

POST OPERATIONAL COMPLIANCE REPORT FOR THE NYNGAN SOLAR PLANT

under Development Consent SSD-5355

for First Solar (Australia) Pty Ltd

May 2018



prepared by Confirmative Pty Ltd

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Document Control

Report name	Post Operational Compliance Report for the Nyngan Solar Plant		
Revision	Date	Prepared by	Reviewed by
draft	April 2018	Steve Lynch	Jessi Hargrave
final	May 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.

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Introduction

This report is an assessment of the Nyngan Solar Plant's compliance to the conditions of its Development Consent in the period since operations commenced.

The Nyngan Solar Plant

The Nyngan Solar Plant is a 102MW photo voltaic power station located 15km to the west of Nyngan along the Barrier Highway in western NSW. 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 July 2015 and the official opening was held in January 2016 (according to AGL's media release of 20/1/2018).

The Nyngan Solar Plant received its approval under Development Consent SSD-5335 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; and
- site office, operations and maintenance office building.

The Compliance Report

The Conditions of the Development Consent 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 Development Consent. 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 previous compliance reports:

- *Pre-Construction Compliance Report Nyngan Solar Plant*, by NGH Environmental (March 2014)
- *Nyngan Solar Power Station Independent Environmental Audit* by Environmental Resources Management Australia (June 2015)
- *Pre-Operational Compliance Report Nyngan Solar Plant* by First Solar (February 2016)

A listing of the Conditions from the Development Consent is included in the Detailed Findings of this report.

Confirmative Pty Ltd was engaged to carry out the 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 Nyngan Solar Plant's compliance to conditions set by Development Consent SSD-5355. The report specifically addresses Condition C16(a) of the Consent, 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:

- Nyngan Solar Plant, Barrier Highway, Nyngan

Nyngan 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
- Brendan Wykes - First Solar Operation & Maintenance Technician- Field II

Audit Team:

- Auditor - Steve Lynch
- Peer Review – Jessi Hargrave

Both team members are experienced auditors with environmental backgrounds.

Audit activity dates:

- opening meeting – 23 March 2018
- progress meeting – 6 April 2018
- site visit – 9 April 2018
- closing meeting – 8 May 2018

Scope

The assessment included the Conditions from Development Consent SSD-5355 which are relevant to the operational stage of the Nyngan Solar Plant. It covered the time period from commencement of operations (July 2015) until the time the audit commenced (April 2018).

There was a single modification of the Development Consent on 10 October 2014, which allowed energy generation from the solar plant prior to the creation of a transmission line easement (under Condition B32). This modification only related to the pre-operational stage of the development so is not relevant to this assessment.

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, *Previous Audit Findings*

- *There have been* three previous compliance reports for the development. Their findings are summarised below:
 - The *Pre-Construction Compliance Report Nyngan Solar Plant* (March 2014) found compliance with all conditions with the proviso that a road condition assessment was submitted and CEMPs were made available on the Nyngan Solar Plant website.
 - The *Nyngan Solar Power Station Independent Environmental Audit* (June 2015) found compliance with all Conditions except for three which were “Indeterminate”:
 - Condition A6, where a Building Code of Australia assessment had not yet been conducted
 - Condition C4, where the OEMP had not yet been approved by the Director-General
 - Condition C8, where there was uncertainty regarding the requirements for reporting three “minor hydraulic fluid spills” during construction
 - The *Pre-Operational Compliance Report Nyngan Solar Plant* (February 2016) found all Conditions were either compliant or not triggered. This included reviewing the three indeterminate findings from the *Independent Environmental Audit* (June 2015) to find they were compliant.
- Conditions closed in previous compliance reports.
 - The Revised Mitigation Measures were not included in the scope.
 - Other development consents associated with the Nyngan Solar Plant (such as switchgear installations or the viewing platform) have their own development consents 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 Plan (part of the *Plant Maintenance EHS Manual*), which is central to compliance with the Development Consent and was 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
- final peer review
- closing meeting

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.

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). This would not apply to performance-related aspects (e.g. a noise limit) or where a requirement had not been met at all.	Adm N-C
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
DPE	NSW Department of Planning and Environment
NSP	Nyngan Solar Plant
NSP OEMP	Plant Maintenance EHS Manual Incorporating the Operational Environmental Management Plan - Part 1, Nyngan Solar Plant dated, 28/11/2015,
OEMP	Operational Environmental Management Plan
RFS	Rural Fire Service

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 NSP has been able to demonstrate it has generally complied with the requirements of its Development Consent during its operational stage. A visit to the site found the NSP had established the management plans and systems required by the Development Consent. Solar power plants have low environmental impact (relative to other electricity generation) and the NSP's operations were effective in minimising that low environmental impact.

There was a single non-compliance relating to the advertisement of the complaints phone number in a local newspaper for Condition C13. An advertisement was published at the time operations commenced, but publication of the successive advertisements over the next 2 years could not be demonstrated. This non-compliance is expected to have a low risk as the complaints phone number was communicated through other means, including the NSP project website and a sign at the entry to the site.

There were also administrative non-compliances which were mostly associated with the timing of submissions and approvals from the DG. The administrative non-compliances did not affect the performance of the NSP. The Conditions with administrative non-compliances were:

- C4 OEMP – Operations at the NSP commenced without submitting or receiving approval for the Operational Environmental Management Plan
- C4 (a) OEMP – The OEMP has not identified statutory and other obligations for the plant
- C16 Compliance Tracking – Compliance was not reported to the DG by the dates specified by the Condition.

While the Compliance Tracking Program complied with the Conditions, weaknesses in the *Compliance Tracking - Operations Stage* form (Appendix O) contributed to the non-compliance and administrative non-compliances and consideration could be given to revising this critical compliance process.

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
Part A. Administrative Conditions				
A1. Obligation to Minimise Harm to Environment.	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, <i>operation</i> or decommissioning of the development.	C On-going	<ul style="list-style-type: none"> - NSP OEMP - Form Q01 – Environmental Incidents Register - Phone call with DPE Compliance Team Leader, 30/4/2018 - email from Bogan Shire Council, 30/4/2018 	<p>Operations are conducted according to an OEMP to prevent / minimise environmental harm. The OEMP has been prepared in line with industry standards and covers the major risks for the site and its operations.</p> <p>The site Environmental Incident Register indicates incidents have been infrequent. The recorded incidents were leaks of SF₆ gas, but the quantities were not material.</p> <p>The DPE and Bogan Shire Council were both contacted for comment and did not raise any issues from the development.</p> <p>There are no civil proceedings against the NSP listed on the EPA public register.</p>
A2. Terms of Consent	The Applicant shall carry out the development generally in accordance with the: <ul style="list-style-type: none"> a) State Significant development Application SSD-5355 b) Nyngan Solar Plant Environmental Impact Statement prepared by NGH environmental dated March 2013 c) Nyngan Solar Plant Submissions Report prepared by NGH environmental dated June 2013 d) Conditions of this consent 	Note On-going	<ul style="list-style-type: none"> - Pre-Operational Compliance Report Nyngan Solar Plant (February 2016) - Nyngan Solar Power Station Independent Environmental Audit (June 2015) - Pre-Construction Compliance Report Nyngan Solar Plant (March 2014) 	<p>Compliance to the SSD Application, EIS and Submissions Report were reported in a previous audit and not assessed in this audit.</p> <p>Compliance to the Development Consent during the operational stage is established through this compliance report.</p>
A3. Terms of Consent	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 consent prevail to the extent of any inconsistency.	Note		This is an administrative condition and inconsistencies were not identified through this audit.

Condition Number	Condition Description	Comp Status	Evidence	Comments
A4. Terms of Consent	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 consent; b) the implementation of any actions or measures contained within these documents	N T Closed	- email from the AGL Environment Business Partner, Renewables VIC/NSW	AGL state there have been no specific requests received from the DG during the post operation stage.
A5.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
A6. Structural Adequacy	See <i>Conditions closed in previous compliance reports</i> in the following section.			
A7 Decommissioning	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 relevant landowner. All solar panels and associated above ground structures including but not necessarily limited to, the control and facilities building and 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 the relevant landowner, 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.	N T On-going		The site has not been decommissioned and continues to generate electricity, so this Condition has not been triggered.
A8. Decommissioning	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.	C On-going	- screen shot of Clean Energy Regulator's summary of Large-scale Generation Certificates for the Nyngan Power Station (provided by AGL Environment Business Partner, Renewables VIC/NSW)	Generation of electricity during the last 12 months was verified through a summary of Large-scale Generation Certificates.

Condition Number	Condition Description	Comp Status	Evidence	Comments
A9.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
A10. Compliance	The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	C On-going	<ul style="list-style-type: none"> - NSP OEMP, including the induction information in Appendix E - APP SMP 11D Local Safety Induction checklist, (including numerous completed checklists) - Form D01 of the OEMP from 16/3/2018, 9/2/2018 & 12/1/2018 	<p>Awareness is achieved through site inductions. Section 4.9 of the OEMP requires contractors and visitors to have access to the OEMP and complete the site induction.</p> <p>The site is not using the Site Induction Requirements listed in Appendix E of the OEMP, but the induction is covering the general intent of the OEMP's induction which in turn addressed the relevant Conditions and other environmental aspects.</p> <p>Records of induction are retained through the APP SMP 11D Local Safety Induction checklist rather than the Induction Assessment from Appendix E. While APP SMP 11D does not assess competence, it covers more environmental aspects than the Induction Assessment which focused on WHS.</p> <p>Compliance is checked through contractor supervision and the Monthly Inspection Checklist (D01).</p>
A11. Compliance	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.	C On-going	- NSP OEMP	Responsibilities for the compliance to the Conditions and broader environmental impacts are assigned in Section 4 of the OEMP, with specific reference to contractors in Section 4.5.
A12. Compliance	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.	Note		This is an administrative condition without an auditable compliance requirement.
Part B. Environmental Performance				
B1.	See <i>Conditions closed in previous compliance reports</i> in the following section.			

Condition Number	Condition Description	Comp Status	Evidence	Comments
B2.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
General Conditions B3. Bushfire Risk	The Applicant shall ensure that all development 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	- NSP OEMP, including Appendix W - letter from NSW RFS North West Zone Manager, dated 10/5/2018	Section 6.4 of the OEMP addresses fire safety and briefly describes fire response. Appendix W provides the Bushfire Management Plan which focuses on controls for the high risk activities that may ignite a fire. Water supplies include >20kL in tanks and an additional farm dam. Pumping or transporting water is reliant on the RFS. Bushfire fighting equipment kept on site includes five handheld fire extinguishers with a capacity up to 4.5kg. The fuel load on site is currently higher than planned while a process for keeping maintaining vegetation is being established. An inspection of the site by the RFS has confirmed the NSP has appropriate emergency preparedness and asset protection maintenance, in compliance with the Condition.
General Conditions B4. Bushfire Risk	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	- email (Nyngan Solar Farm Fire Management Plan) from RFS to Site Supervisor, dated 28/3/2018 - letter from NSW RFS North West Zone Manager, dated 10/5/2018	The site has communicated with the local RFS to review the Bushfire Management Plan by email and had site visits in February 2018 and May 2018.

Condition Number	Condition Description	Comp Status	Evidence	Comments
General Conditions B5. Dangerous Goods	<p>Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:</p> <p>a) all relevant Australian Standards;</p> <p>b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund;</p> <p>c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, Technical Bulletin (Environment Protection Authority, 1997).</p> <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"> - NSP OEMP - SDS for ProInert IG -541, by Fire Protection Technologies, dated 18/1/2018 - SDS for Sulphur hexafluoride, by Air Liquide, 14/12/2016 - excerpt of First Solar subcontract agreement - various subcontractor work instructions, risk assessments and training certificates for handling the dangerous goods gasses 	<p>OEMP Section 6.3.13 on Hazardous Chemicals and Dangerous Goods prescribes an industry standard approach to storage and handling. Section 6.3.12 provides a procedure for spill protection and response.</p> <p>There are small quantities of liquid dangerous goods on the site, with <100L of fuel (mostly petrol) which is stored correctly in a banded chemical cabinet.</p> <p>There are 2 gaseous dangerous goods stored within switching and extinguisher equipment which are ADG Class 2 (non-flammable & 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 demonstrate their systems for controlling risks associated with the dangerous goods.</p>
		Obs On-going	<ul style="list-style-type: none"> - Chemalert Report for Envirotemp FR3 Fluid, by Risk Management Technologies, dated 15/4/2014 	<p>The largest volume of liquid goods on site is transformer oil. There are over 80 transformers on the site which contain a vegetable based transformer oil. The transformer oil SDS states it is not classified as a DG by the criteria of the ADG code, so Condition B5 is not applicable. The transformers are banded with the exception of the five auxiliary transformers.</p> <p>While Condition B5 does not apply, the transformer oil SDS recommends the oil is stored as a Class C2 Combustible Liquid, for which the applicable standard is AS1940.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
General Conditions B6. Dust Generation	<p>The Applicant shall construct and <i>operate</i> the development in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable.</p> <p>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 <i>operation</i>, 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.</p>	C On-going	<p>- NSP OEMP</p> <p>- Form D01 of the OEMP from 16/3/2018, 9/2/2018 & 12/1/2018</p>	<p>OEMP Section 6.3.7 on Dust and Air Emissions addresses the requirements of this Condition.</p> <p>The Monthly Inspection Checklist (D01) is being completed with a review of dust conditions.</p> <p>The site visit was during an extended period of low rainfall which had reduced groundcover and made dust control difficult. Operations were observed to be conscious of dust generation and used controls such as low speed limits and light vehicles. Sheep were being trialed to control vegetation without spraying (which removes all groundcover vegetation) which could benefit dust control in the future.</p>
General Conditions B7. Water Quality Impact	<p>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.</p>	C On-going	<p>- Form Q01 – Environmental Incidents Register</p>	<p>The site is flat lying without any natural watercourses nearby. The natural drainage flows to a farm dam which could contain sediment flows.</p> <p>Incident reporting from the site indicates no pollution of waters events in the operational stage.</p> <p>There is no Environment Protection Licence for the site.</p>
General Conditions B8. Water Quality Impact	<p>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).</p>	N T Closed	<p>- Environmental Impact Statement Nyngan Solar Plant, NGH Environmental, dated March 2013</p>	<p>The EIS reports the nearest watercourse (Whitbarrow Creek) is approximately 800 metres south of the site. As any works on the site would be more than 40m from a watercourse, this Condition is not triggered.</p>
B9.	<p>See <i>Conditions closed in previous compliance reports</i> in the following section.</p>			
B10.	<p>See <i>Conditions closed in previous compliance reports</i> in the following section.</p>			

Condition Number	Condition Description	Comp Status	Evidence	Comments
General Conditions B11. Waste Management	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	- NSP OEMP - Form-U01: Non-Regulated Waste Register covering 4/12/2017 to 15/3/2018 - Cleanaway Collection Advice no. 191833, dated 10/7/2017 for waste oil removal	Section 6.3.14 of the OEMP is a procedure for hazardous and other waste. The Non-Regulated Waste Register (U01) indicates a minimal amount of waste is routinely generated as contractors are generally required to remove the waste from their work. One of the few waste removals was for oil transferred from the substation, which was collected by Cleanaway. The Collection Advice includes both EPA facility and transport licence numbers as required by the Condition. Broken PV modules are returned to the manufacturer through a process documented in the OEMP. There are limited recyclables processing options in Nyngan, but general waste is segregated and taken to the municipal waste depot.
General Conditions B12. Waste Management	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	- Site visit and talks with the site staff	The site does not have capability for processing any waste which could breach this Condition. No waste generated offsite was observed during the site visit.
General Conditions B13. Waste Management	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>Conditions closed in previous compliance reports</i> in the following section.			
B15.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B16.	See <i>Conditions closed in previous compliance reports</i> in the following section.			

Condition Number	Condition Description	Comp Status	Evidence	Comments
Flora and Fauna B17. Fauna Impacts	The Applicant 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	- site visit - Construction Environmental Management Plan (CEMP) for the Nyngan Solar Plant Grid Connection, by Consolidated Power Projects	Transmission lines within the development are underground rather than overhead. There is an overhead transmission line connecting the solar plant's transformer yard to the grid, but it is operated by Essential Energy. The CEMP for the construction of the overhead line assessed fauna impacts and designed the lines to reduce the likelihood of collision and electrocution.
B18.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B19.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
Visual Amenity B20. Landscaping Requirements	The Applicant 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.	C On-going	- Pre-Operational Compliance Report Nyngan Solar Plant (February 2016) - Ecological Monitoring Report - Nyngan Offset Site, Jacobs, dated 16/2/2018	Visual amenity of constructions was assessed as compliant in the previous compliance report. Landscape planting for screening was carried out with the revegetation of the southern boundary. The monitoring report from Jacobs covered this southern revegetation areas and found " <i>Overall the solar plant revegetation area has not fared well in the past six months since planting in July 2017.</i> " Remedial actions were recommended and included replacement planting. AGL has indicated they are planning to replant the area to improve the screening of views.
Part B. Environmental Performance Visual Amenity B21. Rehabilitation and Revegetation	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 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	C On-going	- letter (Nyngan Solar Plant (SSD-5355) Approval of Experts) from the DPE, dated 1/3/2018 - email conversation between AGL and DPE with subject <i>Attention: Secretary of Department of Planning, NSW Government</i> - Reference: <i>Project Approval MP10_0202</i>	Revegetation and rehabilitation has been conducted in the north and south of the site in compliance with this Condition. Monitoring will be conducted by an ecology expert approved by the DPE on 1/3/2018, after a proposal for an ecological consultant was originally submitted in July 2017. Monitoring of part of the site's revegetation along the Southern boundary has been reported as part of the Offset Site monitoring report from Jacobs. The Office of Environment & Heritage has received the Jacobs

Condition Number	Condition Description	Comp Status	Evidence	Comments
	qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining.		- Ecological Monitoring Report - Nyngan Offset Site, Jacobs, dated 16/2/2018 - Letter (Nyngan Solar Plant – Offset Monitoring Report) from Office of Environment & Heritage (North West) 12/3/2018	monitoring report and returned a letter with their comments.
B22.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B23.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B24.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B25.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
Noise - Operation B27. Operational Noise Design	The Applicant shall ensure that any overhead transmission line associated with the development 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	- site visit	Transmission lines within the development are underground rather than overhead. There is an overhead transmission line connecting the solar plant's transformer yard to the grid, but it is operated by Essential Energy rather than First Solar or AGL.
B28.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B29.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B30.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B31.	See <i>Conditions closed in previous compliance reports</i> in the following section.			

Condition Number	Condition Description	Comp Status	Evidence	Comments
B32.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
B33.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
Part C. Environmental Management, Reporting and Auditing				
C1.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
C2.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
C3.	See <i>Conditions closed in previous compliance reports</i> in the following section.			
Environmental Management C4. OEMP	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:	C On-going	- NSP OEMP - site visit	The NSP OEMP has been prepared and its implementation was confirmed by the operations and practices observed during the site visit. The sections of the OEMP which address the individual requirements of this Condition, are set out in the following findings.
	(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;	Adm N-C		Statutory (e.g. POEO, EP&A) and other obligations are not listed in the OEMP. While the statutory obligations were not identified in the OEMP, the audit found that the NSP had generally complied with the applicable legislation. The Consent Conditions are included in the OEMP (Section 1.4 and appendices).
	(b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the development;	C		Section 4.7 & Appendix D

Condition Number	Condition Description	Comp Status	Evidence	Comments
	(c) overall environmental policies to be applied to the operation of the development;	C		Sections 3.1, 3.2 & Appendix A – First Solar Health, Safety & Environment Policy
	(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.	C		Section 6.3, addresses environmental management such as water, soil, vegetation, dust, noise, fauna and spills and the issues listed in (i) to (iv)
	(e) the environmental monitoring requirements outlined under this approval;	C		Section 6.5 on Environmental Monitoring
	(f) measures to monitor and manage flood impacts in consultation with NOW; (g) information on water sources;	C		Section 2.3, the Project Description Section 6.3.1 on Water Management (also covered in CEMP)
	(h) complaints handling procedures as identified in conditions C13 to C15;	C		Section 6.3.11
	(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	N V		Reported in a previous audit and not assessed in this audit, but the Development Consent and OEMP are structured to address the measures identified in the EIS.
	(j) management policies to ensure that environmental performance goals are met and comply with the conditions of this approval	C		Section 3 Commitments, Section 4 Roles & Responsibilities, Section 5 Planning, Section 6 Environment, Section 7.6 Incident Reporting, Section 8 Auditing and Management Review

Condition Number	Condition Description	Comp Status	Evidence	Comments
Environmental Management C4. OEMP	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 relevant landowner as soon as practicable.	Adm N-C Closed	- Letter (Nyngan Solar Farm (SSD-5355) OEMP) from the DPE, dated 11/1/2016 - https://www.agl.com.au/about-agl/how-we-source-energy/renewable-energy/nyngan-solar-plant/environment , (accessed 7/4/2018)	The NSP OEMP was submitted to the Department on 2/12/2015 and was approved in a letter by the Director Resource Assessment on 11/1/2016. (The NSP was operational in July 2015 and officially opened January 2016.) The OEMP was not submitted and approved before operation commenced, so did not comply with the requirements to submit the OEMP 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.
Environmental Management C5. Biodiversity Offset Management Package	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 development 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: (a) an assessment of all native vegetation communities and threatened species habitat, supported by a suitable metric (such as the Biobanking Assessment Methodology), that will either be directly or indirectly impacted by the proposal; (b) the objectives and biodiversity outcomes to be achieved (including 'improve or maintain' biodiversity values), and the adequacy of the proposed offset considered; (c) the final suite of the biodiversity offset measures selected and secured including but not necessarily limited to; i) an offset proposal which is supported by a suitable metric method (such as the Biobanking Assessment Methodology); ii) details of the relative condition and values of communities on the offset site in comparison to those to be impacted; iii) proposed management actions and expected gains; (d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the	C On-going	- Nyngan Solar Plant Biodiversity Offset Management Plan (BOMP), NGH Environmental, dated 22/1/2014 - Ecological Monitoring Report - Nyngan Offset Site, Jacobs, dated 16/2/2018 - Letter (Nyngan Solar Plant – Offset Monitoring Report) from Office of Environment & Heritage (North West) 12/3/2018 - Property Vegetation Plan for Tikkara, dated 23/9/2014	DPE approval of the BOMP was reviewed in the Pre-Operational compliance report. The Offset site is located several kilometres to the south west of the solar plant on a separate lot. The offset site was fenced at the end of 2017 and the first monitoring report was completed in February 2018 in line with the BOMP requirements. The monitoring report (Jacobs) found <i>"that biodiversity values across the site have been 'maintained'"</i> , in accordance with the Condition's requirements. Monitoring of an additional revegetation site within the solar plant's lot which was also included in the Jacobs report and is discussed in B 20. The Office of Environment & Heritage has received and commented on the monitoring report. A Property Vegetation Plan was attached to the Lot so that the land offset was enduring and manage the land in perpetuity.

Condition Number	Condition Description	Comp Status	Evidence	Comments
	<p>outcomes of the package are achieved, including:</p> <ul style="list-style-type: none"> i) the monitoring of the condition of species and ecological communities at offset locations; ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites; iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and (e) timing and responsibilities for the implementation of the provisions of the Package. <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>			
C6. Decommissioning Management Plan	<p>Prior to the commencement of decommissioning, or as otherwise agreed by the Director-General, the Applicant shall prepare (in consultation with the relevant landowner) and implement (following approval) a Decommissioning Management Plan for the development. 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 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>	N T On-going		This Condition has not been triggered as site's lifespan is at least 30 years and planning for decommissioning has not begun.

Condition Number	Condition Description	Comp Status	Evidence	Comments
C7. Decommissioning Road Dilapidation	<p>Unless otherwise directed by the Director-General, the Applicant 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 development, the Applicant 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 Applicant 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 development, 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 and transport related to the construction of the development. The Report shall be submitted to</p> <p>the relevant road authority for review prior to the commencement of haulage.</p>	N T On-going		This Condition has not been triggered as site's lifespan is at least 30 years and planning for decommissioning has not begun.

Condition Number	Condition Description	Comp Status	Evidence	Comments
C8. Incident Reporting	The Applicant 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 development, the Applicant shall notify the Director-General and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	N T On-going	- email from the AGL Environment Business Partner, Renewables VIC/NSW - NSP OEMP, including Form Q01 – Environmental Incidents Register	AGL state there have not been any reportable incidents, so this Condition is not triggered. An Environmental Incidents Register has been maintained and lists three incidents which were all SF6 gas leaks in 2017, but the volume of gas lost was not significant enough to be considered material harm.
Reporting C9. Regular Reporting	The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	C On-going	https://www.agl.com.au/about-agl/how-we-source-energy/renewable-energy/nyngan-solar-plant/environment (accessed 31/3/2018)	A NSP 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: - Pre-Construction and Pre-Operation compliance reports (required by C16.) - Biodiversity Offset Management Monitoring report (required by C5.)
Community C10. Community Information, Consultation and Involvement	Subject to reasonable confidentiality requirements, the Applicant shall make all documents required under this consent available for public inspection on request.	N T On-going	- email from the AGL Environment Business Partner, Renewables VIC/NSW	AGL state they have not had any requests for documentation from the public, so this Condition has not been triggered. Several of the documents required by the Consent are openly provided to the public through the project website (see finding for C9.)

Condition Number	Condition Description	Comp Status	Evidence	Comments
Community C11 Provision of Electronic Information	<p>Prior to the commencement of construction, the Applicant shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the development. The Applicant 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 development; (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 development; (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 development</p>	C On-going	<p>https://www.agl.com.au/about-agl/how-we-source-energy/renewable-energy/nyngan-solar-plant (accessed 31/3/2018)</p>	<p>The documents and information required by the Condition are maintained on the NSP website (under the AGL domain) and include:</p> <p>a) general information about the development, its location and operational status b) the Development Consent and the Modification of Development Consent (under Nyngan Environment/Project Approval tab) c) the EPBC referral decision is listed. There are no other environmental permits or licences d) plans include the</p> <ul style="list-style-type: none"> - NSP OEMP, with subplans covering other management such as bushfire and dangerous goods - Biodiversity Offset Management Plan - Construction Environmental Management Plan - NSP Staging Report - Environmental Impact Assessment - NSP (EIA) Submissions Report <p>e) see finding for C9.</p>
C12.	<p>See <i>Conditions closed in previous compliance reports</i> in the following section.</p>			

Condition Number	Condition Description	Comp Status	Evidence	Comments
Community C13. Complaints Procedure	<p>Prior to the commencement of construction, the Applicant shall ensure that the following are available for community complaints for the life of the development (including construction and <i>operation</i>) or as otherwise agreed by the Director-General:</p> <p>a) a 24 hour telephone number on which complaints about construction and <i>operational</i> 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. 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 development. 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.</p>	N-C Closed	<p>- https://www.agl.com.au/about-agl/how-we-source-energy/renewable-energy/nyngan-solar-plant/community-matters</p> <p>- Nyngan Solar Plant Community and Stakeholder Engagement Plan, AGL, dated 8/1/2018 (marked as DRAFT)</p> <p>- Nyngan Observer excerpt from 10/6/2015</p>	<p>The NSP community and stakeholder engagement plan discusses the community engagement and feedback strategy and also lists the complaint contacts.</p> <p>The complaint phone line was verified through calls to the 1800 039 600 number.</p> <p>There were intermittent difficulties with connecting to the right section of AGL from the complaint phone line, but when the correct connection was made it was handled directly by the NSP community relations manager.</p> <p>The complaint telephone number, email and postal address are listed in the Nyngan "Community Matters" webpage. A sign at the turnoff from the highway lists the phone number, email and web address.</p> <p>An AGL notice was published in the Nyngan Observer as operations commenced and included the complaints phone number and email.</p> <p>After the initial notice, there were no records of successive advertisements. AGL was not able to confirm the additional notices were published, so did not comply with requirement for advertisements at six monthly intervals for the next 2 years.</p>
C14. Complaints Procedure	<p>The Applicant 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:</p> <p>a) the date and time, of the complaint;</p> <p>b) the means by which the complaint was made (telephone, mail or email);</p> <p>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) any action(s) taken by the Applicant in relation to the complaint, including timeframes for implementing the action; and</p> <p>f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register shall be made available for inspection by the Director-General upon request.</p>	N T On-going	<p>- Nyngan Solar Plant Community and Stakeholder Engagement Plan, AGL, dated 8/1/2018 (marked as DRAFT)</p> <p>- Nyngan Solar Plant Entity Statistics, dated between 1 Feb 2016, 4 Apr 2018</p> <p>- email from the AGL Environment Business Partner, Renewables VIC/NSW</p>	<p>The Community and Stakeholder Engagement Plan nominates that complaints are handled through the AGL Community Complaints & Feedback Procedure</p> <p>AGL states there have been no complaints since at least February 2016 (when the previous compliance report was completed). A report from the complaints log lists zero complaints. While there are no complaints logged to verify how details are recorded, a process for logging complaints has been demonstrated.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
Community C15. Complaints Procedure	The Applicant shall provide an initial response to any complaints made in relation to the development 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.	C On-going	- Nyngan Solar Plant Community and Stakeholder Engagement Plan, AGL, dated 8/1/2018 - test phone calls made during the audit	The Stakeholder Engagement Plan provides a framework for responding to complaints and sets a target for responding to urgent complaints within 24 hours. Phone calls made during the audit to verify the complaints phone line (that connected with the community relations team) received a fast response.
Compliance C16. Compliance Tracking Program	Prior to the commencement of construction, the Applicant shall develop and implement a Compliance Tracking Program, to track compliance with the requirements of this consent during the construction and operation of the development and shall include, but not necessarily be limited to:	Obs On-going	- NSP OEMP, including Appendix O - Compliance Tracking	Section 8 and Appendix C (Table 1) of the NSP OEMP specifies that external audits and the "Compliance Tracking -Operations Stage" form in Appendix O both contribute to the Compliance Tracking Program. Implementation of the Appendix O form has not been fully effective and ongoing compliance status is not well understood due to the following issues: - The form summarises the Conditions and in some cases the summaries have removed information that is necessary for the review of the Condition (e.g. B5, B6). - There are errors in the detail of the summaries (e.g. A8/9, A14) - Conditions where the asset manager is responsible are not assessed. - The form could also benefit from improved recording of review details, such as date and reviewer. The Compliance Tracking form is not a direct requirement of this Condition, but could be a useful tool for tracking compliance if these faults were corrected.

Condition Number	Condition Description	Comp Status	Evidence	Comments
Compliance C16. Compliance Tracking Program	a) provisions for periodic reporting of compliance status to the Director-General including at least prior to the commencement of construction of the development, prior to the commencement of operation of the development and within two years of operation commencement;	Adm N-C On-going	<ul style="list-style-type: none"> - Pre-Construction Compliance Report Nyngan Solar Plant (March 2014) - Nyngan Solar Power Station Independent Environmental Audit (June 2015) - Pre-Operational Compliance Report Nyngan Solar Plant (February 2016) - this post-operational compliance report - ASX and Media Releases, AGL's Nyngan and Broken Hill solar plants officially opened, AGL, 20/1/2016 	<p>This post operational compliance report is the response to the requirement for a report after operation commencement, but it will not be completed within the two year timeframe.</p> <p>The Pre-Operational Compliance Report is dated after the operations commenced (February 2016 rather than July 2015) so does not meet the "prior to commencement" timeframe set by the Condition. An independent compliance report by ERM was conducted before operations commenced, but was submitted with the Pre-Operational report in February 2016.</p> <p>AGL's media release reported the NSP as becoming operational in July 2015 and officially opened in January 2016.</p>
Compliance C16. Compliance Tracking Program	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	- NSP OEMP	<p>Section 8 of the OEMP specifies an external audit program which includes the assessment of compliance to the Consent Conditions. This post operational compliance report is the first of the independent audits.</p> <p>The external, independent audits are scheduled to occur at least every 5 years. Section 6.2.1 of the OEMP also sets an objective for OEMP audits every 5 years.</p>
		Obs		<p>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 - Operations Stage" form in Appendix O. Consideration could be given to a shorter period if non-compliances are found during the external audits.</p>

Condition Number	Condition Description	Comp Status	Evidence	Comments
Compliance C16. Compliance Tracking Program	c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;	C On-going	- NSP OEMP - Condition Notification and Investigation Reports 17-058, 18-003, 18-004 - 180401 AGL Solar PV (Nyngan) - Incomplete Works Register_AGLUpdate - screen capture of the Health, Safety & Environment Audit / Inspection Register	Procedures for rectifying non-compliance are implemented at multiple levels. Section 8 of the OEMP nominates the Safety Corrective Action Register as the system for recording non-compliances found during an audit, but in practice the audit reports, the Compliance Tracking -Operations Stage from (Appendix O) and the Condition Notification and Investigation Reports have been used in place of the Safety Corrective Action Register. At a higher level, AGL tracked non-compliances and actions for rectifying them through an Incomplete Works Register and an online Health, Safety & Environment Audit / Inspection Register.
Compliance C16. Compliance Tracking Program	d) mechanisms for recording environmental incidents and actions taken in response to those incidents;	C On-going	- NSP OEMP - Form Q01 – Environmental Incidents Register - Condition Notification and Investigation Reports 17-058, 18-003, 18-004	Section 7.6.5 of the OEMP specifies the process for reporting environmental incidents. Incidents are recorded on the Form Q01 Environmental Incidents Register, which has fields for date and “nature of incident”. More detailed information, including actions taken in response, are recorded on the Condition Notification and Investigation Reports. Three incidents have been recorded, all from 2017 for SF ₆ gas leaks.
Compliance C16. Compliance Tracking Program	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 (dated 24/4/2018)	AGL nominates itself as the party responsible for reporting environmental incidents to the DG and demonstrated a process of assessing incidents for the SF ₆ leaks.
Compliance C16. Compliance Tracking Program	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 A10.

Previous Audit Findings

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

- The *Pre-Construction Compliance Report Nyngan Solar Plant* (March 2014) found compliance with all conditions with the proviso that a road condition assessment was submitted and CEMPs were made available on the Nyngan Solar Plant website.
- The *Nyngan Solar Power Station Independent Environmental Audit* (June 2015) found compliance with all Conditions except for three which were “Indeterminate”:
 - Condition A6, where a Building Code of Australia assessment had not yet been conducted
 - Condition C4, where the OEMP had not yet been approved by the Director-General
 - Condition C8, where there was uncertainty regarding the requirements for reporting three “minor hydraulic fluid spills” during construction
- The *Pre-Operational Compliance Report Nyngan Solar Plant* (February 2016) found all Conditions were either compliant or not triggered. This included reviewing the three indeterminate findings from the *Independent Environmental Audit* (June 2015) to find they were compliant.

Conditions closed in previous compliance reports

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
A5. Staging	<p>The applicant may elect to construct and/or operate the development in stages. Where staging is proposed, the Applicant shall submit a Staging Report to the Director-General prior to the commencement of the first proposed stage. The Staging Report shall provide details of:</p> <p>a) how the development would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence</p> <p>b) details of the relevant conditions of development consent, which would apply to each stage and how these shall be complied with across and between the stages of the development.</p> <p>Where staging of the development is proposed, these conditions 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 Applicant shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Director-General prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.</p>	
A6. Structural Adequacy	<p>The Applicant 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.</p>	<p>Structures have not been constructed in the operational stage. A viewing platform was recently constructed under another</p>

Condition Number	Condition Description	Comments
A9. Decommissioning	<p>Prior to the commencement of construction, the Applicant shall provide written evidence to the satisfaction of the Director-General that the lease agreements with the relevant landowners have adequate provisions to require that decommissioning occurs in accordance with this approval, and is the responsibility of the Applicant.</p> <p>This condition does not apply if the Applicant is the landowner.</p>	<p>development application.</p> <p>ERM report</p>
General Conditions B1. Ancillary Facilities	<p>Unless otherwise approved by the Director-General, the location of Ancillary Facilities shall:</p> <ul style="list-style-type: none"> a) be located more than 50 metres from a waterway; b) be located within or adjacent to the Site; c) have ready access to the road network; d) be located to minimise the need for heavy vehicles to travel through residential areas; e) be sited on relatively level land; f) be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant); g) not require vegetation clearing beyond that already required by the development; h) not impact on heritage sites (including areas of archaeological sensitivity) beyond those already impacted by the Project; i) not unreasonably affect the land use of adjacent properties; j) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and 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. <p>The location of the Ancillary Facilities shall be identified in the CEMP.</p>	<p>The Development Consent defines Ancillary facilities as temporary facilities for construction.</p>
General Conditions B2. De-commissioning and Rehabilitation	<p>The site of all ancillary facilities shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the relevant landowner.</p>	
General Conditions B9. Construction Soil and Water Management	<p>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 development to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters</p>	
General Conditions B10. Waterways	<p>Waterway crossings shall be designed and constructed in consultation with NOW and DPI (Fisheries) and consistent with Fisheries Guidelines Policy and Guidelines for Fish Friendly Waterway Crossings (2004) and Fish Passage Requirements for Waterway Crossings (2004)</p>	
General Conditions B14. Utilities and Services	<p>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</p>	

Condition Number	Condition Description	Comments
	services that are likely to be affected by the development 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 Applicant.	
Visual Amenity B15. Native Vegetation Impacts	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).	
Flora and Fauna B16. Native Vegetation Impacts	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 (either in offset areas or areas adjoining impacted areas) and included in the Construction Flora and Fauna Management Plan contained in condition C3(a).	
Landscaping Requirements B18.	Within six months of the commissioning of the development, the Applicant 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.	
Landscaping Requirements B19.	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 Applicant shall ensure that the measures identified in the Report are implemented at affected receptors and roadways as identified in the Report in consultation with relevant residents/landowners and road authorities.	
Noise - Construction B22. Construction Noise	Construction activities associated with the development 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 B23.	
Noise - Construction B23. Construction Noise	Construction works outside of the standard construction hours identified in condition B24 may be undertaken in the following circumstances: (a) construction works that generate noise that is: (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 (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 (b) for the delivery of materials required outside those hours by the NSW Police Force or other authorities for safety reasons; or (c) where it is required in an emergency to avoid the loss of life, property and/or to prevent environmental harm;	

Condition Number	Condition Description	Comments
	(d) works as approved through the out-of-hours work protocol outlined in the Construction Noise Management Plan required under condition C3(d)	
Noise - Construction B24. Construction Noise	Any activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken: (a) between the hours of 8:00 am to 5:00 pm Mondays to Fridays; (b) between the hours of 8:00 am to 1 :00 pm Saturdays; and (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. 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.	
Noise - Construction B25. Construction Noise	The Applicant shall implement all reasonable and feasible measures to minimise noise generation from the construction of the development 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 development	
Traffic and Transport B28. Road Dilapidation	Unless otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority: (a) Prior to the commencement of construction of the development, the Applicant 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 development (including over-mass or over-dimensional vehicles) in consultation with the relevant road authority, and to identify any upgrade requirements to accommodate development 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 Applicant 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; (b) upon determining the haulage route(s) for construction vehicles associated with the development, 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 development. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage; (c) following completion of construction, a subsequent report shall be prepared to assess any damage that may have resulted from the construction of the development; and (d) measures undertaken to restore or reinstate roads affected by the development 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 Applicant.	
Traffic and Transport	The intersection of the site access road and the Barrier Highway shall be upgraded prior to the commencement of construction to the satisfaction of the RMS and at no cost to the relevant road authority.	

Condition Number	Condition Description	Comments
B29. Road Dilapidation		
Heritage B30. Heritage Impacts	If during the course of construction, the Applicant 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 Applicant.	
Heritage B31. Heritage Impacts	If during the course of construction, the Applicant 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 Applicant receives written authorisation from the Heritage Office.	
B32. Easement	An easement over the affected part of Lot 7300 DP1156652, with compensation payable to the Crown under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, is to be created prior to Operation. <i>(This is the modified Conation from 10/10/2014.)</i>	
B33. Fencing	The Applicant shall consult with the relevant landowner(s) adjoining the access road (inclusive of the owner of the property known as "Redlands" who utilises the adjoining road reserve) regarding any additional fencing required along the site access road to ensure any livestock is protected from collision risks. Unless otherwise agreed by the Director-General, the Applicant must install a stock proof fence along the western boundary of Lot 24 DP 751328, or implement other feasible means of protecting livestock from collision risks, where required by the relevant landowner, prior to construction, at the full cost of the Applicant.	
Environmental Management C1. Environmental Representative	Prior to the commencement of construction of the Development, or as otherwise agreed by the Director-General, the Applicant 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 Applicant shall employ the Environment Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environment Representative(s) shall: a) be the principal point of advice in relation to the environmental performance of the development; b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Applicant upon the achievement of these plans/ programs; c) have responsibility for considering and advising the Applicant on matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the Development; d) ensure that environmental auditing is undertaken in accordance with the Applicant's Environmental Management System(s); 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; 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 g) be consulted in responding to the community concerning the environmental performance of the Development where the resolution of points of conflict between the Applicant and the community is required.	ERM report

Condition Number	Condition Description	Comments
Environmental Management C2. Construction Environmental Management Plan (CEMP)	The Applicant shall prepare and implement a Construction Environmental Management Plan in consultation with Council 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 construction associated with the development shall commence until written approval of this plan has been received from the Director-General or his nominee. The Plan must include:	
Environmental Management C3. Construction Environmental Management Plan (CEMP)	As part of the Construction Environmental Management Plan required under condition C2 of this consent, the Applicant shall prepare and implement the following: ... a) Flora and Fauna Management Plan b) Ground Cover Management Plan c) Landscape Plan d) Construction Noise Management Plan e) Traffic Management Plan f) Aboriginal Heritage Management Plan	ERM Report
C12 Community Information Plan	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 <i>operation</i> of the development. 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 landowner to rehabilitate impacted land.	