

NSW Planning ref: SSD-8392-PA-71

Mr Andreas Meyer
Asset Manager
Edify Energy Pty Ltd
Level 3, 201 Charlotte Street
BRISBANE, QLD 4000
17/02/2025

Sent via the Major Projects Portal only

Subject: Darlington Point Solar – Independent Audit Report No. 2

Dear Mr Meyer

I refer to the Independent Environmental Audit Report (Audit Report) and the Response to Audit Recommendations (the Response) for the reporting period from 14 September 2022 to 28 May 2024, for Darlington Solar Point (the development), submitted for the Planning Secretary's consideration, as required under Schedule 4, Condition 7 of the State significant development consent SSD-8392, as modified (Consent).

Whilst the NSW Department of Planning, Housing and Infrastructure (NSW Planning) considers that the Audit Report, generally satisfied Schedule 4, Condition 7 of the consent, please ensure that any future Audit Reports are prepared in accordance with the Independent Audit Post Approval Requirements (PAR), 2020 to include:

- table of contents, consistent with the PAR;
- Response consistent with the template in Appendix D of the PAR;
- a status update for the actions from previous audits; and
- key strengths of the development's environmental management and performance.

I also request that within one month of the date of this letter, and annually thereafter, unless otherwise agreed by the Planning Secretary, you submit the compliance reporting on the development, including a status update for all outstanding actions provided in the Response, for the Planning Secretary's consideration, in accordance with Schedule 4, Condition 6 of the consent.

Please note that approval of this Audit Report is not endorsement of the compliance status of the development.

NSW Planning has assessed non-compliances with Schedule 2, Conditions 1, 2 and 9, Schedule 3, Condition 23 and Schedule 4, Condition 7, in accordance with the NSW Planning's Compliance Policy and in this instance has determined to record the breaches in our system. At this stage, no further enforcement actions are proposed. Please be aware that recording of these breaches does

not preclude NSW Planning from taking alternative enforcement actions, if it becomes apparent that an alternative response is more appropriate.

Please also note that these non-compliances will be taken into consideration in the assessment of any future breaches of the approval, in accordance with the NSW Planning's Compliance Policy. A copy of the Compliance Policy is available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/compliance-and-enforcement-compliance-policy-2018-04.pdf>.

Please review, and if necessary, revise, the strategies, plans, and programs required under the consent, and submit for Planning Secretary's approval, in accordance with Schedule 4, Condition 2 of the consent. In particular, I request that you revise the Biodiversity Management Plan and the Operation and Maintenance Environmental, Health and Safety Management Plan, in consultation with the Biodiversity Conservation Division, and submit for the Planning Secretary's approval, within the timeframe specified in Schedule 4, Condition 2 of the consent.

Lastly, in accordance with Schedule 4, Conditions 7 and 8 of the consent, please make the copy of the Audit Report, including the Response available on the company website, including any other documents as required under Condition 8 and also ensure that these documents are up-to-date.

Should you wish to discuss the matter further, please contact Daniel Couriel, Senior Compliance Officer via email at compliance@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Georgia Dragicevic".

Georgia Dragicevic
A/Team Leader Compliance
Compliance

As nominee of the Planning Secretary