

Elizabeth Zorondo

Approvals and Permit Compliance Manager

The Trustee for Equis Energy (Australia) Ngumi 4 Asset Trust 36 The Esplanade
Brighton, Victoria, 3186

16/09/2025

Subject: Request to vary VPA Agreement

Dear Ms Zorondo

I refer to your request dated 20 August 2025 for consideration under Condition A14(b) and A15 of Schedule 2 of the Development Consent (SSD-52786213) for the Planning Secretary's agreement to allow a further delay to enter into a Voluntary Planning Agreement (VPA) with Tamworth Regional Council.

The Department has carefully considered your request and notes the following:

- due to the continued delay in the execution of the VPA it is understood that you are unable to complete the payment of the monetary contribution by the agreed date;
- it is proposed to make the initial lump-sum contribution required under the VPA within 20 business days following execution of the VPA (rather than prior to the commencement of construction); and
- you have consulted with Tamworth Regional Council regarding the proposed changes and their written agreement has been provided in support of this request.

After careful review, I am satisfied that the delay in the VPA is unavoidable and as nominee of the Planning Secretary, I agree to the variation in timing as shown below:

- Unless the Planning Secretary agrees otherwise, if the Applicant and Council do not enter into a VPA or other agreement ~~prior to the~~ **within 9 months of the** commencement of construction, then within ~~3~~ **10** months of the commencement of construction (and annually from the commencement of operation until the cessation of operation of the project), the Applicant must make a Section 7.12 of the EP&A Act contribution to Council for the amount specified in Part B of Appendix 5;
- Monetary contribution of 0.31% of finalised Capital Investment Value (at the time of Financial Close), to be paid as a lump sum ~~prior to~~ **with the initial lump-sum contribution to be paid within 20 business days following the execution of the VPA**. A further payment annually of \$200,000 (CPI adjusted) for the first three years of operation of the project, either paid via the VPA or as a separate Community Benefits Fund; and

- A payment of \$100,000 to be paid as a lump sum within ~~3~~ 10 months of the commencement of construction. A further payment of \$50,000 per annum (CPI adjusted) from the commencement of operation until the cessation of operations of the project.

You are reminded that if there are any inconsistencies between the agreement and the conditions of approval, the conditions prevail.

If you wish to discuss the matter further, please contact Keren Halliday on 02 8289 6444.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Iwan Davies', with a stylized, cursive script.

Iwan Davies
Director
Energy Assessments

As nominee of the Planning Secretary