stacey.mills@richmondvalley.nsw.gov.au

Richmond Valley Solar Farm – Planning Agreement – Letter of Offer

Dear Ms Mills,

Richmond Valley Solar and BESS Pty Ltd (Ark Energy) is seeking development consent for the construction, operation, and decommissioning of Richmond Valley Solar Farm SSD – 41020244 (the Project).

The Project involves up to 500 megawatts (MW) of Solar PV generation, and a Battery Energy Storage System (BESS) with a storage capacity of 2200 megawatt hours (MWh). The Project is located wholly within the Richmond Valley Council (RVC) local government area.

Pursuant to Section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Ark Energy is offering to enter into a Planning Agreement with Richmond Valley Council for the Richmond Valley Solar Farm in accordance with the following general terms:

1. *Developer Contribution:* An annual contribution of $850 per MW of installed AC solar capacity.

2. *Indexation:* Adjustments will be made each 1 July, based on the CPI figure from the preceding March quarter, with the March 2024 quarter serving as the base reference.

3. *Payment Commencement and Duration:* Payment will commence within 30 business days of operations commencing, with subsequent payments made on each anniversary of the first day of operations, for the duration of the operational life of the Project.

Pursuant to Section 7.4(2) of the EP&A Act, the developer contributions must be used by the parties to the Planning Agreement for a public purpose. Any final planning agreement for the Project will address the matters described in Section 7.4(3) of the EP&A Act. However, for clarity, this offer wholly excludes the following provisions of the EP&A Act from application to the Project:

- Section 7.11 - *Contribution towards provision or improvement of amenities or services*,
- Section 7.12 – *Fixed development consent levies*,
- Division 7.1, Subdivision 4 – *Housing and productivity contributions.*

It would be appreciated if Council can formally confirm in writing as soon as practicable whether the terms of the offer for the Planning Agreement are acceptable.

Should the Project be granted development consent by the Department of Planning, Housing and Infrastructure under delegation from the Minister for Planning and Public Spaces, Ark Energy will continue to work with Council to finalise the agreement in the terms set out in this letter of offer and in accordance with the requirements of the EP&A Act and the conditions of any development consent for the Project.

We look forward to continuing to work collaboratively and transparently with Council on the implementation of the Planning Agreement and the development of the Richmond Valley Solar Farm.

Sincerely,

Andrew Wilson
General Manager - Development NSW
Ark Energy
E: andrew.wilson@arkenergy.com.au
M: 0420 379 190

APPENDIX 5:
TRANSPORT ROUTES FOR HEAVY VEHICLES REQUIRING ESCORT, ROAD UPGRADES AND SITE ACCESS

Road	*Description*	*Upgrade Requirements*	*Timing*
Summerland Way / Main Camp Road	Left turn onto Main Camp Road.	Basic left (BAL) turn treatment and a rural short channelised right (CHRs) standard treatment.	Prior to construction.
Main Camp Road	From Summerland Way to Avenue Road (approximately 0.515 km).	Road upgrade to provide a cross section providing a 6m sealed pavement on a 7m formation, as agreed with Richmond Valley Council.	Prior to construction.
Avenue Road	From Main Camp Road to Site Access 3 (approximately 4.443 km).	Road upgrade to provide a cross section providing a 6m sealed pavement on a 7m formation, as agreed with RVC. The existing road reserve boundary is to be realigned to enable the upgraded configuration of the link to be wholly contained within the new extents of the road reserve.	Prior to construction.
Summerland Way / Main Camp Road	Pinch point 13.	Provision of Safe Intersection Sight Distances (SISD) by vegetation clearing on the south-eastern corner.	Prior to use of intersection by high risk heavy vehicle(s) requiring escort.
Bruxner Highway / Hare Street	Pinch point 12. Roundabout in Casino.	Additional hardstand to be added to roundabout centre.	Prior to use of intersection by high risk heavy vehicle(s) requiring escort.
Main Camp Road / Avenue Road	Pinch point 14. Left turn onto Avenue Road.	Hardstand required on inside corner, outside edge of Main Camp Road and outside edge of Avenue Road.	Prior to use of intersection by heavy vehicle(s) requiring escort.

Notes:
- *Refer to the figures in this Appendix for the indicative location of the road upgrades.*
- *Refer to the figures in 'Appendix B – Revised OSOM Transport Route Study' (Ares Group, January 2025) of the Amended EIS for further details of the road upgrades.*
- *Upgrades must comply with the current Austroads Guidelines, Australian Standards and TfNSW supplements.*
- *Under Part 4.4.2 of the EP&A Act, the applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.*

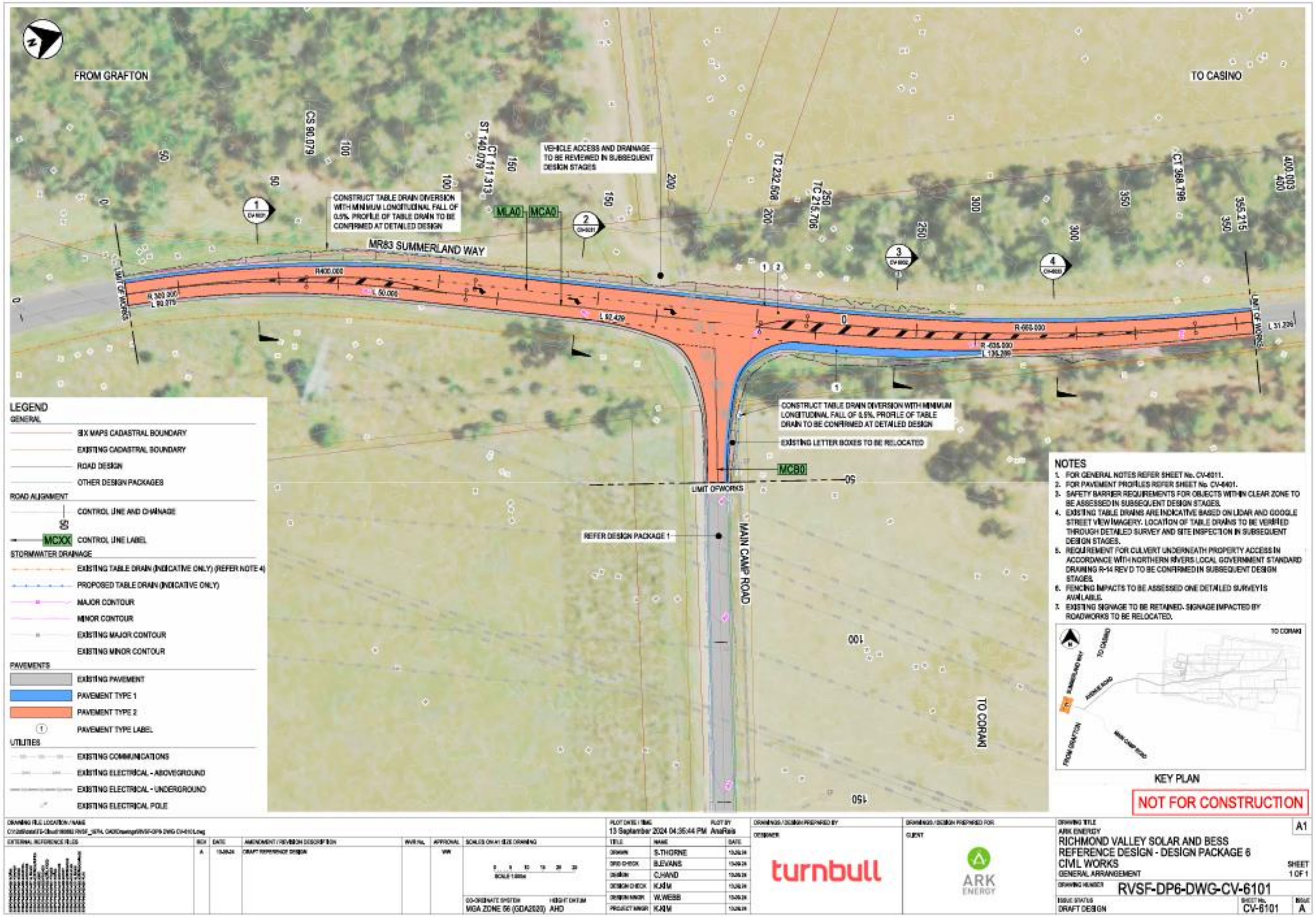


***Figure 1**: Summerland Way / Main Camp Road Upgrade Design*

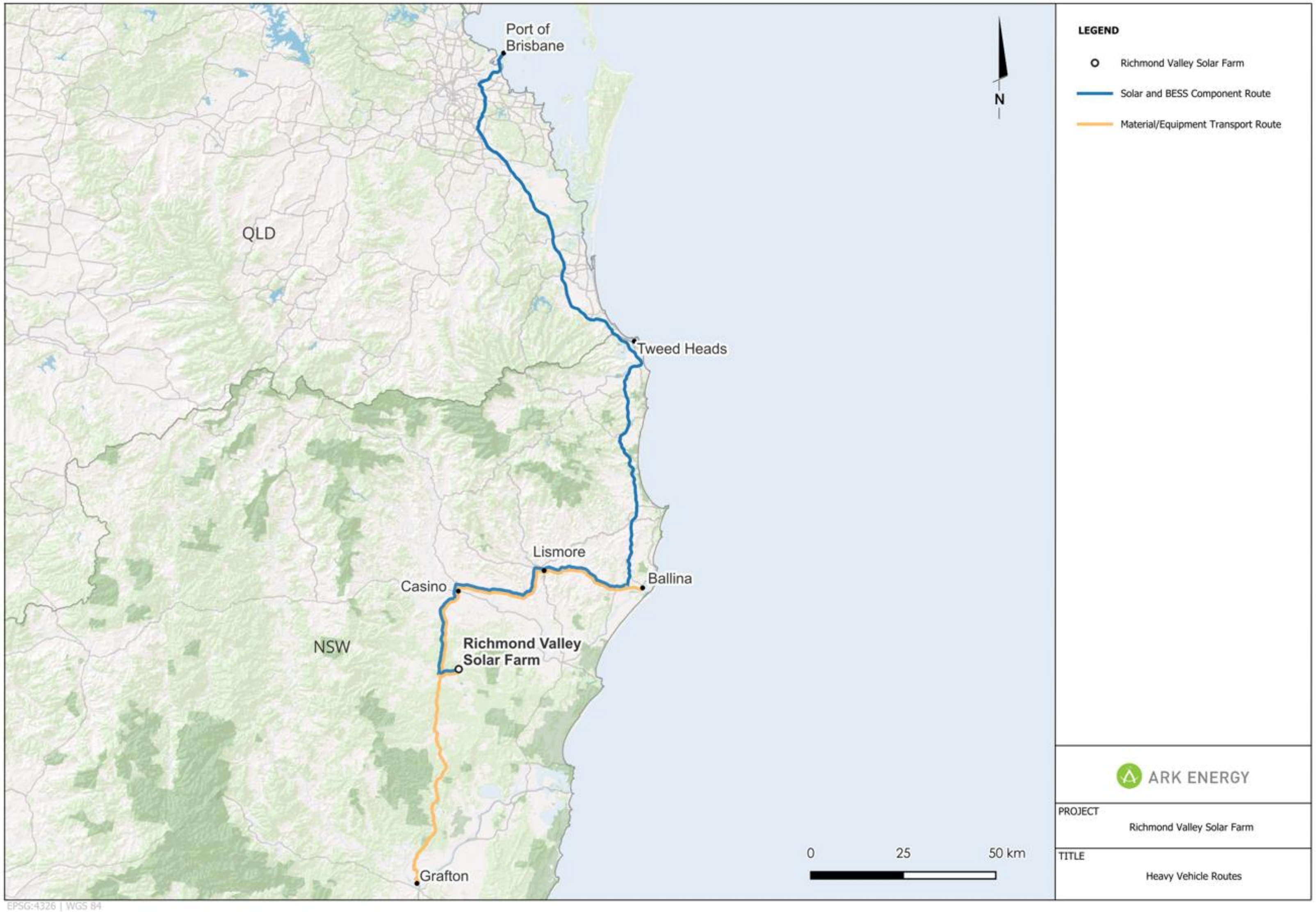


Figure 2: *Heavy Vehicle Transport Route*

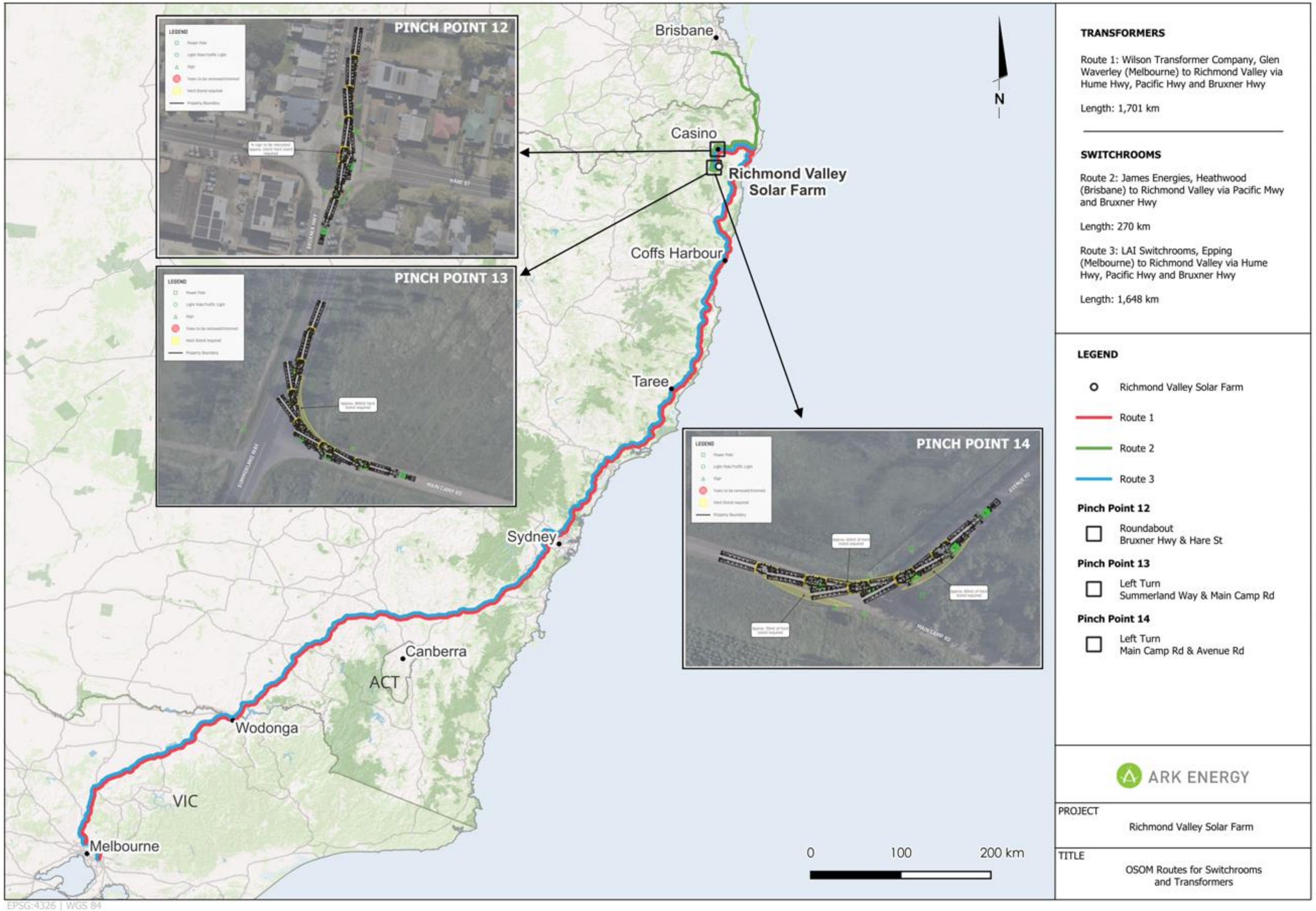


***Figure 3:** OSOM Transport Route*

APPENDIX 6:
HERITAGE ITEM

Table 1 I Aboriginal heritage item – salvage as per ACHAR

Item	AHIMS ID
Open Artefact Site RVSF-UMW-01	# 13-1-0252

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).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition C10, Schedule 2 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, Schedule 2), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (d) identifies when the Applicant became aware of the incident;
   (e) identifies any actual or potential non-compliance with conditions of consent;
   (f) identifies further action(s) that will be taken in relation to the incident; and
   (g) a summary of the incident;
   (h) outcomes of an incident investigation, including identification of the cause of the incident;
   (i) 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
   (j) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary