



Nyngan Solar Plant

Environmental Compliance Audit

AGL Energy Limited


28 March 2022

The Power of Commitment

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Printed date	28/03/2022 1:03:00 PM
Last saved date	28 March 2022 1:03 PM
File name	https://projectsportal.ghd.com/sites/pp01_05/aglsolarfarmsdesktop/ProjectDocs/12568874-REP-0_Nyngan Solar Farm Audit.docx
Author	Emily Strauss, Elliot Holland
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Client name	AGL Energy Limited
Project name	Nyngan Solar Plant Environmental Compliance Audit
Document title	Nyngan Solar Plant Environmental Compliance Audit
Revision version	Rev 0
Project number	12568874

Document status

Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
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1. Introduction

1.1 Introduction

AGL Energy Limited (AGL) manages the Nyngan Solar Plant, a 102 megawatt (MW) photo voltaic power station located 15 km to the west of Nyngan in Central West, NSW. AGL made the development application for the solar farm and it was built by First Solar (Australia) Pty Ltd (First Solar). Construction began in 2014, the solar farm became operational in July 2015 and the official opening was held in January 2016.

The Nyngan Solar Plant received its approval under Development Consent SSD-5355 on 15 July 2013. The approval included:

- Photovoltaic arrays 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 substation.
- Construction of an above ground 132kV transmission line.
- Internal access tracks, upgrades to existing roads, fencing and landscaping.
- Site office, operations and maintenance office building.

Development Consent SSD-5355 includes requirements for construction, commissioning, operational and decommissioning stages of the Nyngan Solar Plant; with Schedule 2, Part B, Condition C16 of SSD-5355 including the requirement for a Compliance Tracking Program for Nyngan Solar Plant.

1.2 Purpose of this report

In accordance with the AGL Environment Audit Schedule, AGL is to undertake a desktop environmental compliance audit for the Nyngan Solar Plant in Quarter 3 Financial Year 2021/2022.

AGL commissioned GHD Pty Ltd (GHD) to conduct an environmental compliance audit (the 'audit') of Nyngan Solar Plant. The objective of the environmental compliance audit is to assess compliance with Commonwealth and NSW legislation, and the Development Consent (i.e. SSD-5355), and in particular:

- Commonwealth laws relevant to activities at AGL.
- NSW laws relevant to activities at AGL.
- Operational conditions attached to Development Consent SSD-5355 granted to AGL, with construction conditions excluded.

This audit was completed without conducting a site inspection (i.e. desktop only). As such, implementation of measures required by operational management documentation could not be verified on-site.

This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with against legislative and Development Consent SSD-5355 requirements.

The audit was led by *Elliot Holland*, Lead Auditor – Environmental Management Systems (number: 115351) with technical review completed by *Michelle Kiejda*, Technical Director – Environmental Management.

1.3 Scope of the audit

The audit took the following form:

- An initial start-up teleconference was held with relevant AGL representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring at the solar plant, documentation for review and to schedule a date for the interviews.
- A review of available key documentation including the Environmental Impact Statement (EIS) and response to submissions documentation, Development Consent SSD-5355, and other relevant site and environmental information (such as correspondence with agencies (as relevant) and operation management plans and/or monitoring results) was undertaken prior to interviews with AGL representatives. Additional documents were reviewed during and following the interviews with AGL representatives.
- Preparation of a draft audit report for AGL to review.
- Finalisation of the audit report and submission to AGL.

1.4 Audit participants

The personnel listed in Table 1.1 were involved over the course of the audit.

Table 1.1 Audit participants

Audit team members	Organisation	Role
Michelle Kiejda	GHD	Technical review
Elliot Holland	GHD	Lead Auditor
Sara Regio Candeias	AGL	Environment Business Partner – Wind & Solar
Simon Philippides	AGL	Environment Advisor – Renewables VIC/NSW

1.5 Limitations

This report has been prepared by GHD for AGL and may only be used and relied on by AGL for the purpose agreed between GHD and the AGL as set out in Sections 1.2 and 1.3 of this report.

GHD otherwise disclaims responsibility to any person other than AGL arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

GHD has prepared this report on the basis of information provided by AGL, which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. Methodology

2.1 Audit inception

An initial start-up teleconference for the audit was held on Wednesday 2 February 2022 with Sara Regio Candeias, the relevant AGL representative for the audit to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on site, documentation for review and to schedule a date for the interviews.

2.2 Document review

Environmental documentation associated with the site was reviewed by the auditors prior to interviews. AGL personnel provided a number of documents for review including:

- Development Consent SSD-5355 for the Nyngan Solar Plant.
- Environmental Impact Statement (EIS) and Response to submissions documentation.
- Operational management documentation, including:
 - Nyngan Solar Plant (NSP) Operational Environmental Management Plan (OEMP) (First Solar, revision #7 dated 15 March 2021).
 - Samples of associated forms and registers which make up the appendices to the NSP OEMP.
 - Biodiversity Offset Management Plan (NGH, 2014), an associated annual monitoring reports.
 - Community and Stakeholder Engagement Plan Nyngan Solar Plant (AGL, 2018).
- Correspondence to/from agencies, as relevant.

Additional documents were provided during and following the audit as evidence of compliance with relevant conditions.

Further documentation detail is provided in the audit templates provided in Appendix A and Appendix B in relation to Commonwealth and NSW legislation respectively, and Appendix C for Development Consent SSD-5355 (i.e. relevant operational conditions).

2.3 Interviews

The opening and closing meetings were held via teleconference. Interviews were conducted with relevant AGL staff, with the list of participants is provided in Table 1.1.

The objectives of the closing meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.3.1 Data collection and verification

A number of documents were provided to the audit team prior to the interview component of the audit. Several documents that were not available during the interview component were provided following the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation.

As previously discussed, visual observations were not able to be made as a site inspection was unable to be completed. Where suitable verification was unable to be obtained, this has been identified.

2.4 Reporting

This report presents the findings of the 2022 Nyngan Solar Plant Environmental Compliance Audit for operations during the period 09 April 2018 to 07 March 2022.

This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required.

2.5 Definitions

The following descriptors have been used.

Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent and all elements of the requirement of the regulatory approval or legislative requirements have been complied with within the scope of the audit.

Non-compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent of one or more specific elements of the regulatory approval or legislative requirements have not been complied with within the scope of the audit.

Administrative non-compliance

Applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions or legislative requirements).

Not triggered / Not applicable

A regulatory approval or legislative requirement that has an activation or timing component that has not been triggered at the time of the audit. Therefore, a determination of compliance was not relevant and considered not triggered / not applicable to the audit period.

3. Audit findings

3.1 Commonwealth legislation

Review of documentation relevant to Nyngan Solar Plant (e.g. EA, Response to Submissions, etc.) indicates no relevant Commonwealth approvals apply to the site. Therefore, this review of documentation indicates there are no environmental Commonwealth approvals (e.g. under the *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)) relevant to activities at Nyngan Solar Plant.

The Commonwealth Government uses *National Greenhouse and Energy Reporting Act 2007* (NGER Act) for the measurement, reporting and verification of Greenhouse Gas (GHG) emissions. Under the NGER Act, constitutional corporations in Australia (including Nyngan Solar Plant) which exceed thresholds for GHG emissions or energy production or consumption are required to measure and report data to the Clean Energy Regulator on an annual basis.

Review of relevant data indicates annual NGER Act reporting has been completed for all years during the audit period.

Further detail is provided in Appendix A.

3.2 State legislation

Consideration of relevant NSW legislation was undertaken through review of relevant environmental assessment documentation (e.g. EA, Response to Submissions, etc.) which, in addition to Development Consent SSD-5355 allowed identification of relevant NSW legislation and regulation requirements prior to commencement of document review (see Section 2.2).

Relevant NSW legislation and regulation requirements and Nyngan Solar Plant's compliance are discussed in Table 3.1, with further detail provided in Appendix B.

Table 3.1 Relevant NSW legislation

Relevant legislation	Relevant clause/reference	Finding	Commentary
Contaminated Land Management Act 1997	Part 5 Information 60 – Duty to report contamination	Not applicable / not triggered	Conduct of the audit indicates this legislation has not been triggered during the audit period.
Protection of the Environment Operations Act 1997 (POEO Act)	Chapter 5 - Environment protection offences Clause 115, 116, 120, 124, 125, 126, 128, 129, 133, 139, 140, 142A, 143, 144	Compliant	Review of relevant documentation indicates compliance with the requirements of the POEO Act as they relate to: <ul style="list-style-type: none"> – 115 Disposal of waste—harm to environment – 116 Leaks, spillages and other escapes – 120 Prohibition of pollution of waters – 124 Operation of plant (other than domestic plant) – 125 Maintenance work on plant (other than domestic plant) – 126 Dealing with materials – 128 Standards of air impurities not to be exceeded – 129 Emission of odours from premises licensed for scheduled activities – 133 Prohibition by EPA of burning in open air or incinerator – 139 Operation of plant – 140 Dealing with materials – 142A Pollution of land – 143 Unlawful transporting or depositing of waste – 144 Use of place as waste facility without lawful authority.
	Chapter 4 Environment Protection Notices	Not applicable / not triggered	Conduct of the audit indicates this legislation has not been triggered during the audit period.
	Chapter 5 Environment protection offences Part 5.7 Duty to notify pollution incidents	Compliant	Conduct of the audit indicates compliance with the requirements of this condition, with no pollution incidents causing or threatening to cause harm occurring during the audit period.
Protection of the Environment Operations (Waste) Regulation 2014	Part 4 Tracking of certain waste transported within, out of and into NSW Division 2 Obligations on consignor of waste	Not applicable / not triggered	Conduct of the audit indicates that no trackable wastes in accordance with Schedule 1 of the regulation occur on site.
	Part 4 Tracking of certain waste transported within, out of and into NSW	Not applicable / not triggered	Conduct of the audit indicates that no trackable wastes in accordance with Schedule 1 of the regulation occur on site.

Relevant legislation	Relevant clause/reference	Finding	Commentary
	Division 7 Record keeping and receivers' returns		
Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	Chapter 7 Hazardous chemicals Part 7.1 Hazardous chemicals Subdivision 3 Obligations of persons conducting businesses or undertakings 342 Labelling hazardous chemicals—containers	Not applicable / not triggered	Review of relevant documentation indicates while a 'Hazardous Chemicals Register' exists, the materials stored on-site do not meet the definition of hazardous chemical under the Work Health and Safety Regulation 2017, and this legislation has not been triggered during the audit period.
	343 Labelling hazardous chemicals—pipe work	Not applicable / not triggered	Review of relevant documentation indicates this requirement was not triggered during the audit period.
	344 Person conducting business or undertaking to obtain and give access to safety data sheets	Not applicable / not triggered	Review of relevant documentation indicates while a 'Hazardous Chemicals Register' exists, the materials stored on-site do not meet the definition of hazardous chemical under the Work Health and Safety Regulation 2017, and this legislation has not been triggered during the audit period. However, safety data sheets are referenced in the Hazardous Chemicals Register for the site. It is recommended a column is added to this register to identify when the most recent review of safety data sheets was undertaken to ensure they are up to date.
	Division 3 Register and manifest of hazardous chemicals Subdivision 1 Hazardous chemicals register 346 Hazardous chemicals register	Compliant	Review of relevant documentation indicates compliance with the requirements of this aspect of the Work Health and Safety Regulation 2017, Clause 346.
	348 Regulator must be notified if manifest quantities to be exceeded	Not applicable / not triggered	Review of relevant documentation indicates this requirement was not triggered during the audit period.
	Division 5 Control of risk—obligations of persons conducting businesses or undertakings Subdivision 2 Spills and damage 357 Containing and managing spills	Compliant	Review of relevant documentation indicates compliance with the requirements of this aspect of the Work Health and Safety Regulation 2017, Subdivision 2, Clause 357.
Biosecurity Act 2015	Schedule 1 Special provisions relating to weed	Compliant	Review of relevant documentation indicates compliance with the requirements of the Biosecurity Act 2015.
Biosecurity Regulation 2017	Schedule 1 Special provisions relating to weeds	Compliant	Review of relevant documentation indicates compliance with the requirements of the Biosecurity Regulation 2017.

Relevant legislation	Relevant clause/reference	Finding	Commentary
Biodiversity Conservation Act 2016	Part 2 Protection of animals and plants 2.1 Harming animals	Compliant	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.
	Division 1 Offences 2.2 Picking plants	Compliant	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.
	Division 1 Offences 2.4 Damaging habitat of threatened species or ecological community	Compliant	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.
	Division 3 Biodiversity conservation licences	Not applicable / not triggered	Not applicable - Conduct of the audit indicates no acts have been undertaken which would require a licence or otherwise be considered an offence. Therefore, this legislation has not been triggered during the audit period.
Heritage Act 1977	Division 9 Protection of certain relics 146 Notification of discovery of relic	Compliant	Review of relevant documentation indicates compliance with this legislation, in the sense no non-Aboriginal heritage has been identified, and therefore harmed, during operation.
National Parks and Wildlife Act 1974	86 Harming or desecrating Aboriginal objects and Aboriginal places	Compliant	Review of relevant documentation indicates compliance with this legislation, in the sense no Aboriginal heritage has been identified, and therefore harmed, during operation.
Pesticides Act 1999	Part 2, Division 1 Wilful or negligent misuse of pesticides	Compliant	Review of relevant documentation indicates compliance with this legislation, with no injury to person/s or property resulting from pesticide use or harm to animals or plants resulting from pesticide use.
Pesticides Regulation 2017	Part 2, Division 2 Misuse of pesticides	Compliant	Review of relevant documentation indicates compliance with this legislation, with no injury to person/s or property resulting from pesticide use or harm to animals or plants resulting from pesticide use.

3.3 Development consent

The review of compliance with Development Consent SSD-5355 identified three non-compliances, all of which are identified as administrative in nature.

A summary of non-compliances is detailed in Table 3.2, with further detail provided in Appendix C.

Table 3.2 Summary of Development Consent SSD-5355 Non-Compliances

Condition	Discussion of non-compliance	Recommendation
Schedule 2, Part A, Condition A2	The project was undertaken generally in accordance with this condition. However, two administrative non-compliances with Schedule 2, Part B, Condition C4 and Condition C16 were identified, as discussed below. Non-compliance with this condition is considered administrative based on the findings for the relevant conditions referenced above.	See conditions discussed below.
Schedule 2, Part B, Condition C4	Review of the Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021 indicates general compliance with the requirements of this condition; however, Condition C4(a) has not been addressed within the plan. Relevant legislation should be identified in the OEMP, with reference to where the relevant requirements have been considered in the plan. In addition, where legislation is referenced within the document, review should be undertaken to ensure reference is made to current legislation (e.g. reference to the Noxious Weeds Act 1993 and identification of noxious weeds rather than priority weeds as they are now known).	See CA1
Schedule 2, Part B, Condition C16	Review of relevant documentation indicates general compliance with the requirements of this condition; however, notes a non-compliance with Condition C16, with compliance reporting not completed in accordance with the commitments of the Nyngan Solar Plant Operational Environmental Management Plan revision #7 dated 15 March 2021, which commits to completion of six monthly compliance tracking.	See CA2

4. Proposed corrective actions and recommendations

Table 4.1 summarises the proposed corrective actions and Table 4.2 the recommendations made based on the findings of the audit.

Table 4.1 Proposed corrective Actions

Number	Condition	Corrective action
CA1	Development Consent SSD-5355 Schedule 2, Part B, Condition C4	Ensure relevant legislation is identified in the OEMP, ideally in a table similar to the consent conditions provided in Section 1.3.1 of the OEMP. In addition, the OEMP should be reviewed to ensure legislation referenced and terms used are up to date.
CA2	Development Consent SSD-5355 Schedule 2, Part B, Condition C16	Ensure compliance reporting is completed in accordance with Schedule 2, Part B, Condition C1 and the commitments of Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.

Table 4.2 Recommendations

Number	Condition	Recommendation
R1	Work Health and Safety Regulation 2017, 344 Person conducting business or undertaking to obtain and give access to safety data sheets	A column should be added to the Hazardous Chemicals Register to identify when the most recent review of Safety Data Sheets has been completed, with annual review suggested.
R2	Development Consent SSD-5355 Schedule 2, Part B, Condition C4	Form D01 Monthly Inspection Checklists should include photographic evidence (as relevant) as attachments to the form, in addition to uploading photographs to the sharedrive.

Appendices

Appendix A

**Audit template: Commonwealth legislation
and regulations**

State/Commonwealth	Approval/Title of Legislation	Regulatory Authority	Clause/Article (Ref)	Obligation Detail / Description	Documentation / Evidence Guide	Findings	Compliant (C, NC, NA)	Recommendations / Comments	OFI#
Commonwealth	National Greenhouse and Energy Reporting Act 2007	Clean Energy Regulator	Part 2 - Registration Part 3 - Reporting obligations of registered corporations etc.	Corporations registered under the National Greenhouse and Energy Reporting Act 2007 (NGER Act) are required to report greenhouse gas emissions, and energy production and consumption to the Clean Energy Regulator, by 31 October each year.	Nyngan Solar Plant electricity sector emissions and generation data for 2017/2018, 2018/2019, 2019/2020 and 2020/2021 from Clean Energy Regulator website http://www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data	Review of the Clean Energy Regulator website verifies relevant reporting has been provided/submitted for all years covered by the audit period.	Compliant		
Commonwealth	National Greenhouse and Energy Reporting Regulations 2008	Clean Energy Regulator	Part 4—Reporting obligations Part 5—Disclosure of information	Sets out the details that establish compliance rules and procedures for administering the NGER Act. For example, the NGER Regulations specify the information that must be provided in reports under the NGER Act and the way in which the NGER Act must be applied.	Nyngan Solar Plant electricity sector emissions and generation data for 2017/2018, 2018/2019, 2019/2020 and 2020/2021 from Clean Energy Regulator website http://www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data	Review of the Clean Energy Regulator website verifies relevant reporting has been provided/submitted for all years covered by the audit period.	Compliant		
Commonwealth	National Greenhouse and Energy Reporting (Measurement) Determination 2008	Clean Energy Regulator	Chapters 1-9	Describes the methods, standards and criteria to be applied when estimating greenhouse gas emissions, energy production and energy consumption.	Nyngan Solar Plant electricity sector emissions and generation data for 2017/2018, 2018/2019, 2019/2020 and 2020/2021 from Clean Energy Regulator website http://www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data	Review of the Clean Energy Regulator website verifies relevant reporting has been provided/submitted for all years covered by the audit period.	Compliant		

Appendix B

Audit template: NSW legislation and regulations

State	Approval/Title of Legislation	Regulatory Authority	Clause/Article (Ref)	Obligation Detail / Description	Documentation / Evidence Guide	Findings	Compliant (N, C, NA)	Recommendations / Comments	OFI#
NSW	Contaminated Land Management Act 1997	NSW EPA	Part 5 Information	60 Duty to report contamination (1) A person whose activities have contaminated land must notify the EPA in writing in accordance with this section that the land has been so contaminated. (2) An owner of land that has been contaminated (whether before or during the owner's ownership of the land) must notify the EPA in writing in accordance with this section that the land has been so contaminated.	Broken Hill Solar Plant Operational Environmental Management Plan Revision 5 dated 20 October 2016 and Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register. Audit interviews with S Regio Candeias and S Philippides. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Conduct of the audit indicates this legislation has not been triggered during the audit period.	NA		
NSW	Protection of the Environment Operations Act 1997	NSW EPA	Chapter 5 - Environment protection offences	Includes: 115 Disposal of waste—harm to environment 116 Leaks, spillages and other escapes 120 Prohibition of pollution of waters 124 Operation of plant (other than domestic plant) 125 Maintenance work on plant (other than domestic plant) 126 Dealing with materials 128 Standards of air impurities not to be exceeded 129 Emission of odours from premises licensed for scheduled activities 133 Prohibition by EPA of burning in open air or incinerator 139 Operation of plant 140 Dealing with materials 142A Pollution of land 143 Unlawful transporting or depositing of waste 144 Use of place as waste facility without lawful authority	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register. Audit interviews with S Regio Candeias and S Philippides. FORM-U01: Regulated Waste Register. Form U01 Non-Regulated Waste Register. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Review of relevant documentation indicates compliance with the requirements of the POEO Act as they relate to: 115 Disposal of waste—harm to environment 116 Leaks, spillages and other escapes 120 Prohibition of pollution of waters 124 Operation of plant (other than domestic plant) 125 Maintenance work on plant (other than domestic plant) 126 Dealing with materials 128 Standards of air impurities not to be exceeded 129 Emission of odours from premises licensed for scheduled activities 133 Prohibition by EPA of burning in open air or incinerator 139 Operation of plant 140 Dealing with materials 142A Pollution of land 143 Unlawful transporting or depositing of waste 144 Use of place as waste facility without lawful authority.	Compliant		
NSW	Protection of the Environment Operations Act 1997	NSW EPA	Chapter 4—Environment protection notices	Obligations to respond to Environment Protection Notices	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register. Audit interviews with S Regio Candeias and S Philippides.	Conduct of the audit indicates this legislation has not been triggered during the audit period.	NA		
NSW	Protection of the Environment Operations Act 1997	NSW EPA	Chapter 5 Environment protection offences Part 5.7 Duty to notify pollution incidents	148 Pollution incidents causing or threatening material harm to be notified (1) Kinds of incidents to be notified This Part applies where a pollution incident occurs in the course of an activity so that material harm to the environment is caused or threatened. (2) Duty of person carrying on activity to notify A person carrying on the activity must, immediately after the person becomes	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register, minor gas release on 12 January 2021 Audit interviews with S Regio Candeias and S Philippides.	Conduct of the audit indicates compliance with the requirements of this condition, with no pollution incidents causing or threatening to cause harm occurring during the audit period.	Compliant		

State	Approval/Title of Legislation	Regulatory Authority	Clause/Article (Ref)	Obligation Detail / Description	Documentation / Evidence Guide	Findings	Compliant (N, C, NA)	Recommendations / Comments	OFI#
				aware of the incident, notify each relevant authority of the incident and all relevant information about it.					
NSW	Protection of the Environment Operations (Waste) Regulation 2014	NSW EPA	Part 4 Tracking of certain waste transported within, out of and into NSW Division 2 Obligations on consignor of waste	<p>43 Obligations on consignor of waste relating to transportation of waste (cf clause 22 of 2005 Reg)</p> <p>(1) A consignor of waste must ensure that the waste is not transported from one place to another place unless the consignor:</p> <p>(a) holds a consignment authorisation authorising the transportation of the waste from the place to the other place, and</p> <p>(b) has obtained a waste transport certificate for the waste and has certified that any part of the certificate that is required to be completed by the consignor has been completed accurately, and</p> <p>(c) has given the waste transport certificate to the transporter of the waste, and</p> <p>(d) has ensured that the transporter holds an environment protection licence (if required by or under the Act) to transport the waste, and</p> <p>(e) has ensured that the waste facility to which the waste is to be transported can lawfully accept waste of the type concerned.</p> <p>(2) A consignor of waste must comply with any condition of a consignment authorisation that is held by the consignor.</p>	<p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.</p> <p>Audit interviews with S Regio Candeias and S Philippides.</p>	Conduct of the audit indicates that no trackable wastes in accordance with Schedule 1 of the regulation occur on site.	NA		
NSW	Protection of the Environment Operations (Waste) Regulation 2014	NSW EPA	Part 4 Tracking of certain waste transported within, out of and into NSW Division 7 Record keeping and receivers' returns	<p>54 Record keeping requirements relating to consignors of waste(cf clause 33 of 2005 Reg)</p> <p>A consignor of waste must ensure that the following records are retained for at least 4 years—</p> <p>(a) copies of each consignment authorisation issued to the consignor,</p> <p>(b) copies of each waste transport certificate required to be completed by the consignor under this Part,</p> <p>(c) if the consignor is an authorised agent of one or more occupiers of waste facilities—a list of premises from which waste that was the subject of any such waste transport certificate was transported and copies of each agency agreement entered into by the consignor.</p> <p>(41 Transportation of waste to which this Part does and does not apply (cf clauses 18 and 19 of 2005 Reg)</p> <p>(1) This Part applies to—</p> <p>(a) the transportation of waste within New South Wales if the waste is of a type described in Part 1 of Schedule 1, and</p> <p>(b) the transportation of waste from New South Wales to a participating State, into New South Wales from a participating State or through New South Wales from one participating State to another if the</p>	<p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.</p> <p>Audit interviews with S Regio Candeias and S Philippides.</p>	Conduct of the audit indicates that no trackable wastes in accordance with Schedule 1 of the regulation occur on site.	NA		

State	Approval/Title of Legislation	Regulatory Authority	Clause/Article (Ref)	Obligation Detail / Description	Documentation / Evidence Guide	Findings	Compliant (N, C, NA)	Recommendations / Comments	OFI#
				waste is of a type described in Part 1 or Part 2 of Schedule 1.)					
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Chapter 7 Hazardous chemicals Part 7.1 Hazardous chemicals Subdivision 3 Obligations of persons conducting businesses or undertakings	342 Labelling hazardous chemicals— containers (1) A person conducting a business or undertaking at a workplace must ensure that a hazardous chemical is correctly labelled in accordance with clause 335 if the hazardous chemical is: (a) manufactured at the workplace, or (b) transferred or decanted from its original container at the workplace.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Liaison from Nyngan Site supervisor indicating all waste generated is Non-Hazardous dated 5 November 2020. Hazardous Chemicals Register.	Review of relevant documentation indicates while a 'Hazardous Chemicals Register' exists, the materials stored on-site do not meet the definition of hazardous chemical under the Work Health and Safety Regulation 2017, and this legislation has not been triggered during the audit period.	NA		
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Chapter 7 Hazardous chemicals Part 7.1 Hazardous chemicals Subdivision 3 Obligations of persons conducting businesses or undertakings	343 Labelling hazardous chemicals— pipe work A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a hazardous chemical in pipe work is identified by a label, sign or another way on or near the pipe work.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Liaison from Nyngan Site supervisor indicating all waste generated is Non-Hazardous dated 5 November 2020. Hazardous Chemicals Register.	Review of relevant documentation indicates this requirement was not triggered during the audit period.	NA		
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Chapter 7 Hazardous chemicals Part 7.1 Hazardous chemicals Subdivision 3 Obligations of persons conducting businesses or undertakings	344 Person conducting business or undertaking to obtain and give access to safety data sheets (1) A person conducting a business or undertaking at a workplace must obtain the current safety data sheet for a hazardous chemical prepared in accordance with this Regulation from the manufacturer, importer or supplier of the hazardous chemical in the following circumstances— (a) either— (i) not later than when the hazardous chemical is first supplied for use at the workplace, or (ii) if the person is not able to obtain the safety data sheet under subparagraph (i)—as soon as practicable after the hazardous chemical is first supplied to the workplace but before the hazardous chemical is used at the workplace, (b) if the safety data sheet for the hazardous chemical is amended either— (i) not later than when the hazardous chemical is first supplied to the workplace after the safety data sheet is amended, or (ii) if the person is not able to obtain the amended safety data sheet under subparagraph (i)—as soon as practicable after the hazardous chemical is first supplied to the workplace after the safety data sheet is amended and before the hazardous chemical supplied is used at the workplace.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides. Hazardous Chemicals Register. Liaison from Nyngan Site supervisor indicating all waste generated is Non-Hazardous dated 5 November 2020.	Review of relevant documentation indicates while a 'Hazardous Chemicals Register' exists, the materials stored on-site do not meet the definition of hazardous chemical under the Work Health and Safety Regulation 2017, and this legislation has not been triggered during the audit period. However, this notwithstanding, safety data sheets are referenced in the Hazardous Chemicals Register for the site. It is recommended a column is added to this register to identify when the most recent review of safety data sheets was undertaken to ensure they are up to date.	NA	A column should be added to the Hazardous Chemicals Register to identify: > When the most recent review of Safety Data Sheets has been completed, with annual review suggested.	
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Division 3 Register and manifest of hazardous chemicals Subdivision 1 Hazardous chemicals register	346 Hazardous chemicals register (1) A person conducting a business or undertaking at a workplace must ensure that— (a) a register of hazardous chemicals used, handled or stored at the workplace is prepared and kept at the workplace, and	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Hazardous Chemicals Register.	Review of relevant documentation indicates compliance with the requirements of this aspect of the Work Health and Safety Regulation 2017, Clause 346.	Compliant		

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				(b) the register is maintained to ensure the information in the register is up to date.					
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Division 3 Register and manifest of hazardous chemicals Subdivision 1 Hazardous chemicals register	348 Regulator must be notified if manifest quantities to be exceeded (1) A person conducting a business or undertaking at a workplace must ensure that the regulator is given written notice if a quantity of a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals that exceeds the manifest quantity is used, handled or stored, or is to be used, handled or stored, at the workplace.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Hazardous Chemicals Register.	Review of relevant documentation indicates this requirement was not triggered during the audit period.	NA		
NSW	Work Health and Safety Regulation 2017 (under the Work Health and Safety Act 2011)	SafeWork	Division 5 Control of risk—obligations of persons conducting businesses or undertakings Subdivision 2 Spills and damage	357 Containing and managing spills (1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that where there is a risk from a spill or leak of a hazardous chemical in a solid or liquid form, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system that contains within the workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Form Q01 Environmental incidents register. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Review of relevant documentation indicates compliance with the requirements of this aspect of the Work Health and Safety Regulation 2017, Subdivision 2, Clause 357.	Compliant		
NSW	Biosecurity Act 2015	Local Land Services	Schedule 1 Special provisions relating to weeds	Duty to control: * weeds on roads * aquatic weeds * weeds in irrigations areas	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register. Audit interviews with S Regio Candeias and S Philippides. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022. Nyngan Vegetation Control Presentation dated January 2022, providing a summary of activities completed.	Review of relevant documentation indicates compliance with the requirements of the Biosecurity Act 2015.	Compliant		
NSW	Biosecurity Regulation 2017	Local Land Services	Schedule 1 Special provisions relating to weeds	Any land managers and users of land have a responsibility for managing weed biosecurity risks that they know about or could reasonably be expected to know about Duty to notify the presence or suspected presence, certain movement controls and destruction requirements for; * tropical soda apple, * boneseed * Chinese violet and * parkinsoni Three Biosecurity zones established to manage high priority weeds - Duty to notify their local control authority within one working day of the presence or suspected presence of a new infestation of the weed; and take action to eradicate those weeds, or destroy as much as practicable and suppress its spread	Annual Ecological Monitoring Reports for 2018, 2018/2019, 2019/2020 and 2020/2021 for Biodiversity Offset Site - Nyngan Solar Plant. Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Weed Management Activities and Controls Form IO1 (Appendix Q), and Monthly Environmental Monitoring (Form D01) (Appendix N). Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Review of relevant documentation indicates compliance with the requirements of the Biosecurity Regulation 2017.	Compliant		

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					Nyngan Vegetation Control Presentation dated January 2022, providing a summary of activities completed.				
NSW	Biodiversity Conservation Act 2016	DPE	Part 2 Protection of animals and plants 2.1 Harming animals	(1) A person who harms or attempts to harm— (a) an animal that is of a threatened species, or (b) an animal that is part of a threatened ecological community, or (c) a protected animal, is guilty of an offence.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S). Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022. Sample Form F01 Perimeter Fence, Trench and Nest Box Monitoring Record dated 23 October 2019. Sample Form F02 Fauna Handling Record dated 23 October 2019.	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.	Compliant		
NSW	Biodiversity Conservation Act 2016	DPE	Part 2 Protection of animals and plants Division 1 Offences 2.2 Picking plants	(1) A person who picks— (a) a plant that is of a threatened species, or (b) a plant that is part of a threatened ecological community, or (c) a protected plant, is guilty of an offence.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S). Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022. Sample Form F02 Fauna Handling Record dated 23 October 2019.	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.	Compliant		
NSW	Biodiversity Conservation Act 2016	DPE	Part 2 Protection of animals and plants Division 1 Offences 2.4 Damaging habitat of threatened species or ecological community	(1) A person— (a) who damages any habitat of a threatened species or threatened ecological community, and (b) who knows that it is the habitat of any such species or community, is guilty of an offence.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S). Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022. Sample Form F02 Fauna Handling Record dated 23 October 2019.	Review of relevant documentation indicates compliance with this legislation, in the sense an offence has not occurred.	Compliant		
NSW	Biodiversity Conservation Act 2016	DPE	Part 2 Protection of animals and plants Division 3 Biodiversity conservation licences	2.11 Licences to do acts that would otherwise constitute offence The Environment Agency Head may grant a licence (a biodiversity conservation licence) to a person that authorises the doing of an act that would otherwise constitute an offence under Division 1 or under any other provision of	Not applicable - Not triggered during the audit period.	Not applicable - Conduct of the audit indicates no acts have been undertaken which would require a licence or otherwise be considered an offence. Therefore, this legislation has not been triggered during the audit period.	NA		

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				<p>this Act.</p> <p>2.12 Applications for licences</p> <p>(1) An application for a biodiversity conservation licence—</p> <p>(a) is to be made to the Environment Agency Head in the form approved by that Agency Head and containing the information required by that Agency Head, and</p> <p>(b) is to be accompanied by the standard application fee prescribed by the regulations.</p>					
NSW	Heritage Act 1977	Heritage NSW	Division 9 Protection of certain relics	<p>146 Notification of discovery of relic</p> <p>A person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not the person has been issued with a permit) must—</p> <p>(a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic, and</p> <p>(b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.</p>	<p>Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.</p> <p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S).</p>	<p>Review of relevant documentation indicates compliance with this legislation, in the sense no non-Aboriginal heritage has been identified, and therefore harmed, during operation.</p>	Compliant		
NSW	National Parks and Wildlife Act 1974	Heritage NSW	86 Harming or desecrating Aboriginal objects and Aboriginal places	<p>(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object.</p> <p>(2) A person must not harm an Aboriginal object.</p> <p>(Audit Note: A consent to destroy deface or damage a relic or Aboriginal place is required under Section 90(2) of the Act (unless consent is provided under Part 3A of the EP&A Act 1979). The Act is relevant if items, sites or relics are discovered during operation.</p>	<p>Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.</p> <p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S).</p>	<p>Review of relevant documentation indicates compliance with this legislation, in the sense no Aboriginal heritage has been identified, and therefore harmed, during operation.</p>	Compliant		
NSW	Pesticides Act 1999		Part 2, Division 1 Wilful or negligent misuse of pesticides	<p>7 Injury to persons or damage to property resulting from pesticide use</p> <p>(1) A person is guilty of an offence if the person wilfully or negligently uses a pesticide in a manner that—</p> <p>(a) injures or is likely to injure any other person, or</p> <p>(b) damages or is likely to damage any property of another person.</p> <p>8 Harm to animals or plants resulting from pesticide use</p> <p>(1) A person is guilty of an offence if the person wilfully or negligently uses a pesticide in a manner that—</p> <p>(a) harms any non-target animal or non-target plant, or</p> <p>(b) if there is no approved label or permit for the pesticide—harms any animal or plant.</p> <p>9 Material harm to endangered, vulnerable or protected animals</p> <p>(1) A person is guilty of an offence if the person wilfully or negligently uses a</p>	<p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S).</p> <p>Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.</p> <p>Nyngan Vegetation Control Presentation dated January 2022, providing a summary of activities completed.</p>	<p>Review of relevant documentation indicates compliance with this legislation, with no injury to person/s or property resulting from pesticide use or harm to animals or plants resulting from pesticide use.</p>	Compliant		

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				pesticide in a manner that materially harms— (a) an animal that is a threatened species within the meaning of the Biodiversity Conservation Act 2016, or (b) any protected animal within the meaning of the Biodiversity Conservation Act 2016.					
NSW	Pesticides Regulation 2017		Part 2, Division 2 Misuse of pesticides	<p>10 Injury to persons or damage to property resulting from pesticide use (1) A person must not use a pesticide in a manner that— (a) injures or is likely to injure any other person, or (b) damages or is likely to damage any property of another person.</p> <p>11 Harm to animals or plants resulting from pesticide use (1) A person must not use a pesticide in a manner that— (a) harms any non-target animal or non-target plant, or (b) if there is no approved label or permit for the pesticide—harms any animal or plant.</p> <p>11A Harm to companion animals resulting from pesticide use (1) A person must not use a pesticide in a manner that harms a companion animal that is in or on premises with the consent of the owner or occupier of the premises.</p>	<p>Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.: Section 6.3.9 and Fauna and Form F02 (Appendix S) and security fence, checks for fauna on Form F01 (Appendix S).</p> <p>Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.</p> <p>Nyngan Vegetation Control Presentation dated January 2022, providing a summary of activities completed.</p>	Review of relevant documentation indicates compliance with this legislation, with no injury to person/s or property resulting from pesticide use or harm to animals or plants resulting from pesticide use.	Compliant		

Appendix C

**Audit template: Operational conditions of
Development Consent SSD-5355**

State	Approval / Title of Legislation	Regulatory Authority	Clause / Article (Ref)	Obligation Detail / Description	Documentation / Evidence Guide	Findings	Compliant (C, NC, NA)	Recommendations / Comments	OFI#
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A1	Obligation to Minimise Harm to the Environment A1. The applicant 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 development.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register.. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation verifies compliance with the requirements of this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A2	Terms of approval A2. The applicant shall carry out the development generally in accordance with the: a) State Significant Development Application SSD-5355; b) Nyngan Solar Plant Environmental Assessment prepared by ngh environmental dated March 2013; c) Nyngan Solar Plant Submissions and Preferred development Report prepared by ngh environmental dated June 2013; and d) The conditions of this consent.	This audit completed Q1 of 2022.	The project was undertaken generally in accordance with this condition. However, two administrative non-compliances with Schedule 2, Part B, Condition C4 and Condition C16 were identified, as discussed below. Non-compliance with this condition is considered administrative based on the findings for the relevant conditions referenced above.	Non-compliant (administrative)		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A3	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.	Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation identified in Schedule 2, Part A, Condition A2 indicates no relevant inconsistencies.	NA		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A4	A4. The applicant 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.	Audit interviews with S Regio Candeias and S Philippides.	Conduct of the audit indicates this condition has not been triggered during the audit period.	NA		
NSW	SSD-5355 - Nyngan Solar Plant	DPE	Schedule 2, Part A, Condition A8	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 Applicant, unless otherwise agreed by the Director-General. The Applicant 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 Applicant within 18 months from the date that the solar panels were last used to generate electricity	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Annual Records of use available via NGERs http://www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data	Conduct of the audit indicates this condition has not been triggered during the audit period, with no period in which generation of electricity has ceased for a continuous period of 12 months.	NA		

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NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A10	Compliance A10. The applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. 681006.CHK002 - Safety Orientation Checklist sample dated 28 January 2020 for Fire and Rescue workers. O&M Site Safety Induction for Contractors - Nyngan Solar Plant. O&M Site Safety Orientation for Visitors - Nyngan Solar Plant.	Review of relevant documentation verifies compliance with the requirements of this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A11	A11. The applicant 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. 681006.CHK002 - Safety Orientation Checklist sample dated 28 January 2020 for Fire and Rescue workers. O&M Site Safety Induction for Contractors - Nyngan Solar Plant. O&M Site Safety Orientation for Visitors - Nyngan Solar Plant.	Review of relevant document and conduct of audit interviews indicate this condition has not been triggered.	NA		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part A, Condition A12	A12. In the event of a dispute between the applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the development, 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.	Audit interviews with S Regio Candeias and S Philippides.	Conduct of the audit indicates this condition has not been triggered during the audit period.	NA		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B3	Bushfire Risk B3. The Applicant shall ensure that all development components on site are designed, constructed and operated 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Sample of relevant action to complete consultation with RFS on an annual basis, completed 5 November 2020. 681006.CHK002 - Safety Orientation Checklist sample dated 28 January 2020 for Fire and Rescue workers.	Review of relevant documentation verifies compliance with the requirements of this condition.	Compliant		

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NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B4	B4. Throughout the operational life of the development, the Applicant shall regularly consult with the local RFS to ensure its familiarity with the development, including the construction timetable and the final location of all infrastructures on the site. The Applicant shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Sample of relevant action to complete consultation with RFS on an annual basis, completed 5 November 2021. 681006.CHK002 - Safety Orientation Checklist sample dated 28 January 2020 for Fire and Rescue workers.	Review of relevant documentation verifies compliance with the requirements of this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B5	Dangerous Goods B5. Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with: a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin (Environment Protection Authority, 1997). 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Form D-01 Weekly Environmental Inspection. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation indicates compliance with the requirements of this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B6	Dust Generation B6. The applicant shall construct and operate the development in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All development 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 development occur during construction and operation, the applicant 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation identified indicates compliance with the requirements of this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B7	Water Quality Impact B7. Except as may be expressly provided by an Environment Protection Licence for the development, the applicant shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.	Review of relevant documentation and conduct of interviews indicates the project has complied with Section 120 of the Protection of the Environment Operations Act 1997.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B8	B8. Works within 40 m of a watercourse are to be carried out in accordance with the Guidelines for Controlled Activities on Waterfront Land (NOW, July 2012).	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation and conduct of this audit indicates this condition has been complied with during the audit period, with no works carried out within 40 m of a watercourse.	Compliant		

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NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B11	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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. FORM-U01: Regulated Waste Register.. Form U01 Non-Regulated Waste Register.. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Conduct of the audit indicates the project generally produces general waste which is delivered to a licensed waste facility.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B12	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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register.. FORM-U01: Regulated Waste Register. Form U01 Non-Regulated Waste Register. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Review of relevant documentation indicates this condition has been complied with during the audit period.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B13	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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Environmental incidents register. FORM-U01: Regulated Waste Register. Form U01 Non-Regulated Waste Register. Sample Form D01 Monthly Inspection Checklists dated 18 January 2021 and 18 January 2022.	Review of relevant documentation indicates liquid waste (e.g. such as from the septic) has not been generated to date, with no pump out occurring requiring off-site disposal and classification. Conduct of the audit indicates the project generally produces general, non-liquid waste which is delivered to a licensed waste facility.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B17	The Applicant shall design, construct and operate 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation indicates this condition has been complied with during the audit period.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B21	The Applicant shall implement a revegetation and rehabilitation program for all areas of the development footprint which are disturbed during the construction of the development but which are not required for the ongoing operation of the development including temporary construction facility sites and sections of construction access roads. The Applicant shall ensure that all revegetation measures are implemented progressively where possible and	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Annual Ecological Monitoring Reports.	Review of relevant documentation indicates this condition has been complied with during the audit period.	Compliant		

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				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 Applicant 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.					
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B26	NOISE - OPERATION Operational Noise Criteria B26. The applicant shall take all reasonable measures to minimise noise emissions and vibration from all plant and equipment operated 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).	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation indicates this condition has been complied with during the audit period.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition B27	Operational Noise Design Standards – Overhead Transmission Line B27. The applicant shall ensure that any overhead transmission line associated with the development is designed, constructed and operated to minimise the generation of corona and aeolian noise as far as reasonable and feasible at nearest existing sensitive receptors.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation indicates this condition has been complied with during the audit period.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C4	Operational Environmental Management Plan C4. The applicant 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 shall include but not necessarily be limited to: (a) identification of all statutory and other obligations that the applicant is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations; (b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the development; (c) overall environmental policies to be applied to the operation of the development; (d) standards and performance measures to be applied to the development, 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 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. (e) the environmental monitoring requirements outlined under this approval; (f) measures to monitor and manage flood impacts in consultation with NOW; (g) information on water sources; (h) complaints handling procedures as identified in conditions C13 to C15; (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 (j) management policies to ensure that environmental performance goals are met and comply with the conditions of	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.	Review of the Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. indicates general compliance with the requirements of this condition; however, Condition C4(a) has not been addressed within the plan. Relevant legislation should be identified in the OEMP, with reference to where the relevant requirements have been considered in the plan. In addition, where legislation is referenced within the document, review should be undertaken to ensure reference is made to current legislation (e.g. reference to the Noxious Weeds Act 1993 and identification of noxious weeds rather than priority weeds as they are now known).	Non-compliant (administrative)	Corrective Action 1: Ensure relevant legislation is identified in the OEMP, ideally in a table similar to the consent conditions provided in Section 1.3.2 of the OEMP. In addition, the OEMP should be reviewed to ensure legislation referenced and terms used are up to date. Recommendation 2: Form D01 Monthly Inspection Checklists should include photographic evidence (as relevant) as attachments to the form, in addition to uploading photographs to the sharedrive.	

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				<p>this approval.</p> <p>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 development or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the applicant 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.</p>					
NSW	SSD-5355 - Nyngan Solar Plant	DPE	Schedule 2, Part B, Condition C5	<p>C5. Following final design and prior to the commencement of construction, or as otherwise agreed to by the Director-General, the applicant 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 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.</p> <p>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 applicant 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</p>	<p>Biodiversity Offset Management Plan.</p> <p>Annual offset monitoring records.</p> <p>Sample of actions on AGL's network, identifying due dates and responsibilities for actions resulting from offset monitoring reports.</p>	<p>Review of relevant documentation indicates this condition has been complied with during the audit period.</p>	Compliant		

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				Purpose of Western Land Lease 14240 to appropriately record the biodiversity offset on title and within the lease conditions as a conservation area.					
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C8	REPORTING Incident Reporting C8. 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.	Environmental incidents register., minor gas release on 12 January 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of the project website indicates regular reporting on environmental performance is provided.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C9	Regular Reporting C9. 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.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant	Review of the project website verifies relevant data is maintained and up to date on the project website in accordance with this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C10	COMMUNITY Community Information, Consultation and Involvement C10. Subject to reasonable confidentiality requirements, the Proponent shall make all documents required under this approval available for public inspection on request.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant	Review of the project website verifies relevant data is maintained and up to date on the project website in accordance with this condition.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C11	Provision of Electronic Information C11. 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: (a) the status of the project; (b) a copy of this approval and any future modification to this approval; (c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project; (d) a copy of each plan, report, or monitoring program required by this approval; and (e) details of the outcomes of compliance reviews and audits of the project.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant	Review of relevant documentation indicates no complaints have been received during the audit period. Therefore, the need to undertake surveys in relation to community information and response for the project (as committed to be the plan) has not been triggered, as no change to response is deemed necessary.	Compliant		

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NSW	SSD-5355 - Nyngan Solar Plant	DPE	Schedule 2, Part B, Condition C12	C12. Prior to the commencement of construction, the applicant shall prepare and implement a Community Information Plan which sets out the community communication and consultation processes to be implemented during construction and operation of the project. The Plan shall include but not be limited to: (a) procedures to inform the local community of planned investigations and construction activities, including blasting works (if any); (b) procedures to inform the relevant community of construction traffic routes and any potential disruptions to traffic flows and amenity impacts; (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; (d) procedures to inform the community where work outside the construction hours specified in condition B25, in particular noisy activities, has been approved; and (e) procedures to inform and consult with the Crown Lands Division of the Department of Trade and Investment to rehabilitate impacted land.	Community & Stakeholder Engagement Plan Nyngan Solar Plant - Operation. Correspondence from L Sturt regarding lack of complaints for Nyngan Solar Plant.	Review of relevant documentation indicates no complaints have been received during the audit period. Therefore, the need to undertake surveys in relation to community information and response for the project (as committed to be the plan) has not been triggered, as no change to response is deemed necessary.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPE	Schedule 2, Part B, Condition C13	C13. Prior to the commencement of construction, the applicant 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: a) a 24 hour telephone number on which complaints about construction and operational activities at the site may be registered; b) a postal address to which written complaints may be sent; and c) an email address to which electronic complaints may be transmitted. 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 operation of the project. These details shall also be provided on the applicant'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.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant Email communication from S. Philippides on 2 March 2022 indicating no complaints during the audit period.	Review of relevant documentation indicates no complaints have been received during the audit period; however, relevant details to make a complaint are readily available by the Nyngan Solar Plant website.	Compliant		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C14	C14. The Proponent shall record details of all complaints received through the means listed in condition C13 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to: a) the date and time, of the complaint; b) the means by which the complaint was made (telephone, mail or email); c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; d) the nature of the complaint; e) any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action; and f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken. The Complaints Register shall be made available for inspection by the Director-General upon request.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant Email communication from S. Philippides on 2 March 2022 indicating no complaints during the audit period.	Review of relevant documentation indicates no complaints have been received during the audit period.	NA		

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NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C15	C15. 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.	Nyngan Solar Plant website found: https://www.agl.com.au/about-agl/how-we-source-energy/nyngan-solar-plant Email communication from S. Philippides on 2 March 2022 indicating no complaints during the audit period.	Review of relevant documentation indicates no complaints have been received during the audit period.	NA		
NSW	SSD-5355 - Nyngan Solar Plant	DPIE	Schedule 2, Part B, Condition C16	COMPLIANCE Compliance Tracking Program C16. 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: 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; 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) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance; d) mechanisms for recording environmental incidents and actions taken in response to those incidents; e) provisions for reporting environmental incidents to the Director-General during construction and operation; and 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.	Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021. Audit interviews with S Regio Candeias and S Philippides.	Review of relevant documentation indicates general compliance with the requirements of this condition; however, notes a non-compliance with Condition C16, with compliance reporting not completed in accordance with the commitments of the Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021, which commits to completion of six monthly compliance tracking.	Non-compliant (administrative)	Corrective Action 2: Ensure compliance reporting is completed in accordance with Schedule 2, Part B, Condition C1 and the commitments of Nyngan Solar Plant (NSP) Operational Environmental Management Plan revision #7 dated 15 March 2021.	



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