

# **POST OPERATIONAL COMPLIANCE REPORT FOR THE BROKEN HILL SOLAR PLANT**

under Project Approval MP10\_0202

for First Solar (Australia) Pty Ltd

October 2018



prepared by Confirmative Pty Ltd

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

## Contents

Introduction ..... 3

    The Broken Hill Solar Plant ..... 3

    Compliance Reporting ..... 3

Audit Objective ..... 4

Audit Information ..... 4

    Scope ..... 4

    Exclusions ..... 4

    Methodology ..... 5

    Compliance Status Criteria ..... 5

    Abbreviations used in the Audit Findings ..... 6

    Peer Review ..... 6

    Use of this Report ..... 6

Audit Findings ..... 7

    Summary of Findings ..... 7

    Detailed Findings ..... 8

        Part A. Administrative Conditions ..... 8

        Part B. Environmental Performance ..... 11

        Part C. Environmental Management, Reporting And Auditing ..... 19

    Previous Audit Findings ..... 31

    Pre-operational Conditions ..... 31

### Document Control

Report name	Post Operational Compliance Report for the Broken Hill Solar Plant		
Revision	Date	Prepared by	Reviewed by
draft	June 2018	Steve Lynch	Jessi Hargrave
final	October 2018	Steve Lynch	Jessi Hargrave

**Confirmative Pty Ltd** is a sustainability consultancy providing audit, assurance and advisory services. Confirmative specialises in the fields of environmental, GHG and quality management systems.

web: [www.confirmative.com.au](http://www.confirmative.com.au)  
 mail: [mail@confirmative.com.au](mailto:mail@confirmative.com.au)  
 ACN: 608 056 515

## Introduction

This report is an assessment of the Broken Hill Solar Plant's (BHSP) compliance to the conditions of its Project Approval in the period since its operations commenced.

### The Broken Hill Solar Plant

The BHSP is a 53MW photo voltaic power station located in NSW, approximately 8km to the west of Broken Hill along the Barrier Highway. AGL Energy Limited made the development application for the plant and it was built by First Solar (Australia) Pty Ltd. Construction began in 2014, the plant became operational in December 2015 and the official opening was held in January 2016 (according to AGL's media release of 20/1/2018). The BHSP is currently owned by the Powering Australian Renewables Fund (PARF), which was created by AGL (according to AGL's media release of 14/11/2016).

The BHSP received its approval under Project Approval MP10\_0202 on 27 March 2013. The approval included:

- a PV array incorporating rows of solar panels mounted on a fixed steel frame and a series of central inverters and transformers;
- above ground and underground electrical conduits and cabling to connect the arrays to the inverters and transformers;
- marshalling switchgear to collect the power from the PV arrays;
- a diversion of the existing 22kV aboveground transmission line and placing it underground;
- construction of an aboveground 22kV transmission line to connect the solar plant to the existing Broken Hill substation;
- internal access tracks, upgrades to existing roads, fencing and landscaping;
- site office, operations and maintenance office buildings; and
- temporary construction facilities such as a site compound and equipment laydown area.

### Compliance Reporting

The Conditions of the Project Approval placed requirements on the project during its construction, commissioning, operational and decommissioning stages. Amongst the Conditions, C16 required a Compliance Tracking Program to track compliance with the Project Approval. Condition C16(a) had further requirements for reporting the development's compliance status to the Director-General prior to the commencement of construction, prior to the commencement of operations and within two years of operations commencing. This compliance report addresses the requirement for post operational reporting and follows on from the previous compliance reports:

- Broken Hill Solar Plant Operational Compliance Report (which reported on pre-operational activity) by Jacobs (October 2016)
- Compliance Tracking Program: Independent Compliance Audit by OzArk Environmental (December 2015)
- Broken Hill Solar Plant Pre-construction Compliance Report by Jacobs (October 2014)

A listing of the Conditions from the Project Approval is included in the Detailed Findings of this report.

Confirmative Pty Ltd was engaged to carry out this post-operational compliance reporting by the operator of the plant, First Solar (Australia) Pty Ltd.

## Audit Objective

The audit's objective was to assess the BHSP's compliance to conditions set by Project Approval MP10\_0202. The report specifically addresses Condition C16(a) of the Approval, which requires reporting of compliance status to the Director-General within two years of operation commencement.

## Audit Information

Audit Client:

- First Solar (Australia) Pty Ltd

Audit Site:

- Broken Hill Solar Plant, Barrier Highway, Broken Hill

Broken Hill Solar Plant's Participants:

- Peter Bradfield - First Solar Power Plant Manager Australia
- Bree Lacey - AGL Environment Business Partner, Renewables VIC/NSW
- Colin Hill - AGL Asset Leader Renewables
- Jackson Williams - Broken Hill Supervisor - PP Maintenance

Audit Team:

- Auditor - Steve Lynch
- Peer Review - Jessi Hargrave

Both team members are experienced auditors with environmental backgrounds.

Audit activity dates:

- opening meeting - 25 May 2018
- site visit - 1 June 2018
- closing meeting - 13 July 2018

## Scope

The assessment included the Conditions from Project Approval MP10\_0202 which are relevant to the operational stage of the BHSP. It covered the time period from commencement of operations (December 2015) until the time the audit commenced (May 2018).

## Exclusions

- Conditions related exclusively to the pre-operational (including construction) stage of the development were not assessed in this audit, as these conditions have already been assessed in previous reports. These excluded Conditions are listed in the last section of the report, *Pre-operational Conditions*.
- The Revised Mitigation Measures were not included in the scope.
- Other projects associated with the BHSP (such as the transmission line or the viewing platform) have their own project approvals and were not included within the scope of this audit.

## Methodology

The audit methodology was based on the international standard *AS/NZ ISO19011:2011 Guidelines for Quality and/or Environmental Management Systems Auditing* and the Department of Planning and Environment's (DPE) *Independent Audit Guideline* (October 2015).

Compliance was assessed through a systematic, evidence based audit of the Conditions. Documentary evidence was used to verify compliance whenever it was practicable. If documentary evidence was not practical or not available, visual inspection, personal communication or alternate sources of information were used to verify the compliance status.

Where a Condition required specific operational procedures, compliance was verified by reviewing documentation of the procedure and observing records and site practices to confirm the procedure had been implemented. The various management plans required by the Conditions were tested to be actively implemented, but individual elements of the management plans were not assessed. This is with the exception of the operational environmental management plans, which are central to compliance with the Project Approval and assessed in more detail.

Steps taken in the audit included:

- opening meeting
- conflict of interest check for the audit team
- audit planning and risk assessment
- desktop review of documentary evidence
- site visit to confirm documentary evidence
- review of compliance status and report compilation
- closing meeting
- final peer review

### Compliance Status Criteria

The compliance status for each Condition was categorised using criteria adapted from the DPE Independent Audit Guideline as follows:

Compliance Status	Status Criteria	Compliance Code
Compliant	There is sufficient verifiable evidence to demonstrate that the intent and all elements of the Condition have been complied with, within the scope of the audit.	C
Not Verified	Sufficient verifiable evidence was not available to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with, within the scope of the audit.	N V
Non-Compliant	There is sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the Condition have not been complied with, within the scope of the audit.	N-C
Administrative Non-Compliance	A technical non-compliance with a regulatory approval that has not impacted on performance and is considered minor in nature (e.g. report submitted after due date, late monitoring).	Adm N-C

Compliance Status	Status Criteria	Compliance Code
	This would not apply to performance-related aspects (e.g. a noise limit) or where a requirement had not been met at all.	
Not Triggered	A regulatory approval requirement with an activation or timing trigger that had not been met at the time of the audit.	N T
Observation	Issues of concern or opportunities for improvement which do not strictly relate to the scope of the audit or assessment of compliance.	Obs
Note	A statement or fact, where no assessment of compliance is required.	Note

Conditions were additionally categorised as 'Ongoing' or 'Closed'. Ongoing Conditions had operational requirements that persist into the future or further work to be conducted for current requirements. Closed Conditions had completed all the work required and will not need to be assessed again in the future.

#### Abbreviations used in the Audit Findings

Abbreviation	Meaning
DG	Director-General of the NSW Department of Planning and Environment
DPE	NSW Department of Planning and Environment
BHSP	Broken Hill Solar Plant
BHSP OEMP	Broken Hill Solar Plant Operational Environment Management Plan, (revision dated 13/4/2017)
BHSP HSE Manual	Plant Maintenance HSE Manual Incorporating the Operational Environmental Management Plan, Broken Hill Solar Plant, dated 13/4/2017
OEMP	Operational Environmental Management Plan
RFS	Rural Fire Service

#### Peer Review

Peer review formed a critical quality control for the compliance reporting process. A peer reviewer assessed the audit methodology at the audit initiation, reviewed findings during the audit and reviewed the final compliance report at the end of the audit.

#### Use of this Report

Confirmative Pty Ltd's responsibility in performing this compliance audit was solely to First Solar (Australia) Pty Ltd and in accordance with the agreed terms of reference for the engagement. A third party referencing this report does so at its own risk and Confirmative Pty Ltd does not accept or assume any responsibility or liability for any other purpose for which this report may be used.

## Audit Findings

### Summary of Findings

The BHSP has been able to demonstrate its general compliance with the requirements of its Project Approval during its operational stage. A visit to the site found the BHSP had largely established the management plans and systems required by the Project Approval. Solar power plants have low environmental impact (relative to other electricity generation) and the BHSP's operations were effective in minimising that low environmental impact.

A single non-compliance has been found, which was for Condition C16's requirement for a Compliance Tracking Program. The Compliance Tracking Program has not been completed as specified within the OEMP and reporting to the DG for the pre-operational and post-operational compliance reports was not completed by the due dates. This compliance report addresses the requirement for a post-operational compliance report set by the Project Approval.

There was also an administrative non-compliance to Condition C4, where operations at the BHSP commenced without submitting, or receiving approval for, the Operational Environmental Management Plan. This administrative non-compliance did not affect the performance of the BHSP operations. Similar non-compliances were found in earlier compliance reports for other late submissions and have been an ongoing issue for the development.

Compliance for Condition B20 could not be verified. The Visual Impact Verification Report from B20 has been submitted to the DG but has not received final approval. The Report did not provide a clear plan for the visual screening of the site, but AGL has since built a public viewing platform as an alternative to visual screening. Queries on the Visual Impact Verification Report were raised by the DG and received a response from AGL which remains with the DG for consideration.

Some additional observations of importance were also found through the audit:

- The operational environmental management planning required by Condition C4 has a complex implementation at the BHSP. An OEMP and a HSE Manual have been created and address different aspects of the site's environmental management. This doubling of documentation diminishes the usability of the OEMP for operational staff. There is also poor awareness of the OEMP's requirements amongst staff, which has contributed to the non-compliances identified in the compliance audits. Each of these factors continues to be a risk for ongoing effectiveness of the OEMP and consideration could be given to reviewing the documentation.
- Condition B17 relates to fauna impacts and an engineer's inspection of the overhead transmission line from the BHSP has reported incidents where birds were electrocuted by the Air Brake Switch. The engineer suggested an increase in the insulator length for the Air Brake Switch could prevent harm to birds and reduce the impacts on native fauna.



## Detailed Findings

The Compliance Status (“Comp Status” in the table) is assigned one of the following abbreviated Compliance Codes:

Compliant = C, Not Verified = N V, Non-Compliant = N-C, Administrative Non-Compliance = Adm N-C, Not Triggered = N T, Observation = Obs, Note = Note

(See the Methodology for a definition of the Compliance Status criteria.)

Condition Number	Condition Description	Comp Status	Evidence	Comments
<b>Part A. Administrative Conditions</b>				
Obligation to Minimise Harm to the Environment A1.	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Project.	C On-going	- BHSP OEMP - BHSP HSE Manual - Solar Power Plant Monthly Safety Inspection Checklist (Appendix H) - Weekly Inspection Checklist (Form D-01)	An OEMP and HSE Manual have been prepared in line with industry standards and cover the site’s major risks. While the implementation of the OEMP has some weaknesses, procedures and monitoring have been established to control the relatively low environmental impacts of a solar power station in its operational stage.  Records from the site indicate there have been no incidents which have caused material harm to the environment. There are no civil proceedings or penalty notices against the BHSP listed on the EPA public register.
Terms of approval A2.	The Proponent shall carry out the project generally in accordance with the: a) Major Projects Application 10_0202; b) Broken Hill Solar Plant Environmental Assessment prepared by Sinclair Knight Merz dated October 2012; c) Broken Hill Solar Plant Submissions and Preferred Project Report prepared by Sinclair Knight Merz dated February 2013; and d) The conditions of this approval.	Note On-going	- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016 - Broken Hill Solar Plant Pre-Construction Compliance Report by Jacobs, October 2014 - Media release, Department fines AGL for compliance breach at Broken Hill Solar Plant, by DPE, 5/5/2016 - email from Broken Hill City Council Manager of Planning Development and Compliance, 5/6/2018	Compliance to the Major Projects Application, EA and Submissions and Preferred Project Report were reported in previous audits and not assessed in this audit. Compliance to the Project Approval during the operational stage is assessed through this compliance report.  A fine was issued by the DPE during the construction stage, when the BHSP’s intersection with the Barrier Highway was not upgraded prior to construction commencing as required by B31. The intersection has since been upgraded and accepted by the RMS.  The DPE, Broken Hill City Council, RMS and RFS were asked for comment and did not raise any issues related to the development. NSW Water and Crown Lands were contacted for comment but did not respond.



Condition Number	Condition Description	Comp Status	Evidence	Comments
			- phone call from Manager of Land Use Assessment the RMS at Parkes, 13/6/2018 - phone call from DPE Compliance Team Leader, 3/7/2018	
Terms of approval A3.	If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.	Note		This is an administrative condition and inconsistencies were not identified through this audit.
Terms of approval A4.	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained within these documents.	N T Open	- email from the AGL Environment Business Partner, Renewables VIC/NSW, 22/5/2018	AGL state there have been no specific requests received from the DG during the post operation stage.
A5.	See <i>Pre-operational Conditions</i> in the following section.			
A6.	See <i>Pre-operational Conditions</i> in the following section.			
Structural Adequacy A7.	The Proponent shall 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 BCA. For the purpose of section 75S(2)(b) of the Act, the relevant provisions, as defined in section 75S(1A) of the Act apply to this approval.	C On-going	- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016	The pre-operational compliance report confirmed construction was in accordance with the BCA and there have been no new construction under the Project Approval, so this condition remains compliant.
Decommissioning A8.	Within one year of decommissioning, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with the Crown Lands Division of the Department of Trade and Investment or any relevant landowners. All solar panels and associated above ground structures including but not necessarily limited to, the control and facilities building and	N T On-going		The site has not been decommissioned and continues to generate electricity, so this Condition has not been triggered

Condition Number	Condition Description	Comp Status	Evidence	Comments
	electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Director-General in consultation with Crown Lands Division of the Department of Trade and Investment, except where the, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Director- General.			
Decommissioning A9.	If the solar plant is not used for the generation of electricity for a continuous period of 12 months, it shall be decommissioned by the Proponent, unless otherwise agreed by the Director-General and Crown Lands Division of the Department of Trade and Investment. The Proponent shall keep independently-verified annual records of the use of the solar panels for electricity generation. Copies of these records shall be provided to the Director-General upon request. The solar panels and any associated infrastructure are to be dismantled and removed from the site by the Proponent within 18 months from the date that the solar panels were last used to generate electricity.	C On-going	- screen shot of summary of Large-scale Generation Certificates for the BHSP (provided by AGL Asset Leader, Renewables, 9/7/2018) - SolarMonthlyReportJan17To Sep17 Broken Hill - site visit	Generation of electricity during the last 12 months was verified through a summary of Large-scale Generation Certificates from an independently verified source. The Solar Monthly Report spreadsheet is unverified but also indicates power generation is ongoing.
A10.	<i>A condition for 'A10.' was not included in the Project Approval</i>	Note		
A11.	See <i>Pre-operational Conditions</i> in the following section.			
Compliance A12.	The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.	C On-going	- BHSP OEMP, - APP SMP 11D Local Safety Induction Contractor/Visitor	The BHSP OEMP's scope includes First Solar employees, contractors and visitors and provides guidance on complying with the BHSP legal obligations. Section 6.1.6.1 required anyone working on the site to complete the site induction to become aware of operational procedures. The site induction provides information on the higher environmental risks for the site (spill kits, speed limits, fire, hot work, hazardous chemicals) so employees, contractors and visitors are aware of the site's requirements. Inductions for contractors and visitors are being conducted and recorded on the checklist APP SMP 11D. The APPSMP

Condition Number	Condition Description	Comp Status	Evidence	Comments
				11D checklist is safety focussed with only brief mention of environmental awareness.
Compliance A13.	The Proponent shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.	C On-going		See finding for A12.
Compliance A14.	In the event of a dispute between the Proponent and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the project, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.	Note		This is an administrative condition without an auditable compliance requirement.
<b>Part B. Environmental Performance</b>				
B1.	See <i>Pre-operational Conditions</i> in the following section.			
Ancillary Facilities B2.	All Ancillary Facilities shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the Crown Lands Division of the Department of Trade and Investment.	C On-going	- site visit	See comments for B23.
Bushfire Risk B3.	The Proponent shall ensure that all project components on site are designed, constructed and <i>operated</i> to minimise ignition risks, provide for asset protection consistent with relevant NSW Rural Fire Services (RFS) design guidelines (Planning for Bushfire Protection 2006 and Standards for Asset Protection, Undated) and provide for necessary emergency management including appropriate fire-fighting equipment and water supplies on site to respond to a bush fire.	C On-going	- BHSP OEMP - BHSP HSE Manual - Broken Hill Solar Plant Environmental Assessment, by SKM, October 2012 - letter from NSW Fire Brigade acknowledging deposited keys, 15/6/2017 - Pre-Incident Data Broken Hill Solar Park, by RFS, 12/7/2018 - Weed Management Reports, numerous months	Requirements for Bushfire Hazard and Risk Management are briefly listed in Section 9 Schedule 1 of the OEMP. The BHSP HSE Manual has a further section on Bushfire Management addressing combustible materials and vegetation. Another section of the Manual addresses higher risk operations such as hot work.  The Environmental Assessment describes the project location as not prone to bushfire, with surrounding vegetation that presents a low bushfire risk (see Section 10.2). Due to this low risk a dedicated water supply for fire fighting purposes was not required.  Keys to access the site have been deposited with the NSW Fire Brigade. The RFS have visited the site to complete their Pre-Incident Data form.

Condition Number	Condition Description	Comp Status	Evidence	Comments
Bushfire Risk B4.	Throughout the <i>operational</i> life of the project, the Proponent shall regularly consult with the local RFS to ensure its familiarity with the project, including the construction timetable and the final location of all infrastructures on the site. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.	C On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- Pre-Incident Data Broken Hill Solar Park, by RFS, 12/7/2018</li> <li>- Broken Hill Solar Monthly PV Plant Report for September 2016</li> </ul>	<p>The perimeter road forms a fire break for the panels and buildings. The Groundcover Monitoring Record (Form H01) prescribed by the OEMP is not being completed but the monthly Weed Management Report provides equivalent information and fuel levels are controlled through regular weed management works.</p> <p>Schedule 1 of the OEMP nominates management will have ongoing engagement with the RFS.</p> <p>An initial consultation has been conducted with the RFS to establish the Pre-Incident Data, which is planned to be developed in a Pre-Incident Plan in the future. This initial consultation was not held until the plant had been operating for 30 months, but initiates ongoing consultation with the RFS. The RFS have not made any requests to reduce bushfire risk or to improve access.</p> <p>There has also been consultation with the Broken Hill Fire &amp; Rescue Service, with an orientation tour of the plant on 27/9/2016 logged in the Monthly PV Plant Report.</p>
Dangerous Goods B5.	<p>Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:</p> <ul style="list-style-type: none"> <li>a) all relevant Australian Standards;</li> <li>b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and</li> <li>c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin (Environment Protection Authority, 1997).</li> </ul> <p>In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.</p>	C On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- SDS for Prolnert IG -541, by Fire Protection Technologies, dated 18/1/2018</li> <li>- SDS for Sulphur hexafluoride, by Air Liquide, 14/12/2016</li> <li>- excerpt of First Solar subcontract agreement</li> <li>- various subcontractor work instructions, risk assessments and training certificates for handling the dangerous goods gasses</li> </ul>	<p>Section 9 Schedule 7 of the OEMP provides an overview guidance on handling and storing dangerous goods. The HSE Manual has further instruction for spill prevention and response and handling SF<sub>6</sub>, refrigerant gases and hazardous wastes.</p> <p>There are small quantities of liquid dangerous goods on the site, with less than 100L of fuels which are stored correctly in a bunded chemical cabinet. Spill kits are kept adjacent to the cabinet.</p> <p>There are 2 gaseous dangerous goods stored within switching and extinguisher equipment which are ADG Class 2 (non-flammable &amp; non-toxic gases). As gases they do not require bunding. Both of the dangerous goods are contained within their equipment and only handled by specialist subcontractors (rather than First Solar staff). First Solar's Subcontractor agreements require compliance with orders or directives from government authorities regarding hazardous materials. Both contractors have documentation to</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
				demonstrate their systems for controlling risks associated with the dangerous goods.
		Obs	<ul style="list-style-type: none"> <li>- Chemalert Report for Envirotemp FR3 Fluid, by RMT, dated 15/4/2014</li> <li>- SDS for Vital Strike, from RMT, dated 28/11/2016</li> <li>- SDS for Vital Bon-Matt Stonewall, from RMT, dated 28/11/2016</li> </ul>	<p>There are other chemicals used on site which are not classified as a DG by the criteria of the ADG code according to their SDS. These chemicals include:</p> <ul style="list-style-type: none"> <li>- FR3 vegetable based transformer oil, which is the largest volume of liquid goods on site. There are 42 transformers and all but the 2 auxiliary transformers have inbuilt bunding. The SDS for the transformer oil recommends storage as a Class C2 Combustible Liquid, for which the applicable standard is AS1940.</li> <li>- dust suppressant chemicals, for which there are 3 unbunded IBCs containing Vital Strike &amp; Vital Bon Matt.</li> </ul> <p>While Condition B5 does not apply to these non-dangerous goods, best practice for their storage would include secondary confinement (such as bunds) to contain any spills or leaks.</p>
Dust Generation B6.	The Proponent shall construct and <i>operate</i> the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions attributable to the project occur during construction and <i>operation</i> , the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works during construction, planting ground covers, using dust suppressants as appropriate, such that emissions of visible dust cease.	C On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- site visit</li> </ul>	<p>The OEMP nominates the dust controls of ensuring adequate groundcover (outside and within the arrays) and low speed limits for vehicles. Water may be used as a dust suppressant during periods of intense dust generation.</p> <p>Speed limits which minimise dust were mentioned in the induction and observed during the field visit. No unreasonable dust emissions were noted during the field visit.</p> <p>An ecologist has begun the process of verifying the health of revegetated areas which will also control dust levels (see Condition B23).</p>
Water Quality Impact B7.	Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.	C On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- Erosion and Sediment Control First Solar Solar Farm, by SEEC, 14/6/2016 (in draft)</li> </ul>	<p>The main threat of water pollution is through sediment eroded from the site. The OEMP nominates Erosion and Sediment Control Plans from the construction stage will also be applied in the operational phase (Schedule 4). Appendix C nominates maintaining erosion and sediment controls as an "OEMP action".</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
			<ul style="list-style-type: none"> <li>- Drawing ABH1-C800, Overall Soil and Water Management Plan, 24/2/2016</li> <li>- site visit</li> </ul>	<p>Drainage channels and other erosion controls were built during the construction stage. A review from SEEC after construction suggested revegetation and cross, table &amp; mitre drains for the roads (within the site) which appears to have generally been carried out. Revegetation has proceeded and a consultant has been approved to monitor its progress (see Condition B23). Cross drains are in place at the specified locations and there are numerous mitre drains with substantial construction around the site. There are some areas which appear to have drainage adjacent to the road, but the table drain is generally not distinctly obvious around the perimeter road.</p> <p>There is no Environmental Protection Licence for the site. No evidence of pollution of waters was observed during the site visit.</p>
		Obs	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- BHSP HSE Manual</li> <li>- Erosion and Sediment Control First Solar Solar Farm, by SEEC, 14/6/2016 (in draft)</li> <li>- Drawing ABH1-C800, Overall Soil and Water Management Plan, 24/2/2016</li> </ul>	<p>While the OMEP nominated the Erosion and Sediment Controls Plan from the construction stage would continue to be used in the operational stage, there is poor awareness of the Plan amongst operational staff. Additionally the plans have not been updated since the SEEC review of drainage.</p> <p>The maintenance of sediment and erosion controls is documented in Schedule 3 of the OEMP and Section 6.5 of the HSE Manual. The advice provided is at a general level and may not be sufficient for the staff on the site, who typically have an electrical background and may not have managed sediment controls previously. An example is the sediment fences around the boundary which have collapsed and it is not clear if they should be repaired or removed.</p> <p>The weaknesses in the documentation of controls are not expected to have been an issue in the short time the BHSP has been operating, but are likely to have an impact over the longer life span of the plant. The OEMP could be improved with further explanation of the maintenance of sediment and erosion controls and monitoring their effectiveness at preventing sediment from polluting waterways.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
Water Quality Impact B8.	Works within 40m of a watercourse are to be carried out in accordance with the Guidelines for Controlled Activities on Waterfront Land (NOW, July 2012).	N T Closed	- Broken Hill Solar Plant Environmental Assessment, SKM, October 2012	The EIS reports the nearest watercourse (a farm dam which eventually flows into the Stirling Vale creek) is approximately 400 metres east of the site. As any works on the site would be more than 40m from a watercourse, this Condition is not triggered.
B9.	See <i>Pre-operational Conditions</i> in the following section.			
B10.	See <i>Pre-operational Conditions</i> in the following section.			
Waste Management B11.	All waste materials removed from the site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.	C On-going	- BHSP OEMP - BHSP HSE Manual, including Appendix U - Form-U01: Non-Regulated Waste Register for 2017 & 2018	Schedule 6 from the OEMP provides a detailed description of waste management, including the use of licensed disposal contractors. The HSE Manual prescribes the use of the Regulated Waste Register (Form-U01 in App. U). The Regulated Waste Registers from 2017 & 2018 indicate there has only been inconsequential household/office waste (less than 10kg/month). Contractors may handle larger quantities of waste and are responsible for removing any waste they generate.
Waste Management B12.	Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997, if such a licence is required in relation to that waste.	C On-going	- BHSP HSE Manual	The site does not have capability for treating or processing any waste which could breach this Condition. No waste generated offsite was observed during the site visit.
Waste Management B13.	All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document.	C On-going		See comments for Condition B11.
B14.	See <i>Pre-operational Conditions</i> in the following section.			
B15.	See <i>Pre-operational Conditions</i> in the following section.			
B16.	See <i>Pre-operational Conditions</i> in the following section.			



Condition Number	Condition Description	Comp Status	Evidence	Comments
Fauna Impacts B17.	The Proponent shall design, construct and <i>operate</i> any overhead transmission line connection to the electricity grid with consideration to reasonable and feasible mitigation measures that can be employed to minimise the risk of bird and bat strike into electricity wires.	C On-going	<ul style="list-style-type: none"> <li>- Broken Hill Solar Plant Pre-Construction Compliance Report by Jacobs, October 2014</li> <li>- Broken Hill 22kV Line End of DLP Inspection Report, by Jacobs, 23/3/2018</li> </ul>	<p>Transmission lines within the development are all underground rather than overhead. There is an overhead transmission line connecting the BHSP to a substation.</p> <p>The pre-construction compliance report found the design of the overhead transmission line (conductor, length and phase spacing) complied with this condition.</p> <p>An engineer's inspection of the transmission line did not report any issues related to bird strike.</p>
		Obs	<ul style="list-style-type: none"> <li>- Broken Hill 22kV Line End of DLP Inspection Report, by Jacobs, 23/3/2018</li> </ul>	<p>An engineer's inspection of the transmission lines found design defects with the Air Brake Switch insulation, where the distance between the earth structure and live is not adequate to protect birds from electrocution. Several tripping incidents associated with electrocuted birds were reported. The engineer suggested this issue could be rectified with a longer insulator length for the Air Brake Switch. Harming native animals (birds) could breach biodiversity conservation legislation.</p>
Fauna Impacts B18.	<p>Prior to construction the Proponent shall prepare, in consultation with a suitably qualified expert, and implement a management plan for the raptor nesting site described in Figure 7-3 of the Environmental Assessment. This plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) an assessment of the foraging, breeding and habitat available to the raptor populations, including a map of the suitable breeding, roosting and foraging habitat on the project site;</li> <li>(b) identified protection measures for this habitat;</li> <li>(c) a protocol for checking available breeding habitat prior to any construction works being undertaken, with suitable protection measures implemented if nests are identified;</li> <li>(d) identified measures to minimise impact and disturbance to raptors during construction and <i>operation</i>;</li> <li>(e) a monitoring program to assess and respond to impacts on the local raptor populations by construction and <i>operations</i> on the project site; and</li> </ul>	C On-going	<ul style="list-style-type: none"> <li>- Broken Hill Solar Plant Raptor Management Plan, NGH Environmental, June 2013</li> <li>- Compliance Tracking Program: Independent Compliance Audit, OzArk Environmental, December 2015</li> <li>- Broken Hill Solar Plant Pre-construction Compliance Report by Jacobs, October 2014</li> <li>- BHSP HSE Manual</li> </ul>	<p>The Raptor Management Plan specified measures which included monitoring during the construction phase. Oz Ark verified the RMP was implemented and noted that no raptors have been sighted using the nest during construction. No impact was expected during operation so monitoring was not specified. DPE approval of the Raptor Management Plan was verified in the Pre-Operational report.</p> <p>The HSE Manual's Section 6.5.10 nominated monitoring the site through weekly inspections using Form D-01 Weekly Environmental Inspection Checklist (Appendix Q) and if necessary implementing the raptor management plan. The Weekly Environmental Inspection Checklist does not refer to raptor sightings and consideration could be given to adding a checkbox as a reminder.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>(f) if monitoring results demonstrate the nest has been abandoned then further mitigation, such as a provision of an artificial structure to allow a new nest to be built in the offset area should be investigated.</p> <p>A copy of the Plan shall be provided to the Department and the OEH prior to the commencement of construction.</p>			
B19.	See <i>Pre-operational Conditions</i> in the following section.			
Landscaping Requirements B20.	<p>Within six months of the commissioning of the project, the Proponent shall prepare and submit a Visual Impact Verification Report for the Director-General's approval. Unless otherwise agreed to by the Director-General, the Visual Impact Verification Report shall confirm the visual impacts at each of the receptors and roadways identified in the Environmental Assessment as having the potential to be 'highly impacted', considering the final model and layout of generating components on site as well as site specific mitigating factors at the receptors and roadways (such as receptor orientation and intervening screening factors). The Visual Impact Verification Report shall identify all reasonable and feasible screening and landscape planting options available at each receptor and roadways at which potential impacts have been verified to be 'high' including demonstration that these measures have been determined in consultation with affected receptors and relevant road authorities.</p>	N V On-going	<ul style="list-style-type: none"> <li>- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016</li> <li>- email from an AGL Project Manager to the DPE for submitting the VIVR, 4/8/2016</li> <li>- Visual Impact Verification Report, by Jacobs, 15/4/2016</li> <li>- site visit</li> </ul>	<p>The VIVR was submitted to the DG by email in August 2016. The Pre-Operational Compliance Report has already found this submission was outside of the 6 month timeframe required by the condition.</p> <p>The VIVR found "the solar panels are generally unobtrusive whilst the ancillary structures and buildings are generally more visually prominent" and the landscape mitigation plan "would be of limited effectiveness to reduce visual impact of the solar plant as a whole." There is a view point with high impact but the report has not clearly identified all reasonable and feasible screening and landscape planting options available for the view point and the proposed mitigation plan is not clearly defined.</p> <p>AGL proposed to build a viewing platform over-looking the solar plant rather than provide any visual screening. The viewing platform was reportedly discussed at a community forum and has since been built.</p> <p>After the VIVR was submitted there was correspondence with the DPE and AGL appears to have responded to the DPE's queries. Despite that, final approval of the VIVR has not yet been received and does not appear to be progressing towards a resolution, so this Condition could not be verified as compliant.</p>
Landscaping Requirements B21.	<p>Within 18 months of the approval of the Visual Impact Verification Report by the Director- General (or as otherwise agreed to by the Director-General), the Proponent shall ensure that the measures identified in the Report are implemented at affected receptors and roadways as</p>	N T On-going	<ul style="list-style-type: none"> <li>- email from the AGL Project Manager to DPE Resource Assessment, 9/08/2016</li> <li>- site visit</li> </ul>	As the VIVR has not been approved this Condition has not been triggered.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	identified in the Report in consultation with the Crown Lands Division of the Department of Trade and Investment, other relevant residents/landowners and road authorities.			
B22.	See <i>Pre-operational Conditions</i> in the following section.			
Rehabilitation and Revegetation B23.	The Proponent shall implement a revegetation and rehabilitation program for all areas of the project footprint which are disturbed during the construction of the project but which are not required for the ongoing <i>operation</i> of the project including temporary construction facility sites and sections of construction access roads. The Proponent shall ensure that all revegetation measures are implemented progressively where possible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining.	C On-going	<ul style="list-style-type: none"> <li>- Letter from DPE Director of Resource and Energy Assessments (Approval of Experts), 26/3/2018</li> <li>- Rehabilitation and Revegetation Plan Broken Hill Solar Farm, First Solar, 15/8/2016</li> <li>- site visit</li> </ul>	<p>Ground not required for ongoing operations was observed to have been ripped and revegetated during the site visit. Progress on rehabilitation has been monitored in the First Solar Rehabilitation and Revegetation Plan but the records of Groundcover Monitoring (Form H01) were not available.</p> <p>The DPE has approved the qualified expert to verify the health of revegetated areas for the solar plant and the transmission line. A site visit has been conducted for the monitoring but a report had not been issued at the time of this compliance report.</p>
B24.	See <i>Pre-operational Conditions</i> in the following section.			
B25.	See <i>Pre-operational Conditions</i> in the following section.			
B26.	See <i>Pre-operational Conditions</i> in the following section.			
B27.	See <i>Pre-operational Conditions</i> in the following section.			
Operational Noise Criteria B28.	The Proponent shall take all reasonable measures to minimise noise emissions and vibration from all plant and equipment <i>operated</i> on the site such that they do not exceed noise and vibration criteria derived by application of the NSW Industrial Noise Policy (DECC, 2000) and Assessing Vibration: A Technical Guideline (DECC, 2006).	C On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- BHSP HSE Manual</li> <li>- site visit</li> </ul>	<p>Section 9 Schedule 9 of the OEMP provides a guidance on noise management and notes that noise impacts are expected to be low. Section 6.5.9 of the HSE Manual also addresses occupational noise impacts.</p> <p>No undue noise was found during the site visit when the largest source of noise was the inverter/transformer kiosks.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
Operational Noise Design Standards – Overhead Transmission Line B29.	The Proponent shall ensure that any overhead transmission line associated with the project is designed, constructed and <i>operated</i> to minimise the generation of corona and aeolian noise as far as reasonable and feasible at nearest existing sensitive receptors.	C On-going	<ul style="list-style-type: none"> <li>- Broken Hill Solar Plant Pre-Construction Compliance Report, by Jacobs, October 2014</li> <li>- BHSP OEMP</li> <li>- Broken Hill 22kV Line End of DLP Inspection Report, by Jacobs, 23/3/2018</li> </ul>	<p>The pre-operational report verified that the overhead lines connecting the solar plant to a substation were designed and constructed to minimise noise.</p> <p>Schedule 9 of the OEMP notes that dampers were installed on the transmission line to mitigate aeolian noise.</p> <p>An engineer’s inspection of the transmission line did not report any issues related to corona or aeolian noise.</p>
B30.	See <i>Pre-operational Conditions</i> in the following section.			
Road Dilapidation B31.	The intersection of the site access road and the Barrier Highway shall be upgraded prior to the commencement of construction to the satisfaction of and at no cost to the relevant road authority.	C Closed	<ul style="list-style-type: none"> <li>- DPE Media Release, Department fines AGL for compliance breach at Broken Hill Solar Plant, 5/5/2016</li> <li>- phone call from Manager of Land Use Assessment the RMS at Parkes, 13/6/2018</li> <li>- site visit</li> <li>- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016</li> </ul>	<p>The DPE found construction commenced at the solar plant site before the road upgrades had taken place and this Condition was found to be not compliant in the pre-operational compliance report</p> <p>The intersection has since been widened in the western direction with a left turn lane to meet the requirements of this Condition.</p>
B32.	See <i>Pre-operational Conditions</i> in the following section.			
B33.	See <i>Pre-operational Conditions</i> in the following section.			
<b>Part C. Environmental Management, Reporting And Auditing</b>				
C1.	See <i>Pre-operational Conditions</i> in the following section.			
C2.	See <i>Pre-operational Conditions</i> in the following section.			
C3.	See <i>Pre-operational Conditions</i> in the following section.			

Condition Number	Condition Description	Comp Status	Evidence	Comments
Operational Environmental Management Plan C4.	The Proponent shall prepare and implement an Operation Environmental Management Plan in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004), or any replacement guideline. The Plan is to be prepared in consultation with the Crown Lands Division of the Department of Trade and Investment and Council as relevant. The Plan shall include but not necessarily be limited to:	Obs On-going	- BHSP OEMP - BHSP HSE Manual	A BHSP OEMP has been prepared but its implementation has the following weaknesses: - The OEMP often refers to the Plant Maintenance HSE Manual, which also has "Operational Environmental Management Plan" in its title. Using two documents for an OEMP is a complex structure which detracts from its usability. - There is poor awareness of the OEMP and its requirements amongst the staff who operate and maintain the plant. This is demonstrated through other findings raised in this report, such as infrequent consultations with the RFS, erosion and sediment control plans not updated, a 2 yearly review of the EMS not conducted and the Compliance Tracking Program not being completed. The gaps in the application of the OEMP is largely mitigated by equivalent programs being conducted under the BHSP HSE Manual. The sections of the OEMP which address the individual requirements of this Condition, are set out in the following findings.
C4.	(a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to the operation of the project, including all consents, licences, approvals and consultations;	C On-going		Section 5 of the OEMP
C4.	(b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the project;	C On-going		Section 4 of the HSE Manual defines roles and responsibilities and App. R has a management organisational chart. Responsibilities also defined in Section 6 of the OEMP.
C4.	(c) overall environmental policies to be applied to the operation of the project;	C On-going		Not included in the OEMP but the First Solar HSE policy is Appendix A of the HSE Manual.
C4.	(d) standards and performance measures to be applied to the project, and means by which environmental performance can be periodically monitored, reviewed and improved, (where appropriate) and what actions would be taken in the case that non-compliance with the requirements	C On-going		Found in the Schedules in Section 9 of OEMP and Section 6 of the HSE Manual.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	of this approval are identified. In particular the following environmental performance issues shall be addressed: (i) bushfire hazard and risk management; (ii) management and maintenance of offsets; (iii) inspection, monitoring and maintenance of all watercourse crossings; (iv) management measures for the site, including management of vegetation, soil erosion, dust weed control and landholder liaison.			
C4.	(e) the environmental monitoring requirements outlined under this approval;	C On-going		Monitoring is based on inspections and audit and discussed in Section 7 of the OEMP and Sections 6.5 & 6.6 of the HSE Manual.
C4.	(f) measures to monitor and manage flood impacts in consultation with NOW;	C On-going		Section 6.1.8 of the OEMP, with further information in Section 6.5.3 of the HSE Manual
C4.	(g) information on water sources;	C On-going		Section 6.5.2 of the HSE Manual
C4.	(h) complaints handling procedures as identified in conditions C13 to C15;	C On-going		Section 6.1.9 of the OEMP
C4.	(i) specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions A2b) and A2c) of this approval; and	C On-going		Reported in a previous audit and not assessed in this audit, but the Project Approval and OEMP are structured to address the measures identified in the EA
C4.	(j) management policies to ensure that environmental performance goals are met and comply with the conditions of this approval.	C On-going		Section 3 of the OEMP.
C4.	The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of Operation of the project or within such period as otherwise agreed by the Director-General.	Adm N- C Closed	- Letter from DPE Director Resource Developments,	The OEMP was submitted to the DPE on 21/9/2016 and approved on 2/5/2017. The OEMP was not submitted and approved before operation commenced (in December 2015), so did not comply with the requirements to submit the OEMP

Condition Number	Condition Description	Comp Status	Evidence	Comments
	Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent shall make the Plan publicly available as soon as practicable and provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.		Broken Hill Solar Plant (10_0202), dated 2/5/2017	at least one month prior to commencement, or not commencing operation until approval has been received. The OEMP is available publicly through the AGL website as required by the Condition.
Biodiversity Offset Management Plan C5.	<p>Following final design and prior to the commencement of construction, or as otherwise agreed to by the Director-General, the Proponent shall develop and submit a Biodiversity Offset Management Package for the approval of the Director-General. The package shall detail how the ecological values lost as a result of the Project will be offset. The Biodiversity Offset Management Package shall be developed in consultation with the OEH and shall (unless otherwise agreed by the Director-General) include, but not necessarily be limited to:</p> <p>(a) an assessment of all native vegetation communities, threatened species habitat and Willyama Common land that will either be directly or indirectly impacted by the proposal;</p> <p>(b) the objectives and biodiversity outcomes to be achieved (including 'improve or maintain' biodiversity values), and the adequacy of the proposed offset considered;</p> <p>(c) the final suite of the biodiversity offset measures selected and secured including but not necessarily limited to:</p> <p>i) an offset proposal which is supported by a suitable metric method (such as the Biobanking Assessment Methodology);</p> <p>ii) details of the relative condition and values of communities on the offset site in comparison to those to be impacted, including all areas of native shrubland in moderate to good condition;</p> <p>iii) proposed management actions and expected gains;</p> <p>(d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:</p> <p>i) the monitoring of the condition of species and ecological communities at offset locations;</p> <p>ii) the methodology for the monitoring program(s), including</p>	C On-going	<ul style="list-style-type: none"> <li>- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016</li> <li>- Biodiversity Offset Management Plan Broken Hill Solar Plant, by NGH Environmental, July 2013</li> <li>- AGL Broken Hill Solar Plant Biodiversity Offset Site Annual Ecological Monitoring Report Year 1 – 2017, by Jacobs, 16/2/2018</li> <li>- Alteration of Purpose/Conditions of a Western Lands Lease 14240, from NSW Government Gazette No. 33, 4/4/2014</li> <li>- Deposited Plan Administration Sheet for subdivision of Lot 6806 in DP823918</li> </ul>	<p>The pre-operational compliance report verified the DPE approval of the BOMP.</p> <p>Monitoring of the BOMP was conducted in November 2017 and reported in February 2018. It found that overall biodiversity values across the site have been maintained with regards to floristic diversity, coverage and quality when compared to the vegetation community benchmarks and baseline survey results.</p> <p>A change of lease purpose application has been completed as specified by the BOMP (Section 5) to secure the offset site in perpetuity. The notice of Alteration of Purpose/Conditions has been gazetted.</p>



Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>the number and location of offset monitoring sites, and the sampling frequency at these sites;</p> <p>iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and</p> <p>(e) timing and responsibilities for the implementation of the provisions of the Package.</p> <p>Land offsets shall be consistent with the Principles for the use of Biodiversity Offsets in NSW (NSW Office of Environment and Heritage, June 2011). Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.</p> <p>Where monitoring referred to in condition (d) indicates that biodiversity outcomes are not being achieved, remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.</p> <p>Within one from approval from the Director-General the Proponent shall, in conjunction with the lessee of Western Lands Lease 14240, apply to the Crown Lands Division of the Department of Trade and Investment for a Change of Lease Purpose of Western Land Lease 14240 to appropriately record the biodiversity offset on title and within the lease conditions as a conservation area.</p>			
Decommissioning Management Plan C6.	<p>Prior to the commencement of decommissioning, or as otherwise agreed by the Director- General, the Proponent shall prepare in consultation with the Crown Lands Division of the Department of Trade and Investment and implement (following approval) a Decommissioning Management Plan for the project. The Plan shall outline the environmental management practices and procedures that are to be followed during decommissioning, and shall be prepared in consultation with the relevant agencies and in accordance with the Guideline for the Preparation of Environmental</p>	N T On-going	- email from the Environment Business Partner, Renewables VIC/NSW, 17/5/2018	This Condition has not been triggered as the site's lifespan is at least 30 years and planning for decommissioning has not begun.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004) or any replacement guideline. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) a description of activities to be undertaken during decommissioning of the project (including staging and scheduling);</li> <li>(b) statutory and other obligations the Proponent is required to fulfil during decommissioning, including approval/consents, consultations and agreements required from authorities and other stakeholders under key legislation and policies;</li> <li>(c) a description of the roles and responsibilities for relevant employees involved in the decommissioning of the project, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;</li> <li>(d) an environmental risk analysis to identify the key environmental performance issues associated with the decommissioning phase; and</li> <li>(e) details of how environmental performance will be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the decommissioning of the project). In particular, the following environmental performance issues shall be addressed in the Plan: <ul style="list-style-type: none"> <li>(i) compounds and ancillary facilities management;</li> <li>(ii) noise and vibration;</li> <li>(iii) traffic and access;</li> <li>(iv) soil and water quality and spoil management;</li> <li>(v) air quality and dust management;</li> <li>(vi) hazardous material and waste management; and</li> <li>(vii) hazard and risk management, including bushfire risk.</li> </ul> </li> </ul> <p>The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of decommissioning, or as otherwise</p>			

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>agreed by the Director-General. The Plan may be prepared in stages, however, decommissioning works shall not commence until written approval has been received from the Director-General. Upon receipt of the Director -General's approval, the Proponent shall provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.</p>			
Decommissioning Road Dilapidation C7.	<p>Unless otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:</p> <p>(a) Prior to the commencement of decommissioning of the project, the Proponent shall commission a suitably qualified road infrastructure specialist to assess the condition of all public roads proposed to be traversed by decommissioning traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with the relevant road authority, and to identify any upgrade requirements to accommodate project traffic for the duration of decommissioning (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access), having regard to traffic volumes. The Decommissioning Road Report shall be submitted to the Director-General prior to the commencement of decommissioning works, clearly identifying recommendations made by the relevant road authority and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to meet the reasonable requirements of the relevant road authority, prior to the commencement of decommissioning.</p> <p>(b) upon determining the haulage route(s) for decommissioning vehicles associated with the project, and prior to decommissioning, an independent and qualified person or team shall undertake a Road Dilapidation Report. The report shall assess the current condition of the road(s) and describe mechanisms to restore any damage that may result due to traffic</p>	N T On-going	- email from the Environment Business Partner, Renewables VIC/NSW, 17/5/2018	This Condition has not been triggered as the site's lifespan is at least 30 years and planning for decommissioning has not begun.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>and transport related to the construction of the project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.</p> <p>Following completion of decommissioning, a subsequent report shall be prepared to assess any damage that may have resulted from the decommissioning of the project.</p> <p>Measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the relevant road authority, and at the full expense of the Proponent.</p>			
Incident Reporting C8.	<p>The Proponent shall notify, at the earliest opportunity, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	N T On-going	<ul style="list-style-type: none"> <li>- email from the Environment Business Partner, Renewables VIC/NSW, 17/5/2018</li> <li>- site visit</li> </ul>	<p>AGL state there have not been any reportable incidents, so this Condition is not triggered.</p> <p>The site visit found no incidence of material environmental harm.</p>
Regular Reporting C9.	<p>The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.</p>	C On-going	<ul style="list-style-type: none"> <li>- <a href="https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant">https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant</a> (accessed 11/6/2018)</li> </ul>	<p>The BHSP website continues to be maintained during the operational stage in compliance with this Condition. The site provides the performance reports required by this Condition, including:</p> <ul style="list-style-type: none"> <li>- Pre-Construction and Pre-Operation compliance reports (required by C16.)</li> <li>- Biodiversity Offset Management Monitoring report (required by C5.)</li> <li>- solar generation reports</li> </ul>
Community Information, Consultation	<p>Subject to reasonable confidentiality requirements, the Proponent shall make all documents required under this approval available for public inspection on request.</p>	N T On-going	<ul style="list-style-type: none"> <li>- email from the AGL Environment Business Partner, Renewables</li> </ul>	<p>AGL state they have not had any requests for documentation from the public, so this Condition has not been triggered.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
and Involvement C10.			VIC/NSW, 21/6/2018	Several of the documents required by the Condition are openly provided to the public through the project website (see finding for C9.)
Provision of Electronic Information C11.	<p>Prior to the commencement of construction, the Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <p>(a) the status of the project;</p> <p>(b) a copy of this approval and any future modification to this approval;</p> <p>(c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;</p> <p>(d) a copy of each plan, report, or monitoring program required by this approval; and</p> <p>(e) details of the outcomes of compliance reviews and audits of the project.</p>	C On-going	<p>- <a href="https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant">https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant</a> (accessed 11/6/2018)</p>	<p>The documents and information required by the Condition are maintained on the BHSP website under the “documents” tab and include:</p> <p>a) general information about the development, its location and operational status</p> <p>b) the Project Approval (there are no modifications)</p> <p>c) there are no environmental permits or licences, but the EPBC referral decision is listed</p> <p>d) plans include the</p> <ul style="list-style-type: none"> <li>- BHSP OEMP &amp; BHSP HSE Manual</li> <li>- Biodiversity Offset Management Plan</li> <li>- Construction Environmental Management Plans</li> <li>- Community &amp; Stakeholder Engagement Plan</li> <li>- BHSP Staging Report</li> <li>- Environmental Assessment</li> </ul> <p>e) see finding for C9.</p>
Community Information Plan C12.	<p>Prior to the commencement of construction, the Proponent shall prepare and implement a Community Information Plan which sets out the community communication and consultation processes to be implemented during construction and <i>operation</i> of the project. The Plan shall include but not be limited to:</p> <p>(a) procedures to inform the local community of planned investigations and construction activities, including blasting works (if any);</p> <p>(b) procedures to inform the relevant community of construction traffic routes and any potential disruptions to traffic flows and amenity impacts;</p>	C On-going	<ul style="list-style-type: none"> <li>- Community &amp; Stakeholder Engagement Plan Broken Hill Solar Plant – Operation, AGL, latest version 8/1/2018</li> <li>- AGL Community Complaints &amp; Feedback Procedure, AGL-CCF-PRO, 28/12/2017</li> <li>- BHSP OEMP</li> <li>- HSE Manual</li> </ul>	<p>The Community &amp; Stakeholder Engagement Plan outlines the strategy for community information in the operational stage. It is supported by the AGL Community Complaints &amp; Feedback Procedure.</p> <p>Section 6.5.11 of the HSE Manual discusses landholder liaison and Section 6.1.9 of the OEMP also discussed consultation with regulators.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>(c) procedures to consult with local landowners/residents with regard to construction traffic to ensure the safety of livestock and to limit disruption to livestock movements;</p> <p>(d) procedures to inform the community where work outside the construction hours specified in condition B25, in particular noisy activities, has been approved; and</p> <p>(e) procedures to inform and consult with the Crown Lands Division of the Department of Trade and Investment to rehabilitate impacted land.</p>			
Complaints Procedure C13.	<p>Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation) or as otherwise agreed by the Director-General:</p> <p>a) a 24 hour telephone number on which complaints about construction and operational activities at the site may be registered;</p> <p>b) a postal address to which written complaints may be sent; and</p> <p>c) an email address to which electronic complaints may be transmitted.</p> <p>The telephone number, postal address and e-mail address shall be advertised in a newspaper circulating in the local area on at least one occasion prior to the commencement of construction; and at six-monthly intervals during construction and for a period of two years following commencement of <i>operation</i> of the project. These details shall also be provided on the Proponent's internet site required by condition C11. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the construction site(s), in a position that is clearly visible to the public.</p>	C On-going	<ul style="list-style-type: none"> <li>- webpage <a href="https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant">https://www.agl.com.au/about-agl/how-we-source-energy/broken-hill-solar-plant</a>, accessed 25/5/2018</li> <li>- Images of AGL compliant contact details notices in the Barrier Daily Truth on 17/11/2016, 17/09/2017, 17/11/2017 &amp; 17/4/2018</li> <li>- test phone call to 1800 039 600, 11/6/2018</li> <li>- site visit</li> </ul>	<p>The dedicated webpages for the BHSP site includes the AGL Community Complaints &amp; Enquiries Hotline phone number (1800 039 600), an AGL Community email address and postal address.</p> <p>There have been 4 AGL newspaper notices with the complaints contact details in the Barrier Daily Truth starting from 17/11/2016.</p> <p>A sign at the entry to the site lists the phone number, email and web address.</p> <p>The complaint phone line was verified through a call to the 1800 039 600 number.</p>
Complaints Procedure C14.	The Proponent shall record details of all complaints received through the means listed in condition C13 of this approval in	C On-going	- email from the Environment Business	There has only been a single complaint recorded, which was found to be unrelated to the BHSP.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>a) the date and time, of the complaint;</li> <li>b) the means by which the complaint was made (telephone, mail or email);</li> <li>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</li> <li>d) the nature of the complaint;</li> <li>e) any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action; and</li> <li>f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</li> </ul> <p>The Complaints Register shall be made available for inspection by the Director-General upon request.</p>		<p>Partner, Renewables VIC/NSW, 21/5/2018</p> <ul style="list-style-type: none"> <li>- screenshot of complaint from 27/7/2014</li> </ul>	<p>The complaint was recorded with the required details and demonstrates there is a system to record complaint details in compliance with the Condition.</p>
Complaints Procedure C15.	<p>The Proponent shall provide an initial response to any complaints made in relation to the project during construction or operation within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in accordance with condition C14. Any subsequent detailed response or action is to be provided within two weeks.</p>	C On-going	<ul style="list-style-type: none"> <li>- AGL Community Complaints &amp; Feedback Procedure, AGL-CCF-PRO, 28/12/2017</li> <li>- test phone call to 1800 039 600, 11/6/2018</li> </ul>	<p>The Community Complaints &amp; Feedback Procedure sets a target for responding to urgent complaints within 24 hours. A phone call made during the audit to verify the complaints phone line received a fast response that was comfortably within the 48 hour timeframe.</p>
Compliance Tracking Program C16.	<p>Prior to the commencement of construction, the Proponent shall develop and implement a Compliance Tracking Program, to track compliance with the requirements of this approval during the construction and operation of the project and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>a) provisions for periodic reporting of compliance status to the Director-General including at least prior to the commencement of construction of the project, prior to the commencement of operation of the project and within two years of operation commencement;</li> </ul>	N-C, On-going	<ul style="list-style-type: none"> <li>- BHSP OEMP</li> <li>- HSE Manual</li> <li>- ASX and Media Releases, AGL's Nyngan and Broken Hill solar plants officially opened, AGL, 20/1/2016</li> <li>- Broken Hill Solar Plant Operational Compliance Report by Jacobs, October 2016</li> </ul>	<p>The OEMP nominates the Compliance Tracking Program (Appendix C) as an integral part of reporting requirements under this Condition. Section 7 of the OEMP (and also Section 6.8 of the HSE Manual) nominates compliance will be tracked using the Compliance Tracking Program (included in Appendix C of the OEMP). Section 10 nominates the Compliance Tracking Program will be updated at least every 6 months. Some of the "Responsible Party" positions in the Compliance Tracking Program are no longer filled (for example First Solar Site Environmental Manager/ Advisor). As the Compliance Tracking Program has not been completed, it does not comply with the OEMP or this condition.</p> <p>This post operational compliance report addresses the requirement for a report after operations commence, but it</p>



Condition Number	Condition Description	Comp Status	Evidence	Comments
				<p>will not be completed within the two year timeframe required by the Condition.</p> <p>The Pre-Operational Compliance Report (which preceded this post operational compliance report) is dated after the operations commenced (October 2016 rather than December 2015) so does not meet the “prior to commencement” timeframe set by the Condition.</p> <p>AGL’s media release reported the BHSP as becoming operational in December 2015 and officially opened in January 2016.</p> <p>As the post and pre-operational reports were not completed by their required timeframes, they are not compliant with the administrative requirements of this Condition.</p>
C16.	b) a program for independent environmental auditing in accordance with AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing;	C On-going	- OEMP	The OEMP Appendix C specifies an external audit of the OEMP and the conditions of the Project Approval every 5 years. This post operational compliance report is the first of the independent audits.
C16.		Obs		The period specified between external, independent audits is up to 5 years. This is a long period between audits, especially considering the weaknesses in the internal Compliance Tracking Program (Appendix C of the OEMP). Consideration could be given to a shorter period if non-compliances are found during the external audits.
C16.	c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;	C On-going	- screen capture of HSE Action Tracking System, from the AGL Environment Business Partner, Renewables VIC/NSW, 17/5/2018	AGL tracks non-compliances and actions for rectifying them through an Incomplete Works Register and an online Health, Safety & Environment myHSE Action Tracking System.
C16.	d) mechanisms for recording environmental incidents and actions taken in response to those incidents;	C On-going	- OEMP - Condition Notification and Investigation Report Log Number 16-0038 dated 19/2/2016	Section 11 of the OEMP sets out an Incident Management Process and nominates the myHSE action tracking system. While not described in the OEMP, the CNIR system is used for tracking and reporting incidents at an operational level. An environmental incident has not occurred during the

Condition Number	Condition Description	Comp Status	Evidence	Comments
				operational stage, but the CNIR was demonstrated for an operational incident (related to relays).
C16.	e) provisions for reporting environmental incidents to the Director-General during construction and operation; and	C On-going	- email from the AGL Environment Business Partner, Renewables VIC/NSW	AGL nominates itself as the party responsible for reporting environmental incidents, by there have not been any incidents to report to the DG.
C16.	f) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.	C On-going		See comments for Condition A12.

## Previous Audit Findings

There have been three previous compliance reports for the development. Their findings are summarised below:

- Broken Hill Solar Plant Operational Compliance Report (actually a pre-operational report) by Jacobs (October 2016) found the Conditions were compliant or not triggered with the exception of:
  - 2 Conditions (B20 & C4) not compliant with submission timeframes
  - Condition B31 was not compliant and required completion of road upgrade works
- Compliance Tracking Program: Independent Compliance Audit by OzArk Environmental (December 2015) found the Conditions were either compliant, not triggered or 2 conditions which were partially compliant:
  - Condition B2, where rehabilitation of ancillary facilities had commenced
  - Mitigation Measure V4 on plantings for visual screening, where community consultation was under way but planting had not yet occurred
- Broken Hill Solar Plant Pre-construction Compliance Report by Jacobs (October 2014) found all the Conditions it assessed were compliant

## Pre-operational Conditions

The Conditions listed in this section were not included the scope of the audit as they were not related to the operational stage (i.e. their requirements were only for construction or commissioning stages). Each of the Conditions has been assessed through the previous compliance reports so is not assessed again in this compliance report.

Condition Number	Condition Description	Comments
Limits of approval A5.	This project approval shall lapse five years after the date on which it is granted, unless any works the subject of this approval have physically commenced before that time.	
Staging A6.	<p>The Proponent may elect to construct and/ or operate the Project in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Director-General and Crown Lands Division of the Department of Trade and Investment prior to the commencement of the first proposed stage. The Staging Report shall provide details of:</p> <ul style="list-style-type: none"> <li>a) how the Project would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and</li> <li>b) details of the relevant conditions of project approval, which would apply to each stage and how these shall be complied with across and between the stages of the Project.</li> </ul> <p>Where staging of the Project is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).</p> <p>The Proponent shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Director-General and Crown Lands Division of the Department of Trade and Investment prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.</p>	Assessed in the pre-construction and pre-operational reports
Decommissioning A11.	Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General that the lease agreements with the Crown Lands Division of the Department of Trade and Investment have adequate provisions to require that decommissioning occurs in accordance with this approval, and is the responsibility of the Proponent.	
Ancillary Facilities B1.	<p>Unless otherwise approved by the Director-General, the location of Ancillary Facilities shall:</p> <ul style="list-style-type: none"> <li>a) be located more than 50 metres from a waterway;</li> <li>b) be located within or adjacent to the Site;</li> <li>c) have ready access to the road network;</li> <li>d) be located to minimise the need for heavy vehicles to travel through residential areas;</li> <li>e) be sited on relatively level land;</li> <li>f) be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);</li> <li>g) not require vegetation clearing beyond that already required by the Project;</li> <li>h) not impact on heritage sites (including areas of archaeological sensitivity) beyond those already impacted by the Project;</li> <li>i) not unreasonably affect the land use of adjacent properties;</li> <li>j) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and</li> <li>k) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours. The location of the Ancillary Facilities shall be identified in the CEMP.</li> </ul>	

Condition Number	Condition Description	Comments
<b>PART B ENVIRONMENTAL PERFORMANCE</b>		
Construction Soil and Water Management B9.	Soil and water management measures consistent with Managing Urban Stormwater - Soils and Construction Vol. 1 (Landcom, 2004) shall be employed during the construction of the Project to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.	
Waterways B10.	Waterway crossings shall be designed and constructed in consultation with NOW and DPI (Fisheries) and consistent with DPI (Fisheries) guidelines Policy and Guidelines for Fish Friendly Waterway Crossings (2004) and Fish Passage Requirements for Waterway Crossings (2004).	
Utilities and Services B14.	Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Project shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent.	
Native Vegetation Impacts B15.	The clearing of all native vegetation is to be limited to the minimal extent practicably required. Details regarding the procedures for clearing vegetation and minimising the extent of clearing shall be clearly included in the Flora and Fauna Management Plan contained in condition C3(a).	
Native Vegetation Impacts B16.	Tree trunks and major branches from cleared trees should be used, to the fullest extent practicable, to enhance habitat (coarse woody debris) in rehabilitated areas or in native shrub lands (either in offset areas or areas adjoining impacted areas) and included in the Construction Flora and Fauna Management Plan contained in condition C3(a).	
Fauna Impacts B19.	During construction, the Proponent shall maintain a buffer of 500 metres in all directions from the raptor nesting site described in Figure 7-3 of the Environmental Assessment unless otherwise agreed to by the Director-General.	
Landscaping Requirements B22.	The Proponent shall ensure that any permanent buildings and overhead transmission lines are designed and constructed to minimise visual intrusion to nearest sensitive receptors as far as reasonable and feasible, including appropriate external finishes and landscape planting to screen views.	
Construction Noise B24.	Construction activities associated with the project shall be undertaken during the following standard construction hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 1:00pm Saturdays; and (c) at no time on Sundays or public holidays. Except unless otherwise provided in condition B25.	
Construction Noise B25.	Construction works outside of the standard construction hours identified in condition B24 may be undertaken in the following circumstances:	

Condition Number	Condition Description	Comments
	<p>(a) construction works that generate noise that is:</p> <p>(i) no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009); and</p> <p>(ii) no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) at other sensitive receivers; or</p> <p>(b) for the delivery of materials required outside those hours by the NSW Police Force or other authorities for safety reasons; or</p> <p>(c) where it is required in an emergency to avoid the loss of life, property and/or to prevent environmental harm;</p> <p>(d) works as approved through the out-of-hours work protocol outlined in the Construction Noise Management Plan required under condition C3(d).</p>	
Construction Noise B26.	<p>Any activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:</p> <p>(a) between the hours of 8:00 am to 5:00 pm Mondays to Fridays;</p> <p>(b) between the hours of 8:00 am to 1:00 pm Saturdays; and</p> <p>(c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.</p> <p>For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.</p>	
Construction Noise B27.	<p>The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the Interim Construction Noise Guideline (DECC, July 2009) including noise generated by heavy vehicle haulage and other construction traffic associated with the project</p>	
Road Dilapidation B30.	<p>Unless otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:</p> <p>(a) Prior to the commencement of construction of the project, the Proponent shall commission a suitably qualified road infrastructure specialist to assess the condition of all local public roads proposed to be traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with the relevant road authority, and to identify any upgrade requirements to accommodate project traffic for the duration of construction (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access), having regard to traffic volumes. The Pre-Construction Road Report shall be submitted to the Director-General prior to the commencement of construction works, clearly identifying recommendations made by the relevant road authority and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to meet the reasonable requirements of the relevant road authority, prior to the commencement of construction;</p> <p>(b) upon determining the haulage route(s) for construction vehicles associated with the project, and prior to construction, an independent and qualified person or team shall undertake a Road Dilapidation Report. The report shall assess the current condition of relevant local road(s) and describe mechanisms to restore any damage that may result due to traffic and transport related to the construction of the project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage;</p>	<p>local roads were not used during construction</p>

Condition Number	Condition Description	Comments
	<p>(c) following completion of construction, a subsequent report shall be prepared to assess any damage that may have resulted from the construction of the project; and</p> <p>(d) measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the relevant road authority, and at the full expense of the Proponent.</p>	
Heritage Impacts B32.	If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with the National Parks and Wildlife Act 1974. In addition, registered Aboriginal stakeholders shall be informed of the finds. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the OEH and the registered Aboriginal stakeholders and written authorisation from the OEH is received by the Proponent.	
Heritage Impacts B33.	If during the course of construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) shall cease immediately and the Heritage Office notified in accordance with the Heritage Act 1977. Works shall not recommence until the Proponent receives written authorisation from the Heritage Office.	OzArk compliance report clarified no historical sites identified.
Environmental Representative C1.	<p>Prior to the commencement of construction of the Project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environment Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:</p> <ul style="list-style-type: none"> <li>a) be the principal point of advice in relation to the environmental performance of the Project;</li> <li>b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans/ programs;</li> <li>c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the Project;</li> <li>d) ensure that environmental auditing is undertaken in accordance with the Proponent's Environmental Management System(s);</li> <li>e) be given the authority to approve/ reject minor amendments to the Construction Environmental Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environment Management Plan required under Condition C2;</li> <li>f) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur; and</li> <li>g) be consulted in responding to the community concerning the environmental performance of the Project where the resolution of points of conflict between the Proponent and the community is required.</li> </ul>	
Construction Environmental	The Proponent shall prepare and implement a Construction Environmental Management Plan in consultation with Council and the Crown Lands Division of the Department of Trade and Investment for the Project in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004) or any replacement guideline. No	

Condition Number	Condition Description	Comments
Management Plan (CEMP) C2.	<p>construction associated with the project shall commence until written approval of this plan has been received from the Director-General or his nominee. The Plan must include:</p> <ul style="list-style-type: none"> <li>(a) a description of all relevant activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;</li> <li>(b) identification of the potential for cumulative impacts with other construction activities occurring in the vicinity and how such impacts would be managed;</li> <li>(c) details of any construction sites and mitigation, monitoring, management and rehabilitation measures specific to the site compound(s) that would be implemented;</li> <li>(d) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</li> <li>(e) evidence of consultation with relevant public authorities required under this condition and how issues raised by the agencies have been addressed in the plan;</li> <li>(f) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;</li> <li>(g) details of how the environmental performance of construction will be monitored, and what actions will be taken to address identified potential adverse environmental impacts;</li> <li>(h) specific consideration of relevant measures identified in the documents referred to under conditions A2b) and A2c) of this approval;</li> <li>(i) the additional requirements of this approval;</li> <li>(j) a complaints handling procedure during construction identified in conditions C12 and C14;</li> <li>(k) register of construction work hazards and the anticipated level of risk associated with each;</li> <li>(l) measures to monitor and manage soil and water impacts in consultation with NOW including: control measures for works close to or involving waterway crossings (including rehabilitation measures following disturbance and monitoring measures and completion criteria to determine rehabilitation success), identification of construction activities that are likely to pose a risk of groundwater interference, and procedures for managing groundwater impacts should they occur;</li> <li>(m) measures to monitor and manage flood impacts in consultation with NOW;</li> <li>(n) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks;</li> <li>(o) emergency management measures including measures to control bushfires; and</li> <li>(p) information on water sources.</li> </ul>	
CEMP C3.	<p>As part of the Construction Environmental Management Plan required under condition C2 of this approval, the Proponent shall prepare and implement the following:</p> <ul style="list-style-type: none"> <li>(a) a Flora and Fauna Management Plan, developed in consultation with the OEH, to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the project. The Plan shall include, but not necessarily be limited to: <ul style="list-style-type: none"> <li>(i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations of EECs, native pasture; and areas to</li> </ul> </li> </ul>	



Condition Number	Condition Description	Comments
	<p>be cleared. The plans shall also identify vegetation adjoining the site where this contains important habitat areas and/or threatened species, populations or ecological communities;</p> <p>(ii) methods to manage impacts on flora and fauna species and their habitat which may be directly or indirectly affected by the project, such as location of fencing, procedures for vegetation clearing or soil removal/stockpiling and procedures for re-locating hollows or installing nesting boxes and managing weeds;</p> <p>(iii) procedures to accurately determine the total area, type and condition of vegetation community to be cleared;</p> <p>(iv) reference to the Ground Cover Management Plan and the Management Plan for the raptor nesting site required in condition C3(b) and B18 respectively; and</p> <p>(v) a procedure to review management methods where they are found to be ineffective.</p> <p>(b) a Ground Cover Management Plan, developed in consultation with the Crown Lands Division of the Department of Trade and Investment an agronomist, to outline measures to ensure adequate vegetation cover and composition beneath the solar PV array. The Plan shall include, but not necessarily be limited to:</p> <p>(i) procedures to minimise disturbance to ground cover not impacted by the project particularly in the area of the native shrubland in good condition;</p> <p>(ii) procedures for the stabilisation, rehabilitation and revegetation of disturbed ground cover including reference to field trials where required;</p> <p>(iii) weed management measures to control and prevent the spread of noxious weeds;</p> <p>(iv) monitoring methods to assess the impact of the project on the ground cover vegetation; and</p> <p>(v) a procedure to review management methods where they are found to be ineffective.</p> <p>(c) a Landscape Plan, to minimise visual impacts from the solar plant. . The Plan shall include, but not necessarily be limited to:</p> <p>(i) identification of landscaping objectives and standards based on visual impacts and local environmental values (in particular the Pinnacles);</p> <p>(ii) details of species used to enhance, mitigate and/or augment landscaping to minimise the visual impact of the project, particularly with respect to the impacts on nearby residences;</p> <p>(iii) implementation, management and monitoring strategies to ensure the establishment and ongoing maintenance of landscaped areas;</p> <p>(iv) a consultation strategy to seek feedback from affected residents and the interested community on the proposed landscape measures.</p> <p>(d) a Construction Noise Management Plan to manage noise impacts during construction and to identify all feasible and reasonable noise mitigation measures. The Plan shall include, but not necessarily be limited to:</p> <p>(i) details of construction activities and an indicative schedule for construction works;</p> <p>(ii) identification of construction activities that have the potential to generate noise impacts on surrounding land uses, particularly residential areas;</p> <p>(iii) detail the requirements for Noise Impact Statement(s) for discrete work areas, including construction site compounds;</p> <p>(iv) detail what reasonable and feasible actions and measures would be implemented to minimise noise impacts;</p> <p>(v) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise amenity, as well as procedures for dealing with and responding to noise complaints;</p>	

Condition Number	Condition Description	Comments
	<p>(vi) an out-of-hours work (OOHW) protocol for the assessment, management and approval of works outside of standard construction hours as defined in condition B25 of this approval, including a risk assessment process under which an Environmental Representative may approve out-of-hour construction activities deemed to be of low environmental risk and refer high risk works for the Director-General's approval. The OOHW protocol shall detail standard assessment, mitigation and notification requirements for high and low risk out-of-hour works, and detail a standard protocol for referring applications to the Director-General; and</p> <p>(vii) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported; and, if any exceedance is detected how any non-compliance would be rectified.</p> <p>(e) a Traffic Management Plan to manage traffic conflicts that may be generated during construction in preparing the Plan, the Proponent shall consult with the Council, RMS and the Crown Lands Division of the Department of Trade and Investment. The Plan shall address the requirements of the relevant road authority and shall include, but not necessarily be limited to:</p> <p>(i) details of how construction of the project will be managed in proximity to local and regional roads;</p> <p>(ii) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;</p> <p>(iii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with;</p> <p>(iv) details of measures to minimise interactions between the project and other users of the roads such as the use of fencing, lights, barriers, traffic diversions etc;</p> <p>(v) procedures for informing the public where any road access will be restricted as a result of the project;</p> <p>(vi) procedures to manage construction traffic to ensure the safety of livestock and to minimise disruption to livestock;</p> <p>(vii) speed limits to be observed along routes to and from the site and within the site; and</p> <p>(viii) details of the expected behavioural requirements for vehicle drivers travelling to and from the site and within the site.</p> <p>(f) an Aboriginal Heritage Plan to monitor and manage Aboriginal heritage shall be developed in consultation with the OEH and registered Aboriginal stakeholders, and include the following: (i) details of further archaeological investigations and/or salvage measures to be carried out prior to construction; (ii) procedures for the management of identified objects within the project site; (iii) procedures for dealing with unidentified objects and/or human remains; (iv) Aboriginal cultural heritage induction processes for construction personnel; and (v) Procedures for ongoing Aboriginal consultation and involvement. Upon receipt of the Director-General's approval, the Proponent shall provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.</p>	