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# NEW ENGLAND SOLAR FARM PROJECT – STAGE 2a AND STAGE 3a INDEPENDENT AUDIT

Moss Environmental  
1/342 Peel Street  
Tamworth NSW 2340

New England Solar Farm  
2 Big Ridge Road  
Uralla NSW 2358

Lead Environmental Auditor: Shonelle Gleeson Willey, ref SSD-9255-PA-78

Application number: SSD-9255, SSD-9255-Mod-1, SSD-9255-Mod-2

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Certified by: Shonelle Gleeson-Willey

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01	09/04/2026	Shonelle Gleeson-Willey	Patric Miller Raphael Lamble	S.Gleeson-Willey	Address client comments on draft report



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## 1. Executive summary

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The New England Solar Farm is a significant grid connected solar farm and battery energy storage system (BESS) along with associated infrastructure, approximately 6 kilometres (km) east of the township of Uralla, which lies approximately 19 km south of Armidale in the Uralla Shire local government area (LGA). The Project is a State Significant Development (SSD-9255) and was granted development approval by the NSW State Government in March 2020. The Project has been granted two modifications to the original approval. The first development modification was approved by the Department on 19 February 2021 (MOD 1) allowing for a revised road upgrade disturbance boundary. Modification 2 increased the capacity of the Battery Storage and increased the development footprint. Modification 2 was approved on 26 May 2023.

ACEN Australia engaged Moss Environmental Pty Ltd to undertake an independent environmental audit of the Project site in compliance with the SSD 9255, as modified, conditions of consent in accordance with the Independent Audit-Post Approval Requirements (PAR, 2026) and written Direction issued by the Department to ACEN Australia on 14<sup>th</sup> April 2025 (ref: SSD-9255-PA-72). As per these requirements the audit encompasses the construction independent audit for Stages 2a and 3a limited to the annual period 1 January 2025 to 31 December 2025.

The Independent Environmental Audit was conducted on 11 March 2026 in accordance with the Department of Planning, Housing and Infrastructure, (The Department or DPHI) Independent Audit Post Approval Requirements (2026) and the Moss Environmental Standard Operating Procedure-Independent Auditing for State Significant Developments (SSD).

The audit was undertaken using a three-step process of pre-assessment, site audit and inspection followed by gathering of requested documentation.

The project environmental performance is generally in accordance with the Development Conditions of Consent SSD 9255, as modified, and met with the following key strengths noted.

- Management plans required under the Conditions of Consent have been developed in accordance with the relevant requirements.
- Interviews with the ACEN team and contractors confirmed that roles and responsibilities associated with the Development Consent are well understood and are being effectively implemented.
- Erosion and sediment control measures have been implemented and are well maintained; and
- The management of Aboriginal heritage sites is of a high standard, including ongoing consultation with RAPS, their involvement in maintenance activities, and the implementation of training, awareness, and site management measures.

Stage 2a and Stage 3a of the New England Solar Farm achieved a score of 100% compliance using the Moss Environmental auditing system which is based on the Independent Audit Post Approval Requirements (2026) and the Moss Environmental Standard Operating Procedure-Independent Auditing for State Significant Developments.

The audit resulted in:

- 0 non-compliances
- 47 compliances
- 13 Not Triggered.

## 2. Introduction

### 2.1 Background

The New England Solar Farm is a significant grid connected solar farm and battery energy storage system (BESS) along with associated infrastructure, approximately 6 kilometres (km) east of the township of Uralla, which lies approximately 19 km south of Armidale in the Uralla Shire local government area (LGA).

The Project will be developed across three separate arrays of photovoltaic (PV) modules (commonly referred to as 'solar panels'); incorporating transmission infrastructure and substations to enable connection into the existing electricity transmission network. The project will have a targeted 'sent out' electricity generating capacity of up to 720 megawatts (MW) (AC) and a BESS with up to 200 MW (AC) two-hour energy storage.

ACEN Australia engaged Moss Environmental to undertake the independent environmental audit of the Stage 2a and Stage 3a construction in compliance with the SSD 9255 including Mod-1 and Mod-2 conditions of consent, Independent Audit-Post Approval Requirements (PAR, 2026) and written Direction issued by the Department to ACEN Australia on 14<sup>th</sup> April 2025 (ref: SSD-9255-PA-72).

Table 2.1: Project details

Description	Details
Project Name	New England Solar Farm
Project Application Number	SSD 9255
Project Address	2 Big Ridge Road Uralla NSW 2358
Project Phase	Stage 2a and Stage 3a construction phase (covering the audit period of 1 January 2025 to 31 December 2025)
Project Activity Summary	Stage 2a – Construction of a 320 megawatt (MW) solar farm within the Central Array <sup>1</sup> Stage 3a – Construction of 200MW/2hr BESS within the approved substation/BESS area

### 2.2 Audit team

Details of the Moss Environmental auditor for this audit were submitted to the Department of Planning, Housing and Infrastructure (DPHI). Endorsement by DPHI of the auditor was granted prior to the conduct of the audit, on 14 January 2026 by Nick Ballard. Refer to Appendix B.

Name	Company	Reference
Shonelle Gleeson-Willey	Moss Environmental	SSD-9255-PA-78

### 2.3 Audit objectives

The objectives of this audit were to assess Stage 2a and Stage 3a of the New England Solar Farm against the requirements of the approval conditions in SSD-9255, as modified, in accordance with the Departments Independent Audit Post Approval Requirements (PAR, 2026) and written Direction issued by the Department to ACEN Australia on 14<sup>th</sup> April 2025 (ref: SSD-9255-PA-72).

<sup>1</sup> Construction of the solar farm within the Central Array has not yet commenced. To date, only the substation foundation works have been completed, which has triggered the commencement of Stage 2a construction.

## 2.4 Audit scope

The scope of this audit comprised a review of the Project's systems, processes, and procedures to assess compliance with:

- Development consent SSD-9255, as modified;
- Independent Audit Post Approval Requirements 2026;
- Environmental Management Strategy;
- Environmental Management Plans;
  - Traffic Management Plan;
  - Biodiversity Management Plan;
  - Aboriginal Heritage Management Plan;
  - Historic Heritage Management Plan;
  - Accommodation & Employment Strategy;
  - Water Supply Strategy
  - Emergency Response Plan and Procedure; and
  - Fire Safety Study.

The scope of the audit was determined through completion of a desktop Preliminary Audit conducted prior to the site inspection which is consistent with the conditions of Consent and Independent Audit-Post Approval Requirements (PAR, 2026), see Appendix C. The Post Approval Independent Audit site inspection was conducted on 11 March 2026.

## 2.5 Audit period

The audit period is 1 January 2025 to 31 December 2025, encompassing stages 2a and 3a, as specified by written Direction issued by the Department to ACEN Australia on 14<sup>th</sup> April 2025 (ref: SSD-9255-PA-72).

Under Schedule 4, Condition 11B "*The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 9 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced*". In accordance with the DPHI letter (Reference No SSD-9255-PA-72), annual independent audits that include all construction phases of the Project should be conducted. Each independent audit must cover a full 12-month period with the initial audit covering the period 1 January 2025 to 31 December 2025 (see Appendix D).

This was the first independent environmental audit carried out on the Project since the instruction was issued by DPHI and therefore the audit covered review of environmental documentation and records for works between 1 January 2025 and 31 December 2025.



## 3. Audit methodology

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### 3.1 Selection and endorsement of audit team

The Auditor has been approved by the DPHI, See Appendix B.

### 3.2 Independent Audit scope development

This audit has been prepared, undertaken and finalised in accordance with the Departments Independent Audit Post Approval Requirements (2026) the relevant conditions of consent and written Direction issued by the Department to ACEN Australia on 14<sup>th</sup> April 2025 (ref: SSD-9255-PA-72). Moss Environmental developed the audit scope and a checklist based on the Project Development Consent Requirements SSD 9255, as modified, and consultation with the relevant departmental stakeholders. Refer to Appendix C.

### 3.3 Compliance evaluation

#### 3.3.1 Opening meeting

The audit was conducted through a combination of remote auditing (through a document request) a site audit and inspection.

An opening meeting was held at the site on 11 March 2026 at 09:30am with ACEN personnel, Energy Vault project personnel, RJE Global project personnel and the Moss Environmental auditor, as per the Audit Meeting Attendee Register. Refer to Appendix E of this report.

The opening meeting was attended by the following:

- John Curtain – Energy Vault QHSE Manager;
- Jen Mitchell – HSE Advisor;
- Patric Millar – ACEN Environmental Lead;
- Raphael Lamble – Assistant Project Manager;
- Robyn Doyle – WHS Advisor, Heritage and Grazing;
- Stewart Mahney – Grad Project Manager;
- Sarah Donnan (remote) – Construction Director Project Services;
- Matt Reilly (remote) – Energy Vault Site Project Manager;
- Shonelle Gleeson-Willey – Moss Environmental Lead Auditor; and
- Nico Brits – Moss Environmental Audit support.

Key items which were discussed include:

- Project background and status of construction;
- Audit objectives, scope and criteria;
- Audit methodology;
- Audit timetable;
- Main point of contact;
- Audit resources and facilities;
- Confidentiality;
- Occupational health and safety, emergency and security procedures;
- Presentation of preliminary audit findings;
- Response to audit findings;
- Previous audits undertaken and audit results; and
- ACEN Australia objectives and expectations of audit.

### 3.3.2 Conduct of audit

The audit activities included the following:

- Review of project documentation to verify compliance with Development Consent SSD 9255, as modified;
- Conduct the site audit by following the audit procedure and templates that were prepared by Moss Environmental based on the conditions of consent;
- Interviewing site personnel and a review of evidence provided to demonstrate compliance; and
- Conduct of a site inspection to review implementation of mitigation measures, environmental controls and post approval requirements.

Action items from the audit and site inspection were generally discussed with site personnel. The closing meeting was held on 11 March 2026 with representatives from ACEN, Energy Vault and RJE Global.

## 3.4 Site interviews

Site interviews were conducted using an interview template developed specifically for New England Solar Farm and to reflect the Departments requirements and special areas for investigation through the audit. Site interviews were conducted with all project staff who attend site regularly and are in a managerial role. These included;

- Ali Khan – Junior Project Manager;
- Matt Reilly – Energy Vault Site Project Manager;
- Patric Millar – ACEN Environmental Lead;
- Raphael Lamble – Assistant Project Manager;
- Jen Mitchell – HSE Advisor;
- Stewart Mahney – Grad Project Manager; and
- Sarah Donnan (remote) – Construction Director Project Services.

The results of the site audit interviews are summarised below.

### 3.4.1 Summary of Interviews

The interviews indicate that environmental management is primarily implemented through contractor obligations, supported by inductions, toolbox talks, management plans, routine inspections and internal audits. Environmental requirements are embedded within contractor contracts and reinforced through regular communication and site-based controls. Compliance is monitored through a combination of internal reporting systems, including monthly reporting and platforms such as Myosh and Lucidity, as well as weekly inspections and periodic internal audits.

Traffic management was consistently identified as being well controlled. Measures include clear communication of approved access routes through inductions and driver briefings, installation of signage, and physical controls such as locked access gates. Heavy vehicle movements are tracked through manual and digital systems, supported by site access controls and surveillance. Lessons learned from earlier project stages have been incorporated to strengthen compliance with Traffic Management Plan requirements.

Key environmental risks identified during the interviews include erosion and sediment control, particularly in response to rainfall events and the extent of disturbed areas, wildlife interactions, including vehicle strikes involving kangaroos, and waste management associated with a large on-site workforce. These risks are considered to be generally well managed through existing controls, including monitoring, implementation of erosion and sediment measures, speed limits, and waste collection systems. Additional risks noted include weed management and rehabilitation challenges.

Incident management processes are in place, with defined escalation pathways and responsibilities. Environmental incidents are reported internally and escalated to senior personnel where required, with regulatory reporting undertaken in accordance with applicable requirements. The inverter fire incident was reported to the relevant authority, with a subsequent Request for Information (RFI) addressed by ACEN in a timely manner. Outcomes from the incident are

being incorporated into updated emergency management planning, including improvements to fire response procedures, site access, and emergency information availability.

Waste management practices were described as effective, with all waste removed from site and managed by appropriate contractors. Specific procedures are in place for handling deceased fauna, including removal from roadways and engagement of wildlife rescue organisations where required.

Stakeholder and community engagement is managed through designated roles and processes. Community interactions are supported through regular communication, including newsletters and local engagement initiatives. Aboriginal stakeholder engagement includes ongoing consultation and involvement in site activities.

Compliance with working hours is actively managed through contractor coordination, toolbox talks, and routine reporting.

Overall, the interviews indicate that environmental management measures and compliance systems are generally well established and effective.

### 3.5 Site inspections

The site inspection was carried out by the auditor Shonelle Gleeson-Willey, scribe Nico Brits and ACEN personnel Matt Reilly, Patric Millar, Raphael Lambie and Jen Mitchell on 11 March 2026. The inspection assessed the implementation of environmental controls and concentrated on the following general areas from the conditions of consent:

- Harm to the environment;
- Traffic and internal roads management;
- Land management;
- Dust;
- Visual amenity;
- Erosion and sediment control;
- Fire and emergency response management;
- Aboriginal heritage items management;
- Operating conditions;
- Water pollution;
- Hazards;
- Storage and handling of dangerous goods; and
- Waste management.

The site inspection notes and photographs can be found in Appendix A.

Overall, the project environmental performance is generally in accordance with the Development Conditions of Consent SSD 9255, as modified. There two areas identified for improvement:

It was noted that the silt fencing around one stockpile area located east of the BESS footprint was in need of maintenance, which may compromise its effectiveness in providing adequate ErSed control for the stockpile during and after rain. Whilst it was noted that no rain was forecast for the site within following days, it is recommended to repair the silt fence surrounding the stockpile to ensure it continues to function effectively.

It was noted that the waste bins within the BESS footprint area are not labelled, which could result in personnel disposing of waste incorrectly. It is recommended that these bins be labelled to prevent incorrect waste disposal.

### 3.6 Consultation

Consultation with DPHI was conducted on 06 February 2026 prior to the audit. DPIE requested that in addition to the consent requirements, the implementation of the Emergency Plan particularly after the recent inverter fire, implementation of the Aboriginal Heritage Management Plan and weed and ground cover management should also be

covered as part of the audit. It was also requested that Uralla Shire Council is consulted for input into the scope of the audit.

Moss Environmental has initiated consultation with Uralla Shire Council and the Lead Auditor spoke to the authorised officer on the phone at USC request however, no written response had been received at the time of finalising this audit report. Refer to Appendix C for records of the consultation.

### 3.7 Compliance status descriptors

The following audit criteria were used for the rating of audit findings.

Table 3.1: Audit criteria (PAR, 2026)

Status	Description
Compliant	The Lead Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the audit period.
Non-compliant	The Lead Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the audit period.
Not Triggered	A requirement has an activation or timing trigger that has not been met during the audit period (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

## 4. Audit findings

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### 4.1 Approval and document list

The following documents, email correspondence and plans were reviewed as part of the audit:

#### 4.1.1 Report / Plans

- New England Solar Farm Environmental Impact Statement dated February 2019 and prepared by EMM.
- Plan of subdivision of Lot 84 in DP 755814 and Lot B in DP 172594, dated 15 March 2022 and prepared by Sean James Doodson.
- New England Solar Farm Project – Stage 1 Independent Environmental Audit dated May 2022 and prepared by 3E Environmental, Engineering & Energy.
- New England Solar – Historical Heritage Management Plan Rev 6 dated 13 October 2023 and prepared by ACEN Australia.
- New England Solar – Aboriginal Heritage Management Plan, Rev 9 dated 24 November 2023 and prepared by ACEN Australia.
- New England Solar – Water Supply Strategy, Rev 4 dated 13 December 2023 and prepared by ACEN Australia.
- New England Solar – Biodiversity Management Plan Rev 9 dated 21 December 2023 and prepared by ACEN Australia.
- New England Solar – Traffic Management Plan, Rev 8 dated 21 December 2023 and prepared by ACEN Australia.
- New England Solar – Environmental Management Strategy Rev 6, dated 21 December 2023 and prepared by ACEN Australia.
- Product Graphics Report B-Vaults Platform 2 AC Siemens dated 16 November 2024 and prepared by Energy Vault.
- New England BESS Substation Yard Lighting Report dated 23 January 2025 and prepared by EPEC Group.
- Big Ridge Road – Sealing of Segment 4 & 5 Post-Seal Inspection dated 10 April 2025 and prepared by PV5D.
- Traffic Guidance Scheme dated 08 April 2025 and prepared by SaxonChase Road Services.
- New England Solar – Fire Safety Study, Rev 1 dated 15 July 2025 and prepared by ACEN Australia.
- Inspection: Environmental inspection – Daily, dated 11 August 2025 and prepared by Energy Vault.
- Inspection: Environmental inspection – Fortnightly, dated 21 August 2025 and prepared by Energy Vault.
- Inspection: Environmental inspection – Monthly, dated 6 August 2025 and prepared by Energy Vault.
- Inspection: Environmental inspection – Weekly, dated 7 August 2025 and prepared by Energy Vault.
- Weed Report dated 17 September 2025 and prepared by Eliminate Works.
- Delineation of Big Ridge Road, Segments 4 & 5 dated 12 November 2025 and prepared by New England Surveying & Engineering Land development Consultants.
- BESS Reticulation Drainage Layout Plan dated 11 December 2025 and prepared by RJE Global.
- Erosion and Sediment Control Plan dated March 2025 and prepared by WSP.
- TMP audit supporting evidence dated December 2025 and prepared by Energy Vault.
- TMP audit supporting evidence dated August 2025 and prepared by Energy Vault.
- TMP audit supporting evidence dated October 2025 and prepared by Energy Vault.
- BESS Reticulation Erosion and Sediment Control Plan dated 04 March 2026 and prepared by RJE Global.
- Mobile Crusher Noise Monitoring on site at New England Solar Farm BESS Project prepared by RJE Global.
- Emergency Response Plan and Procedure, Rev 3 dated 19 December 2025 and prepared by ACEN Australia.

#### 4.1.2 Certificates / Permits / Forms

- Deposited Plan Administration Sheet and Subdivision Certificate dated 06 October 2022 and signed by Matthew Clannson.
- Statement (received on 04 August 2023) confirming payment into the Biodiversity Conservation Fund for an offset obligation.



- Driver Induction Form dated 24 January 2025 and prepared by Energy Vault.
- Approved construction certificate for Footings & Foundations, Transformer, Transformer Plinths, Isolator, Lightning Mast, Bollard, Cable Termination Structure & Equipment associated with New England Solar Farm Stage 2 Substation (NESF2) dated 06 February 2025 and prepared by Buildcert Pty Ltd.
- Approved construction certificate for Footings & Floor Frame for Control & Switchroom Structure, Oil & Water Separation System & Storage Tank Associated With New England BESS Substation (NEBESS) dated 16 April 2025 and prepared by Buildcert Pty Ltd.
- Approved construction certificate for Civil works, Foundations and Combi Slab associated with BESS Equipment - Stage 3a dated 21 July 2025 and prepared by Buildcert Pty Ltd.
- Approved whole occupation certificate for Footings & Floor Frame for Footings & Foundations, Transformer Plinths, Lightning Mast & Equipment associated with New England BESS Substation (NEBESS) dated 01 August 2025 and prepared by Buildcert Pty Ltd.
- Approved whole occupation certificate for Footings & Floor Frame for Control & Switchroom Structure, Oil & Water Separation System & Storage Tank Associated With New England BESS Substation (NEBESS) dated 18 September 2025 and prepared by Buildcert Pty Ltd.
- Oversize and/or Overmass (OSOM) Mass or Dimension Exemption Permit dated 13 October 2025 from NHVR.
- Oversize and/or Overmass (OSOM) Mass or Dimension Exemption Permit dated 07 November 2025 from NHVR.

#### 4.1.3 Designs / drawings

- Weed Survey Map.
- B-Vault AC / PLTF-2 (Aus) Specification Sheet dated March 2025 and prepared by Energy Vaults Inc.
- BESS Reticulation Pavement Typical Sections Layout dated 05 May 2025 and prepared by RJE Global.
- NE BESS 1 – Electrical Design Certificate dated 6 November 2025 and prepared by RJE Global.

#### 4.1.4 Correspondence / emails

- Correspondence dated 02 August 2022 from Department of Planning and Environment (Ref: SSD-9255-PA-33) providing approval of the Subdivision Plan.
- Correspondence dated 16 September 2022 from New England Solar Farm (Ref: NESF1-GLC-EN-00GRL-AUD-004) providing submission dates of audit reports and the Applicant's Responses to the audit report.
- Correspondence dated 16 December 2022 from ACEN Australia (Ref No. NESF1-GLC-EN-00GRL-AUD-005) confirming the update of management plans following the independent environmental audit.
- Correspondence dated 27 October 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-51) providing approval of the Historical Heritage Management Plan.
- Correspondence dated 30 November 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-54) providing approval of the Aboriginal Heritage Management Plan.
- Correspondence dated 20 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-56) providing approval of the Water Supply Strategy for Stage 1b, Stage 2a and Stage 3a.
- Correspondence dated 22 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-52) providing approval of the Traffic Management Plan.
- Correspondence dated 22 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-53) providing approval of the Biodiversity Management Plan.
- Correspondence dated 29 February 2024 from New England Solar to Department of Planning, Housing and Infrastructure advising that ACEN intends to commence Stage 2a of the New England Solar Farm from 1 March 2024.
- Correspondence dated 5 July 2024 from New England Solar to Department of Planning, Housing and Infrastructure advising that ACEN intends to commence Stage 3a of the New England Solar Farm from 22 July 2024.
- Correspondence dated 5 July 2024 from ACEN Australia notifying the Department of the commencement of Stage 3a construction activities at New England Solar Farm.
- Correspondence dated 14 April 2025 from Department of Planning, Housing and Infrastructure (Ref: SSD-9255-PA-72) providing alternative independent environmental audit requirements.
- Correspondence dated 28 July 2025 from Fire and Rescue NSW (TRIM Doc No. D25/85766) confirming consultation with FRNSW in drafting the Fire Safety Study.

- Correspondence dated 28 August 2025 from DPHI (Reference No. SSD-9255-PA-75) approving the Fire Safety Study.
- Correspondence dated 29 September 2025 from Department of Planning and Environment (Ref: SSD-9255-PA-76) providing approval for out of hours working.
- Email correspondence from Energy Vaults dated 28 November 2025 providing delivery arrival dates to delivery company.
- Email correspondence from Energy Vaults dated 12 December 2025 providing delivery arrival dates to delivery company.
- Email from Energy Vault to delivery companies dated 17 September 2025 providing the driver induction form and requesting that such is being communicated to drivers.
- Email from RJE Global dated 24 March 2026 providing more details on the crushing activities.
- Correspondence dated 14 January 2026 from Department of Planning and Environment (Ref: SSD-9255-PA-78) providing approval of the lead auditor.

#### 4.1.5 Lists / registers

- Heavy vehicle & plant register (subcontractor) dated 12 January 2025 from RJE Global.
- Light vehicle register dated 12 January 2025 from RJE Global.
- Heavy vehicle & plant register dated 12 January 2025 from RJE Global.
- RJE Global Waste/Fuel Tracking Register NE 2 BESS dated 1 September 2025.
- Construction complaints register dated 19 January 2026 and prepared by Elecnor Australia.
- New England Solar - Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register dated 18 February 2026 and prepared by ACEN.
- NES Complaints Register dated 2025 – 2026 and prepared by ACEN.
- ACEN NEBESS Project Training Register prepared by Energy Vault.
- New England Solar - Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register dated 18 February 2026 and prepared by ACEN.
- ACEN NEBESS Project Training Register prepared by Energy Vault.
- RJE Global NE 2 BESS SDS Register.

#### 4.1.6 Presentations

- New England Solar Aboriginal Cultural Heritage Induction Presentation dated August 2024.
- Community awareness training agenda 14 May 2025.
- Digital induction presentation prepared by RJE Global.
- New England Battery Energy Storage System (BESS) Induction presentation prepared by Energy Vault Inc.
- Toolbox meeting on Wildlife and Promoting Safe Driving dated 04 June 2025 by RJE Global.
- Toolbox Meeting on Safe Driving & Fitness for Work dated 09 July 2025 by RJE Global.
- Toolbox meeting on Environmental Controls Fauna & Flora dated 03 September 2025 by RJE Global.

#### 4.1.7 Websites

- Project website (<https://acenrenewables.com.au/project/new-england-solar/>) accessed on 25 February 2026.

## 4.2 Compliance performance

The audit determined that Stage 2a and Stage 3a of the New England Solar Farm has generally implemented the project specific environmental controls within the construction and management activities being undertaken. The comparison of audit findings and compliance ratings is as follows:

Table 4.1: Compliance table

SSD Requirements	Findings
Schedule 2 – Administrative Conditions	Compliant – 9



	Non-compliant – 0 Not triggered – 2
Schedule 3 – Environmental Conditions – General	Compliant – 26 Non-compliant – 0 Not triggered – 6
Schedule 4 – Environmental Management and Reporting	Compliant – 12 Non-compliant – 0 Not triggered – 5

### 4.3 Summary of agency notices, orders, penalty notices or prosecutions

New England Solar Farm confirmed that no agency notices, orders, penalty notices, or prosecutions have been issued for Stage 2a and Stage 3a during the audit review period. In addition, no reportable environmental incidents occurred onsite that required notification to the Department.

Although Stage 1 of the Project is outside the scope of this audit, an official caution was issued to Elecnor Australia Pty Ltd on 24 March 2025. The caution related to a failure to implement the New Finds Procedure outlined in the Heritage Management Plan. Between 10 and 13 November 2025, Elecnor did not secure a new finds area, allowing a tractor to access the site and cause ground disturbance. Elecnor has cooperated with the department’s investigation, and NSW Planning will continue to monitor the site to ensure ongoing compliance with the conditions of consent.

### 4.4 Non-compliances

There were no non-compliances recorded as part of this audit.

### 4.5 Previous audit recommendations

The following recommendations, in response to non-compliances, have been noted in the previous independent audit report:

- Recommendation No. 1 – UPC should implement measures to monitor vehicles to ensure correct use of authorised access routes.
- Recommendation No. 2 – UPC should ensure and obtain Council’s formal notification that the conditions identified in Council’s correspondence dated 17/02/2022 have been satisfied.
- Recommendation No. 3 – UPC should ensure all required elements of the TMP are implemented.
- Recommendation No. 4 – UPC should ensure any actions requested by the Secretary are completed within the required timeframe.
- Recommendation No. 5 – UPC should ensure all required environmental management control measures to minimise the noise generated by any construction activity, developed in accordance with the best practise requirements outlined in the Interim Construction Noise Guideline (DECC, 2009) and as listed in Table 12 of the CNVMP are implemented.
- Recommendation No. 6 – UPC should review and update the Historical Heritage Management Plan and ensure all required elements are included and implemented.
- Recommendation No. 7 – UPC should ensure all sediment control structures are installed in accordance with the ESCPs and the Soil and Water Management Plan.
- Recommendation No. 8 – UPC should procure and install a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection in order to respond to any fires on site.
- Recommendation No. 9 – It is recommended that UPC not use any stockpiled waste material (from the road upgrades) on site until the reuse of the material is reviewed and relevant approval granted.
- Recommendation No. 10 – UPC should:
  - Review and if necessary, update the Accommodation and Employment Strategy considering the changes made to the construction schedule (and cumulative impacts) and general circumstances regarding accommodation in the locality of the development; and
  - Undertake consultation with Armidale Regional Council and Tamworth Regional Council as committed to in the approved AES.



- Recommendation No. 11 – UPC should review all measures described in the Environmental Management Strategy and ensure these measures are implemented as required.
- Recommendation No. 12 – As required by this condition, within 1 month of submitting this audit report, UPC should review the strategies, plans or programs required under this consent. UPC should formally advise the Secretary which plans were reviewed and which plans will be revised, and by when
- Recommendation No. 13 – UPC should ensure the reason for non-compliances is included in the non-compliance notification. UPC could consider developing a non-conformance template to ensure all the requirements of this condition are addressed.
- Recommendation No. 14 – UPC should ensure that all documents as required by Schedule 4, condition 12 and other plans as committed to in the EIS, are publicly available on the NESF website.

## 4.6 EMP, Sub-plans and compliance documents

The management plans were reviewed and considered adequate and having identified suitable controls for managing environmental impacts of the Project.

## 4.7 Environmental performance

This is the second independent site audit conducted for this Project. Table 4.3 outlines the status / progress towards closing out recommendations made towards non-compliances in the previous independent audit.

Table 4.2: Previous audit non-compliances

Number	Condition	Non-compliance	Recommendation	Status
NC1 – Schedule 3, Condition 3	All vehicles associated with the development must travel to and from the site via the New England Highway, Barleyfields Road, Big Ridge Road and the two site access points off Big Ridge Road, as identified in the figure in Appendix 4. <i>Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.</i>	Non-compliance 1 – On the following occasion during the audit period UPC did not comply with this condition: <ul style="list-style-type: none"><li>Evidence was provided demonstrating that during the audit period, a vehicle associated with the development travelled via Barleyfields Road (south) which is not an approved access route.</li></ul>	Recommendation No. 1 – UPC should implement measures to monitor vehicles to ensure correct use of authorised access routes.	As part of the Applicant's response to the audit findings that was submitted to the Department, it was confirmed that the vehicle using the incorrect access route was a water truck, and that the incident was reported to the DPE (now DPHI) as a non-compliance at the time. Following this, corrective actions were implemented in consultation with the DPE and Council.  Interviews conducted during the 2026 independent audit indicate that the requirement to use the approved access route is clearly communicated through starter packs, inductions, and regular toolbox talks. There have been no further recorded instances (through the review of the incident register and the complaints register) of vehicles taking the incorrect route. <b>This non-compliance is therefore considered closed out.</b>
NC2 – Schedule 3, Condition 4	Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 4. These upgrades must be carried out to the satisfaction of the relevant roads authority, unless the Secretary agrees otherwise.	Non-compliance No. 2 – UPC was unable to provide evidence to verify that the remaining works to Barleyfields Road and Big Ridge Road Segments 1 and 3, as identified and required by Uralla Shire Council, were completed by 10 <sup>th</sup> March 2022 as required by Council.	Recommendation No. 2 – UPC should ensure and obtain Council's formal notification that the conditions identified in Council's correspondence dated 17/02/2022 have been satisfied.	The following three commitments were included in Council's correspondence dated 17 February 2022: <ol style="list-style-type: none"><li>The provision of ANZ Bank Guarantee provided on 16 February 2022 for \$300,000 - Completed on 16 February 2022. No further action required.</li><li>A commitment to provide a revised Bank Guarantee extending the expiry date to 28 February 2023 - The Bond expiry date was extended to 28 February 2023 on 10 March 2022.</li><li>The proposed remediation works to be completed in accordance with the schedule discussed on 16 February 2022 - The schedule discussed at the meeting on 16 February 2022 included completion of works after 10 March 2022. Works were completed largely in accordance with this schedule.</li></ol> Uralla Shire Council's sign off on the road repairs was submitted to the Department in an email dated 16 January 2023. <b>This non-compliance is therefore considered closed out.</b>
NC3 – Schedule 3, Condition 6	Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include: (a) details of the transport route to be used for all development-related traffic; (b) a protocol for undertaking independent dilapidation surveys to assess the: <ul style="list-style-type: none"><li>existing condition of Barleyfields Road and Big Ridge Road on the access route, prior to construction, upgrading or decommissioning activities; and</li><li>condition of Barleyfields Road and Big Ridge Road on the access route, following construction, upgrading or decommissioning activities;</li></ul> (c) a protocol for the repair of Barleyfields Road and Big Ridge Road on the access route, if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning works; (d) details of the road works required by condition 4 of Schedule 3 to this consent; (e) a protocol for the maintenance of segments 4 and 5 of Big Ridge Road required by condition 5(f) of Schedule 3 to this consent; (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including: <ul style="list-style-type: none"><li>temporary traffic controls, including detours and signage;</li><li>notifying the local community about project-related traffic impacts;</li><li>procedures for receiving and addressing complaints from the community about development-related traffic;</li><li>minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable;</li><li>implement measures to minimise dirt tracked onto the public road network from development-related traffic;</li><li>details of the employee shuttle bus service and measures to encourage employee use of this service;</li><li>scheduling of haulage vehicle movements to minimise convoy length or platoons;</li><li>responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;</li><li>responding to any emergency repair or maintenance requirements; and</li><li>a traffic management system for managing over-dimensional vehicles;</li></ul>	Non-compliance 3 – As of May 2022, the following aspects of the Traffic Management Plan (TMP) were not being implemented: <ul style="list-style-type: none"><li>Regarding the disciplinary procedure (section 3.25) of the TMP, there was no evidence provided to verify that the procedure was implemented for the non-conformance reported to the Planning Secretary on 05/05/2021 for the non-compliance that occurred on 30/04/2021.</li></ul>	Recommendation No. 3 – UPC should ensure all required elements of the TMP are implemented.	Following the non-compliance identified in the previous audit, relevant personnel were reminded of the disciplinary procedures outlined in the TMP. No first offence, yellow card was issued as per the Disciplinary procedure.  All project staff are required to attend site induction, which includes traffic management related requirements. Induction and topic specific training are tracked via the Project Training Register ensuring that all project staff have the relevant training required for their work. Records provided also confirm that traffic related topics are covered as part of the daily toolbox meetings. Furthermore, TMP audits are conducted bi-monthly to ensure compliance to the TMP requirements. <b>This non-compliance is therefore considered closed out.</b>

	<p>(g) a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> <li>• travelling speeds;</li> <li>• driver fatigue;</li> <li>• procedures to ensure that drivers adhere to the designated transport routes; and</li> <li>• procedures to ensure that drivers implement safe driving practices, including consideration of other road users; and</li> </ul> <p>(h) 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.</p> <p>Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>																																	
NC4 – Schedule 3, Condition 10	<p>Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of BCD, unless the Secretary agrees otherwise.</p> <p>The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</p> <p>(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p><b>Table 1: Ecosystem Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>PCT ID</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion</td> <td>510</td> <td>107</td> </tr> <tr> <td>Silvertop Stringybark open forest of the New England Tableland Bioregion</td> <td>1174</td> <td>78</td> </tr> <tr> <td>Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion</td> <td>567</td> <td>18</td> </tr> </tbody> </table> <p><b>Table 2: Species Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Bluegrass (<i>Dichanthium setosum</i>)</td> <td>44</td> </tr> <tr> <td>Hawkweed (<i>Picris evae</i>)</td> <td>43</td> </tr> <tr> <td>Austral Toadflax (<i>Thesium australe</i>)</td> <td>33</td> </tr> <tr> <td>Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)</td> <td>39</td> </tr> <tr> <td>Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)</td> <td>30</td> </tr> <tr> <td>Squirrel Glider (<i>Petaurus norfolcensis</i>)</td> <td>39</td> </tr> <tr> <td>Koala (<i>Phascolarctos cinereus</i>)</td> <td>39</td> </tr> <tr> <td>Barking Owl (<i>Ninox connivens</i>)</td> <td>5</td> </tr> </tbody> </table>	Vegetation Community	PCT ID	Credits Required	Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	107	Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78	Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18	Vegetation Community	Credits Required	Bluegrass ( <i>Dichanthium setosum</i> )	44	Hawkweed ( <i>Picris evae</i> )	43	Austral Toadflax ( <i>Thesium australe</i> )	33	Pale-headed Snake ( <i>Hoplocephalus bitorquatus</i> )	39	Glossy Black-Cockatoo ( <i>Calyptorhynchus lathami</i> )	30	Squirrel Glider ( <i>Petaurus norfolcensis</i> )	39	Koala ( <i>Phascolarctos cinereus</i> )	39	Barking Owl ( <i>Ninox connivens</i> )	5	<p>Non-compliance No. 4 – The Secretary agreed to a deferment of the retirement of the biodiversity credits subject to UPC retiring the biodiversity credits by 31<sup>st</sup> March 2021. UPC retired the biodiversity credits with payment to the BCT on the 12 May 2021, which did not satisfy the DPE's required timeframe.</p>	<p>Recommendation No. 4 – UPC should ensure any actions requested by the Secretary are completed within the required timeframe.</p>	<p>The Applicant advised the Department, as part of its response to the audit report, that the delay in payment was due to a clerical error and noted that the Department was not dissatisfied with the late payment. As this non-compliance is time-bound, no further action can be taken.</p> <p><b>This non-compliance is therefore considered closed out.</b></p>
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NC5 – Schedule 3, Condition 13	<p>The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version.</p>	<p>Non-compliance No. 5 – No evidence was able to be provided to verify the following best practise requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and listed in Table 11 (section 7.1) of the CNVMP:</p> <ul style="list-style-type: none"> <li>- During the first month of construction, conducting one round of attended noise monitoring at site boundaries and closest residences;</li> <li>- During the first month of construction, carrying out noise level checks (Sound Power Levels) on all critical items of plant (equipment noise certificates were provided post audit however test dates were outside the audit period and not within the first month of construction); and</li> <li>- Instruction all site personnel during a general induction as to their responsibilities in minimising noise and adhering to the noise minimisation measures.</li> </ul>	<p>Recommendation No. 5 – UPC should ensure all required environmental management control measures to minimise the noise generated by any construction activity, developed in accordance with the best practise requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and as listed in Table 12 of the CNVMP are implemented.</p>	<p>The following actions were implemented as indicated in the Applicants response to the audit report:</p> <ol style="list-style-type: none"> <li>1. A continuous (24/7) noise monitor has been installed at the site boundary between construction activities (Stage 1) and the private receivers expected to be 'noise affected'.</li> <li>2. An update to the Construction Noise and Vibration Management Plan was proposed that would state the following "carry out equipment noise level checks on all critical items of plant on site".</li> <li>3. Induction material will be updated to include instruction on minimising noise and adhering to the noise minimisation measures.</li> </ol> <p><b>This non-compliance is therefore considered closed out.</b></p>																														
NC6 – Schedule 3, Condition 19	<p>Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with Heritage NSW, Aboriginal Stakeholders and Council;</p> <p>(c) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> <li>• protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 or items located outside the approved development footprint, including fencing off Aboriginal heritage items prior to commencing construction and providing ongoing access and management opportunities for Aboriginal people to NE09 and NE68;</li> </ul>	<p>Non-compliance No. 6 – As of May 2022, UPC did not satisfy the following requirements of this condition:</p> <ul style="list-style-type: none"> <li>- The requirement to consult with Heritage NSW was not included in the HHMP, and therefore no evidence existed to indicate that consultation with Heritage NSW was undertaken; and</li> <li>- The points listed in section 4.2.1 of the HHMP have not been conveyed in the site induction material.</li> </ul>	<p>Recommendation No. 6 – UPC should review and update the Historical Heritage Management Plan and ensure all required elements are included and implemented.</p>	<p>From review of the <i>New England Solar – Aboriginal Heritage Management Plan</i> dated 24 November 2023 and prepared by ACEN Australia and <i>New England Solar – Historical Heritage Management Plan</i> dated 13 October 2023 and prepared by ACEN Australia both reports now contain reference to the consultation process conducted with Heritage NSW.</p> <p>A review of the induction materials provided, including those examined by the auditors during the site inspection, indicates that information from Section 4.2.1 of the HHMP has not fully addressed and included. The following information is lacking:</p> <ul style="list-style-type: none"> <li>• Some historical sites are of high significance.</li> <li>• Historical sites include built sites (such as houses, fences, and walls), archaeological sites and views.</li> </ul>																														

	<ul style="list-style-type: none"> <li>salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5;</li> <li>protecting the historic heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint;</li> <li>managing the impact of the development on the historic heritage items identified in Table 2 of Appendix 6, including photographic archival records prepared in accordance with Heritage Council of NSW Guidelines for archival recordings;</li> <li>a contingency plan and reporting procedure if: <ul style="list-style-type: none"> <li>previously unidentified heritage items are found; or</li> <li>Aboriginal skeletal material is discovered;</li> </ul> </li> <li>ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and</li> <li>ongoing consultation with Aboriginal stakeholders during the implementation of the plan;</li> </ul> <p>(d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.</p> <p>Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.</p>			<ul style="list-style-type: none"> <li>Historical sites can be hard to recognise; therefore, reference must be made to the historical heritage figures in this plan and the NES HH Databased in order to clearly identify them.</li> <li>Certain sites must be protected or salvaged by the project archaeologist prior to ground disturbance activities.</li> </ul>
NC7 – Schedule 3, Condition 21	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	Non-compliance No. 7 – The Soil and Water Management Plan (section 4.5) adopts a minimum sediment control Type 2 structure (Rock Filter Dam with geotextile) to be used on the NESF construction site. However, based on the audit site inspection (see Photo 26 and Photo 27), sediment fences have been installed where long term rock filter dams have been specified on the ESCP (Dwg No: NESF1-SMEC-CW-00DRN-DWG-131), which is inconsistent with the ESCP and could result in sediment being introduced into waters.	Recommendation No. 7 – UPC should ensure all sediment control structures are installed in accordance with the ESCPs and the Soil and Water Management Plan.	The Applicant consulted with SMEC Holdings Limited (an erosion and sediment control specialist), which confirmed that the use of rock filter dams across the site is appropriate. The locations of several rock filter dams were subsequently adjusted to accommodate construction constraints.  As construction for Stage 1 has been completed, these erosion and sediment control requirements are no longer applicable. <b>This non-compliance is therefore considered closed out.</b>
NC8 – Schedule 3, Condition 25	The Applicant must: <ul style="list-style-type: none"> <li>(a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;</li> <li>(b) ensure that the development: <ul style="list-style-type: none"> <li>includes at least a 10 metre defendable space around the perimeter of the solar array area and battery storage facility that permits unobstructed vehicle access;</li> <li>manages the defendable space and solar array areas as an Asset Protection Zone;</li> <li>complies with the relevant asset protection requirements in the RFS's Planning for Bushfire Protection 2019 (or equivalent) and Standards for Asset Protection Zones;</li> <li>is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to the internal access road;</li> </ul> </li> <li>(c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</li> <li>(d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.</li> </ul>	Non-compliance No. 8 – Regarding the fourth dot point of paragraph (b) of this condition, at the time of this audit, a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road had not been installed to respond to any fires on site.	Recommendation No. 8 – UPC should procure and install a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection in order to respond to any fires on site.	In the Applicant's response to the audit findings, it was noted that a 150,000 L water supply tank with a Storz fitting and FRNSW-compatible suction is present on site and was inspected during the site audit. However, the Applicant acknowledged that this tank is used for both firefighting and dust suppression purposes. The Applicant subsequently confirmed, in its formal response to the audit findings, that a dedicated 20,000 L water tank has been installed.  <b>This non-compliance is therefore considered closed out.</b>
NC9 – Schedule 3, Condition 27	The Applicant must: <ul style="list-style-type: none"> <li>(a) minimise and manage the waste generated by the development in accordance with the EPA's waste hierarchy objectives of avoidance, resource recovery and then disposal;</li> <li>(b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);</li> <li>(c) store and handle all waste on site in accordance with its classification;</li> <li>(d) not receive or dispose of any waste on site; and</li> <li>(e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.</li> </ul>	Non-compliance No. 9 – In relation to paragraph (d) of this condition, there was evidence that excavated waste material (from the road upgrades) was received on site during this audit period.	Recommendation No. 9 – It is recommended that UPC not use any stockpiled waste material (from the road upgrades) on site until the reuse of the material is reviewed and relevant approval granted.	The following timeline outlines the actions implemented to address and close out this non-compliance: <ul style="list-style-type: none"> <li>The Department of Planning and Environment (DPE) inspected the stockpiled material during a site visit and recommended consultation with the EPA to confirm Protection of the Environment Operations Act 1997 requirements associated with the beneficial re-use of material on site.</li> <li>Consultation with the NSW Environment Protection Authority was initiated. It was identified that approximately 40% of the stockpiled material had already been classified as VENM or ENM, allowing re-use on- or off-site without further EPA approval.</li> <li>GLC engaged a contractor to sample the remaining ~60% of stockpiled material to determine suitability for ENM classification (in accordance with the ENM Order). Initial sampling was undertaken in late December 2022, with additional sampling completed on 20 January 2023.</li> <li>Results of the soil classification testing were expected to inform material classification and management options.</li> <li>Based on preliminary findings and the status of NESF construction, the EPC Contractor identified disposal of stockpiled material (VENM, ENM, and/or GSW) to local waste facilities, including Uralla Waste Management Facility and</li> </ul>

				<p>Armidale Regional Council Waste Management Facility, as the preferred approach, subject to facility acceptance. Preliminary discussions with the Uralla facility indicated potential use of the material as a capping layer, although capacity remained uncertain.</p> <ul style="list-style-type: none"> <li>• Clarification was sought from DPE regarding any comments or objections to the proposed disposal approach, noting that disposal to a licensed waste facility is permitted under Condition 27(e) of the NESF development consent.</li> <li>• ACEN and the EPC Contractor assessed alternative disposal and re-use options for material not accepted by waste facilities. Previous negotiations with the Uralla facility for material from the NES access road upgrade works did not reach resolution.</li> <li>• 12 July 2023: Armidale Regional Council Waste Management Facility formally agreed to accept VENM and ENM material, and deliveries commenced, undertaken by local contractor Townes Contracting.</li> <li>• Material quantities for disposal continued to be assessed on a daily basis, with ongoing communication between stakeholders. GLC also initiated consultation with Walcha Council regarding potential re-use opportunities for the remaining stockpiled material.</li> </ul> <p><b>This non-compliance is considered closed out.</b></p>
NC10 – Schedule 3, Condition 28	<p>Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. This strategy must:</p> <p>(a) propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development;</p> <p>(b) consider the cumulative impacts associated with other State significant development projects in the area;</p> <p>(c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible;</p> <p>(d) 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.</p> <p>Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.</p>	<p>Non-compliance No. 10 – UPC was not able to provide evidence that it had fully implemented aspects of the Accommodation and Employment Strategy (AES) as follows:</p> <ul style="list-style-type: none"> <li>- Section 6.3 of the AES states that leading up to and during construction, the AES would be reviewed at least every six months. Some evidence was provided to show consultation with accommodation providers was undertaken in March 2021, however, no evidence was provided to show that the AES had been reviewed or updated since approved in the 12 month period prior to the commencement of construction.</li> <li>- Section 5.3 of the AES states that consultation will be undertaken with local councils (Uralla Shire Council, Armidale Regional Council and Tamworth Regional Council) prior to construction commencing and during construction to ensure an appropriate plan for transient worker housing is in place and there is no other unexpected pressures on local facilities due to the Project. No evidence was provided to show that the consultation with local councils (other than Uralla Shire Council) had been undertaken prior to construction.</li> <li>- Section 6.2 (second dot point) states that GLC will incorporate the levels of medical services (i.e. which facilities provide particular levels of service) in each jurisdiction in the Emergency Response Plan (ERP). No evidence was provided to show that these levels of service are incorporated in the ERP.</li> </ul>	<p>Recommendation No. 10 – UPC should:</p> <ul style="list-style-type: none"> <li>- Review and if necessary, update the Accommodation and Employment Strategy considering the changes made to the construction schedule (and cumulative impacts) and general circumstances regarding accommodation in the locality of the development; and</li> <li>- Undertake consultation with Armidale Regional Council and Tamworth Regional Council as committed to in the approved AES.</li> </ul>	<p>From review of the <i>New England Solar – Accommodation and Employment Strategy</i> dated 14 December 2023 and prepared by ACEN Australia, changes made to the construction schedule is now considered (including potential cumulative impacts). General circumstances regarding accommodation in the area are also reflected.</p> <p>A review of the AES indicates that no records of consultation with Armidale Regional Council and Tamworth Regional Council have been included.</p>
NC11 – Schedule 4, Condition 1	<p>Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise;</li> <li>• respond to any non-compliance;</li> <li>• respond to emergencies; and</li> </ul> <p>(e) include:</p> <ul style="list-style-type: none"> <li>• references to any plans approved under the conditions of this consent; and</li> </ul>	<p>Non-compliance No. 11 – In relation to Revision 4.1 of the Environmental Management Strategy (EMS), no evidence was provided to verify:</p> <ul style="list-style-type: none"> <li>- An updated Monitoring Schedule summarising all monitoring requirements associated with the NESF was posted on the NESF website, as per section 11.4 of the EMS;</li> <li>- That attended noise monitoring for construction (including equipment noise level checks) during first month of construction (Table 11-1) was conducted;</li> <li>- That the environmental induction includes (at a minimum) all dot points described in section 4.5.1 of the EMS.</li> </ul>	<p>Recommendation No. 11 – UPC should review all measures described in the Environmental Management Strategy and ensure these measures are implemented as required.</p>	<p>A review of the NESF website confirms that the Environmental Management Strategy, including the monitoring schedule (Appendix D), is publicly available.</p> <p>The status of noise monitoring is addressed under Non-Compliance 5 above.</p> <p>A review of the induction materials provided, including those examined by the auditors during the site inspection, indicates that information from Section 4.5.1 of the EMS has been included.</p> <p><b>This non-compliance is considered closed out.</b></p>

	<ul style="list-style-type: none"> <li>a clear plan depicting all the monitoring to be carried out in relation to the development.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>			
NC12 – Schedule 4, Condition 2	<p>The Applicant must:</p> <p>(a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and</p> <p>(b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:</p> <ul style="list-style-type: none"> <li>submission of an incident report under condition 7 of Schedule 4;</li> <li>submission of an audit report under condition 9 of Schedule 4; and</li> </ul> <p>(c) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out works associated with any modification to the conditions of this consent.</p>	Non-compliance No. 12 – UPC was unable to demonstrate that relevant environmental strategies, plans and programs had been reviewed (and if necessary revised) within 1 month of the modification to the conditions of this consent (Modification 1 was determined 19 <sup>th</sup> February 2021)	Recommendation No. 12 – As required by this condition, within 1 month of submitting this audit report, UPC should review the strategies, plans or programs required under this consent. UPC should formally advise the Secretary which plans were reviewed and which plans will be revised, and by when	<p>The Applicant advised, as part of its response to the audit findings, that the BMP (Version 7) was updated on 23 February 2021 to incorporate Modification 1.</p> <p>The AHMP and HHMP did not require updates as the Modification Report concluded that there would be no predicted impacts to heritage items associated with the modification. Similarly, the modification did not require an update to the EMS, AES, TMP or Water Supply Strategy.</p> <p>In a letter dated 16 December 2022, the Applicant provided the Department with a list of management plans that were updated following the finalisation of the audit report, as well as a list of plans that did not require updating.</p> <p><b>This non-compliance is considered closed out.</b></p>
NC13 – Schedule 4, Condition 9	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.	Non-compliance No. 13 – Regarding the non-conformance notification dated (5 May 2021) to DPE for the 30 April 2021 non-compliance, no reason for the non-compliance was included in the notification provide to DPE.	Recommendation No. 13 – UPC should ensure the reason for non-compliances is included in the non-compliance notification. UPC could consider developing a non-conformance template to ensure al the requirements of this condition are addressed.	<p>The non-compliance notification template has been updated.</p> <p><b>This non-compliance is considered closed out.</b></p>
NC14 – Schedule 4, Condition 12	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <ul style="list-style-type: none"> <li>the EIS;</li> <li>the final layout plans for the development (Schedule 4, Condition 5);</li> <li>current statutory approvals for the development;</li> <li>approved strategies, plans or programs required under the conditions of this consent;</li> <li>the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>how complaints about the development can be made;</li> <li>a complaints register;</li> <li>compliance reports;</li> <li>any independent environmental audit, and the Applicant's response to the recommendations in any audit; and</li> <li>any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up to date.</p>	<p>Non-compliance No. 14 – the following documents were not publicly available on the NESF website at the time of this May 2022 audit:</p> <ul style="list-style-type: none"> <li>The Response to Submission dated June 2019;</li> <li>Additional information dated 31 October 2019 and 10 December 2019;</li> <li>Additional information provided to the IPC of NSW on 7 February 2020 and 18 February 2020;</li> <li>Modification Report dated 16 December 2020;</li> <li>Other Statutory Approvals as listed in Table 3-1 of the EMS;</li> <li>The Construction Environmental Management Plan and Appendices (CEMP) as committed to in the EIS and Section 1.2.2 of the CEMP.</li> </ul>	Recommendation No. 14 – UPC should ensure that all documents as required by Schedule 4, condition 12 and other plans as committed to in the EIS, are publicly available on the NESF website.	<p>In an email update to the DPE on 17 October 2022, ACEN Australia noted that verbal feedback had been received from the DPE confirming that the publicly available documents were acceptable, and that the Independent Audit Report and the updated Applicant Response should be uploaded to the NESF website by 17 October (action completed). A review of the NESF website confirms that both the audit report and the Applicant Response have been uploaded.</p> <p><b>This non-compliance is considered closed out.</b></p>

## 4.8 Consultation outcomes

At the time of drafting this audit report, the following responses have been received. Refer to Appendix C for records of the consultation.

Table 4.3: Pre-audit consultation outcomes

Stakeholder	Response	Audit reference
Department of Planning, Housing and Infrastructure	<p>09/02/2026 - Whilst I note the following is included within the scope of the Audit, can you please review the following:</p> <ul style="list-style-type: none"> <li>Implementation of the Emergency Plan particularly after the recent inverter fire,</li> <li>Implementation of the Aboriginal Heritage Management Plan,</li> <li>Weed and ground cover management.</li> </ul> <p>Can you please also contact Uralla Shire Council for input into the scope of the Audit?</p> <p>11/02/2026-Further to the email below, could you please also include an update on the implementation status of previous Independent Audit findings, recommendations and actions from the Stage 1 Independent Audit Report (May 2022) in your audit report. This is in accordance with Section 3.3, Item 3 of the Department's 2020 Independent Audit Post Approval Requirements.</p>	<p><b>Emergency Plan</b> - Refer to the discussion under Schedule 3, Condition 26 (Appendix A – Independent Audit Table). Further detail is provided in Section 3.4 and Appendix 3, which include interviews with relevant personnel, with particular reference to the implementation of the Emergency Plan following the recent inverter fire.</p> <p><b>Aboriginal Heritage Management Plan</b> - Refer to the discussion under Schedule 3, Conditions 17–19 (Appendix A – Independent Audit Table). No Aboriginal heritage items were identified within the Stage 2a and Stage 3a areas (the scope of this audit). However, a site inspection of a heritage area within the Stage 1 footprint confirmed that the sites are securely fenced, appropriately signposted, and subject to strict access controls. Vegetation within the area is well maintained.</p> <p>Personnel also confirmed that ongoing consultation with Aboriginal stakeholders is maintained, and that an Aboriginal maintenance team has been engaged to carry out upkeep activities at the heritage sites.</p> <p>The Applicant has developed a detailed Aboriginal Cultural Heritage Induction presentation, which outlines the following objectives:</p> <ul style="list-style-type: none"> <li>Understand Aboriginal participation at New England Solar</li> <li>Learn about Anaiwan culture</li> <li>Know where the registered cultural heritage sites at New England Solar are, and how they are protected</li> <li>Understand your role in protecting cultural heritage</li> <li>Know what to do if you come across something you believe may be of cultural significance</li> <li>Where to get more information.</li> </ul> <p><b>Weed and ground cover management</b> - Refer to the discussion under Schedule 3, Condition 8 (Appendix A – Independent Audit Table). Areas around the BESS have been identified for revegetation. During the site inspection, these areas were observed to be levelled and ready for seeding. The areas surrounding the BESS were noted to have good ground cover with a limited presence of weeds.</p> <p>Evidence was provided demonstrating that weed control measures are being implemented. On 17 September 2025, immediate action was undertaken at 28 locations where weeds were identified. The weed report recommended broadscale application of MCPA to target broadleaf weeds within disturbed soil areas.</p> <p><b>Consultation with Uralla Shire Council</b> – A consultation letter was submitted to Uralla Shire</p>



		<p>Council on 9 February 2026 and the Lead Auditor spoke to the authorised officer on the phone at USC request. However, no written response had been received at the time of finalising this audit report.</p> <p><b>Previous independent audit findings</b> – Refer to Section 4.7 (Table 4.3).</p>
Uralla Shire Council	Moss Environmental has initiated consultation with Uralla Shire Council however, no written response had been received at the time of finalising this audit report.	

## 4.9 Complaints

A Complaints Register is available where information regarding complaints was recorded. The register is available on the website. A summary of the complaints is below.



Table 4.4: Summary of the complaints as per Complaints Register

Reference number	Date received	Nature of complaint	Does the person wish to be contacted?	Status
COM1	Date 30/4/21 Time 9:41	Traffic and transport	Yes	Closed
COM2	Date 12/5/21 Time 9:00	Traffic and transport	No	Closed
COM3	Date 21/5/21 Time 8:24	Dust	Yes	Closed
COM4	Date 24/5/21 Time 16:31	Dust	Yes	Closed
COM5	Date 26/6/21 Time 10:00	Property and infrastructure	No	Closed
COM6	Date 25/6/21 Time 0:00	Property and infrastructure	Yes	Closed
COM7	Date 7/7/21 Time 11:26	Dust	Yes	Closed
COM8	Date 7/7/21 Time 11:26	Property and infrastructure	Yes	Closed
COM9	Date 12/7/21 Time 14:47	Traffic and transport	Yes	Closed
COM10	Date 20/7/21 Time 0:00	Workforce behaviours	No	Closed
COM11	Date 20/7/21 Time 0:00	Property and infrastructure	No	Closed
COM12	Date 20/7/21 Time 0:00	Traffic and transport	No	Closed
COM13	Date 28/7/21 Time 12:00	Dust	Yes	Closed
COM14	Date 28/7/21 Time 15:00	Workforce behaviours	No	Closed
COM15	Date 6/8/21 Time 18:30	Workforce behaviours	Yes	Closed
COM16	Date 31/8/21 Time 12:00	Water	Yes	Closed
COM17	Date 7/9/21 Time 9:45	Workforce behaviours	Yes	Closed
COM18	Date 9/9/21 Time 16:10	Workforce behaviours	Yes	Closed
COM19	Date 30/9/21 Time 0:00	Traffic and transport	Yes	Closed
COM20	Date 8/10/21 Time 14:17	Traffic and transport	No	Closed
COM21	Date 11/10/21 Time 15:36	Property and infrastructure	Yes	Closed
COM22	Date 21/11/21 Time 0:00	Property and infrastructure	Yes	Closed
COM23	Date 14/2/22 Time 0:00	Property and infrastructure	No	Closed
COM24	Date 17/2/22 Time 0:00	Property and infrastructure	Yes	Closed
COM25	Date 16/5/22 Time 0:00	Property and infrastructure	Yes	Closed
COM26	Date 26/7/22 Time 0:00	Property and infrastructure	Yes	Closed
COM27	Date 1/8/22 Time 11:00	Property and infrastructure	Yes	Closed
COM28	Date 15/11/22 Time 0:00	Traffic and Transport	Yes	Closed
COM29	Date 15/03/23 Time 14:00	Traffic and Transport	Yes	Closed
COM30	Date 18/05/23 Time 09:40	Traffic and Transport	No	Closed
ENQ9	20/07/23	Workforce Behavior	Yes	Closed
COM31	14/02/2024	Traffic and Transport	Yes	Closed
COM32	15/01/2025	Traffic and Transport	No	Closed
COM33	Date 11/8/25 Time 0:00	Traffic and Transport	Yes	Closed
COM34	Date 11/8/25 Time 0:00	Property and infrastructure	Yes	Closed
0				
0				
0				

#### 4.10 Incidents

Six environmental incidents have been recorded in the Incident Register for the Project which is described in Appendix A. It should be noted that these incidents were all considered non-reportable incidents.

#### 4.11 Actual verses predicted environmental impacts

At the time of the site inspection, no significant changes or additional impacts associated with the Stage 2a and Stage 3a construction phases of the New England Solar Farm Project were identified beyond those assessed in the EIS.

However, site interviews indicated that the Applicant previously operated a crusher (no longer present on site) as part of construction activities for the BESS (Stage 3a). A review of the EIS confirmed that crushing activities and their associated impacts were not assessed. Following a request for further information, it was confirmed that a total of 1,275 tonnes of rock was crushed over a 4 day period.

The primary environmental impacts associated with on-site crushing typically relate to dust generation and noise emissions. Crushing can produce elevated levels of dust (particulate matter), particularly under dry conditions, which may affect local air quality, nearby sensitive receivers, and the health of site personnel if not appropriately managed (e.g. through water suppression measures). In addition, crushers generally generate high and often continuous noise levels, which have the potential to impact surrounding communities and disturb local fauna.

One instance of noise monitoring was undertaken during the crushing activities. Testing was undertaken at a distance of 10 metres from the crusher and along the eastern verge of Big Ridge Road. At 10 metres from the crusher, noise levels ranged between 88.8 and 90.3 dBA. At Big Ridge Road, recorded noise levels ranged between 49.9 and 52.4 dBA.

A review of the Project EIS indicates that the construction noise management levels (NMLs) were derived based on the adopted NPfl minimum RBL of 35 dB, in accordance with the ICNG, (December 2009). While noise levels associated with the crushing activities exceeded these NMLs at the measured locations, monitoring was not undertaken at sensitive receivers. Therefore, it cannot be confirmed whether these levels would have been exceeded at those locations.

## 4.12 Site inspection

The site inspection was conducted on 11 March 2026. The Moss Environmental auditor and scribe, Energy Vault Site Project Manager, ACEN Environmental Lead, Assistant Project Manager and HSE Advisor walked over the site, observing site activities and compliance with environmental control and mitigation measures. The environmental controls observed included:

- Lighting is directed downward to minimise impacts;
- Site speed limits are monitored and clearly signposted;
- Erosion and sediment control measures have been implemented;
- Firefighting equipment is available in high-risk areas, including the installation of two firewater tanks at the BESS;
- A water cart is available for dust suppression;
- Hazardous chemicals are appropriately stored;
- Waste is effectively segregated;
- Site access roads have been stabilised; and
- No-go areas (e.g. Aboriginal heritage sites) are well maintained, clearly demarcated, and signposted.
- Noxious and reportable weeds are being actively managed.
- Sheep are actively grazing under solar arrays.
- Environmental issues with outcome of the investigation and actions for the previous month are displayed on the staff notice board.
- Environmental prestart checklists and toolbox records are available in hard copy on the staff notice board.
- The RJE Global Environmental Policy is displayed on the staff notice board.
- Rehabilitation in disturbed areas is planned for mid March 2026.
- Permanent drainage has been installed progressively where practicable.
- Site disturbance footprint flagging is installed and maintained.
- ATF and permanent fencing is earthed.
- Stockproof fencing has been constructed around the BESS.
- Plant and equipment in use is site approved with prestart documents available to all operators via a phone app.



Two issues were identified during the site inspection, which resulted in opportunity for improvements being recorded:

#### **Issues**

1. It was noted that the silt fencing around a stockpile area located east of the BESS footprint requires maintenance, which would compromise its effectiveness in providing adequate ErSed control for the stockpile.
2. It was noted that the waste bins within the BESS footprint area are not labelled, which could result in personnel disposing of waste incorrectly.

#### **Action items**

1. It is recommended to repair the silt fence surrounding the stockpile to ensure it continues to function effectively.
2. It is recommended that the bins in the BESS area be labelled to prevent incorrect waste disposal.

Please refer to photos of the site inspection in Appendix A.

### **4.13 Site interviews**

Refer to discussion under Section 3.4 above.

### **4.14 Previous Annual Review or Compliance Report recommendations**

As discussed in Section 4.5 above, this is the second independent audit conducted. Refer to Table 4.3 above for the status of the recommendations made as part of the first independent audit.

### **4.15 Improvement opportunities**

Based on the outcomes of the audit, there are improvement opportunities in the following area:

- It is recommended to repair the silt fence surrounding the stockpile to ensure it continues to function effectively.
- It is recommended that the bins in the BESS area be labelled to encourage waste segregation .
- This audit report should be submitted within 2 months of undertaken the site inspection (due date 11 May 2026).
- It is recommended that the Applicant include additional, project-specific information in the induction material to ensure that personnel undertaking the induction receive the detail required under Section 4.5.1 of the EMS.

### **4.16 Key strengths**

The project environmental performance is generally in accordance with the Development Conditions of Consent SSD 9255, as modified, and Post-approval requirements and met with the following key strengths noted:

- Management plans required under the Conditions of Consent have been developed in accordance with the relevant requirements;
- Interviews with the ACEN team and contractors confirmed that roles and responsibilities associated with the Development Consent are well understood and are being effectively implemented;
- Erosion and sediment control measures have been implemented and are well maintained; and
- The management of Aboriginal heritage sites is of a high standard, including ongoing consultation with RAPs, their involvement in maintenance activities, and the implementation of training, awareness, and site management measures.



## 5. Recommendations

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### 5.1 Non-compliances

There were no non-compliances recorded as part of this audit.

### 5.2 Opportunities for improvement

The following opportunities for improvement have been identified:

Condition 22 Schedule 3 - The Applicant must: (c) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version;

Repair the silt fence surrounding the stockpile to ensure it continues to function effectively.

Condition 27 Schedule 3 - The Applicant must: (c) store and handle all waste on site in accordance with its classification;

It is recommended that the bins in the BESS area be labelled to prevent incorrect waste disposal.

Condition 1 of Schedule 4 - Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.

It is recommended that the Applicant include additional, project-specific information in the induction material to ensure that personnel undertaking the induction receive the detail required under Section 4.5.1 of the EMS.

Condition 11D of Schedule 4 - Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit and site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

This audit report should be submitted within 2 months of undertaken the site inspection (due date 11 May 2026).

## 6. Conclusion

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Stage 2a and Stage 3a of the New England Solar Farm achieved a score of 100% compliance for the Conditions of Consent in the Moss Environmental auditing system which is based on the Independent Audit Post Approval Requirements (2026) and the Moss Environmental Standard Operating Procedure-Independent Auditing for State Significant Projects.

The audit resulted in:

- 0 non-compliances
- 47 compliances
- 13 Not Triggered.

## 7. Appendices

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## 7.1 APPENDIX A – INDEPENDENT AUDIT TABLE

Table 7.1: Independent audit table

Condition of Consent	Requirements	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on Non-compliance
<b>Schedule 2: Administrative conditions</b>					
<b>Obligation to minimise harm to the environment</b>					
1	In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.		<p>Material harm is defined in the Consolidated Consent as:</p> <p><i>Material harm is harm that:</i></p> <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>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.</li> </ul> <p>The Auditor is satisfied that the Applicant has implemented reasonable and feasible measures to prevent material harm to the environment.</p>	Compliant	
<b>Terms of consent</b>					
2	<p>The Applicant must carry out the development:</p> <p>(a) generally in accordance with the EIS; and</p> <p>(b) in accordance with the conditions of this consent.</p> <p><i>Note: The general layout of the development is shown in Appendix 1.</i></p>	<p>New England Solar Farm Environmental Impact Statement dated February 2019 and prepared by EMM.</p> <p>Mobile Crusher Noise Monitoring on site at New England Solar Farm BESS Project prepared by RJE Global.</p>	<p><b>Observation:</b></p> <p>It was noted during site interviews that the Applicant utilised a crusher as part of the construction activities for the BESS (Stage 3a). A review of the EIS confirmed that crushing activities and their associated impacts were not assessed. Following a request for additional information, the Applicant was unable to provide further details regarding this activity (e.g. quantity of material crushed, duration of crushing works). As such, the full extent of potential impacts could not be fully determined. Notwithstanding this, the primary environmental impacts associated with onsite crushing relate to dust generation and noise emissions. Crushing can generate elevated levels of dust (particulate matter), particularly under dry conditions, which may affect local air quality, nearby sensitive receivers, and the health of site personnel if not appropriately managed through measures such as water suppression. In addition, crushers typically generate high and often continuous noise levels, which have the potential to impact surrounding communities and disturb local fauna. Once noise monitoring was undertaken during the crushing activities which confirmed that the crusher used on-site is, when at the Big Ridge Road, below levels of 'normal' speech and presents a low Noise Hazard risk at or beyond this distance.</p> <p>This condition requires that activities be undertaken <u>generally</u> in accordance with the EIS. While the interpretation of "generally" may vary, the auditors note that this represents an isolated deviation from the EIS. On this basis, the auditors are satisfied that the works were generally undertaken in accordance with the EIS, and therefore an Observation only has been recorded.</p> <p><b>Proponent Response</b></p> <p>Provided additional documentation, listed in Section 4.</p> <p><b>Lead Auditors view.</b></p> <p>It was confirmed that a total of 1,275 tonnes of rock was crushed over a 4 day period. This information satisfies the requirement to determine if the crushing, grinding and separating works qualifies as a Schedule 1 "scheduled activity" under the Protection of the Environment Operations Act 1997. The 30,000 tonnes per annum threshold was not exceeded and there was no intention to exceed it therefore a licence is not required and this is not considered a non-compliance.</p>	Compliant	
3	If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.		This condition is noted.	Compliant	
4	<p>The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of:</p> <p>(a) any strategies, plans or correspondence that are submitted in accordance with this consent;</p>		No concerns were identified.	Compliant	

	(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.				
<b>Upgrading of solar panels and ancillary infrastructure</b>					
5	Over time, 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 Secretary incorporating the proposed upgrades.		The upgrade of solar panels and ancillary infrastructure has not yet been undertaken. This condition is therefore not triggered.	Not triggered.	
<b>Structural adequacy</b>					
6	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. <i>Notes:</i> • Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.	Approved construction certificate for Civil works, Foundations and Combi Slab associated with BESS Equipment - Stage 3a dated 21 July 2025 and prepared by Buildcert Pty Ltd.  Approved construction certificate for Footings & Floor Frame for Control & Switchroom Structure, Oil & Water Separation System & Storage Tank Associated With New England BESS Substation (NEBESS) dated 16 April 2025 and prepared by Buildcert Pty Ltd.  Approved whole occupation certificate for Footings & Floor Frame for Footings & Foundations, Transformer Plinths, Lightning Mast & Equipment associated with New England BESS Substation (NEBESS) dated 01 August 2025 and prepared by Buildcert Pty Ltd.  Approved whole occupation certificate for Footings & Floor Frame for Control & Switchroom Structure, Oil & Water Separation System & Storage Tank Associated With New England BESS Substation (NEBESS) dated 18 September 2025 and prepared by Buildcert Pty Ltd.  Approved construction certificate for Footings & Foundations, Transformer, Transformer Plinths, Isolator, Lightning Mast, Bollard, Cable Termination Structure & Equipment associated with New England Solar Farm Stage 2 Substation (NESF2) dated 06 February 2025 and prepared by Buildcert Pty Ltd.	Approved construction certificates were provided for the BESS equipment (Stages 3a), the footings & floor frame for the control & switch room structure, oil & water separation system and storage tank associated with the New England BESS Substation. The certificates confirm that buildings and structures are in accordance with the relevant requirements of the Building Code of Australia and according with the approved plans.  Similarly, occupation certificates were provided for the footings & floor frame for footings & foundations, transformer plinths, lightning mast and equipment, footings & floor frame for control & switch room structure, oil & water separation system & storage tank associated with New England BESS substation.  The construction certificate for the equipment associated with the Stage 2 Substation (NESF2) was also provided, confirming that construction was undertaken in accordance with the relevant requirements of the Building Code of Australia and the approved plans. Construction for Stage 2a has been paused and, as such, no occupation certificates are currently applicable.	Compliant	
<b>Demolition</b>					
7	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.		It was confirmed during the site audit that no demolition work has been required as part of Stage 2a and Stage 3a and therefore none undertaken to date. This condition has not been triggered.	Not triggered	
<b>Protection of public infrastructure</b>					
8	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.  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.		It was indicated during the site interviews that activities associated with Stage 2a and Stage 3a have not resulted in any damage to public infrastructure and therefore, repair works and associated cost payments are not applicable.	Compliant	
<b>Operation of plant and equipment</b>					
9	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.	Light vehicle register dated 12 January 2025 from RJE Global.  Heavy vehicle & plant register dated 12 January 2025 from RJE Global.  Heavy vehicle & plant register (subcontractor) dated 12 January 2025 from RJE Global.	The Applicant indicated that no routine maintenance of equipment, machinery and vehicles are undertaken onsite. Routine maintenance is conducted offsite at a third party in Armidale. Vehicle and plant requiring maintenance is captured in the vehicle and plant register. From review of the register, it was confirmed that all vehicles and equipment are effectively maintained.	Compliant	
<b>Subdivision plan</b>					
10	The Applicant may subdivide the site to create new allotments for the proposed substation, in accordance with the layout approved in Schedule 4 - Condition 5, and	Plan of subdivision of Lot 84 in DP 755814 and Lot B in DP 172594, dated 15 March 2022 and prepared by Sean James Doodson.	The Applicant has undertaken the subdivision, on behalf of TransGrid, of the property on which the substation is located. The subdivision plan and associated subdivision certificate for the subdivision of Lot 84 in	Compliant	

	with the requirements of the EP&A Act and EP&A Regulation, and generally in accordance with the figure in Appendix 3. Prior to subdividing the site, the Applicant must prepare and submit detailed subdivision plans to the Secretary for approval. <i>Notes:</i> • Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision. • Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates	Deposited Plan Administration Sheet and Subdivision Certificate dated 06 October 2022 and signed by Matthew Clannson.  Correspondence dated 02 August 2022 from Department of Planning and Environment (Ref: SSD-9255-PA-33) providing approval of the Subdivision Plan.	DP 755814 and Lot B in DP 172594 as part of the Project were provided. The Department also granted approval of the Subdivision Plan via a letter dated 2 August 2022.		
<b>Battery storage restriction</b>					
11	Any building or fire rated compartment containing lithium-ion batteries shall contain less than or equal to 30 megawatt hours (MWh) of energy storage capacity.	B-Vault AC / PLTF-2 (Aus) Specification Sheet dated March 2025 and prepared by Energy Vaults Inc.	From review of the BESS specification sheet, the following battery capacities are specified: • 14 strings: 4.389 MWh • 15 strings: 4.702 MWh The battery capacity listed in the specifications is less than 30 MWh.	Compliant	
<b>Schedule 3: Environmental conditions - General</b>					
<b>Transport</b>					
<b>Over-dimensional and heavy vehicle restrictions</b>					
1	The Applicant must ensure that the: (a) development does not generate more than: • 84 heavy vehicle movements a day during construction, upgrading and decommissioning; • 30 over-dimensional vehicle movements during construction, upgrading and decommissioning; and • 5 heavy vehicle movements a day during operations; on the public road network; (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Secretary agrees otherwise.	New England Solar - Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register dated 18 February 2026 and prepared by ACEN.	A review of the Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register for the period 1 January 2025 to 31 December 2025 indicates that heavy vehicle movements did not exceed 84 during the audit period. No over-dimensional vehicle movements were recorded.  Stage 2a and Stage 3a of the Development are not associated with Operation Phase activities. Therefore, heavy vehicle movements related to the Operation Phase have not been assessed as part of this audit.	Compliant	
2	The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.	New England Solar - Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register dated 18 February 2026 and prepared by ACEN.	Accurate daily records of over-dimensional and heavy vehicle movements to and from the site are being maintained, as confirmed by a review of the Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register.	Compliant	
<b>Access route</b>					
3	All vehicles associated with the development must travel to and from the site via the New England Highway, Barleyfields Road, Big Ridge Road and the two site access points off Big Ridge Road, as identified in the figure in Appendix 4. <i>Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.</i>	Driver Induction Form dated 24 January 2025 and prepared by Energy Vault.  Email from Energy Vault to delivery companies dated 17 September 2025 providing the driver induction form and requesting that such is being communicated to drivers.  Oversize and/or Overmass (OSOM) Mass or Dimension Exemption Permit dated 07 November 2025 from NHVR.  Oversize and/or Overmass (OSOM) Mass or Dimension Exemption Permit dated 13 October 2025 from NHVR.  Construction complaints register dated 19 January 2026 and prepared by Elecnor Australia.  NES Complaints Register dated 2025 – 2026 and prepared by ACEN.	Evidence was provided demonstrating that the use of the correct roads and access points have been communicated to relevant transporting companies. Where OSOM permits were required, such were obtained.  A review of the complaints register indicates that no complaints regarding the use of incorrect access routes were received during the audit period.	Compliant	
<b>Road upgrades and site access</b>					
4	Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 4. These upgrades must be carried out to the satisfaction of the relevant roads authority, unless the Secretary agrees otherwise.		The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this condition is not triggered.	Not triggered	
<b>Operating conditions</b>					

5	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> <li>(a) the internal roads are constructed as all-weather roads;</li> <li>(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;</li> <li>(c) the capacity of the existing roadside drainage network is not reduced;</li> <li>(d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction;</li> <li>(e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network; and</li> <li>(f) segments 4 and 5 of Big Ridge Road, identified in the figure in Appendix 4, are maintained to the standard identified in Appendix 4 at the cost of the Applicant for the life of the development, unless the Secretary agrees otherwise.</li> </ul>	<p>BESS Reticulation Pavement Typical Sections Layout dated 05 May 2025 and prepared by RJE Global.</p> <p>Big Ridge Road – Sealing of Segment 4 &amp; 5 Post-Seal Inspection dated 10 April 2025 and prepared by PV5D.</p>	<p>A review of the internal road pavement cross-section design indicates that several layers, select fill material, 200 mm crushed rock, and a 100 mm base layer as the wearing surface, have been used in the construction of the internal roads to ensure all-weather access. Site observations confirmed that the roads are well maintained and in good condition (<b>Photo 1</b>).</p> <p>Sufficient parking is provided onsite for all site vehicles (<b>Photo 2</b>), and no evidence was observed of vehicles being parked on the public road network. Additionally, there was no indication that the capacity of the roadside drainage network is being reduced.</p> <p>At the time of the site inspection, no vehicle loading or offloading activities were occurring; therefore, the direction in which vehicles leave the site could not be confirmed.</p> <p>The Applicant has also provided evidence showing that segments 4 and 5 of the Big Ridge Road are being maintained as identified in Appendix 4.</p>	Compliant	
<b>Traffic management plan</b>					
6	<p>Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include:</p> <ul style="list-style-type: none"> <li>(a) details of the transport route to be used for all development-related traffic;</li> <li>(b) a protocol for undertaking independent dilapidation surveys to assess the: <ul style="list-style-type: none"> <li>• existing condition of Barleyfields Road and Big Ridge Road on the access route, prior to construction, upgrading or decommissioning activities; and</li> <li>• condition of Barleyfields Road and Big Ridge Road on the access route, following construction, upgrading or decommissioning activities;</li> </ul> </li> <li>(c) a protocol for the repair of Barleyfields Road and Big Ridge Road on the access route, if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning works;</li> <li>(d) details of the road works required by condition 4 of Schedule 3 to this consent;</li> <li>(e) a protocol for the maintenance of segments 4 and 5 of Big Ridge Road required by condition 5(f) of Schedule 3 to this consent;</li> <li>(f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including: <ul style="list-style-type: none"> <li>• temporary traffic controls, including detours and signage;</li> <li>• notifying the local community about project-related traffic impacts;</li> <li>• procedures for receiving and addressing complaints from the community about development-related traffic;</li> <li>• minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable;</li> <li>• implement measures to minimise dirt tracked onto the public road network from development-related traffic;</li> <li>• details of the employee shuttle bus service and measures to encourage employee use of this service;</li> <li>• scheduling of haulage vehicle movements to minimise convoy length or platoons;</li> <li>• responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;</li> <li>• responding to any emergency repair or maintenance requirements; and</li> <li>• a traffic management system for managing over-dimensional vehicles;</li> </ul> </li> <li>(g) a driver's code of conduct that addresses: <ul style="list-style-type: none"> <li>• travelling speeds;</li> <li>• driver fatigue;</li> <li>• procedures to ensure that drivers adhere to the designated transport routes; and</li> <li>• procedures to ensure that drivers implement safe driving practices, including consideration of other road users; and</li> </ul> </li> <li>(h) 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.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>	<p>New England Solar – Traffic Management Plan dated 21 December 2023 and prepared by ACEN Australia.</p> <p>Correspondence dated 22 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-52) providing approval of the Traffic Management Plan.</p> <p>New England Battery Energy Storage System (BESS) Induction presentation prepared by Energy Vault Inc.</p> <p>Digital induction presentation prepared by RJE Global.</p> <p>ACEN NEBESS Project Training Register prepared by Energy Vault.</p> <p>Toolbox Meeting on Safe Driving &amp; Fitness for Work dated 09 July 2025 by RJE Global.</p> <p>Toolbox Meeting on Wildlife and Promoting Safe Driving dated 04 June 2025 by RJE Global.</p> <p>New England Solar - Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register dated 18 February 2026 and prepared by ACEN.</p> <p>Delineation of Big Ridge Road, Segments 4 &amp; 5 dated 12 November 2025 and prepared by New England Surveying &amp; Engineering Land development Consultants.</p> <p>Traffic Guidance Scheme dated 08 April 2025 and prepared by SaxonChase Road Services.</p> <p>TMP audit supporting evidence dated December 2025 and prepared by Energy Vault.</p> <p>TMP audit supporting evidence dated August 2025 and prepared by Energy Vault.</p> <p>TMP audit supporting evidence dated October 2025 and prepared by Energy Vault.</p> <p>Email correspondence from Energy Vaults dated 28 November 2025 providing delivery arrival dates to delivery company.</p>	<p>The requirement of this condition to prepare and submit a Traffic Management Plan fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this part of the condition is not triggered.</p> <p>The latest version of the Traffic Management Plan (TMP) is dated 21 December 2023 and covers Stage 2a and Stage 3a of the Development. This version of the TMP was approved by the Department on 22 December 2023. The requirement that the TMP needs to be implemented after approval by the Department has been assessed as follows:</p> <p><b>Induction and toolbox meeting</b></p> <p>All project staff are required to attend site induction, which includes traffic management related requirements. Induction and topic specific training are tracked via the Project Training Register ensuring that all project staff have the relevant training required for their work. Records provided also confirm that traffic related topics are covered as part of the daily toolbox meetings.</p> <p><b>Protocol for monitoring daily traffic movements</b></p> <p>The TMP requires that during peak periods weekly forecasting will be completed by all contractors for the following week's predicted daily traffic movements. A daily forecast of vehicle movements is provided in the Over-dimensional, Heavy Vehicle and Light Vehicle Movements Register.</p> <p><b>Temporary traffic controls, including signage</b></p> <p>The Traffic Guidance Scheme (TSG) was provided demonstrating that this has been reviewed as part of the Stage 2a activities.</p> <p><b>Management of dirt tracked onto the public road network</b></p> <p>TMP audits are conducted bi-monthly to ensure compliance to the TMP requirements. From review of a TMP audit report, dirt tracked onto public roads is included as part of the audit with any issued noted and actioned for correction.</p> <p>A main rumble grid has been installed at the main access gate to minimise the tracking of dirt onto the main road (<b>Photo 3</b>). During the site inspection, no evidence of significant dirt being tracked onto the main access road was observed, indicating that the rumble grid is effective.</p> <p><b>Scheduling of haulage vehicle movements to minimise convoy lengths or platoons</b></p> <p>Scheduling of vehicle movements is undertaken on an individual basis and is typically conducted via email. Evidence of email correspondence was provided to the auditors.</p> <p><b>Traffic management plan auditing</b></p> <p>Bi-monthly TMP audit reports were provided for review.</p> <p>Proponent Response</p> <p>Provided additional bi-monthly TMP audit reports, listed in Section 4.</p> <p>Lead Auditors view.</p> <p>Additional bi-monthly TMP audit reports provided demonstrate compliance with the Traffic Management Plan auditing requirements. Accordingly, this condition has been updated to compliant.</p>	Compliant	

		Email correspondence from Energy Vaults dated 12 December 2025 providing delivery arrival dates to delivery company.			
<b>Landscaping</b>					
7	<p>Within 3 years of commencement of construction, the owner of N1 may request in writing that the Applicant to plant a vegetation screen to minimise the visual impacts of the northern array on the N1 property.</p> <p>Upon receiving such a written request from the owner of N1, the Applicant must implement reasonable and feasible landscape screening in consultation with the owner making the request.</p> <p>The vegetation screen must:</p> <ul style="list-style-type: none"> <li>(a) be wholly contained within the site;</li> <li>(b) consist of native species that facilitate the screening of the view of the solar panels and ancillary infrastructure from within the N1 property;</li> <li>(c) be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise; and</li> <li>(d) be properly maintained with appropriate weed management.</li> </ul> <p>If the Applicant and owner of N1 cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p>		<p>The requirements to consult with the owner of N1 and the agreement to install the vegetation screen falls outside the current audit period, with compliance assessed as part of the first independent audit.</p> <p>This condition does, however, require that the vegetation screen be properly maintained. During the site inspection, the vegetation screen was observed to be well established, with no gaps in the screen noted (<b>Photo 4</b> and <b>Photo 5</b>).</p>	Compliant	
<b>Land management</b>					
8	<p>Following any construction or upgrading on the site, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) restore the ground cover of the site as soon as practicable;</li> <li>(b) maintain the ground cover with appropriate perennial species; and</li> <li>(c) manage weeds within this ground cover; and</li> <li>(d) manage feral pest species.</li> </ul>	<p>Weed Report dated 17 September 2025 and prepared by Eliminate Works.</p> <p>Weed Survey Map.</p>	<p>Areas around the BESS have been identified for revegetation. During the site inspection, these areas were observed to be levelled and ready for seeding (<b>Photo 6</b>). The areas surrounding the BESS were noted to have good ground cover with a limited presence of weeds, particularly batters which show evidence of hydroseeding (<b>Photo 7</b>).</p> <p>Evidence was provided demonstrating that weed control measures are being implemented. On 17 September 2025, immediate action was undertaken at 28 locations where weeds were identified. The weed report recommended broadscale application of MCPA to target broadleaf weeds within disturbed soil areas.</p> <p>The Applicant indicated that the site is enclosed with stock fencing, which is effective in excluding feral pests such as pigs, rabbits, and deer. During the site inspection, no evidence of feral pest species was observed.</p>	Compliant	
<b>Biodiversity</b>					
<b>Vegetation clearance</b>					
9	The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS.		The site audit did not identify any concerns regarding the clearance of vegetation outside the approved disturbance areas.	Compliant	
<b>Biodiversity offsets</b>					
10	<p>Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of BCD, unless the Secretary agrees otherwise.</p> <p>The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</p> <ul style="list-style-type: none"> <li>(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;</li> <li>(b) making payments into an offset fund that has been developed by the NSW Government; or</li> <li>(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</li> </ul>		<p>The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit.</p> <p>Accordingly, this condition is not triggered.</p>	Not triggered	

	<p><b>Table 1: Ecosystem Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>PCT ID</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion</td> <td>510</td> <td>107</td> </tr> <tr> <td>Silvertop Stringybark open forest of the New England Tableland Bioregion</td> <td>1174</td> <td>78</td> </tr> <tr> <td>Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion</td> <td>567</td> <td>18</td> </tr> </tbody> </table> <p><b>Table 2: Species Credit Requirements</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Bluegrass (<i>Dichanthium setosum</i>)</td> <td>44</td> </tr> <tr> <td>Hawkweed (<i>Picris evae</i>)</td> <td>43</td> </tr> <tr> <td>Austral Toadflax (<i>Thesium australe</i>)</td> <td>33</td> </tr> <tr> <td>Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)</td> <td>39</td> </tr> <tr> <td>Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)</td> <td>30</td> </tr> <tr> <td>Squirrel Glider (<i>Petaurus norfolcensis</i>)</td> <td>39</td> </tr> <tr> <td>Koala (<i>Phascolarctos cinereus</i>)</td> <td>39</td> </tr> <tr> <td>Barking Owl (<i>Ninox connivens</i>)</td> <td>5</td> </tr> </tbody> </table>	Vegetation Community	PCT ID	Credits Required	Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	107	Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78	Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18	Vegetation Community	Credits Required	Bluegrass ( <i>Dichanthium setosum</i> )	44	Hawkweed ( <i>Picris evae</i> )	43	Austral Toadflax ( <i>Thesium australe</i> )	33	Pale-headed Snake ( <i>Hoplocephalus bitorquatus</i> )	39	Glossy Black-Cockatoo ( <i>Calyptorhynchus lathami</i> )	30	Squirrel Glider ( <i>Petaurus norfolcensis</i> )	39	Koala ( <i>Phascolarctos cinereus</i> )	39	Barking Owl ( <i>Ninox connivens</i> )	5				
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10A	<p>Prior to carrying out works associated with Modification 2 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 3 below, unless the Planning Secretary agrees otherwise.</p> <p>The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</p> <p>(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p><b>Table 3: Ecosystem Credit Requirements for Modification 2</b></p> <table border="1"> <thead> <tr> <th>Vegetation Community</th> <th>PCT ID</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion</td> <td>510</td> <td>7</td> </tr> </tbody> </table>	Vegetation Community	PCT ID	Credits Required	Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	7	<p>Correspondence dated 5 July 2024 from ACEN Australia notifying the Department of the commencement of Stage 3a construction activities at New England Solar Farm.</p> <p>Statement (received on 04 August 2023) confirming payment into the Biodiversity Conservation Fund for an offset obligation.</p>	<p>The modifications outlined in Modification 2 are described in the Conditions of Consent as "<i>Increased capacity of the Battery Storage and increased development footprint.</i>" It is therefore assumed that this condition needed to be satisfied before any work associated with the BESS could proceed. Review of the Stage 3a construction notification letter to the Department indicates that construction at Stage 3a commenced on 22 July 2024, with the biodiversity credits required to be retired before this date. Examination of the biodiversity credit offset certificate confirms that these credits were retired on 4 August 2023, prior to the commencement of Modification 2 activities.</p>	Compliant																									
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Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	7																																	
<b>Biodiversity management plan</b>																																			
11	<p>Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:</p> <p>(a) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> <li>protecting vegetation and fauna habitat outside the approved disturbance areas;</li> <li>managing the remnant vegetation and fauna habitat on site;</li> <li>minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;</li> <li>minimising the impacts to fauna on site and implementing fauna management protocols;</li> <li>avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;</li> <li>rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;</li> <li>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</li> <li>controlling weeds and feral pests; and</li> </ul> <p>(b) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p> <p>Following the Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p><i>Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.</i></p>	<p>New England Solar – Biodiversity Management Plan dated 21 December 2023 and prepared by ACEN Australia.</p> <p>Correspondence dated 22 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-53) providing approval of the Biodiversity Management Plan.</p> <p>Toolbox meeting on Wildlife and Promoting Safe Driving dated 04 June 2025 by RJE Global.</p> <p>Toolbox meeting on Environmental Controls Fauna &amp; Flora dated 03 September 2025 by RJE Global.</p> <p>Digital induction presentation prepared by RJE Global.</p> <p>ACEN NEBESS Project Training Register prepared by Energy Vault.</p> <p>Inspection: Environmental inspection – Weekly, dated 7 August 2025 and prepared by Energy Vault.</p> <p>Inspection: Environmental inspection – Monthly, dated 6 August 2025 and prepared by Energy Vault.</p> <p>Inspection: Environmental inspection – Daily, dated 11 August 2025 and prepared by Energy Vault.</p> <p>Inspection: Environmental inspection – Fortnightly, dated 21 August 2025 and prepared by Energy Vault.</p>	<p>The requirement of this condition to prepare and submit a Biodiversity Management Plan fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this part of the condition is not triggered.</p> <p>The latest version of the Biodiversity Management Plan (BMP) is dated 21 December 2023 and covers Stage 2a and Stage 3a of the Development. This version of the BMP was approved by the Department on 22 December 2023. The requirement that the BMP needs to be implemented after approval by the Department has been assessed as follows:</p> <p><b>Training</b></p> <p>All project staff are required to attend site induction, which includes environmental controls for fauna and flora. Induction and topic specific training are tracked via the Project Training Register ensuring that all project staff have the relevant training required for their work. Records provided also confirm that biodiversity related topics are covered as part of the daily toolbox meetings.</p> <p><b>Inspections and monitoring</b></p> <p>Table 6-1 of the BMP outlines specific inspections and monitoring to be undertaken as part of Stage 2a of the Development. These include amongst others:</p> <ul style="list-style-type: none"> <li>Visual inspection of clearance activities (on site reporting);</li> <li>Inspection of protected vegetation demarcation (on site reporting);</li> <li>Inspection of signage (on site reporting);</li> <li>Inspection during clearing, photographs of relocated logs (first annual report to BCD);</li> <li>Ecologists inspection (no more than 2 weeks prior to clearing) and identification of habitat trees (Ecologist brief report); and</li> <li>Feral sightings recorded (on site reporting and ecologist annual reports).</li> </ul> <p>Environmental inspections are conducted on a daily, weekly, fortnightly, and monthly basis, covering various biodiversity aspects. Daily inspections include checking compliance with enforced speed limits. Weekly inspections address contamination, lighting, weeds, feral animals, and threatened species. Fortnightly inspections focus on any</p>	Compliant																															

			<p>clearing activities and their associated risks, while monthly inspections review erosion-related concerns.</p> <p><b>Vegetation clearing</b></p> <p>Table 7-1 of the BMP requires that pre-clearing surveys be conducted by an ecologist and that a suitably trained fauna handler be present during the clearing of hollow-bearing trees. The Applicant indicated that no disturbance or clearing activities occurred on the BESS site, as it was already disturbed. Consequently, a pre-clearing survey was not undertaken for Stage 2a and Stage 3a activities.</p> <p><b>Speed limits</b></p> <p>The BMP requires that speed limits within the NES development footprint be restricted to 40 km/hr. Speed limit signs enforcing this restriction were observed during the site inspection (<b>Photo 8</b>).</p> <p><b>Wash down facilities</b></p> <p>The Applicant advised that the current concrete washout area was used for washdown purposes. It was noted that there is presently no requirement for a dedicated vehicle washdown facility, as all site roads are sealed, vehicles do not operate off-road, and all machinery arrives on site with valid Weed and Seed Certificates in place.</p> <p><b>Lighting</b></p> <p>The lighting infrastructure observed during the site inspection was noted to be directed downwards to minimise potential lighting impacts (<b>Photo 9</b>).</p>		
<b>Amenity</b>					
<b>Construction, upgrading and decommissioning hours</b>					
12	<p>Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:</p> <p>(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.</p> <p>The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Secretary:</p> <ul style="list-style-type: none"> <li>the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or</li> <li>emergency work to avoid the loss of life, property and/or material harm to the environment.</li> </ul>	<p>Correspondence dated 29 September 2025 from Department of Planning and Environment (Ref: SSD-9255-PA-76) providing approval for out of hours working.</p>	<p>Interviews with key personnel confirmed that working hours are adhered to on both weekdays and weekends, in accordance with the approved working hours extension. Although personnel arrive onsite at 06:30 on weekdays for prestart meetings, construction activities do not commence before 07:00.</p> <p>The Department approved extended construction hours for Stage 3a of the Development as follows:</p> <ul style="list-style-type: none"> <li>1 pm to 6 pm on Saturdays; and</li> <li>6 am to 6 pm on Sundays.</li> </ul>	Compliant	
<b>Noise</b>					
13	<p>The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version.</p>	<p>Construction complaints register dated 19 January 2026 and prepared by Elecnor Australia.</p>	<p>The Applicant indicated that noise monitoring is undertaken on an event-driven or complaint basis. Accordingly, handheld noise monitoring was conducted when the crusher was operating onsite. In addition, unattended weekend noise monitoring was also undertaken. A review of the complaints register confirmed that no noise complaints were received during the audit review period.</p>	Compliant	
<b>Dust</b>					
14	<p>The Applicant must ensure all operations and activities occurring at the Project site are carried out in a manner that minimises dust including the emission of wind-blown or traffic generated dust.</p>		<p>Dust mitigation measures at the Project site include the use of a water truck (<b>Photo 10</b>). No significant dust emissions were observed during the site inspection.</p>	Compliant	
<b>Visual</b>					
15	<p>The Applicant must:</p> <p>(a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;</p> <p>(b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with the surrounding landscape, where reasonable and feasible; and</p> <p>(c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.</p>	<p>Product Graphics Report B-Vaults Platform 2 AC Siemens dated 16 November 2024 and prepared by Energy Vault.</p>	<p>A review of the Product Graphics Report indicates that colours based on Earth Elements were selected for the BESS to minimise off-site visual impacts (<b>Photo 11</b>). Construction of the solar array as part of Phase 2a has not yet commenced.</p> <p>The site inspection also confirmed that no advertising signs or logos have been installed around the Project area that could impact the visual amenity of the surrounding area.</p>	Compliant	
<b>Lighting</b>					
16	<p>The Applicant must:</p> <p>(a) minimise the off-site lighting impacts of the development; and</p> <p>(b) ensure that any external lighting associated with the development:</p> <ul style="list-style-type: none"> <li>is installed as low intensity lighting (except where required for safety or emergency purposes);</li> <li>does not shine above the horizontal; and</li> </ul>	<p>NE BESS 1 – Electrical Design Certificate dated 6 November 2025 and prepared by RJE Global.</p> <p>New England BESS Substation Yard Lighting Report dated 23 January 2025 and prepared by EPEC Group.</p>	<p>From review of the BESS electrical design certificate, it was confirmed that the electrical services are compliant with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting. It was also confirmed that the BESS Substation Yard considered AS/NZS 4282:2019 when preparing the lighting report.</p> <p>The site inspection also confirmed that lighting has been installed so that it does not shine above the horizontal (see Condition 11 of Schedule 3 above).</p>	Compliant	

	• complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.			
<b>Heritage</b>				
17	Prior to the commencing the development, the Applicant must undertake consultation with Aboriginal stakeholders, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010), or its latest version.		The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this condition is not triggered.	Not triggered
<b>Protection of heritage items</b>				
18	<p>The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 5 or the historic heritage items identified in Table 1 of Appendix 6, or any Aboriginal or historic heritage items located outside the approved development footprint.</p> <p>Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 5, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), or its latest version.</p> <p><i>Note: The location of the Aboriginal heritage and historic heritage items referred to in this condition are shown in the figures in Appendix 5 and Appendix 6, respectively.</i></p>		The Applicant confirmed that there are no Aboriginal heritage items within the BESS footprint (Stage 3a) or the substation footprint (current Stage 2a activity). The Auditors did, however, visit Aboriginal heritage sites located within the Stage 1 footprint. These areas were observed to be fenced off and well maintained ( <b>Photo 12</b> ).	Compliant
<b>Heritage management plan</b>				
19	<p>Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with Heritage NSW, Aboriginal Stakeholders and Council;</p> <p>(c) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> <li>protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 or items located outside the approved development footprint, including fencing off Aboriginal heritage items prior to commencing construction and providing ongoing access and management opportunities for Aboriginal people to NE09 and NE68;</li> <li>salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5;</li> <li>protecting the historic heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint;</li> <li>managing the impact of the development on the historic heritage items identified in Table 2 of Appendix 6, including photographic archival records prepared in accordance with Heritage Council of NSW Guidelines for archival recordings;</li> <li>a contingency plan and reporting procedure if: <ul style="list-style-type: none"> <li>previously unidentified heritage items are found; or</li> <li>Aboriginal skeletal material is discovered;</li> <li>ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and</li> <li>ongoing consultation with Aboriginal stakeholders during the implementation of the plan;</li> </ul> </li> </ul> <p>(d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.</p> <p>Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.</p>	<p>New England Solar – Aboriginal Heritage Management Plan dated 24 November 2023 and prepared by ACEN Australia.</p> <p>New England Solar – Historical Heritage Management Plan dated 13 October 2023 and prepared by ACEN Australia.</p> <p>Correspondence dated 30 November 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-54) providing approval of the Aboriginal Heritage Management Plan.</p> <p>Correspondence dated 27 October 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-51) providing approval of the Historical Heritage Management Plan.</p> <p>New England Solar Aboriginal Cultural Heritage Induction Presentation dated August 2024.</p> <p>Community awareness training agenda 14 May 2025.</p>	<p>The requirement of this condition to prepare and submit a Heritage Management Plan fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this part of the condition is not triggered.</p> <p>The latest version of the Aboriginal Heritage Management Plan and Historical Heritage Management Plan is dated 24 November 2023 and 13 October 2023 respectively and covers Stage 2a and Stage 3a of the Development. These versions of heritage reports were approved by the Department on 30 November 2023 and 27 October 2023 respectively. The requirement that the heritage plans need to be implemented after approval by the Department has been assessed as follows:</p> <p><b>Heritage induction</b></p> <p>As indicated previously, site induction is compulsory for all project staff. The Applicant has developed a detailed Aboriginal Cultural Heritage Induction presentation which outlines the following objectives:</p> <ul style="list-style-type: none"> <li>Understand Aboriginal participation at New England Solar</li> <li>Learn about Anaiwan culture</li> <li>Know where the registered cultural heritage sites at New England Solar are, and how they are protected</li> <li>Understand your role in protecting cultural heritage</li> <li>Know what to do if you come across something you believe may be of cultural significance</li> <li>Where to get more information.</li> </ul> <p><b>Site access and maintenance</b></p> <p>As indicated above, there are no heritage items within the BESS footprint (Stage 3a) or the substation footprint (current Stage 2a activity). However, a site visit to a heritage site within the Stage 1 footprint confirmed that the area is fenced off, signposted (<b>Photo 13</b>), and subject to strict access control. Vegetation within the site is well maintained. Personnel also confirmed that ongoing consultation with Aboriginal stakeholders is maintained, and that an Aboriginal maintenance team has been appointed to undertake maintenance activities at the heritage sites.</p>	Compliant
<b>Soil and water</b>				
<b>Water supply</b>				
20	<p>Prior to the commencement of the development the Applicant must demonstrate to the satisfaction of the Secretary that the Applicant has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</p> <p><i>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.</i></p>	<p>New England Solar – Water Supply Strategy dated 13 December 2023 and prepared by ACEN Australia.</p> <p>Correspondence dated 20 December 2023 from Department of Planning and Environment (Ref: SSD-9255-PA-56) providing approval of the Water Supply Strategy for Stage 1b, Stage 2a and Stage 3a.</p>	<p>The Applicant prepared the Water Supply Strategy for the purpose of demonstrating to the Department that the Applicant has sufficient water for all stages and therefore to ensure compliance to this condition. The Water Supply Strategy has been approved by the Department on 20 December 2020.</p> <p>The Applicant indicated during the site inspection that water required for the construction of the BESS is sourced from Uralla Shire Council who holds the licence to abstract.</p>	Compliant
<b>Water pollution</b>				
21	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.		No evidence of water pollution was observed.	Compliant

Operating conditions					
22	<p>The Applicant must:</p> <p>(a) minimise the siting of solar panels and ancillary infrastructure (including security fencing) within watercourses within the approved development footprint;</p> <p>(b) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, flooding and groundwater at the site;</p> <p>(c) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version;</p> <p>(d) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and</p> <p>(e) ensure all works are undertaken in accordance with the following, unless otherwise agreed by DPIE Water:</p> <ul style="list-style-type: none"> <li>Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), or its latest version; and</li> <li>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004), or its latest version.</li> </ul>	<p>BESS Reticulation Erosion and Sediment Control Plan dated 04 March 2026 and prepared by RJE Global.</p> <p>Erosion and Sediment Control Plan dated March 2025 and prepared by WSP.</p> <p>BESS Reticulation Drainage Layout Plan dated 11 December 2025 and prepared by RJE Global.</p>	<p>Construction of solar panels and associated infrastructure have not yet been undertaken for Stage 2a of the Project. It was also confirmed that Stage 2a and Stage 3a activities do not occur in close proximity to, or within, any watercourses.</p> <p>With respect to minimising soil erosion during construction, particularly within the BESS construction area, a progressive eErSed control plan has been developed and implemented. Key controls include two silt traps located north of the BESS site and silt fence lines installed around the perimeter of the BESS project area. Both measures were observed to be effectively implemented during the site inspection (see <b>Photo 21</b> and <b>Photo 22</b>).</p> <p>To date, only the substation foundation works have been completed, which has triggered the commencement of Stage 2a construction. ErSed controls associated with this activity were included in the Erosion and Sediment Control Plan dated March 2025 and prepared by WSP. ErSed controls included temporary diversion swale, sediment fencing and a rock check dam.</p> <p><b>Area for Improvement:</b></p> <p>It was noted that the silt fencing around a stockpile area located east of the BESS footprint was damaged (<b>Photo 23</b>), which would compromise its effectiveness in providing adequate ErSed control for the stockpile.</p> <p><b>Recommended Action:</b></p> <p>Repair the silt fence surrounding the stockpile to ensure it continues to function effectively.</p>	Compliant	
Hazards					
Fire safety study					
23	<p>Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, in consultation with FRNSW and RFS and to the satisfaction of FRNSW and the Secretary. The study must:</p> <p>(a) be consistent with the:</p> <ul style="list-style-type: none"> <li>Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline; and</li> <li>NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems;</li> </ul> <p>(b) describe the final design of the battery storage facility;</p> <p>(c) for the option of a purpose-built Battery Storage building, report the controls adopted and demonstrate consistency with the hazard controls described in the Preliminary Hazard Analysis (Sherpa, 21 August 2022) and New England Solar and Battery Project – Submissions Report dated 18 January 2023</p> <p>(d) include reasonable worst-case bush fire scenario to and from the battery storage and the associated bush fire management; and</p> <p>(e) identify measures to eliminate the expansion of any fire incident including:</p> <ul style="list-style-type: none"> <li>adequate fire safety systems and appropriate water supply;</li> <li>separation and / or compartmentalisation of battery units; and</li> <li>strategies and incident control measures specific to the battery storage design.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.</p> <p><i>Note: 'to the satisfaction of FRNSW' 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.</i></p>	<p>New England Solar – Fire Safety Study dated 15 July 2025 and prepared by ACEN Australia.</p> <p>Correspondence dated 28 July 2025 from Fire and Rescue NSW (TRIM Doc No. D25/85766) confirming consultation with FRNSW in drafting the Fire Safety Study.</p> <p>Correspondence dated 28 August 2025 from DPHI (Reference No. SSD-9255-PA-75) approving the Fire Safety Study.</p>	<p>A review of the Fire Safety Study confirmed that it was undertaken in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 2 Fire Safety Study guideline and the NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The Fire Safety Study was prepared to the satisfaction of the FRNSW and was approved by the Department.</p> <p>It was also confirmed that the requirements outlined in Conditions b, d, and e were addressed in the Fire Safety Study. Condition c is not applicable, as a purpose-built battery storage building was not adopted for the Project.</p> <p>The site inspection confirmed the presence of two 222,000 L fire suppression tanks and associated infrastructure for use in firefighting within the BESS footprint (<b>Photo 14</b>). The Applicant confirmed that contaminated water generated during a fire event would be contained within the BESS footprint through the closing of valves leading to the sedimentation ponds (<b>Photo 15</b>).</p>	Compliant	
Storage and handling of dangerous goods					
24	<p>The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:</p> <p>(a) the requirements of all relevant Australian Standards; and</p> <p>(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.</p> <p>In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.</p>	RJE Global NE 2 BESS SDS Register.	<p>No significant issues regarding the storage and handling of dangerous materials were identified during the site audit. See <b>Photo 16</b>, <b>Photo 17</b> and <b>Photo 18</b>.</p> <p>The Applicant provided an SDS register outlining the products stored as part of the Project, including their associated hazards, uses, UN numbers, and ADG classes. The corresponding SDSs were also provided for review.</p>	Compliant	
24A	<p>For the option of the purpose-built Battery Storage building, the quantities of dangerous goods stored and handled at the Battery Storage site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP33 at all times.</p>		<p>As indicated above, a purpose-built battery storage building was not adopted for the Project and therefore this condition is not triggered.</p>	Not triggered	
Operating conditions					

25	<p>The Applicant must:</p> <p>(a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;</p> <p>(b) ensure that the development:</p> <ul style="list-style-type: none"> <li>includes at least a 10 metre defendable space around the perimeter of the solar array area and battery storage facility that permits unobstructed vehicle access;</li> <li>manages the defendable space and solar array areas as an Asset Protection Zone;</li> <li>complies with the relevant asset protection requirements in the RFS's Planning for Bushfire Protection 2019 (or equivalent) and Standards for Asset Protection Zones;</li> <li>is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to the internal access road;</li> </ul> <p>(c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</p> <p>(d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.</p>		<p>To date, only the substation foundation works have been completed, which has triggered the commencement of Stage 2a construction. As noted above, construction of solar panels and associated infrastructure for Stage 2a of the Project has not yet commenced. Details on the staging of activities for the Project are provided in the Department's letter, which is attached as Appendix D.</p> <p>Site observations confirmed that, although construction is ongoing at the BESS, a 10-metre buffer around the perimeter is being maintained. It was also noted that a 20,000-litre water supply tank, fitted with the appropriate fittings and suction connection, is available onsite (<b>Photo 24</b>).</p> <p>As construction of the BESS is still in progress, notification of the relevant local emergency management committee has not yet been required.</p>	Compliant	
<b>Emergency plan</b>					
26	<p>Prior to commissioning operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:</p> <p>(a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning';</p> <p>(b) identify the fire risks and controls of the development; and</p> <p>(c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.</p> <p>(d) include bushfire emergency management planning, including:</p> <ul style="list-style-type: none"> <li>details of the location, management and maintenance of the Asset Protection Zone;</li> <li>a list of works that should not be carried out during a total fire ban</li> <li>details of how RFS would be notified, and procedures that would be implemented, in the event that: <ul style="list-style-type: none"> <li>there is a fire on-site or in the vicinity of the site;</li> <li>there are any activities on site that would have the potential to ignite surrounding vegetation; or</li> <li>there are any proposed activities to be carried out during a bushfire danger period; and</li> </ul> </li> <li>include an Emergency Services Information Package in accordance with Emergency services information and tactical fire plan (FRNSW, 2019), to the satisfaction of FRNSW and RFS; and</li> </ul> <p>(e) prior to commencing construction of the Battery Storage:</p> <ul style="list-style-type: none"> <li>be updated in accordance with the findings of the Fire Safety Study required under Condition 23 of Schedule 3; and</li> <li>include details of how the Battery Storage can be safely isolated in an emergency.</li> </ul> <p>Following approval, the Applicant must implement the Emergency Plan for the duration of the development and following commencement of operations of the battery storage, keep a copy of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.</p>	<p>Emergency Response Plan and Procedure dated 19 December 2025 and prepared by ACEN Australia.</p> <p>New England Solar – Fire Safety Study dated 15 July 2025 and prepared by ACEN Australia.</p> <p>Correspondence dated 5 July 2024 from ACEN Australia notifying the Department of Stage 3a construction commencement.</p> <p>Correspondence dated 02 January 2024 from ACEN Australia notifying the Department of Stage 1b operation commencement.</p>	<p>In the notification letter from ACEN to the Department, it was indicated that operation of Stage 1 commenced on 3 January 2024. An Emergency Response Plan and Procedure for the Project was developed on 14 October 2020 (Revision 1) and subsequently updated on 12 December 2023 to incorporate the staging of the Project. Accordingly, the Emergency Response Plan and Procedure was in place prior to the commencement of operations.</p> <p>Emergency response procedures are provided in Appendix A of the plan, and copies of the plan are maintained at the main access gates to ensure accessibility for emergency personnel.</p> <p>(a) A review of the Emergency Response Plan and Procedure confirmed that it has been prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning.</p> <p>(b) A comprehensive hazard and risk assessment has been undertaken as part of the plan, including specific consideration of bushfire and grassfire risks (Section 3.4.1). A Fire Management Plan is also included (Section 9).</p> <p>(c) Fire risk management actions for the NES are outlined in Table 14 of the plan. The following fire-related emergency response procedures are identified:</p> <ul style="list-style-type: none"> <li>Bushfire/grassfire: ERP2;</li> <li>Fire – Industrial: ERP7;</li> <li>Fire – Building: ERP8;</li> <li>Fire – Smoke: ERP9; and</li> <li>Battery Energy Storage System (BESS) fire: ERP20.</li> </ul> <p>(d) Details of the Asset Protection Zone, including its location, management, and maintenance requirements, are provided in Section 8.8 of the plan. Section 8.11.1 outlines activities that must not be undertaken during a total fire ban. The Bushfire/Grassfire Emergency Response Procedure (ERP2), included in Appendix A, details response actions for various fire scenarios, including notification requirements for the RFS. An Emergency Services Information Package (ESIP) is included in Section 6.1 of the plan.</p> <p>(e) The Emergency Response Plan and Procedure has been updated to incorporate the findings of the Fire Safety Study. The automated fire response system for the BESS is described in Section 1.20.1 of the BESS Fire – Emergency Response Procedure (ERP20).</p> <p>It is noted that the Emergency Response Plan and Procedure was updated on 19 December 2025. Based on notification to the Department, construction of Stage 3a (BESS) commenced on 22 July 2024. Accordingly, the plan was not updated prior to the commencement of BESS construction. However, the update could not reasonably occur earlier, as the FSS was not approved by the NSW DPHI until 28 August 2025. Given that DPHI accepted delays to the FSS, on which the ERP update depended, it is reasonable to infer that this implicitly extended the timeframe for updating the Emergency Plan. Based on the above justification, this condition is deemed compliant.</p>	Compliant	Proponent Response

			<p>The Proponent has provided a timeline outlining the process for the development and approval of both the Fire Safety Study and Emergency Management Plan.</p> <p>Lead Auditors view.</p> <p>The timeline provided by the Proponent demonstrates that the Emergency Response Plan update could not reasonably have been completed earlier due to delays in FSS approval. Accordingly, the compliance status for this condition has been updated to compliant.</p>												
<b>Waste</b>															
27	<p>The Applicant must:</p> <p>(a) minimise and manage the waste generated by the development in accordance with the EPA's waste hierarchy objectives of avoidance, resource recovery and then disposal;</p> <p>(b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);</p> <p>(c) store and handle all waste on site in accordance with its classification;</p> <p>(d) not receive or dispose of any waste on site; and</p> <p>(e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.</p>	RJE Global Waste/Fuel Tracking Register NE 2 BESS dated 1 September 2025.	<p>A review of the Waste/Fuel Tracking Register confirmed that all wastes are classified, with the sources and quantities recorded. In addition, the relevant contractors responsible for waste disposal are identified.</p> <p>The site inspection confirmed that waste management measures are in place to minimise potential impacts. Wastes are stored onsite according to their classification, and no overflowing waste bins were observed (<b>Photo 19</b>).</p> <p><b>Opportunity for improvement</b></p> <p>It was noted that the waste bins within the BESS footprint area are not labelled. It is recommended that these bins be labelled to prevent incorrect waste disposal (<b>Photo 20</b>).</p>	Compliant											
<b>Accommodation and employment strategy</b>															
28	<p>Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. This strategy must:</p> <p>(a) propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development;</p> <p>(b) consider the cumulative impacts associated with other State significant development projects in the area;</p> <p>(c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible;</p> <p>(d) 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.</p> <p>Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.</p>		<p>The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this condition is not triggered.</p> <p>Accommodation for project personnel has been managed through the rental of local houses in Armidale and Uralla, reducing pressure on the local hotel industry. At the start of the project, discussions were held with local real estate agencies to coordinate accommodation needs. A roster system has also been implemented to ensure that accommodation demand does not overlap excessively.</p> <p>Energy Vault has also employed local staff, with the Quality Manager relocating to Armidale for the duration of the Project and several short-term employees taking up residency in Uralla. Employment figures continue to be tracked through monthly reports, which include registers of employees and their place of origin (within or outside the LGA), as well as apprenticeships and traineeships.</p>	Compliant											
<b>Decommissioning and rehabilitation</b>															
29	<p>Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.</p> <p><i>Table 3: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Site</td> <td> <ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use</li> </ul> </td> </tr> <tr> <td>Solar farm infrastructure</td> <td> <ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Secretary agrees otherwise</li> </ul> </td> </tr> <tr> <td>Land use</td> <td> <ul style="list-style-type: none"> <li>Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)</li> </ul> </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul> </td> </tr> </tbody> </table>	Feature	Objective	Site	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use</li> </ul>	Solar farm infrastructure	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Secretary agrees otherwise</li> </ul>	Land use	<ul style="list-style-type: none"> <li>Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)</li> </ul>	Community	<ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul>		<p>The Project is not within 18 months of cessation of operations and therefore this condition is not triggered.</p>	Not triggered	
Feature	Objective														
Site	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use</li> </ul>														
Solar farm infrastructure	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Secretary agrees otherwise</li> </ul>														
Land use	<ul style="list-style-type: none"> <li>Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)</li> </ul>														
Community	<ul style="list-style-type: none"> <li>Ensure public safety at all times</li> </ul>														
30	<p>Within 3 years of commencement of operation, the Applicant must prepare a Decommissioning &amp; Rehabilitation Plan for the development which shall be reviewed by the Applicant prior to the cessation of operations, to the satisfaction of the Secretary. The plan must:</p> <p>(a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 above;</p> <p>(b) describe the measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>decommission the development and rehabilitate the site in accordance with the objectives in Table 3;</li> <li>minimise and manage the waste generated by the decommissioning of the development in accordance with the obligations in condition 27 above; and</li> </ul> <p>(c) include a program to monitor and report on the implementation of these measures against the detailed completion criteria.</p> <p>The Applicant must decommission and rehabilitate the site in accordance with the approved Decommissioning &amp; Rehabilitation Plan.</p>		<p>The scope of this audit is limited to Stage 2a and Stage 3a which are construction phases. This condition has therefore not been triggered.</p>	Not triggered.											

Schedule 4: Environmental management and reporting					
Environmental management					
Environmental management strategy					
1	<p>Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>receive, handle, respond to, and record complaints;</li> <li>resolve any disputes that may arise;</li> <li>respond to any non-compliance;</li> <li>respond to emergencies; and</li> </ul> <p>(e) include:</p> <ul style="list-style-type: none"> <li>references to any plans approved under the conditions of this consent; and</li> <li>a clear plan depicting all the monitoring to be carried out in relation to the development.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>		<p>The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this condition is not triggered.</p> <p>A review of documentation and the site inspection did not identify any concerns regarding the implementation of the Environmental Management Strategy for Stages 2a and 3a of the Project.</p> <p><b>Area for improvement</b></p> <p>A review of the Project induction material identified that content from Section 4.5.1 of the EMS has been included. However, the bullet points from this section appear to have been copied directly into the induction with limited supporting detail, which does not appear to reflect the intended approach. For example, the EMS requires the inclusion of typical project environmental hazards and risks, such as the location of sensitive environmental areas and community sensitivities. While this requirement is referenced in the induction, the relevant project-specific information has not been provided.</p> <p><b>Recommended action:</b></p> <p>It is recommended that the Applicant include additional, project-specific information in the induction material to ensure that personnel undertaking the induction receive the detail required under Section 4.5.1 of the EMS.</p>	Compliant	
Revision of strategies, plans and programs					
2	<p>The Applicant must:</p> <p>(a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and</p> <p>(b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:</p> <ul style="list-style-type: none"> <li>submission of an incident report under condition 7 of Schedule 4;</li> <li>submission of an audit report under condition 9 of Schedule 4; and</li> </ul> <p>(c) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out works associated with any modification to the conditions of this consent.</p>	<p>Correspondence dated 16 December 2022 from ACEN Australia (Ref No. NESF1-GLC-EN-00GRL-AUD-005) confirming the update of management plans following the independent environmental audit.</p>	<p>To date, no upgrading or decommissioning activities have been carried out on site for Stage 2a, and no incident reports related to Stage 2a or Stage 3a have been submitted.</p> <p>Following the submission of the first independent audit report, several management plans were updated in response to the audit findings (refer to the summary of updated plans communicated to the Department in the letter dated 16 December 2022). It should be noted that this audit does not align with the previous audit close-out, as the audits timeframes do not align for continuity.</p> <p>The Applicant also advised that the Emergency Response Plan and Procedure for the Project is currently under review following the inverter fire at Stage 1 and will be updated to incorporate the findings from the investigation.</p>	Compliant	

		Table 1 Management Plan Revisions		
Schedule, Condition	Management Plan	IEA Review Outcomes		
2, 10	Subdivision Plan	No changes required.		
3, 6	Traffic Management Plan	The TMP has been updated (Revision 7) to incorporate: <ul style="list-style-type: none"> <li>Barleyfields Road (south) being shown as a road not to be used on Figures 2-2 and 2-3.</li> <li>Proposed changes to reflect the temporary heavy vehicle increase which is currently being reviewed by USC (TNSW has advised they are satisfied).</li> <li>Other general updates.</li> </ul>		
3, 11	Biodiversity Management Plan	The BMP has been updated (Revision 8) to incorporate: <ul style="list-style-type: none"> <li>Acknowledgement of credit retirement timing (IEA non-compliance 4).</li> <li>Inclusion of a new Protocol 10 relating to visual screening for N1 now that a request has been received by the landholder (IEA observation 7).</li> <li>Updating references to the BCS with the BCD (IEA observation 11).</li> <li>Other general updates.</li> </ul>		
3, 19	Aboriginal Heritage Management Plan	The AHMP has been updated (Version 8) to incorporate: <ul style="list-style-type: none"> <li>Passive management of NE 13 given it is outside the development footprint and will not be impacted by the NESF (IEA observation 15).</li> <li>Other general updates.</li> </ul>		
3, 19	Historic Heritage Management Plan	The HHMP has been updated (Version 5) to incorporate: <ul style="list-style-type: none"> <li>Consultation material from NSW Heritage Council stating that review of the HHMP is not required, given that the Project will not impact State Heritage Register items or historical archaeological relics/sites (IEA non-compliance 6).</li> <li>Other general updates.</li> </ul>		
3, 23	Fire Safety Study	Not triggered.		
3, 26	Emergency Plan	Not triggered.		
3, 28	Accommodation and Employment Strategy	The AES has been updated (Revision 3) to incorporate the IEA non-compliance 10 recommendation and other updates, including: <ul style="list-style-type: none"> <li>A review of the construction schedule and workforce estimate, including updates to Section 3 and Figure 3.1.</li> <li>Consultation with Uralla, Armidale and Tamworth to identify any major festivals or annual events in the region that could potentially pressure local housing facilities (noting that only Tamworth has provided feedback to date). Notwithstanding, Table 5.1 has been updated based on a review of council event webpages.</li> <li>Consultation with medical facilities in the region (noting that no responses have been obtained to date since correspondence in July 2022).</li> <li>Other general updates.</li> </ul>		
3, 29	Decommissioning & Rehabilitation Plan	Not triggered.		
4, 1	Environmental Management Strategy	The EMS has been updated (Revision 5) to incorporate: <ul style="list-style-type: none"> <li>Inclusion of the SWMP as an internal management plan on Figure 2-2 (IEA observation 20).</li> <li>References where relevant to UGL, the contractor developing the TransGrid switchyard (IEA observation 28).</li> <li>Updates where relevant to the statutory approvals table (Table 3-1) (IEA observation 29).</li> <li>Updates to current roles and responsibilities (IEA observation 30).</li> <li>Inclusion of a figure showing the EMS framework and associated sub-plans (IEA observation 33).</li> <li>Other general updates.</li> </ul>		
4, 5	Final Layout Plans	No changes required.		
<b>Updating and staging of strategies, plans or programs</b>				
3	<p>With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.</p> <p>To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.</p> <p>With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.</li> <li>If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</li> </ul>		The Applicant acknowledges this condition. To date, several strategies, plans and programs were updated as discussed in the previous sections of this audit report.	Compliant
<b>Notifications</b>				
<b>Notification of Department</b>				
4	<p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Secretary in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.</p> <p>If any of these phases of the development are to be staged, then the Applicant must notify the Secretary in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.</p>	<p>Correspondence dated 5 July 2024 from ACEN Australia notifying the Department of Stage 3a construction commencement.</p> <p>Correspondence dated 29 February 2024 from ACEN Australia notifying the Department of Stage 2a construction commencement.</p>	<p>The Applicant has notified the Department of commencement of construction for Stage 2a and Stage 3a. It was indicated in the notification letters that Stage 2a will commence on 1 March 2024 and Stage 3a will commence on 22 July 2024. Included in the notifications were key activities to be undertaken as part of each phase.</p> <p>Both Stage 2a and Stage 3a are still in construction phase and therefore notification to the Department for commencement of operations, upgrading or decommissioning is not yet applicable.</p>	Compliant
<b>Final layout plans</b>				

5	Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Secretary, including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.		The requirements of this condition fall outside the current audit period, with compliance assessed as part of the first independent audit. Accordingly, this condition is not triggered.	Not triggered	
<b>Work as executed plans</b>					
6	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 Secretary, via the Major Projects website.		Operations of Stage 2a and Stage 3a are yet to commence and the upgrade of solar panels and ancillary infrastructure has not yet been undertaken. This condition is therefore not triggered.	Not triggered.	
<b>Compliance</b>					
<b>Incident notification</b>					
7	The Planning Secretary must be notified in writing via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 5.		Six environmental incidents have been recorded in the Incident Register for the Project with details as outlined below: <ul style="list-style-type: none"> <li>05 September 2025 – Telehandler mechanical failure</li> <li>12 September 2025 – Fuel spill filling pod</li> <li>21 October 2025 – Wildlife strike – deceased kangaroo</li> <li>24 November 2025 – Oil spill</li> <li>1 December 2025 – Minor oil leak – delivery truck</li> <li>3 December 2025 – Hydraulic oil leak on digger.</li> </ul> The above listed incidents were considered non-reportable (external), as per Section 9 of the Environmental Management Strategy.	Compliant	
<b>Non-compliance notification</b>					
8	The Planning Secretary must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.		The Applicant stated that there were no reportable non-compliances during the audit period. A review of the Major Projects website confirms that the Applicant did not report any non-compliances during this period.	No triggered	
9	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.		As discussed above, this condition has not been triggered.	No triggered	
10	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.		This condition is noted.	Compliant	
<b>Independent environmental audit</b>					
11	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency: (a) within 3 months of commencing construction; and (b) within 3 months of commencement of operations.	New England Solar Farm Project – Stage 1 Independent Environmental Audit dated May 2022 and prepared by 3E Environmental, Engineering & Energy.	The first audit was conducted on 4-5 May 2022, within 3 months of commencing construction (i.e., within 3 months of 7 February 2022) in accordance with the Independent Audit Post Approval Requirements (2020).	Compliant	
11A	Proposed independent auditors be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	New England Solar Farm Project – Stage 1 Independent Environmental Audit dated May 2022 and prepared by 3E Environmental, Engineering & Energy.  Correspondence dated 14 January 2026 from Department of Planning and Environment (Ref: SSD-9255-PA-78) providing approval of the lead auditor.	Independent auditors for the first independent audit were agreed to in writing by the Planning Secretary on 13 December 2021, prior to the commencement of the audit on 3 May 2022.  In a letter from ACEN to DPHI on 23 December 2025, agreement was requested from DPHI of the suitability of the auditors' qualifications, experience and independence to undertake the independent audit. Having considered the qualifications and experience of Ms Shonelle Gleeson-Willey of Moss Environmental Pty Ltd, the appointment of Ms Gleeson-Willey as Lead Auditor was endorsed by the DPHI in a letter dated 14 January 2026.	Compliant	
11B	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 9 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.	Correspondence dated 14 April 2025 from Department of Planning, Housing and Infrastructure (Ref: SSD-9255-PA-72) providing alternative independent environmental audit requirements.	Meetings were held between ACEN Australia and the Department on 21 March 2024 and 27 February 2025 to discuss the timing of independent environmental audits for the Project. Given that the Project is being staged, the Department considered the audit frequency insufficient to provide compliance oversight of Project activities. As such, the Department directed the Applicant as follows: <u>Construction Phase:</u> 1. Conduct annual independent audits that includes all construction phases of the Project in accordance with the requirements of the Independent Post Approval Requirements (2020). The initial independent audit is to cover the period 1 January 2025 to 31 December 2025, and subsequently each calendar year. Each independent audit must cover a full 12-month period so there is no overlap between the audit periods. 2. Submit reports for each of the independent audits referred to in Item 1 of this Direction, including the ACEN's response to the audit recommendations, to the Department no later than two months of	Compliant	

			<p>undertaking each of the independent audit site inspections, unless otherwise agreed by the Planning Secretary.</p> <p>3. ACEN may engage the same audit team as has been approved by the Planning Secretary. Any change to the audit team will need prior approval of the Planning Secretary.</p> <p>This audit serves the purpose of ensuring compliance to the above direction for the audit period 1 January 2025 to 31 December 2025.</p>		
11C	<p>In accordance with the specific requirements of the Independent Audit Post Approval Requirements (2020), the Applicant must:</p> <p>a. review and respond to each Independent Audit Report prepared under condition 7 of Schedule 4 of the consent, or condition 9B of Schedule where notice is given by the Planning Secretary;</p> <p>b. submit the response to the Planning Secretary; and</p> <p>c. make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary unless otherwise agreed by the Planning Secretary.</p>	<p>Correspondence dated 16 September 2022 from New England Solar Farm (Ref: NESF1-GLC-EN-00GRL-AUD-004) providing submission dates of audit reports and the Applicant's Responses to the audit report.</p> <p>Project website (<a href="https://acenrenewables.com.au/project/new-england-solar/">https://acenrenewables.com.au/project/new-england-solar/</a>) accessed on 25 February 2026.</p>	<p>The Applicant's response to the first independent audit report was submitted to the Department on 17 August 2022, with an updated response provided on 16 September 2022. Both the independent audit report and the Applicant's response are available on the website.</p>	Compliant	
11D	<p>Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit and site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.</p>	<p>Correspondence dated 16 September 2022 from New England Solar Farm (Ref: NESF1-GLC-EN-00GRL-AUD-004) providing submission dates of audit reports and the Applicant's Responses to the audit report.</p>	<p>A review of the correspondence to the Department on 16 September 2022 indicates that both the independent audit report and the Applicant's response were submitted on 17 August 2022.</p> <p><b>Observation:</b></p> <p>The site inspection for the audit was conducted on 4–5 May 2022, meaning the submission was required by 5 July 2022. However, the submission of the audit report and Applicant's response to findings fall outside this audit period and therefore an Observation is noted.</p> <p><b>Recommended action:</b></p> <p>This audit report should be submitted within 2 months of undertaken the site inspection (due date 11 May 2026).</p>	Compliant	
11E	<p>Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request or ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.</p>		<p>To date, no such request has been received from the Department. Accordingly, this condition has not been triggered.</p>	Not triggered	
<b>Access to information</b>					
12	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <ul style="list-style-type: none"> <li>• the EIS;</li> <li>• the final layout plans for the development (Schedule 4, Condition 5);</li> <li>• current statutory approvals for the development;</li> <li>• approved strategies, plans or programs required under the conditions of this consent;</li> <li>• the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>• how complaints about the development can be made;</li> <li>• a complaints register;</li> <li>• compliance reports;</li> <li>• any independent environmental audit, and the Applicant's response to the recommendations in any audit; and</li> <li>• any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up to date.</p>	<p>Project website (<a href="https://acenrenewables.com.au/project/new-england-solar/">https://acenrenewables.com.au/project/new-england-solar/</a>) accessed on 25 February 2026.</p>	<p>From review of the project website it was noted that all documents are available.</p>	Compliant	

Table 7.2: Site audit photos



Photo 1 – All-weather roads are well maintained



Photo 2 – Parking area



Photo 3 – Rumble grid at main entrance



Photo 4 – Vegetation screen at receptor N1



Photo 5 – Vegetation screen at receptor N1



Photo 6 – Area levelled for seeding.



Photo 7 – Ground cover in areas surrounding the BESS



Photo 8 – Speed limit signs



Photo 9 – Lighting at the BESS



Photo 10 – Watering truck



Photo 11 – Colours of the BESS



Photo 12 – Fencing and access control at site NE83.

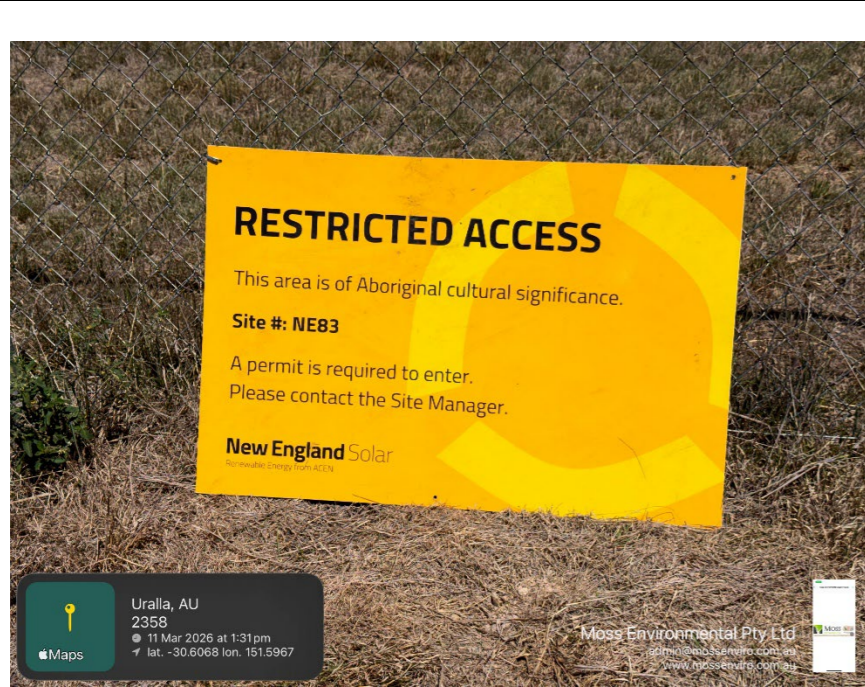


Photo 13 – Signpost at heritage site



Photo 14 – Fire fighting water tanks



Photo 15 – Valve leading to the sedimentation ponds



Photo 16 – Spill kit at the chemical storage area

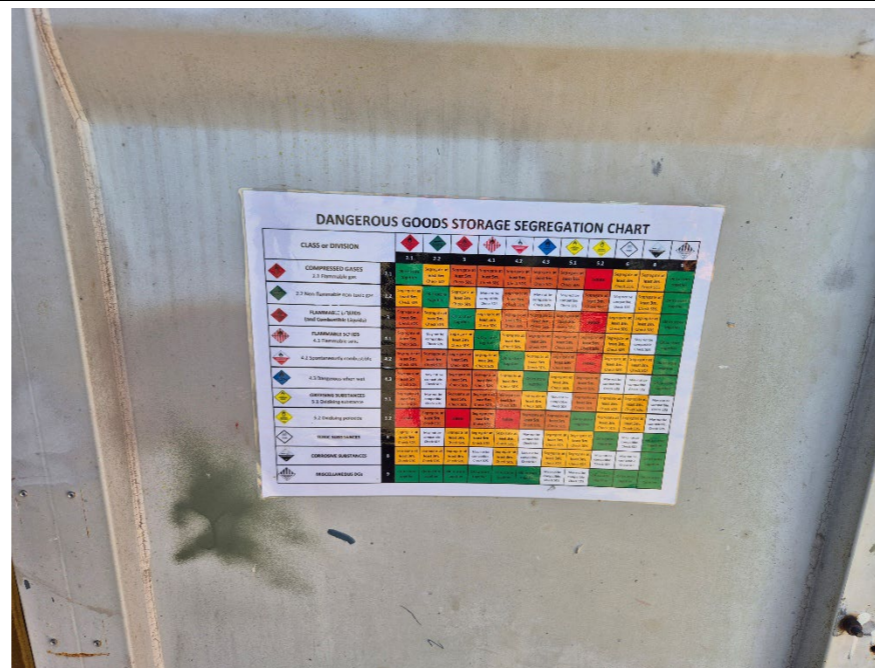


Photo 17 – Dangerous goods segregation chart



Photo 18 – Chemical storage area



Photo 19 – Waste bins at the workshop area



Photo 20 – Unlabelled waste bins in the BESS footprint area



Photo 21 – Silt trap to the north of BESS



Photo 22 – Silt fence line around BESS



Photo 23 – Silt fence line damaged around the stockpile area



Photo 24 – 20,000 litre water supply tank



**MOSS**  
ENVIRONMENTAL



OzEnvironmental Pty Ltd is now proudly part of the Moss Group of companies

## 7.2 APPENDIX B - PLANNING SECRETARY AUDIT TEAM AGREEMENT

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## Department of Planning, Housing and Infrastructure

Reference: SSD-9255-PA-78

Tim Greenaway  
Project Director  
ACEN Australia Pty Ltd

14/01/2026

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Sent via the Major Projects Portal only

### **Subject: New England Solar Farm – Construction Stages 2a & 3a Independent Auditor Nomination**

Dear Mr Greenaway,

I refer to your request for the Planning Secretary's approval of a suitably qualified, experienced, and independent person to conduct an Independent Audit of the New England Solar Farm (the **Project**). The nomination request was submitted as required by Schedule 4, Condition 11A of SSD-9255 as modified (the **Consent**) to NSW Department of Planning, Housing and Infrastructure (the **Department**) on 23 December 2025.

The Department has reviewed the independent auditor nomination and based on the information you have provided is satisfied that the proposed person is suitably qualified, experienced, and independent.

Consequently, as nominee of the Planning Secretary, I approve the appointment of Shonelle Gleeson-Willey from Moss Environmental Pty Limited as Lead Auditor, for the construction Independent Audits for Stages 2a & 3a.

Please note:

- This correspondence must be appended to the Independent Audit Report.
- The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of Consent, the Department's *2020 Independent Audit Post Approval Requirements (IAPAR)* and the written Direction issued by the Department to ACEN Australia on 14 April 2025. Failure to meet these requirements will require revision and resubmission.
- The above auditor is approved for the duration of construction and the initial operational audit of the development; however, the Department reserves the right to request an alternate auditor or audit team at any time.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.



## Department of Planning, Housing and Infrastructure

Should you wish to discuss the matter further, please contact Astrid Christensen, Senior Compliance Officer, on 9274 6170 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).

Yours sincerely

*Nick Ballard*

Nick Ballard  
Team Leader – Far North Region  
Compliance

As nominee of the Planning Secretary

## 7.3 APPENDIX C - CONSULTATION

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06/02/2026

Iwan Davies  
Department of Planning, Housing and Infrastructure  
Via email ([compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au))

Dear Iwan,

I refer to the New England Solar Farm (SSD-9255) and associated MOD 1 and MOD 2 as the approved Lead Auditor by the Department of Planning, Housing and Infrastructure (the Department) and endorsed by the Secretary.

This letter is hereby to acknowledge and conduct the consultation requirement under the Independent Audit Post Approval Requirements (2020) – Section 3.2 for the Scope development of the New England Solar Farm.

*“The auditor must consult with the Department, who may request that other parties or agencies are consulted, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit” (page 8)*

As indicated in the above exert, I would like to enquire if the department has any requests for consultation with other parties or agencies including the Community Consultative Committee?

Please advise of any Department requests in writing, that may be applicable to the Scope of the audit.

Kind Regards




Shonelle Gleeson-Willey  
As the Approved Lead Environmental Auditor 06/02/2026

---

**Re: Letter of consultation - SSD-9255**

---

**From** Astrid Christensen <astrid.christensen@planning.nsw.gov.au>  
**Date** Mon 2026-02-09 10:19 AM  
**To** Shonelle Gleeson-Willey <s.gleeson-willey@mossenviro.com.au>  
**Cc** Nick Ballard <Nick.Ballard@dpie.nsw.gov.au>

 1 attachment (127 KB)  
Outlook-dps03fue;

Dear Shonelle,

Thank you for the opportunity to provide input into the upcoming Independent Audit for the New England Solar Farm (SSD-9255).

Whilst I note the following is included within the scope of the Audit, can you please review the following:

- Implementation of the Emergency Plan particularly after the recent inverter fire,
- Implementation of the Aboriginal Heritage Management Plan,
- Weed and ground cover management.

Can you please also contact Uralla Shire Council for input into the scope of the Audit?

Please do not hesitate to reach out if you have any questions.

Kind regards,

**Astrid Christensen** (she/her)  
Senior Compliance Officer – Far North Region  
Planning Compliance | Development Assessment & Sustainability  
**Department of Planning, Housing and Infrastructure**

**P** (02) 9274 6170 | **E** [Astrid.Christensen@planning.nsw.gov.au](mailto:Astrid.Christensen@planning.nsw.gov.au)  
PO Box 72, Murwillumbah NSW 2484 | Level 1, 135 Murwillumbah Street, Murwillumbah NSW 2484  
[www.dphi.nsw.gov.au](http://www.dphi.nsw.gov.au)



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*I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.*

*Please consider the environment before printing this email.*

---

**From:** Shonelle Gleeson-Willey <[s.gleeson-willey@mossenviro.com.au](mailto:s.gleeson-willey@mossenviro.com.au)>  
**Sent:** Friday, February 06, 2026 9:40 AM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Subject:** Letter of consultation - SSD-9255

Good morning,  
This letter of consultation for the upcoming Independent Audit is for Iwan Davies.


Regards

Access my digital business card <https://go.thryv.com/site/r6a2gdvs1qg2ikgm>

## SHONELLE GLEESON-WILLEY


### Director and Principal Consultant




 [+61 \(0\) 419 444 669](tel:+61(0)419444669)

 [s.gleeson-willey@mossenviro.com.au](mailto:s.gleeson-willey@mossenviro.com.au)

 [www.mossenviro.com.au](http://www.mossenviro.com.au)

 PO Box 390, Tamworth, NSW 2340

 1/342 Peel St, Tamworth NSW 2340

 Extra hot Cappuccino, no sugar



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**RE: Letter of consultation - SSD-9255**

---

**From** Astrid Christensen <astrid.christensen@planning.nsw.gov.au>  
**Date** Wed 2026-02-11 1:49 PM  
**To** Shonelle Gleeson-Willey <s.gleeson-willey@mossenviro.com.au>  
**Cc** Nick Ballard <Nick.Ballard@dpie.nsw.gov.au>

Good afternoon Shonelle,

I hope you are well.

Further to the email below, could you please also include an update on the implementation status of previous Independent Audit findings, recommendations and actions from the Stage 1 Independent Audit Report (May 2022) in your audit report. This is in accordance with Section 3.3, Item 3 of the Department's 2020 Independent Audit Post-Approval Requirements.

Please let me know if you have any questions.

Kind regards,

**Astrid Christensen** (she/her)  
Senior Compliance Officer – Far North Region  
Planning Compliance | Development Assessment & Sustainability  
**Department of Planning, Housing and Infrastructure**

**P** (02) 9274 6170 | **E** [Astrid.Christensen@planning.nsw.gov.au](mailto:Astrid.Christensen@planning.nsw.gov.au)  
PO Box 72, Murwillumbah NSW 2484 | Level 1, 135 Murwillumbah Street, Murwillumbah NSW 2484  
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*I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.*

*Please consider the environment before printing this email.*

---

**From:** Shonelle Gleeson-Willey <s.gleeson-willey@mossenviro.com.au>  
**Sent:** Monday, 9 February 2026 10:48 AM  
**To:** Astrid Christensen <astrid.christensen@planning.nsw.gov.au>  
**Subject:** Re: Letter of consultation - SSD-9255

Thank you Astrid,  
Recieved.

Regards

---

**From:** Astrid Christensen <[astrid.christensen@planning.nsw.gov.au](mailto:astrid.christensen@planning.nsw.gov.au)>  
**Sent:** Monday, 9 February 2026 10:19 AM  
**To:** Shonelle Gleeson-Willey <[s.gleeson-willey@mossenviro.com.au](mailto:s.gleeson-willey@mossenviro.com.au)>  
**Cc:** Nick Ballard <[Nick.Ballard@dpie.nsw.gov.au](mailto:Nick.Ballard@dpie.nsw.gov.au)>  
**Subject:** Re: Letter of consultation - SSD-9255

Dear Shonelle,

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Whilst I note the following is included within the scope of the Audit, can you please review the following:

- Implementation of the Emergency Plan particularly after the recent inverter fire,
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Can you please also contact Uralla Shire Council for input into the scope of the Audit?

Please do not hesitate to reach out if you have any questions.

Kind regards,

**Astrid Christensen** (she/her)  
Senior Compliance Officer – Far North Region

Planning Compliance | Development Assessment & Sustainability

**Department of Planning, Housing and Infrastructure**

**P** (02) 9274 6170 | **E** [Astrid.Christensen@planning.nsw.gov.au](mailto:Astrid.Christensen@planning.nsw.gov.au)  
PO Box 72, Murwillumbah NSW 2484 | Level 1, 135 Murwillumbah Street, Murwillumbah NSW 2484  
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*If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au). Please submit all post approval documents online, via the Major Projects website. To do this, please refer to the instructions available [here](#).*

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**From:** Shonelle Gleeson-Willey <[s.gleeson-willey@mossenviro.com.au](mailto:s.gleeson-willey@mossenviro.com.au)>  
**Sent:** Friday, February 06, 2026 9:40 AM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Subject:** Letter of consultation - SSD-9255

Good morning,

This letter of consultation for the upcoming Independent Audit is for Iwan Davies.


Regards

Access my digital business card <https://go.thryv.com/site/r6a2gdvs1qg2ikgm>

## SHONELLE GLEESON-WILLEY


### Director and Principal Consultant




 [+61 \(0\) 419 444 669](tel:+610419444669)

 [s.gleeson-willey@mossenviro.com.au](mailto:s.gleeson-willey@mossenviro.com.au)

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 Extra hot Cappuccino, no sugar



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09/02/2026

Mick Raby  
Uralla Shire Council – Director Infrastructure and Development  
Via email ([council@uralla.nsw.gov.au](mailto:council@uralla.nsw.gov.au))

Dear Mick,

I refer to the New England Solar Farm (SSD-9255) and associated MOD 1 and MOD 2 as the approved Lead Auditor by the Department of Planning, Housing and Infrastructure (the Department) and endorsed by the Secretary.

This letter is hereby issued to acknowledge and conduct the consultation requirement under the Independent Audit Post Approval Requirements (2020) – Section 3.2 for the Scope development of the New England Solar Farm.

*“The auditor must consult with the Department, who may request that other parties or agencies are consulted, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit” (page 8)*

The Department was consulted regarding the above requirement and has requested that Uralla Shire Council be consulted for input into the scope of the audit. I would like to enquire if Council has any environmental issues or commentary which should be included in the audit.

Please advise of any Council requests in writing by 02 March 2026, that may be applicable to the Scope of the audit.

Kind Regards



Shonelle Gleeson-Willey  
As the Approved Lead Environmental Auditor 09/02/2026

**Automatic reply: Letter of consultation for Independent Audit**

---

**From** Council <Council@uralla.nsw.gov.au>

**Date** Tue 2026-02-10 11:11 AM

**To** Shonelle Gleeson-Willey <s.gleeson-willey@mossenviro.com.au>

Thank you for contacting the Uralla Shire Council.

Your email has been received and will be allocated to the relevant service area for assessment and action.

If the matter is urgent, please call us on (02) 6778 6300 between 8.30am and 4.30pm on normal business days.

For after hours general emergencies, please call: 0427 784 982

For after hours water/sewer emergencies, please call: 0427 784 304

[View the full list of emergency contacts here](#)

## 7.4 APPENDIX D - AUDIT REQUIREMENTS

---

Our Ref: SSD-9255-PA-72

Proper Officer  
ACEN Australia Pty Ltd  
Ngawanya Country  
Suite 2, Level 2  
15 Castray Esplanade, Battery Point  
TAS 7004

Via the NSW Planning Portal only.

14 April 2025

---

**Subject: New England Solar Farm SSD 9255 – Independent Environmental Audit Requirements – SECRETARY’S DIRECTION**

Attention: Sarah Donnan

To the Proper Officer,

I refer to the meetings held between ACEN Australia Pty Ltd (ACEN) and the Department of Planning and Environment (the Department) on 21 March 2024 and 27 February 2025 to discuss the timing of Independent Environmental Audits (Independent Audit) for the New England Solar Farm (the Project).

SSD-9255, as modified, (the Consent), Schedule 4, Condition 11 provides for only one construction and one operational Independent Audit for the life of the Project. The first Construction IEA was required three months into construction of Stage 1a in May 2022. Given the Project is being staged and completion of Stages 2, 3 and 4 will not likely occur for a number of years, the Department considers the IEA frequency to be insufficient to provide compliance oversight of Project activities during the construction and operational lifecycle. Independent Audits provide the Department with an independent and objective assessment of the environmental performance and compliance status of a project.

Development of the Project is being undertaken in the following distinct stages:

- Stage 1a: Construction of a 400 megawatt (MW) solar farm within the Northern Array (previously Stage 1);
- Stage 1b: Operation of the 400 MW solar farm in the Northern Array;
- Stage 2a: Construction of a 320 megawatt (MW) solar farm within the Central Array;
- Stage 2b: Operations of the 320MW solar farm in the Central Array;

- Stage 3a: Construction of 200MW/2hr BESS within the approved Substation/BESS area;
- Stage 3b: Operations of 200MW/2hr BESS;
- Stage 4a: Construction of 1200MW/2hr BESS within the approved Substation/BESS area;
- Stage 4b: Operations of 1200MW/2hr BESS; and
- Stage 5: Decommissioning.

Notification of various stages of the Project has been provided by ACEN to date:

Case ID	Stage	Commencement of Notification Date	Description of Commencement
SSD-9255-PA-63	Stage 1b	3 January 2024	Operation of 400MW Solar Farm
SSD-9255-PA-64	Stage 2a	1 March 2024	Construction of 320MW Solar Farm
SSD-9255-PA-67	Stage 3a	22 July 2024	Construction of 200MW/2hr BESS within the approved Substation/BESS area

The Department understands that the timing of remaining Stages 2 and 3 of the Project as at February 2025 to be as follows:

Stage	Key Activities	Status	Planned Commencement
Stage 2a	Fencing works, including security fencing	Not commenced	-
	Internal access roads including drainage and rehabilitation	Not commenced	Q2 2025
	Solar array works yet to commence	Not commenced	-
	Substation and control buildings, high voltage works	Commenced	-
	Operations and maintenance building	Not commenced	-
Stage 3a	Bulk earthworks, internal access roads etc.	Prep for site mobilisation complete	Q1 2025
	Substation expansion	Commenced	-
	Switchyard expansion	Commenced	-
Stages 2b & 3b	Operations	Not commenced	Late 2028

Schedule 4, Condition 11B of the Consent, states:

*“The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 9 of Schedule 4 upon giving at least 4 weeks’ notice to the Applicant of the date upon which the audit must be commenced.”*

## SECRETARY DIRECTION

In accordance with Schedule 4, Condition 11B of the Consent, I, **Nick Ballard**, as delegate of the Planning Secretary, direct ACEN to:

### Construction Phase

- 1) Conduct annual independent audits that includes all construction phases of the Project in accordance with the requirements of the Independent Post Approval Requirements (2020). The initial independent audit is to cover the period 1 January 2025 to 31 December 2025, and subsequently each calendar year. Each independent audit must cover a full 12-month period so there is no overlap between the audit periods.
- 2) Submit reports for each of the independent audits referred to in item 1) of this Direction, including the ACEN’s response to the audit recommendations, to the Department no later than two months of undertaking each of the independent audit site inspections, unless otherwise agreed by the Planning Secretary.
- 3) ACEN may engage the same audit team as has been approved by the Planning Secretary. Any change to the audit team will need prior approval of the Planning Secretary.

### Operation Phase

- 4) Obtain prior approval of the Planning Secretary for an audit team to conduct an independent audit of the operational phase of the Project in accordance with item 5) of this Direction.
- 5) Conduct an independent audit referred to in item 4) of this Direction within 26 weeks of commencement of operations of the final stage of the Project, which could be either Stage 2b or Stage 3b, in accordance with the requirements of the Independent Post Approval Requirements (2020). The independent audit will be triggered by the last stage of the Project to commence operation, so it encompasses the complete scope of the Project’s operational activities from commencement of operations of Stage 1b on 3 January 2024.
- 6) Submit the report for the independent audit of the operational phase of the Project referred to in item 5) of this Direction, including ACEN’s response to the audit recommendations, to the Department no later than two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.

The requirements of Schedule 4, Conditions 11A, 11B, 11C, 11D and 11E of the Consent still apply when implementing this Direction.

You are reminded that notice of commencement of operation of each stage of the Project must be provided to the Department in accordance with Schedule 4, Condition 4 of the Consent.

Should you wish to discuss the matter further, please contact Laura Papoulias, (Compliance Officer) on 02 8289 6879 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).

Yours sincerely

*Nick Ballard*

Nick Ballard Team Leader – Far North Region  
Planning Compliance | Operations & Planning Delivery  
Assessment & Sustainability

*As delegate of the NSW Planning Secretary*



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## 7.5 APPENDIX E – AUDIT MEETING ATTENDANCE REGISTER



**ACEN Australia – New England Solar Farm: Meeting Attendee Register**

Full Name	Position Title	Signature	Date: <u>11/03/2026</u>	Date: <u>11/03/2026</u>
			Present at opening meeting? (tick below)	Present at Closing meeting? (tick Below)
Shonelle Gleeson-Wiley	Lead Auditor	<i>S. Wiley</i>	✓	✓
Nico Brits	Audit support	<i>Nico Brits</i>	✓	✓
JOHN CURTAIN	EV QHSE Mgr	<i>J. Curtain</i>	✓	✓
JEN MITCHELL	HSE Advise	<i>Jen Mitchell</i>	✓	✓
Pat. = miller	ACEW Environmental Lead	<i>Pat. = miller</i>	✓	✓
Raphael LAMBE	Assistant Project Manager	<i>Raphael Lambe</i>	✓	✓
Robyn Doyle	WHS Advisor, Heritage + Grazing	<i>Robyn Doyle</i>	✓	
Stewart Mahony	Grad PM	<i>Stewart Mahony</i>	✓	✓
Sarah Donnan	Construction Director Project Services	REMOTE	✓	✓
Ali Khan	Jr. PM	<i>Ali Khan</i>		✓
MATT REILLY	SITE PM ENERGY VAULT	<i>M. Reilly</i>	✓ (Remote)	✓

## 7.6 APPENDIX F - INDEPENDENT AUDIT DECLARATION FORM

## Independent Audit Report Declaration Form

**Project Name:** New England Solar Farm

**Consent Number:** SSD 9255

**Description of Project:** The New England Solar Farm is a significant grid connected solar farm and battery energy storage system (BESS) along with associated infrastructure, approximately 6 km east of the township of Uralla, which lies approximately 19 km south of Armidale in the Uralla Shire Council.

**Project Address:** 2 Big Ridge Road Uralla NSW 2358

**Proponent:** ACEN Australia Pty Ltd

**Title of Audit:** New England Solar Farm Project – Stage 2a and Stage 3a Independent Audit

**Date:** 08/04/2026

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.



**Notes:**

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

**Name of Auditor:** Shonelle Gleeson-Willey

**Signature:** 

**Qualifications:**

- Environmental Lead Auditor – SAI Global
- Certificate in Social Impact Assessment – Uni of Strathclyde
- Master of Environmental Management - UNE
- Bachelor of Applied Science (Environmental Management and Tourism) – UWS
- Certified Professional of Erosion and Sediment Control (CPESC) – International Erosion Control Association
- Certified Environmental Practitioner (CEnvP) – Environment Institute of Australia and New Zealand
- Infrastructure Sustainability Accredited Professional (ISAP)-held for 3 years

**Company:** Moss Environmental

**Company Address:** 1/342 Peel Street, Tamworth, NSW 2340