

## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under delegation from the Minister enforced from 1 October 2011, the Planning Assessment Commission of NSW (the Commission) approves the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

### Member of the Commission

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Sydney

2013

File No 10/22286

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<b>Application No.:</b>	<b>SCHEDULE 1</b> MP10_0202
<b>Proponent:</b>	AGL Energy Limited (AGL)
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Part Lot 6806 Deposited Plan 823918 (Western Land Lease 14240) and the land between the solar plant and the existing Broken Hill Substation to be used for the purpose of the transmission line.
<b>Project:</b>	Broken Hill Solar Photovoltaic (PV) power plant, including: <ul style="list-style-type: none"><li>• a PV array incorporating rows of solar panels mounted on a fixed steel frame and a series of central inverters and transformers;</li><li>• aboveground and underground electrical conduits and cabling to connect the arrays to the inverters and transformers;</li><li>• marshalling switchgear to collect the power from the PV arrays;</li><li>• a diversion of the existing 22kV aboveground transmission line and placing it underground;</li><li>• construction of an aboveground 22kV transmission line to connect the solar plant to the existing Broken Hill sub station;</li><li>• internal access tracks, upgrades to existing roads, fencing and landscaping;</li><li>• site office, operations and maintenance office buildings; and</li><li>• temporary construction facilities such as a site compound and equipment laydown area.</li></ul>
<b>Critical Infrastructure:</b>	The project is classified as critical infrastructure in accordance with section 75C of the <i>Environmental Planning and Assessment Act 1979</i> by virtue of the Minister's declaration of 11 November 2009 relating to the generation of electricity derived from renewable fuel sources being a project with a capacity to generate at least 30 megawatts, which is the subject of a project application lodged pursuant to section 75E or 75M of the EP&A Act.

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## DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile area.
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Construction	Includes all work in respect of the project other than: <ul style="list-style-type: none"><li>a) survey, acquisitions, building/ road dilapidation surveys;</li><li>b) investigative drilling, excavation, or salvage;</li><li>c) minor clearing or translocation of native vegetation;</li><li>d) establishing ancillary facilities/ construction work sites (in locations meeting the criteria identified in the conditions of approval);</li><li>e) installation of environmental impact mitigation measures, fencing, enabling works;</li><li>f) other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/ utilities, etc).</li></ul>
Council	Broken Hill City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure.
Director-General	Director-General of the Department of Planning and Infrastructure.
DPI	Department of Primary Industry
EA	Environmental Assessment
EPA	Environment Protection Authority
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i> .
Evening	The period from 6pm to 10pm.
Feasible	Feasible relates to engineering considerations and what is practical to build.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period.
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed

	as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Minister	Minister for Planning and Infrastructure
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
Non-associated Receptor	Landowner that has not reached a financial or in kind agreement with the Proponent in relation to the Project.
NOW	Department of Primary Industries – NSW Office of Water
OEH	Office of Environment and Heritage
Operation	Means the operation of the project but does not include commissioning trials of equipment or temporary use of parts of the project during construction.
PPR	Preferred Project Report
Project	The development described in the project application, the EA and the PPR.
Proponent	AGL Energy Limited (AGL) or anyone else entitled to act on this project approval including its successors or assigns.
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children’s day care facility.
Site	Land referred to in Schedule 1

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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

A1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Project.

#### Terms of approval

A2. The Proponent shall carry out the project generally in accordance with the:

- a) Major Projects Application 10\_0202;
- b) Broken Hill Solar Plant Environmental Assessment prepared by Sinclair Knight Merz dated October 2012;
- c) Broken Hill Solar Plant Submissions and Preferred Project Report prepared by Sinclair Knight Merz dated February 2013; and
- d) The conditions of this approval.

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.

A4. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:

- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
- b) the implementation of any actions or measures contained within these documents.

#### Limits of approval

A5. This project approval shall lapse five years after the date on which it is granted, unless any works the subject of this approval have physically commenced before that time.

#### Staging

A6. The Proponent may elect to construct and/ or operate the Project in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Director-General and Crown Lands Division of the Department of Trade and Investment prior to the commencement of the first proposed stage. The Staging Report shall provide details of:

- a) how the Project would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and
- b) details of the relevant conditions of project approval, which would apply to each stage and how these shall be complied with across and between the stages of the Project.

Where staging of the Project is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

The Proponent shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Director-General and Crown Lands Division of the Department of Trade and Investment prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

### **Structural Adequacy**

A7. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. For the purpose of section 75S(2)(b) of the Act, the relevant provisions, as defined in section 75S(1A) of the Act apply to this approval.

### **Decommissioning**

A8. Within one year of decommissioning, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with the Crown Lands Division of the Department of Trade and Investment or any relevant landowners. All solar panels and associated above ground structures including but not necessarily limited to, , the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Director-General in consultation with Crown Lands Division of the Department of Trade and Investment, except where the , control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Director-General.

A9. If the solar plant is not used for the generation of electricity for a continuous period of 12 months, it shall be decommissioned by the Proponent, unless otherwise agreed by the Director-General and Crown Lands Division of the Department of Trade and Investment. The Proponent shall keep independently-verified annual records of the use of the solar panels for electricity generation. Copies of these records shall be provided to the Director-General upon request. The solar panels and any associated infrastructure are to be dismantled and removed from the site by the Proponent within 18 months from the date that the solar panels were last used to generate electricity.

A11. Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General that the lease agreements with the Crown Lands Division of the Department of Trade and Investment have adequate provisions to require that decommissioning occurs in accordance with this approval, and is the responsibility of the Proponent.

### **Compliance**

A12. The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

A13. The Proponent shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

A14. In the event of a dispute between the Proponent and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the project, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.

## **PART B ENVIRONMENTAL PERFORMANCE**

### **GENERAL CONDITIONS**

#### **Ancillary Facilities**

B1. Unless otherwise approved by the Director-General, the location of Ancillary Facilities shall:

- 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 Project;
- 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.

The location of the Ancillary Facilities shall be identified in the CEMP.

B2. All Ancillary Facilities shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the Crown Lands Division of the Department of Trade and Investment.

#### **Bushfire Risk**

B3. The Proponent shall ensure that all project 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.

B4. Throughout the operational 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 infrastructure 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.

#### **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.

### **Dust Generation**

- B6. The Proponent shall construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions attributable to the project occur during construction and operation, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works during construction, planting ground covers, using dust suppressants as appropriate, such that emissions of visible dust cease.

### **Water Quality Impact**

- B7. Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- B8. Works within 40m of a watercourse are to be carried out in accordance with the *Guidelines for Controlled Activities on Waterfront Land (NOW, July 2012)*.

### **Construction Soil and Water Management**

- B9. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004) shall be employed during the construction of the Project to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

### **Waterways**

- B10. Waterway crossings shall be designed and constructed in consultation with NOW and DPI (Fisheries) and consistent with DPI (Fisheries) guidelines *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004) and *Fish Passage Requirements for Waterway Crossings* (2004).

### **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.
- 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.
- 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.

## **Utilities and Services**

B14. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Project shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent.

## **FLORA AND FAUNA**

### **Native Vegetation Impacts**

B15. The clearing of all native vegetation is to be limited to the minimal extent practicably required. Details regarding the procedures for clearing vegetation and minimising the extent of clearing shall be clearly included in the Flora and Fauna Management Plan contained in condition C3(a).

B16. Tree trunks and major branches from cleared trees should be used, to the fullest extent practicable, to enhance habitat (coarse woody debris) in rehabilitated areas or in native shrublands (either in offset areas or areas adjoining impacted areas) and included in the Construction Flora and Fauna Management Plan contained in condition C3(a).

### **Fauna Impacts**

B17. The Proponent 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.

B18. Prior to construction the Proponent shall prepare, in consultation with a suitably qualified expert, and implement a management plan for the raptor nesting site described in Figure 7-3 of the Environmental Assessment. This plan shall include, but not be limited to:

- (a) an assessment of the foraging, breeding and habitat available to the raptor populations, including a map of the suitable breeding, roosting and foraging habitat on the project site;
- (b) identified protection measures for this habitat;;
- (c) a protocol for checking available breeding habitat prior to any construction works being undertaken, with suitable protection measures implemented if nests are identified;
- (d) identified measures to minimise impact and disturbance to t raptors during construction and operation;
- (e) a monitoring program to assess and respond to impacts on the local raptor populations by construction and operations on the project site; and
- (f) if monitoring results demonstrate the nest has been abandoned then further mitigation, such as a provision of an artificial structure to allow a new nest to be built in the offset area should be investigated.

A copy of the Plan shall be provided to the Department and the OEH prior to the commencement of construction.

B19. During construction, the Proponent shall maintain a buffer of 500 metres in all directions from the raptor nesting site described in Figure 7-3 of the Environmental Assessment unless otherwise agreed to by the Director-General.

## **VISUAL AMENITY**

### **Landscaping Requirements**

B20. Within six months of the commissioning of the project, the Proponent shall prepare and submit a Visual Impact Verification Report for the Director-General's approval. Unless otherwise agreed to by the Director-General, the Visual Impact Verification Report shall confirm the visual impacts at each of the receptors and roadways identified in the Environmental Assessment as having the potential to be 'highly impacted', considering the final model and layout of generating components on site as well as site specific mitigating factors at the receptors and roadways (such as receptor orientation and intervening screening factors). The Visual Impact Verification Report shall identify all reasonable and feasible screening and landscape planting options available at each receptor and roadways at which potential impacts have been verified to be 'high' including demonstration that these measures have been determined in consultation with affected receptors and relevant road authorities.

B21. Within 18 months of the approval of the Visual Impact Verification Report by the Director-General (or as otherwise agreed to by the Director-General), the Proponent shall ensure that the measures identified in the Report are implemented at affected receptors and roadways as identified in the Report in consultation with the Crown Lands Division of the Department of Trade and Investment, other relevant residents/landowners and road authorities.

B22. The Proponent shall ensure that any permanent buildings and overhead transmission lines are designed and constructed to minimise visual intrusion to nearest sensitive receptors as far as reasonable and feasible, including appropriate external finishes and landscape planting to screen views.

### **Rehabilitation and Revegetation**

B23. The Proponent shall implement a revegetation and rehabilitation program for all areas of the project footprint which are disturbed during the construction of the project but which are not required for the ongoing operation of the project including temporary construction facility sites and sections of construction access roads. The Proponent shall ensure that all revegetation measures are implemented progressively where possible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining.

## **NOISE - CONSTRUCTION**

### **Construction Noise**

B24. Construction activities associated with the project shall be undertaken during the following standard construction hours:

- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and
- (b) 8:00am to 1:00pm Saturdays; and
- (c) at no time on Sundays or public holidays.

Except unless otherwise provided in condition B25.

- B25. 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;
  - (d) works as approved through the out-of-hours work protocol outlined in the Construction Noise Management Plan required under condition C3(d).
- B26. 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.

- B27. The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, July 2009) including noise generated by heavy vehicle haulage and other construction traffic associated with the project

## **NOISE - OPERATION**

### **Operational Noise Criteria**

- B28. The Proponent 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).

### **Operational Noise Design Standards – Overhead Transmission Line**

- B29. The Proponent shall ensure that any overhead transmission line associated with the project is designed, constructed and operated to minimise the generation of corona and aeolian noise as far as reasonable and feasible at nearest existing sensitive receptors.

## TRAFFIC AND TRANSPORT

### Road Dilapidation

- B30. Unless otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:
- (a) Prior to the commencement of construction of the project, the Proponent shall commission a suitably qualified road infrastructure specialist to assess the condition of all local public roads proposed to be traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with the relevant road authority, and to identify any upgrade requirements to accommodate project traffic for the duration of construction (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access), having regard to traffic volumes. The **Pre-Construction Road Report** shall be submitted to the Director-General prior to the commencement of construction works, clearly identifying recommendations made by the relevant road authority and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to meet the reasonable requirements of the relevant road authority, prior to the commencement of construction;
  - (b) upon determining the haulage route(s) for construction vehicles associated with the project, and prior to construction, an independent and qualified person or team shall undertake a **Road Dilapidation Report**. The report shall assess the current condition of relevant local road(s) and describe mechanisms to restore any damage that may result due to traffic and transport related to the construction of the project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage;
  - (c) following completion of construction, a subsequent report shall be prepared to assess any damage that may have resulted from the construction of the project; and
  - (d) measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the relevant road authority, and at the full expense of the Proponent.
- B31. The intersection of the site access road and the Barrier Highway shall be upgraded prior to the commencement of construction to the satisfaction of and at no cost to the relevant road authority.

## HERITAGE

### Heritage Impacts

- B32. If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with the *National Parks and Wildlife Act 1974*. In addition, registered Aboriginal stakeholders shall be informed of the finds. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the OEH and the registered Aboriginal stakeholders and written authorisation from the OEH is received by the Proponent.
- B33. If during the course of construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) shall cease immediately and the Heritage Office notified in accordance with the *Heritage Act 1977*. Works shall not recommence until the Proponent receives written authorisation from the Heritage Office.

## **PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL REPRESENTATIVE**

- C1. Prior to the commencement of construction of the Project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environment Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the 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 Project;
  - b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans/ programs;
  - c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the Project;
  - d) ensure that environmental auditing is undertaken in accordance with the Proponent'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 Project where the resolution of points of conflict between the Proponent and the community is required.

### **ENVIRONMENTAL MANAGEMENT**

#### **Construction Environmental Management Plan (CEMP)**

- C2. The Proponent shall prepare and implement a Construction Environmental Management Plan in consultation with Council and the Crown Lands Division of the Department of Trade and Investment for the Project in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004) or any replacement guideline. No construction associated with the project shall commence until written approval of this plan has been received from the Director-General or his nominee. The Plan must include:
- (a) a description of all relevant activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
  - (b) identification of the potential for cumulative impacts with other construction activities occurring in the vicinity and how such impacts would be managed;
  - (c) details of any construction sites and mitigation, monitoring, management and rehabilitation measures specific to the site compound(s) that would be implemented;
  - (d) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

- (e) evidence of consultation with relevant public authorities required under this condition and how issues raised by the agencies have been addressed in the plan;
- (f) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- (g) details of how the environmental performance of construction will be monitored, and what actions will be taken to address identified potential adverse environmental impacts;
- (h) specific consideration of relevant measures identified in the documents referred to under conditions A2b) and A2c) of this approval;
- (i) the additional requirements of this approval;
- (j) a complaints handling procedure during construction identified in conditions C12 and C14;
- (k) register of construction work hazards and the anticipated level of risk associated with each;
- (l) measures to monitor and manage soil and water impacts in consultation with NOW including: control measures for works close to or involving waterway crossings (including rehabilitation measures following disturbance and monitoring measures and completion criteria to determine rehabilitation success), identification of construction activities that are likely to pose a risk of groundwater interference, and procedures for managing groundwater impacts should they occur;
- (m) measures to monitor and manage flood impacts in consultation with NOW;
- (n) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks;
- (o) emergency management measures including measures to control bushfires; and
- (p) information on water sources.

C3. As part of the Construction Environmental Management Plan required under condition C2 of this approval, the Proponent shall prepare and implement the following:

- (a) a **Flora and Fauna Management Plan**, developed in consultation with the OEH, to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the project. The Plan shall include, but not necessarily be limited to:
  - (i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations of EECs, native pasture; and areas to be cleared. The plans shall also identify vegetation adjoining the site where this contains important habitat areas and/or threatened species, populations or ecological communities;
  - (ii) methods to manage impacts on flora and fauna species and their habitat which may be directly or indirectly affected by the project, such as location of fencing, procedures for vegetation clearing or soil removal/stockpiling and procedures for re-locating hollows or installing nesting boxes and managing weeds;
  - (iii) procedures to accurately determine the total area, type and condition of vegetation community to be cleared;

- (iv) reference to the Ground Cover Management Plan and the Management Plan for the raptor nesting site required in condition C3(b) and B18 respectively; and
  - (v) a procedure to review management methods where they are found to be ineffective.
- (b) a **Ground Cover Management Plan**, developed in consultation with the Crown Lands Division of the Department of Trade and Investment an agronomist, to outline measures to ensure adequate vegetation cover and composition beneath the solar PV array. The Plan shall include, but not necessarily be limited to:
- (i) procedures to minimise disturbance to ground cover not impacted by the project particularly in the area of the native shrubland in good condition;
  - (ii) procedures for the stabilisation, rehabilitation and revegetation of disturbed ground cover including reference to field trials where required;
  - (iii) weed management measures to control and prevent the spread of noxious weeds;
  - (iv) monitoring methods to assess the impact of the project on the ground cover vegetation; and
  - (v) a procedure to review management methods where they are found to be ineffective.
- (c) a **Landscape Plan**, to minimise visual impacts from the solar plant. . The Plan shall include, but not necessarily be limited to:
- (i) identification of landscaping objectives and standards based on visual impacts and local environmental values (in particular the Pinnacles);
  - (ii) details of species used to enhance, mitigate and/or augment landscaping to minimise the visual impact of the project, particularly with respect to the impacts on nearby residences;
  - (iii) implementation, management and monitoring strategies to ensure the establishment and ongoing maintenance of landscaped areas;
  - (iv) a consultation strategy to seek feedback from affected residents and the interested community on the proposed landscape measures.
- (d) a **Construction Noise Management Plan** to manage noise impacts during construction and to identify all feasible and reasonable noise mitigation measures. The Plan shall include, but not necessarily be limited to:
- (i) details of construction activities and an indicative schedule for construction works;
  - (ii) identification of construction activities that have the potential to generate noise impacts on surrounding land uses, particularly residential areas;
  - (iii) detail the requirements for Noise Impact Statement(s) for discrete work areas, including construction site compounds;
  - (iv) detail what reasonable and feasible actions and measures would be implemented to minimise noise impacts;
  - (v) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise amenity, as well as procedures for dealing with and responding to noise complaints;
  - (vi) an out-of-hours work (OOHW) protocol for the assessment, management and approval of works outside of standard construction hours as defined in condition B25 of this approval, including a risk assessment process



under which an Environmental Representative may approve out-of-hour construction activities deemed to be of low environmental risk and refer high risk works for the Director-General's approval. The OOHW protocol shall detail standard assessment, mitigation and notification requirements for high and low risk out-of-hour works, and detail a standard protocol for referring applications to the Director-General; and

- (vii) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported; and, if any exceedance is detected how any non-compliance would be rectified.
- (e) a **Traffic Management Plan** to manage traffic conflicts that may be generated during construction in preparing the Plan, the Proponent shall consult with the Council, RMS and the Crown Lands Division of the Department of Trade and Investment . The Plan shall address the requirements of the relevant road authority and shall include, but not necessarily be limited to:
- (i) details of how construction of the project will be managed in proximity to local and regional roads;
  - (ii) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
  - (iii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with;
  - (iv) details of measures to minimise interactions between the project and other users of the roads such as the use of fencing, lights, barriers, traffic diversions etc;
  - (v) procedures for informing the public where any road access will be restricted as a result of the project;
  - (vi) procedures to manage construction traffic to ensure the safety of livestock and to minimise disruption to livestock;
  - (vii) speed limits to be observed along routes to and from the site and within the site; and
  - (viii) details of the expected behavioural requirements for vehicle drivers travelling to and from the site and within the site.
- (f) an **Aboriginal Heritage Plan** to monitor and manage Aboriginal heritage shall be developed in consultation with the OEH and registered Aboriginal stakeholders, and include the following:
- (i) details of further archaeological investigations and/or salvage measures to be carried out prior to construction;
  - (ii) procedures for the management of identified objects within the project site;
  - (iii) procedures for dealing with unidentified objects and/or human remains;
  - (iv) Aboriginal cultural heritage induction processes for construction personnel; and
  - (v) Procedures for ongoing Aboriginal consultation and involvement.

Upon receipt of the Director-General's approval, the Proponent shall provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.

### **Operational Environmental Management Plan**

- C4. The Proponent shall prepare and implement an Operation Environmental Management Plan in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004), or any replacement guideline. The Plan is to be prepared in consultation with the Crown Lands Division of the Department of Trade and Investment and Council as relevant. The Plan shall include but not necessarily be limited to:
- (a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to the operation of the project, including all consents, licences, approvals and consultations;
  - (b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the project;
  - (c) overall environmental policies to be applied to the operation of the project;
  - (d) standards and performance measures to be applied to the project, and means by which environmental performance can be periodically monitored, reviewed and improved, (where appropriate) and what actions would be taken in the case that non-compliance with the requirements 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 this approval.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of Operation of the project or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent shall make the Plan publicly available as soon as practicable and provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.

### **Biodiversity Offset Management Plan**

- C5. Following final design and prior to the commencement of construction, or as otherwise agreed to by the Director-General, the Proponent shall develop and submit a Biodiversity Offset Management Package for the approval of the Director-General. The package shall detail how the ecological values lost as a result of the Project will be

offset. The Biodiversity Offset Management Package shall be developed in consultation with the OEH and shall (unless otherwise agreed by the Director-General) include, but not necessarily be limited to:

- (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;
- (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, including all areas of native shrubland in moderate to good condition;
  - iii) proposed management actions and expected gains;
- (d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:
  - 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.

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.

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.

Within one month from approval from the Director-General the Proponent shall, in conjunction with the lessee of Western Lands Lease 14240, apply to the Crown Lands Division of the Department of Trade and Investment for a Change of Lease Purpose of Western Land Lease 14240 to appropriately record the biodiversity offset on title and within the lease conditions as a conservation area.

### **Decommissioning Management Plan**

- C6. Prior to the commencement of decommissioning, or as otherwise agreed by the Director-General, the Proponent shall prepare in consultation with the Crown Lands

Division of the Department of Trade and Investment and implement (following approval) a **Decommissioning Management Plan** for the project. The Plan shall outline the environmental management practices and procedures that are to be followed during decommissioning, and shall be prepared in consultation with the relevant agencies and in accordance with the *Guideline for the Preparation of Environmental 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) a description of activities to be undertaken during decommissioning of the project (including staging and scheduling);
- (b) statutory and other obligations the Proponent is required to fulfil during decommissioning, including approval/consents, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- (c) a description of the roles and responsibilities for relevant employees involved in the decommissioning of the project, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- (d) an environmental risk analysis to identify the key environmental performance issues associated with the decommissioning phase; and
- (e) details of how environmental performance will be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the decommissioning of the project). In particular, the following environmental performance issues shall be addressed in the Plan:
  - (i) compounds and ancillary facilities management;
  - (ii) noise and vibration;
  - (iii) traffic and access;
  - (iv) soil and water quality and spoil management;
  - (v) air quality and dust management;
  - (vi) hazardous material and waste management; and
  - (vii) hazard and risk management, including bushfire risk.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of decommissioning, or as otherwise agreed by the Director-General. The Plan may be prepared in stages, however, decommissioning works shall not commence until written approval has been received from the Director-General. Upon receipt of the Director -General's approval, the Proponent shall provide a copy of the Plan to the Crown Lands Division of the Department of Trade and Investment as soon as practicable.

### **Decommissioning Road Dilapidation**

- C7. Unless otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:
- (a) Prior to the commencement of decommissioning of the project, the Proponent shall commission a suitably qualified road infrastructure specialist to assess the condition of all public roads proposed to be traversed by decommissioning traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with the relevant road authority, and to identify any upgrade

requirements to accommodate project traffic for the duration of decommissioning (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access), having regard to traffic volumes. The **Decommissioning Road Report** shall be submitted to the Director-General prior to the commencement of decommissioning works, clearly identifying recommendations made by the relevant road authority and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to meet the reasonable requirements of the relevant road authority, prior to the commencement of decommissioning.

- (b) upon determining the haulage route(s) for decommissioning vehicles associated with the project, and prior to decommissioning, an independent and qualified person or team shall undertake a **Road Dilapidation Report**. The report shall assess the current condition of the road(s) and describe mechanisms to restore any damage that may result due to traffic and transport related to the construction of the project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.

Following completion of decommissioning, a subsequent report shall be prepared to assess any damage that may have resulted from the decommissioning of the project.

Measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the relevant road authority, and at the full expense of the Proponent.

## **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.

### **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.

## **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.

### **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.

### **Community Information Plan**

- C12. Prior to the commencement of construction, the Proponent shall prepare and implement a Community Information Plan which sets out the community communication and consultation processes to be implemented during construction and 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.

### **Complaints Procedure**

- C13. Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation) or as otherwise agreed by the Director-General:
- 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 Proponent's internet site required by condition C11. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the construction site(s), in a position that is clearly visible to the public.

- 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.

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.

## **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.
-