

Development Consent

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

The NSW Independent Planning Commission, as declared consent authority under section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves 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.



Mr Michael Chilcott (Chair)

Member of the Commission



Emeritus Prof Elizabeth Taylor AO

Member of the Commission

19 March 2026

SCHEDULE 1

Application Number:	SSD-63207219
Applicant:	Iberdrola Australia Limited
Consent Authority:	NSW Independent Planning Commission
Land:	See Appendix 2
Development:	Kingswood 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, noise barriers, internal site access and parking, lighting, electricity transmission lines and internal roads
Applicant	Iberdrola Australia Limited, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BESS Facility Area	As shown in Appendix 1
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
CHR(S)	Channelised Right Turn (short)
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	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 battery storage and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network and pre-construction minor works)
Council	Tamworth Regional Council
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW DCCEEW
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 Kingswood Battery Energy Storage System dated 26 June 2024, the Submissions Report dated April 2025, Amendment Report 1 (April 2025), Amendment Report 2 (October 2025) and the additional information dated 10 June 2025, 18 July 2025, 14 October 2025 and 27 November 2025
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 (i.e. no vegetation greater than 10 centimetres)
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 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 <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group of the NSW DCCEEW
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 as "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)
Maximum Energy Discharge Capacity (MW)	Is the rated output active power as defined by 4.3.5 of <i>IEC 62933-1 Ed. 2.0 b:2024, 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 <i>IEC 62933-1 Ed. 2.0 b:2024, Electrical energy storage (EES) systems—Part 1</i>
Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential 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) <i>Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval.</i> <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
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
MWh	Megawatt-hour
NCC	National Construction Code, which means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board
Non-associated residence	Means: • A residence on privately-owned land in respect of which the owner has not reached an agreement with the applicant in relation to the development (as provided by this consent), or • A residence on privately-owned land in respect of which the owner has reached an agreement with the applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact or the performance measure for such impact under that agreement has been exceeded.
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
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 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 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 of the 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, commissioning, operation, 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 General Layout of Development in Appendix 1.

Note: Condition B39 of this consent requires a Preliminary Hazard Analysis Review Report in the event the technology, limitations, configuration, chemistry, or Original Equipment Manufacturer (OEM), selected differs from that already assessed in the Preliminary Hazard Analysis (PHA) under condition A2(c).

- 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), or between conditions of this consent and directions of the Planning Secretary, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

BATTERY STORAGE RESTRICTION

- A5. The battery storage system associated with the development must not exceed a Maximum Energy Discharge Capacity of 270 MW and a Maximum Energy Storage Capacity of 1,080 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 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 and the Maximum Energy Discharge Capacity and Maximum Energy Storage Capacity prescribed in condition A5. 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 NCC Vols 1 and 2.

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.

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, 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 to the Planning Secretary 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 VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the Applicant's letter of offer dated 12 November 2025, as detailed in Appendix 6.

PART B ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Heavy vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 80 heavy vehicle movements a day (a maximum of 10 heavy vehicle movements per hour) during construction, upgrading or decommissioning; and
 - (ii) 10 movements of heavy vehicles requiring escort (including high-risk heavy vehicles requiring escort) during construction, upgrading, or 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 26 metres, unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of high-risk heavy vehicles requiring escort, heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

- B3. Unless the Planning Secretary agrees otherwise, all heavy vehicles (excluding high-risk heavy vehicles requiring escort) associated with the development must travel to and from the site via New England Highway, Whitehouse Lane and Ascot-Calala Road as identified in Appendix 3.
- Note: Any change to the access routes identified in Appendix 3 must be developed in consultation with TfNSW and Council.*
- B4. Unless the Planning Secretary agrees otherwise, all high-risk heavy vehicles requiring escort and heavy vehicles requiring escort associated with the development must travel to and from the site via route options 1 or 2 as detailed in Appendix 4.
- Six months prior to commencing transport of high-risk heavy vehicles requiring escort to site, the Applicant must confirm in writing to the Planning Secretary which route option will be used for the development.
- 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.*
- B5. Prior to the use of the Whitehouse Lane bridge over Goonoo Goonoo Creek, a Level 3 Bridge Inspection must be undertaken by an appropriately qualified and experienced professional engineer/engineering entity, to confirm the bridge's current structural capacity and the inspection report must be provided to Council.
- B6. If the assessment undertaken in condition B5 determines that the bridge is not suitable for the proposed heavy vehicle loads, the Applicant must prepare an updated assessment of an alternative access route and submit it to the Planning Secretary for approval, prior to any heavy vehicle movements on any alternative access route.

Site Access

- B7. Unless the Planning Secretary agrees otherwise, all vehicles associated with the development must enter and exit the site via the BESS Facility Access point off Ascot-Calala Road or the Tamworth Substation Access off Burgmanns Lane, as identified in Appendix 1.

Road Upgrades

- B8. Unless the Planning Secretary agrees otherwise, the Applicant must complete the following road upgrades prior to commencing:
- (a) construction: the road upgrades as detailed in Table 1 of Appendix 5; and
 - (b) the transport of heavy vehicles requiring escort (including high-risk heavy vehicles requiring escort) to the site: the road upgrades detailed in Table 2 of Appendix 5 for the selected route option from Condition B4.

All road upgrades must be implemented by the Applicant to the satisfaction of the relevant roads authority and TfNSW (for State roads).

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

- B9. If, during construction, upgrading or decommissioning, Council requests that the Applicant undertake works to further mitigate dust impacts along Ascot Calala Road and/or Burgmanns Lane, the Applicant must, as soon as is reasonable and feasible, implement the works within the existing formed road footprint, as detailed in Table 3 of Appendix 5.

If the Applicant can demonstrate that its proposed response (if it includes practical adjustments to timing, scope or method of works) to Council's request is appropriate and continues to achieve the intent of this condition, and would be exercised in consultation with Council, the Planning Secretary may agree to changes to the works to be carried out, their timing and/or their location.

- B10. Prior to the use of heavy vehicles and heavy vehicles requiring escort (including 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 as described in condition B7).

Road Maintenance

- B11. The Applicant must, in consultation with the relevant roads authority:
- (a) undertake an independent dilapidation survey by a suitably qualified and experienced person/entity to assess the:
 - (i) condition of Whitehouse Lane, Ascot-Calala Road and Burgmanns Lane on the transport route, following upgrade in accordance with condition B8 and prior to construction, upgrading and decommissioning activities; and
 - (ii) condition of Whitehouse Lane, Ascot-Calala Road and Burgmanns Lane on the transport route, following the completion of construction, upgrading and decommissioning activities;
 - (b) on completion of the dilapidation reports undertaken in conditions B11(a)(i) and B11(a)(ii) provide a copy to the relevant roads' authorities; and
 - (c) repair and/or make good the roads identified in condition B11(a) if dilapidation surveys identified that roads have been damaged due to development-related traffic during construction, upgrading or decommissioning works.

If there is a dispute between the Applicant and the relevant roads authority about the repairs required under this condition, then either party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

- B12. The Applicant must ensure:
- (a) the internal roads are constructed as all-weather roads;
 - (b) any existing internal roads are maintained as all-weather roads;
 - (c) 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;
 - (d) the capacity of the existing roadside drainage network is not reduced;
 - (e) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - (f) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the public road network.

Traffic Management Plan

- B13. Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development undertaken by a suitably qualified and experienced person/entity 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 to be used for all development-related traffic;
 - (b) a swept-path diagram of a two-way passing movement of 26 m B-doubles for Whitehouse Lane / Ascot-Calala Road intersection, and identification of vehicle scheduling restrictions, if required;
 - (c) a reconciliation table to demonstrate all traffic-related management measures and recommendation measures 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 B11 of this consent;
 - (ii) temporary traffic controls, including detours and signage;
 - (iii) notifying the local community about development-related traffic impacts;
 - (iv) procedures to maintain safe access to residences, including resident that use Burgess Lane to access Burgmanns Lane, unless otherwise agreed with the relevant resident;

- (v) procedures for receiving and addressing complaints from the community about development-related traffic;
- (vi) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network and avoiding road closures during major events including the Tamworth Country Music Festival, the NSW Koori Knockout and the AELEC Equine Championships;
- (vii) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
- (viii) minimising dirt tracked onto the public road network from development-related traffic;
- (ix) measures for managing light vehicle peak numbers, including carpooling or ride sharing by employees;
- (x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflicts 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, including along Ascot Calala Road and Burgmanns Lane that are trafficked by vehicles associated with construction of the development;
- (xiii) responding to any emergency repair or maintenance requirements;
- (xiv) a traffic management system for managing heavy vehicles requiring escort, including scheduling of high-risk heavy vehicles requiring escort movements outside of major events including the Tamworth Country Music Festival, the NSW Koori Knockout and the AELEC Equine Championships; and
- (xv) enforceable traffic management measures to prohibit heavy vehicle construction traffic from using the intersection of New England Highway and Burgmanns Lane;
- (e) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure 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

- B14. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

- B15. 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.

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
PCT3396 – Northwest Flats Box Blakely's Red Gum Forest	2

- B16. 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 the biodiversity credits required by condition B15 have been retired.

Biodiversity Management Plan

B17. 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:

- (a) be prepared in accordance with the Biodiversity Development Assessment Report (dated 7 March 2025) and by a suitably qualified and experienced person/entity;
- (b) include a description of the measures and timeframes that would be implemented for:
 - (i) protecting vegetation and fauna habitat outside the approved development footprint;
 - (ii) managing and enhancing the remnant vegetation and fauna habitat within the development footprint, including vegetation screening;
 - (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - (iv) minimising the impacts of the development on threatened flora and fauna species within the development footprint and its surrounds;
 - (v) minimising the impacts to fauna on site and implementing fauna management protocols;
 - (vi) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
 - (vii) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
 - (viii) controlling weeds, feral pests and pathogens within the site;
- (c) include a program to monitor and report on the effectiveness of mitigation measures and report to CPHR following each annual reporting window;
- (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

HERITAGE

Protection of Heritage Items

B18. 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 Find Protocol – Aboriginal Heritage

B19. Prior to the commencing construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders and Heritage NSW. The Applicant must implement the Chance Finds Protocol.

LANDSCAPING

Vegetation Buffer

B20. The Applicant must establish and maintain a vegetation buffer (landscaping) as described in the EIS and at the locations identified in Appendix 1. The landscaping must:

- (a) be established and planted prior to commencing construction;
- (b) be comprised of species that are endemic to the area;
- (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
- (d) be properly and actively maintained with appropriate weed management and replacement of failed plantings,

unless the Planning Secretary agrees otherwise due to climatic conditions or other constraints that would impact the Applicant's ability to implement the above requirements.

AMENITY

Visual

B21. 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 required for identification or safety purposes.

Lighting

B22. 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, as illustrated in the *Dark Sky Planning Guidelines*;
 - (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

B23. 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.

Exceptions to Construction Hours

B24. The following activities may be carried out outside the hours specified in condition B23 above:

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

Variation of Construction Hours

B25. The hours of construction activities specified in condition B23 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

B26. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading and 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, feasible and timely steps to minimise operational noise, including best practice source control options; and
- (c) ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 2 below to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence unless the Planning Secretary agrees otherwise.

Table 2 | 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 ¹	40	35	35	52
Any non-associated residence ²	45	38	35	52

Notes:

1. to be measured under, up to, and including, noise enhancing meteorological conditions (as described in Table D1 of the NPfI) and typical operating temperatures that are not expected to be exceeded for more than 10% of any season.

2. to be measured under, up to, and including, noise enhancing meteorological conditions (as described in Table D1 of the NPfI) and all operating temperatures.

- B27. The noise criteria in condition B26 do not apply if the Applicant has a written agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Planning Secretary in writing of the terms of this agreement.
- B28. Prior to commencing construction, the Applicant must prepare a Design Noise Verification Report for the development to the satisfaction of the Planning Secretary. Unless the Planning Secretary agrees otherwise, the Design Noise Verification Report must:
- be prepared by a suitably qualified and experienced acoustic consultant whose appointment has been endorsed by the Planning Secretary;
 - identify and justify the design noise emission scenario for all aspects of the development;
 - provide updated noise modelling to verify the predicted performance of the development and the predicted noise levels identified in the EIS; and
 - include:
 - an analysis of compliance with noise limits specified in condition B26;
 - an outline of any at-source and transmission path mitigation measures required to ensure compliance with the limits specified in condition B26; and
 - a description of contingency measures (including specific measures to manage noise generating activities during adverse meteorological conditions and high temperatures) in the event management actions are not effective at reducing noise levels to comply with limits specified in condition B26.
- B29. Within 3 months of commencing operation (unless the Planning Secretary agrees to another reasonable timeframe), 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:
- be prepared by a suitably qualified, experienced and independent acoustic consultant;
 - demonstrate that noise monitoring:
 - has been carried out in accordance with the procedures in the *Noise Policy for Industry* (EPA, 2017); and
 - 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
 - include:
 - 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and directionality;
 - an analysis of compliance with the noise limits specified in condition B26;
 - an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise;
 - 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 B26 at all times; and
 - other matters the Planning Secretary determines appropriate to include.

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

- B30. The Applicant must notify all properties predicted to, or demonstrated to, exceed the default noise objectives identified by Note 1 in Table 2 of condition B26 for more than 10% of any season of their eligibility for receiver-based architectural treatments.

In consultation with notified properties the Applicant must provide, on request, receiver based architectural treatments. The Applicant must provide the Planning Secretary with evidence that notification of eligibility to all eligible receivers has occurred and an offer to provide these treatments where requested has been made. The Applicant must provide these treatments within 6 months of receiving a written request from the relevant property owner, unless otherwise agreed with the property owner.

The architectural treatments must be consistent with examples provided in Table 4.2 of the Noise Policy for Industry (EPA, 2017), as a minimum.

This condition does not apply if the Applicant has a written agreement with the owner(s) of the residence to generate higher noise levels, and the Applicant has advised the Planning Secretary in writing of this agreement.

Dust

- B31. The Applicant must minimise the dust generated by the development, including but not limited to, measures ensuring:
- (a) activities are carried out on site in a manner that minimises dust generation, including emissions of windblown and/or traffic generated dust;
 - (b) development-related vehicles leaving the site:
 - (i) have any loads covered; and
 - (ii) minimise dirt being tracked onto the public road network; and
 - (c) the use of water tankers to spray the surface of unsealed roads used by the development, when practicable and appropriate.

SOIL AND WATER

Water Supply

- B32. The Applicant must ensure that it has sufficient water for all stages of the development including contingency provisions for drought conditions, and if necessary, adjust the scale of the development to match its available water supply. The Applicant must provide Council with the estimated water requirements and proposed water sources for the development prior to commencing construction.

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.

- B33. Prior to the use of groundwater for construction, the Applicant must ensure that bore GW055998 (as identified in Appendix 1) is compliant with the *Minimum Construction Requirements for Water Bores in Australia*, either through modification of the existing bore to include a sufficient grout seal or by constructing a new, compliant bore within 20 metres of GW055998.

Water Pollution

- B34. The Applicant must ensure that the development does not cause any water pollution, as defined under section 120 of the POEO Act.

Flood Management

- B35. 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;
 - (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.

B36. The Applicant must:

- (a) submit a copy of the FERP required by condition to the Planning Secretary prior to commencing construction; and
- (b) implement the most recent version of the FERP submitted to the Planning Secretary for the duration of construction.

Operating Conditions

B37. The Applicant must:

- (a) minimise any soil erosion and control sediment generation;
- (b) ensure any 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) ensure the battery storage and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;
- (d) ensure the battery storage and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;
- (e) ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
- (f) provide for interception and removal of contaminants from stormwater basin(s) in the event of fire damage to battery cells.

CONTAMINATION

B38. 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

Preliminary Hazards Analysis

B39. If, during detailed design, the final Battery Energy Storage System (BESS) technology, limitations, configuration, chemistry, or Original Equipment Manufacturer (OEM) selected differs from that assessed in the approved Preliminary Hazard Analysis (PHA) prepared by Arcadis dated June 2024, the Applicant must prepare, to the satisfaction of the Planning Secretary, a Preliminary Hazard Analysis Review Report (the PHA Review Report) prior to the commencement of construction.

The PHA Review Report must:

- (a) be prepared by a suitably qualified and accredited PHA expert in consultation with FRNSW, SES and RFS;
- (b) identify and describe all changes in the selected battery technology, chemistry, configuration, or OEM relative to that assessed in the approved PHA;
- (c) assess whether these changes alter the conclusions, recommendations, risk rankings, mitigation measures, or emergency response assumptions of the approved PHA;
- (d) identify any new or changed hazards, failure modes, or risk pathways arising from the revised battery technology and/or OEM;
- (e) propose additional or amended mitigation, design measures, operational controls, or emergency response arrangements necessary to ensure risks remain As Low As Reasonably Practicable (ALARP);
- (f) include a clear comparison table summarising all differences between the original PHA and the updated assessment, including justification for any changes in risk treatment;

- (g) demonstrate how the updated measures have been incorporated into the detailed design, construction methodology, and operational risk management framework; and
- (h) include evidence of consultation with FRNSW, SES and RFS and clearly identify how their feedback has been addressed or provide justification where it has not been incorporated.

The Applicant must implement all measures, mitigation measures, design changes, and operational controls identified in the approved PHA Review Report.

Fire Safety Study

B40. A fire safety study must be prepared for the development. The study must:

- (a) be prepared by a suitably qualified and experienced person/entity;
- (b) be prepared and submitted to the Planning Secretary for approval prior to commencing construction of the battery storage facility (including associated foundations and cabling);
- (c) 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*;
- (d) be prepared to address bushfire and facility generated fire scenarios;
- (e) describe the final design of the battery storage facility;
- (f) include the most credible worst-case fire scenario to and from the battery storage facility and associated fire management procedures; and
- (g) 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 have confirmed in writing that the fire safety study meets the requirements of condition B40, and the study has been approved by the Planning Secretary. The fire safety study must be implemented as approved by the Planning Secretary.

Storage and Handling of Dangerous Materials

B41. 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.

B42. 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

B43. The development must:

- (a) include a minimum 10 metre wide trafficable fire break around the perimeter of the BESS Facility Area, as identified in Appendix 1, 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); 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.

B44. The Asset Protection Zones (including fire break) must be maintained for the life of the development and located wholly within the site.

Emergency Plan

B45. An emergency plan must be prepared for the development. The plan must:

- (a) be prepared by a suitably qualified and experienced person/entity;
- (b) be prepared and implemented prior to the commissioning of the battery storage facility;
- (c) be prepared in consultation with FRNSW and RFS;

- (d) be provided to the local Fire Control Centre, relevant local emergency management committee and FRNSW;
- (e) be prepared in accordance with the findings of the Fire Safety Study required under condition B40;
- (f) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, *'Emergency Planning'* guideline;
- (g) 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; and
 - (iii) availability of fire suppression equipment, access and water;
- (h) 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; and
 - (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;
- (i) 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);
- (j) outline procedures for managing emergency responses in situations of concurrent road closures (such as due to flooding) and a fire incident;
- (k) provide options for provision of secondary emergency access points, if requested by RFS or FRNSW during consultation on the Emergency Plan; and
- (l) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019).

B46. 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

B47. 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) estimation of the volumes and classification of waste in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (iv) identify opportunities to maximise recycling;
 - (v) identify appropriately licensed waste and resource management facilities at which waste disposal and recycling will take place;
 - (vi) identify the location and method of storing of lithium-ion batteries if immediate recycling is not possible; and
 - (vii) include a description of the measures that will be implemented to ensure that the objectives of condition B47(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

- B48. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development. This strategy must:
- be prepared in consultation with Council and informed by consultation with local accommodation providers, employment service providers and major local event organisers;
 - consider the use of a dedicated workers accommodation camp;
 - propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
 - consider the cumulative impacts associated with other State significant development projects in the area;
 - investigate options for prioritising the employment of local workers and use of local businesses during the construction and operation of the development, where feasible;
 - include strategies to minimise the use of short-term accommodation during major events including the Tamworth Country Music Festival, the NSW Koori Knockout and the AELEC Equine Championships; and
 - 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 and Council prior to commencing construction and implement the plan over the life of the development.

DECOMMISSIONING AND REHABILITATION

- B49. 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 3.

Table 3 | Rehabilitation Objectives

Feature	Objective
Site	Safe, stable and non-polluting
Battery Storage and ancillary infrastructure	To be decommissioned and removed (including underground infrastructure), unless the Planning Secretary agrees otherwise, with the exception of the assets held by the Network Provider
Land use	Restore land capability to pre-existing use
Community	Ensure public safety at all times

- B50. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan for the development. At a minimum, the plan must be updated by the Applicant after 15 years into operation and within 2 years prior to decommissioning. The plan must:
- be prepared by a suitably qualified and experienced person/entity;
 - be prepared in consultation with Council and a copy provided to the Planning Secretary;
 - include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3;
 - be prepared consistent with relevant local and State strategic land use planning documents applicable to the site; and
 - describe the measures that would be implemented to:
 - decommission the development and rehabilitate the site in accordance with the objectives in Table 3;
 - minimise and manage the waste generated by the decommissioning of the development;
 - identify any site contamination issues arising as a result of the development (if any) and how this contamination will be remediated, including details of any approvals which may be required;
 - include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - ensure that best practice is employed in respect of utilising available recycling technologies.

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 in a timely manner 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 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 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, operation, 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 via the Major Projects website and to Council, showing comparison to the approved layout and including details on the siting of battery storage and ancillary infrastructure.

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

Work as Executed Plans

- C9. Prior to commencing operation or following the upgrades of any battery storage components or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the Final Layout Plans to the Department via the Major Projects website and also to Council.

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

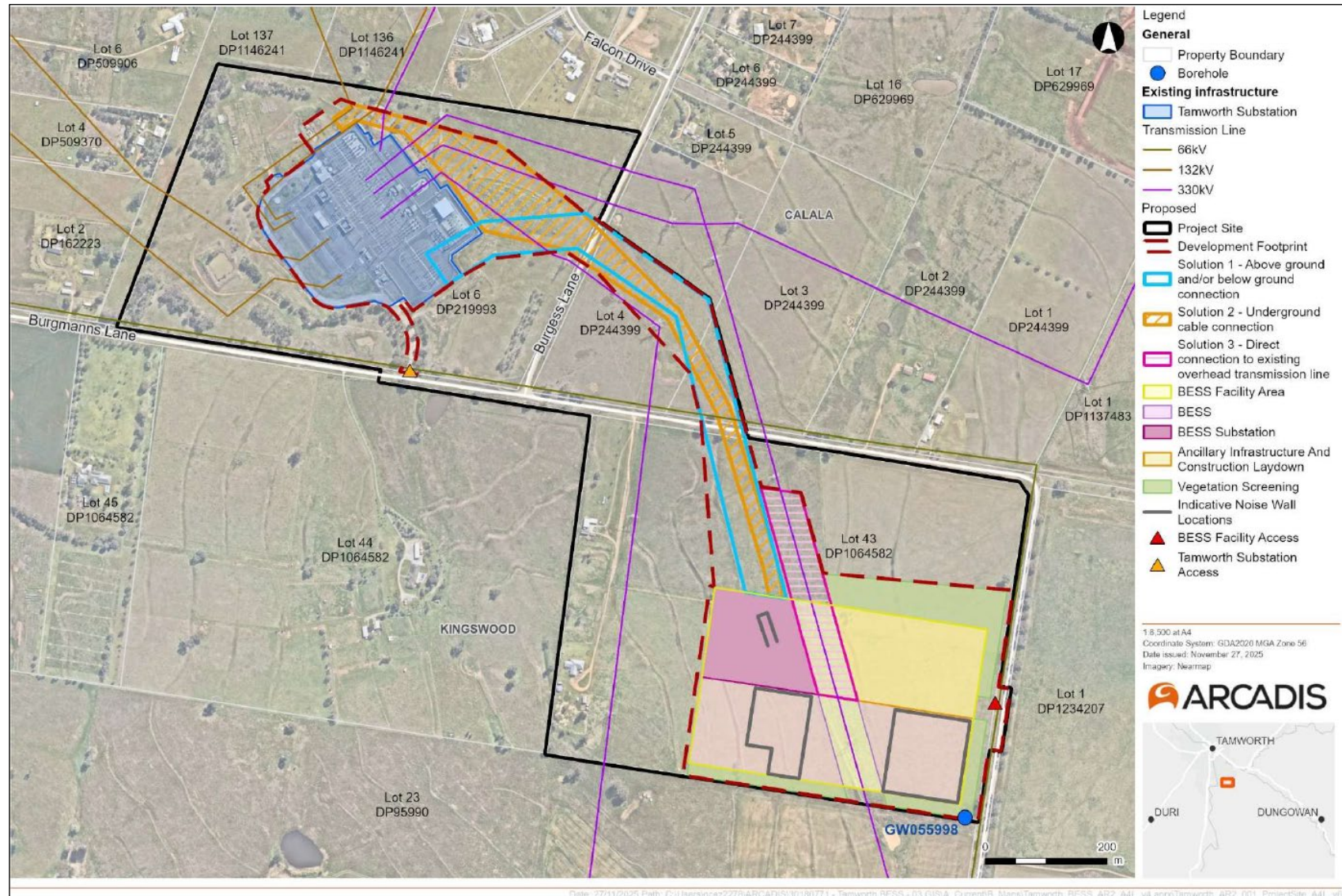
- C13. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020) or as updated from time to time and published on the Department's website.

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

APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



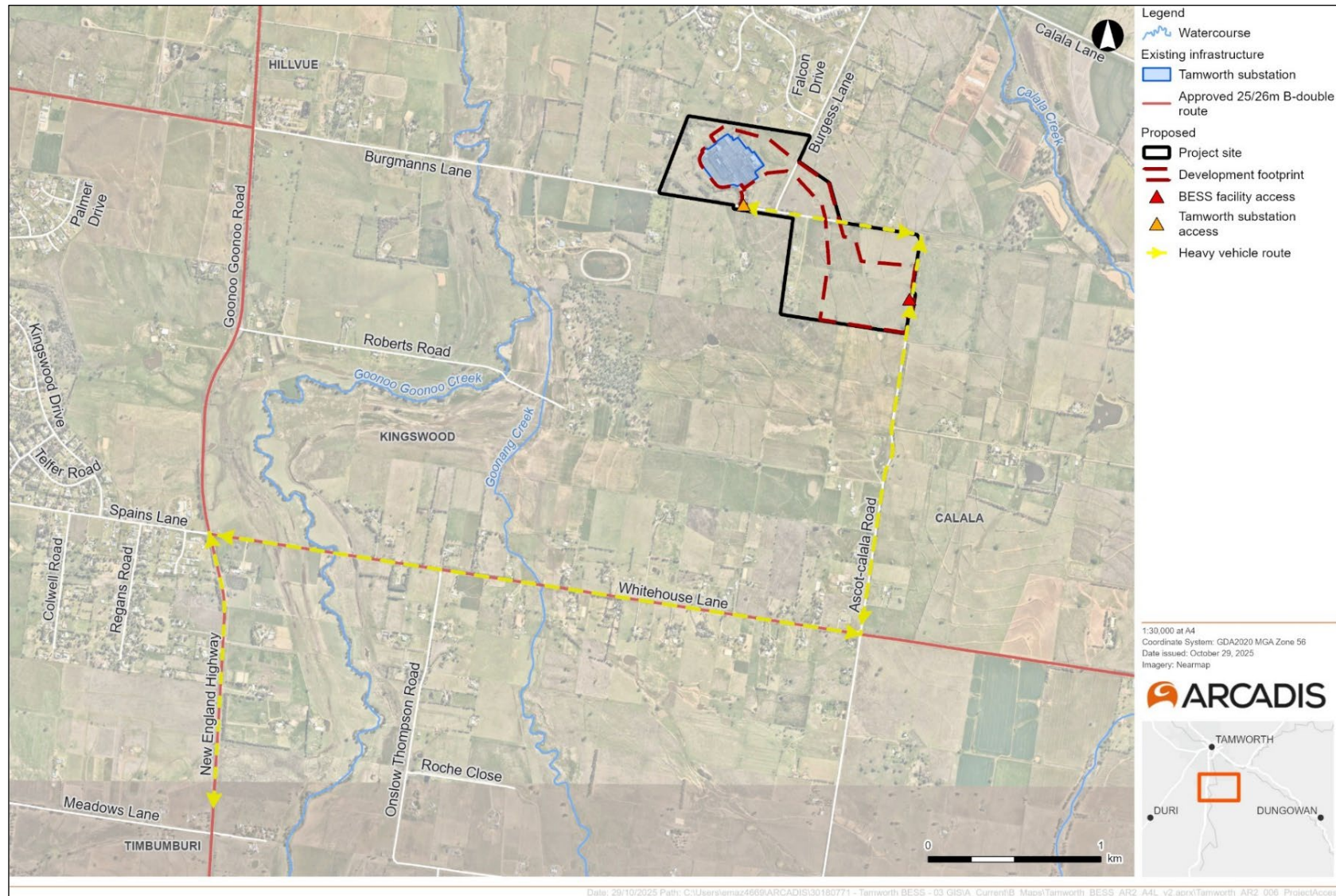
APPENDIX 2: SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
43	1064582
3	244399
4	244399
6	219993
Road corridor (Ascot-Calala Road)	
Road corridor (Burgmanns Lane)	
Road corridor (Burgess Lane)	

Notes:

- *The project site will also be taken to include any Crown land and road reserves contained within the site.*
- *Any inclusion of Crown roads in the project is subject to road closing application by the landholder and any works on Crown land requires Crown Lands licence to be obtained prior to commencing construction of works or road upgrades on any Crown lands.*

APPENDIX 3: SITE ACCESS ROUTE



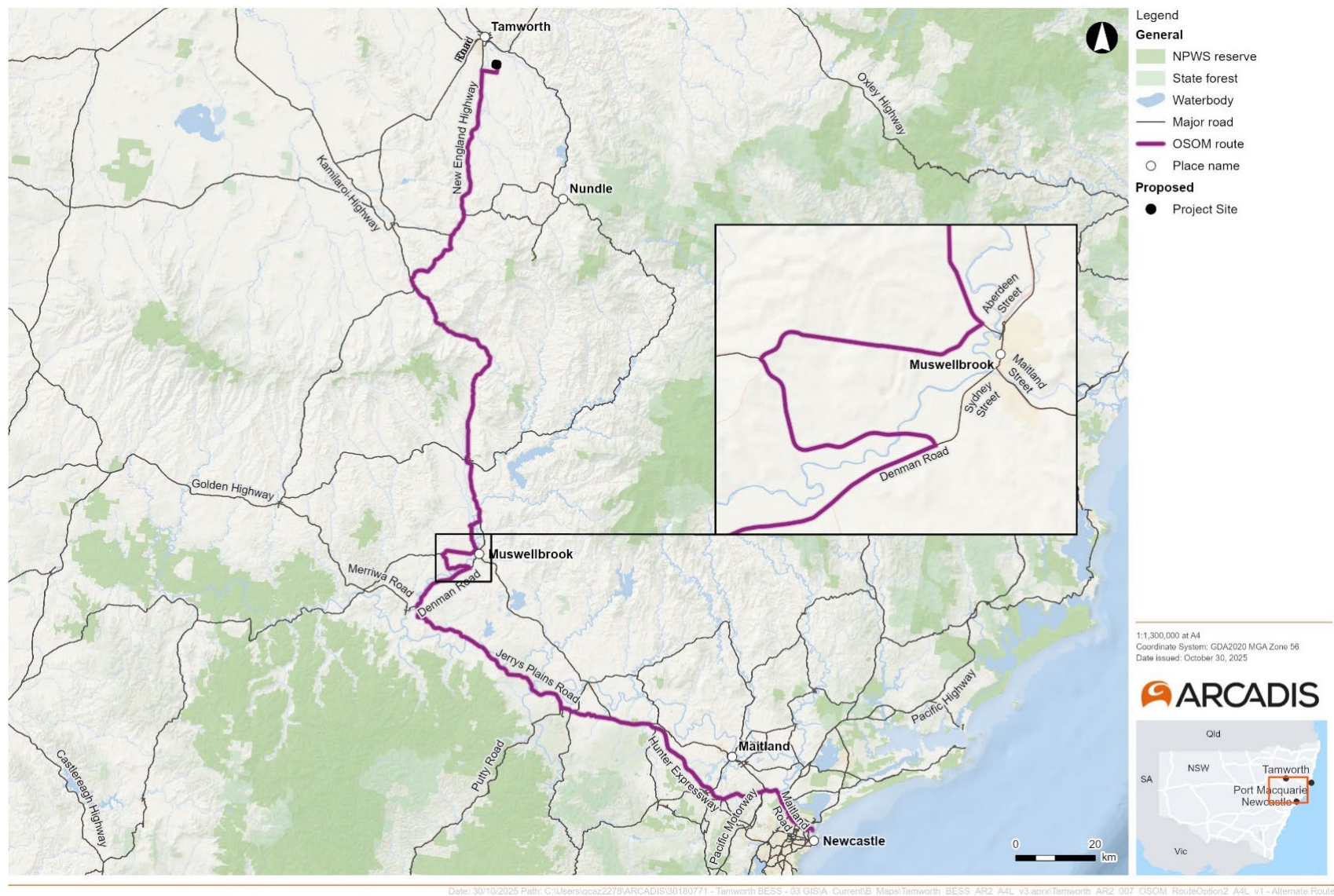
APPENDIX 4: HAULAGE ROUTE

Table 1 | Roads for the haulage route options

Route Option	Roads Along the Haulage Route
Route option 1 (as shown in Figure 1, Appendix 4)	From the Port of Newcastle via Parker Street, Industrial Drive, Maitland Road, John Renshaw Drive, Hunter Expressway, New England Highway, John Renshaw Drive, Hunter Expressway, New England Highway, Golden Highway, Denman Road, Thomas Mitchell Road, New England Highway, Bell Street, Victoria Street, Market Street, New England Highway, Whitehouse Lane and the site entry point off Ascot-Calala Road
Route option 2 (as shown in Figure 2, Appendix 4)	From the Port of Newcastle via Selwyn Street, George Street, Industrial Drive, Maitland Road, John Renshaw Drive, Hunter Expressway, New England Highway, Golden Highway, Denman Road, Bengalla Road, Kayuga Road, Ivermein Street, Stair Street, Dartbrook Private Mine Access Road, New England Highway, Whitehouse Lane and the site entry point off Ascot-Calala Road



Figure 1 – Route option 1 (via Muswellbrook)



APPENDIX 5: ROAD UPGRADES

Table 1 | Site access

Road / Intersection	Location	Upgrade Requirements
Ascot-Calala Road	At the location identified as 'BESS Facility Access' in Appendix 1	Construction of a new site entry point, to cater for the largest vehicle entering the site.
Burgmanns Lane	At the location identified as 'Tamworth Substation Access' in Appendix 1	Upgrade of the existing site entry point to cater for the largest vehicle entering the site.

Table 2 | HVRE route road upgrades

Road / Intersection	Location	Upgrade Requirements
New England Highway/ Burgmanns Lane	As shown in Figure 1, Appendix 5	The CHR(S) lane is to be extended to full CHR standard, providing adequate storage and deceleration length in accordance with Austroads Guide to Road Design Part 4A and TfNSW specifications.
New England Highway / Whitehouse Lane	As shown in Figure 2, Appendix 5	The CHR(S) lane is to be extended to full CHR standard, providing adequate storage and deceleration length in accordance with Austroads Guide to Road Design Part 4A and TfNSW specifications.
Whitehouse Lane / Ascot-Calala Road intersection	As shown in Figure 3, Appendix 5	Temporary pavement infill on the north-western side of Ascot-Calala Road. Temporary pavement to be removed and road reinstated after the high-risk heavy vehicle movement complete.

Table 3 | Local road sealing

Road	Location	Upgrade Requirements
Ascot-Calala Road and Burgmanns Lane	Between the Ascot Calala Road / Whitehouse Lane intersection and the Tamworth Substation Access, as shown in Appendix 3.	Apply a two-coat bitumen seal and appropriate traffic control devices (if required), as agreed with Council.

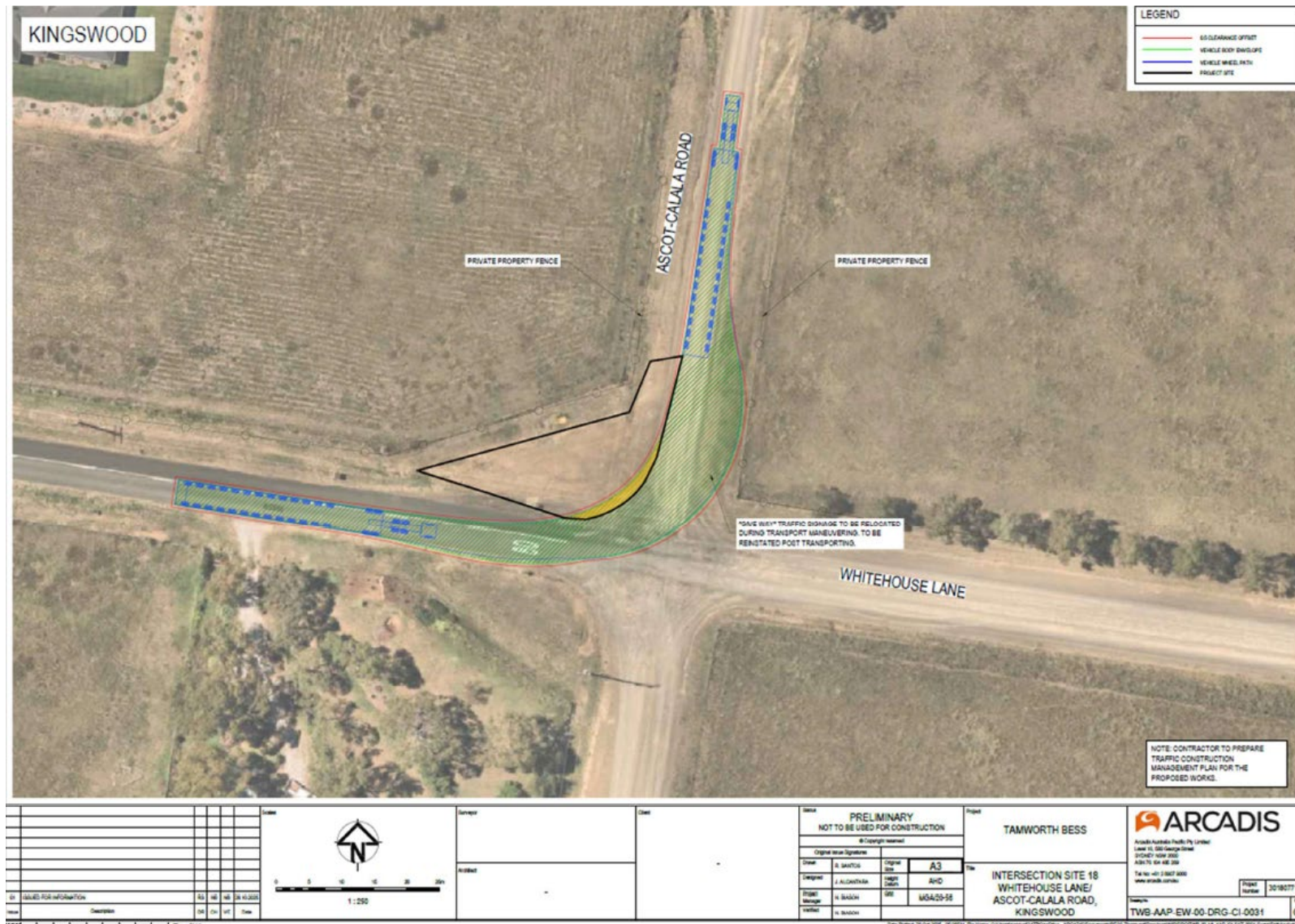


Figure 1 – New England Highway / Burgmanns Lane upgrade



Figure 2 – New England Highway / Whitehouse Lane upgrade

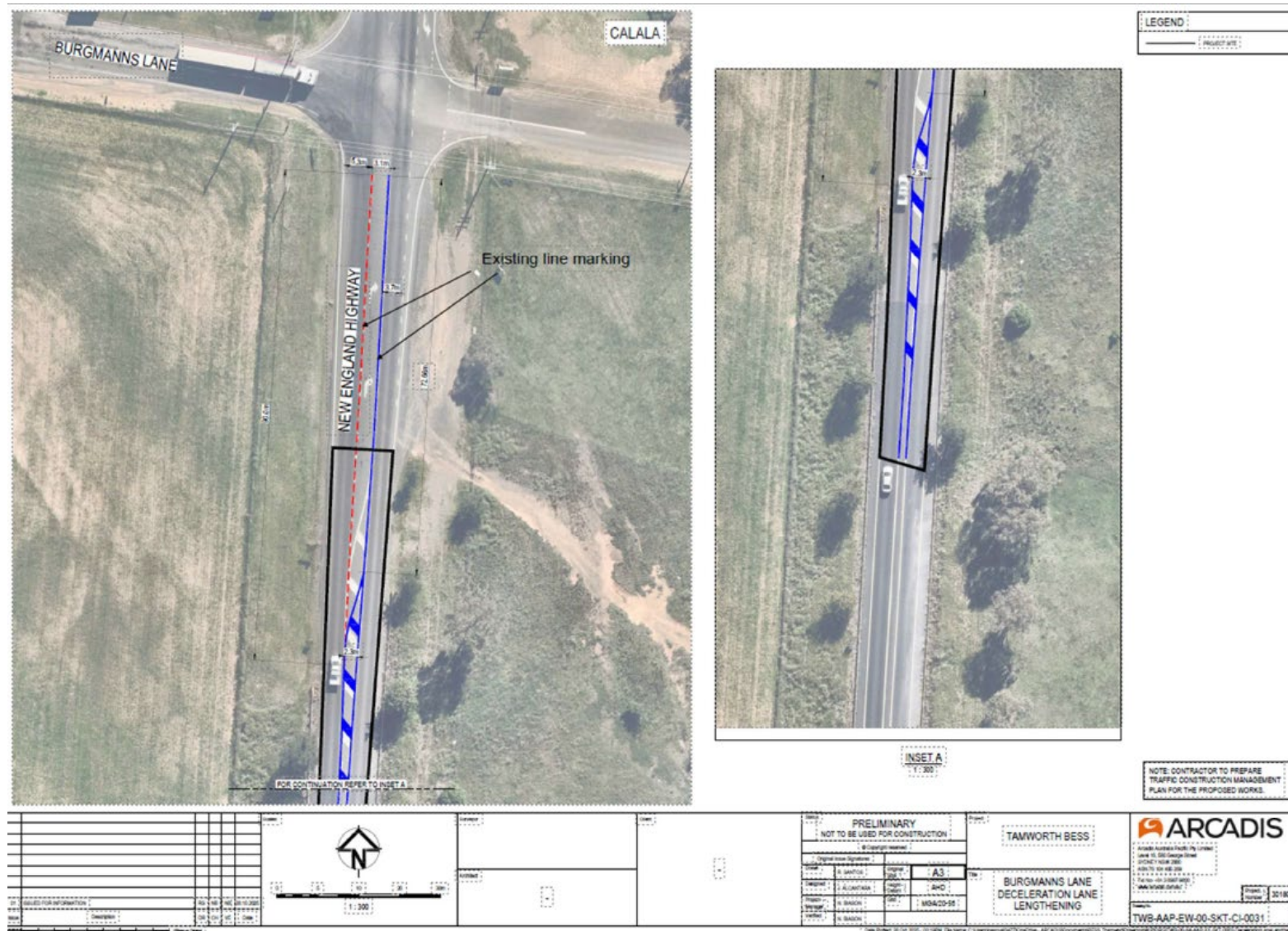


Figure 3 – Whitehouse Lane / Ascot-Calala Road intersection upgrade

APPENDIX 6: VPA LETTER OF OFFER



Iberdrola Australia Development Pty Ltd
Governor Phillip Tower
Level 22, 1 Farrer Place, Sydney, NSW 2000

Jordan Kirk
Renewable Energy Project Co-ordinator

Tamworth Regional Council
474 Peel Street
Tamworth NSW 2340

12/11/2025

Dear Jordan,

Kingswood BESS – State Significant Development Application 63207219 – Revised Offer to Enter into a Voluntary Planning Agreement

We refer to our previous discussions with Tamworth Regional Council (**Council**) in relation to the Kingswood Battery Energy Storage System (**BESS**) at 744 Burgmanns Lane, Kingswood (**Project**).

This letter sets out Iberdrola Australia Development Pty Limited's (**Iberdrola**) offer to enter into a planning agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) in connection with our pending State significant development application (**SSD Application**) for the Project.

The Project

The Project would have a capacity of up to 270 Megawatts (MW) and provide up to 1,080 Megawatt-hours (MWh) of battery storage capacity to the NSW electricity grid. In addition to the BESS, the Project also includes an onsite substation, and associated infrastructure including an operations and maintenance building and car parking, options to connect to the NSW electricity grid and site access from Ascot-Calala Road.

The objectives of the Project are to:

- Increase firming infrastructure and the potential for additional renewable energy assets to be built in NSW.
- Improve the security, resilience and sustainability of NSW's electricity grid.
- Help reduce the direct carbon emission of the NSW's electricity grid (by not relying on traditional fossil fuel firming assets).
- Minimise adverse impacts on the environment and community during construction and operation.

The SSD Application for the Project is currently undergoing assessment by the Department of Planning, Housing and Infrastructure (**DPHI**) following the public exhibition of the environmental impact statement (**EIS**) and the provision of a response to submissions report for the Project.

The Project relates to the land listed in Annexure A to this letter, with the BESS itself proposed to be located on Lot 43 DP1084582.

New Benefit Sharing Guideline

As the Council is aware, in November 2024, the NSW Government has finalised and released an updated *Renewable Energy Planning Framework* was released in November 2024 (**Renewable Framework**). The updated Renewable Framework includes a wholly new *Benefit Sharing*

Guideline 2024 (Benefit Sharing Guideline) which includes guidance on the expected value of benefit-sharing for individual projects (see [Benefit-Sharing Guideline](#)).

The Benefit Sharing Guideline relevantly prescribes a benefit-sharing rate of \$150 per megawatt hour per annum for stand-alone BESS projects located in a rural zone (**BESS Rate**). The Benefit Sharing Guideline confirms that:

- The rate of \$150 per megawatt hour per annum is 'based on installed capacity' of the Project and required to be 'paid over the life of the development and indexed to the Consumer Price Index' (CPI).
- 'The total value of benefit-sharing, calculated by adding together the proposed funding amounts for any neighbourhood and local community benefit programs (whether council-managed or otherwise), should not exceed' the specified rate of \$150 per megawatt hour per annum for stand-alone BESS projects located in a rural zone. Accordingly, this rate includes both:
 1. amounts administered by the Council under a planning agreement or development consent condition; and
 2. amounts payable by the Project under its self managed community benefit program.
- 'As a general guide, councils should administer no less than 85% of the relevant portion of the total benefit-sharing value', meaning that the Project's self managed community benefit program should receive no more than 15% of the total community benefits to be provided by the Project.

The transitional arrangements made by the NSW Government (see [Renewable Energy Planning Framework – Transitional Arrangements](#)) relevantly confirm that where the EIS for a standalone battery project was submitted before 12 November 2024, the 'applicant may choose to apply the the Benefit Sharing Guideline'.

Iberdrola supports the Renewable Framework and the additional clarity which it provides to both the community and industry including in relation to its aim to 'make sure the benefits of energy development are directly realised by the localities and regions that host the infrastructure'. Accordingly, Iberdrola has decided to apply the Benefit Sharing Guideline and update its previous offer to the Council to enter into a planning agreement to ensure full consistency with the Benefit Sharing Guideline.

Updated Community Benefit Sharing

Iberdrola is committed to ensuring the local community shares in the benefits of the Project in line with the updated approach contained in the Benefit Sharing Guideline. Accordingly, Iberdrola proposes to provide the local community with a total benefit sharing value of \$150 per megawatt hour (to be based on final installed capacity of the 'as built' Project and indexed to CPI) over the life of the Project.

As required by the Benefit Sharing Guideline, Iberdrola proposes that:

- 85% of the total of this amount (which equals \$127.50 per megawatt hour) will be administered by the Council under the terms of a proposed voluntary planning agreement in accordance with section 7.4 of the EP&A Act, to be used for public purpose projects within the Council's LGA; and
- the remaining 15% will be administered separately directly by Iberdrola's proposed community benefit fund which will allocate funds for community-based projects as outlined in the EIS and Response to Submissions Report.

Iberdrola understands that the Council may potentially prefer to administer 100% of all benefit-sharing within its local government area but notes this approach would not be consistent with the Benefit Sharing Guideline which relevantly:

- specifies that "total funding for benefit-sharing" for standalone BESS projects "should be \$150 per megawatt hour per annum"; and
- confirms that "the total value of benefit-sharing, calculated by adding together the proposed funding amounts for any neighbourhood and local community benefit programs (whether council-managed or otherwise), should not exceed the rates specified".

Revised Offer to Enter into a Planning Agreement

In line with this, Iberdrola offers to enter into a voluntary planning agreement with the Council in connection with the Project and SSD Application on the following key terms:

Key Term	Details
Annual Contributions	• Iberdrola will pay total annual contributions to benefit sharing of \$150 per megawatt hour over the operational life of the Project (Total Annual Contributions). • 85% of the Total Annual Contributions, equating to an annual contribution of \$127.50 per megawatt hour, will be paid to the Council under the voluntary planning agreement (Annual Contribution Payment). • The remaining 15% of the Total Annual Contributions will be administered by Iberdrola outside of the voluntary planning agreement. • The Total Annual Contributions and the Annual Contribution Payment will be determined based on the final installed capacity of the Project. • The Annual Contribution Payment will commence when 'operation' (as defined in any State significant development consent granted for the Project) of the Project commences (Payment Commencement Date) and end on the date on which the Project permanently ceases to operate. • The Annual Contribution Payment will be indexed annually to changes in the All Groups Consumer Price Index for Sydney from the Payment Commencement Date. • All Annual Contribution Payments paid under the voluntary planning agreement must be applied for the public purpose of funding local projects within the Council's LGA.
Application of s7.11, s7.12 and s7.24 of the EP&A Act	• The voluntary planning agreement will not exclude sections 7.11 and 7.12 of the EP&A Act from applying to the Project. The benefits provided under the voluntary planning agreement will be taken into account under section 7.11(8) of the EP&A Act.

	The voluntary planning agreement will exclude Division 7.1, Subdivision 4 of the EP&A Act from applying to the Project.
Security	At the Council's election, security will be provided by either: - registering the voluntary planning agreement on the title to Lot 43 DP1064582, being the land on which the BESS is proposed to be located, with registration to occur after Iberdrola becomes the registered proprietor of the land and prior to the first construction certificate being issued for the Project under the EP&A Act; or - Iberdrola procuring that a parent company guarantee is provided by a related body corporate of Iberdrola.
Costs	- Iberdrola will pay the Council's reasonable costs of negotiating and executing the voluntary planning agreement, up to a maximum of \$10,000 (including GST). - Subject to this, each party will pay its own costs in relation to the preparation, execution and administration of the voluntary planning agreement.

We hope this offer to enter into a planning agreement for the Kingswood BESS is acceptable to Council. Please contact me on jose.opazo@iberdrola.com.au | M: +61 481 353 814 if you would like to discuss further.

Your sincerely,

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 Development Manager – BESS

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Annexure A: Land

Project component	Details
SSD Application lots	Lot 43, DP1084582 Lot 3, DP 244399 Lot 4, DP 244399 Lot 6, DP 219993
Zoning	RU4 – Primary Productions Small Lots
Project Site	79 hectares
Development Footprint	35.58 hectares
Subdivision	The Project does not propose to subdivide the lot which it is situated on
Access	• New access driveway via Ascot-Calala Road • The heavy vehicle route to the Project is proposed via Goonoo Goonoo Road/New England Highway, Whitehouse Lane and Ascot-Calala • Additional access point via the existing Tamworth substation access road off Burgmanns Lane • The heavy vehicles route to the additional access point into Tamworth substation would be via Goonoo Goonoo Road/New England Highway, Whitehouse Lane, Ascot-Calala Road and Burgmanns Lane • The light vehicles route to the additional access point would be from either Whitehouse Lane or Burgmanns Lane
Road upgrades associated to proposed OSOM route	• Potential local road upgrades along the proposed OSOM route at the Whitehouse Lane/Ascot-Calala Road intersection • Potential local road upgrades at The New England Highway / Burgmanns Lane and New England Highway / Whitehouse Lane intersections to extend the length of the right turn lane to be compliant with a Channelised Right Turn (CHR), as per Austroads Guide to Road Design, Part 4A. Potential works required would be extending the right turn lane, adjusting signs, line marking, and/or nearby road shoulders to match.

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;
 - (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.