

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning, approve 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.

Tony Kelly MLC
Minister for Planning

Sydney

2010

MOD 1 – MP 10_0121 Mod 1 Approved 27 August 2013
MOD 2 – July 2015

SCHEDULE 1

Application No.:

MP10_0121

Proponent:

[Capital Solar Farm Pty Limited](#)

Approval Authority:

Minister for Planning

Land:

Lot 1 of DP 658449, Lot 1 of DP 456698, Lot 2 of 1140319, Lot 1 of 1140319

Project:

[Capital Solar Farm](#)

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DEFINITIONS

Conditions of this Approval Construction	The conditions of approval in Schedule 2. All pre-operation activities associated with the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys or other activities determined by the Environmental Representative to have minimal environmental impact such as minor access roads, commissioning activities, minor adjustments to services / utilities, establishing temporary construction sites, or minor clearing (except where threatened species, populations or ecological communities would be affected).
Council	Palerang Council
Crown Lands	Crown Lands division, within the Department of Trade & Investment
Department	Department of Planning and Environment
DPI	Department of Primary Industries
Fisheries NSW	Fisheries division, within DPI
Dust	Any solid material that may become suspended in air or deposited
EA	Capital Solar Farm Environmental Assessment prepared by NGH Environmental Ltd and dated 20 October 2010 and Capital Solar Farm Submissions Report prepared by NGH Environmental Ltd, dated December 2010, as modified by: • Modification application 10_0121 MOD 1 and supporting letter from Infigen Suntech Pty Limited, dated 24 July 2014; and • Modification application 10_0121 MOD 2 and supporting letter reports from Capital Solar Farm Pty Limited, dated 19 June 2015, 9 July 2015 and 13 July 2015.
EPA	Environment Protection Authority
Feasible	Relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or delegate
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
OOHW	out-of-hours work
Operation	Any activity which results in the production of electricity for contribution to the electricity grid, but does not include commissioning
PV	Photovoltaic
Reasonable	Relates to the application of judgement in arriving at a decision, taking onto account mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements
Registered Aboriginal Stakeholders	Aboriginal stakeholders identified as registered stakeholders in the Environmental Assessment
RFS	NSW Rural Fire Service
RLLS	Riverina Local Land Services
RMS	Roads and Maritime Services
Site	Land to which Major Projects Application 10_0121 applies.
Secretary	Secretary of the Department, or nominee

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Terms of Approval

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) EA; and
 - (b) conditions of this approval

Note: The general layout of the project is shown in Appendix 1.

- A2. In the event of an inconsistency between the above documents, the most recent document shall prevail to the extent of any inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
- A3. Proponent shall comply with any reasonable requirement(s) of the [Secretary](#) 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 in these reports, plans or correspondence.

Limits of Approval

- A4. This project approval shall lapse on 21 December 2019 unless work on the project has been physically commenced on or before that date.

Statutory Requirements

- A5. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Decommissioning

- A6. 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 relevant landowners. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300mm, shall be removed from the site unless otherwise agreed by the [Secretary](#), except where the substation, 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 [Secretary](#).
- A7. If the solar farm 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 [Secretary](#). 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 [Secretary](#) 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.
- A8. Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the [Secretary](#) that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this approval.

Revision of Strategies, Plans and Programs

- A9. Within 3 months of a modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the approved strategies, plans, and programs required under this approval in place prior to the modification, to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised document must be submitted to the Secretary for approval.

Note: This condition ensures that strategies, plans and programs are updated on a regular basis, and incorporate any additional measures to improve the environmental performance of the project.

PART B – GENERAL CONDITIONS

Bushfire Risk

- B1. 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 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.
- B2. 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.

Dust Generation

- B3. 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 operation and construction, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Water Quality Impacts

- B4. 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.

Waste Generation and Management

- B5. The Proponent shall not cause, permit or allow any waste generated outside the site to 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.
- B6. The Proponent shall maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.
- B7. The Proponent shall ensure that all liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with *Waste Classification Guidelines* (DECC, 2008), or any future guideline that may supersede that document and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.
- B8. The Proponent shall ensure that no green waste is burnt on site during the life of the project

Bunding and Spill Management

- B9. The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and

- c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

PART C –PRIOR TO CONSTRUCTION

Flora and Fauna Impacts

Biodiversity Offset Strategy

- C1. The Proponent shall prepare a biodiversity offset strategy, in consultation with [OEH](#) and the landholder to the satisfaction of the [Secretary](#), to guide the development of the offset package required in condition E4. The offset strategy is to be prepared by a suitably qualified ecologist and submitted for approval prior to the commencement of construction and include:
- (a) an assessment of all native vegetation communities and threatened species habitat that will either be directly or indirectly impacted by the proposal;
 - (b) demonstration of how the offset is consistent with the principles of 'improve or maintain' for biodiversity values;
 - (c) the proposed offset ratios and connectivity improvements;
 - (d) an assessment of the offset site that demonstrates that offset ratios for "like for like" communities and habitat will be met;
 - (e) proposed management actions; and
 - (f) measures to ensure in-perpetuity the conservation commitment.

Native Vegetation Impacts

- C2. 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 C17(a).

Fauna Impacts

- C3. 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 high voltage electricity wires.
- C4. Prior to construction the proponent shall prepare in consultation with a suitably qualified expert, a management plan for the White-fronted Chat utilising the development site. This plan shall include, but not be limited to:
- (a) an assessment of the foraging, breeding and roosting habitat available to the White-fronted Chat population that is utilising the development site, including a map of the suitable breeding, roosting and foraging habitat on the development site;
 - (b) identified protection measures for this habitat including protection of the 200 m buffer areas by barrier fencing;
 - (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 to the White-fronted Chat disturbance during construction;
 - (e) identified measures to maintain roosting, nesting and foraging habitat on-site; and
 - (f) a monitoring program to assess and respond to impacts of the local White-fronted chat population by construction and operations on the development site.

A copy of the Plan shall be provided to the Department and [OEH](#) prior to the commencement of construction.

Operational Noise Impacts

- C5. Deleted.

Traffic and Transport Impacts

- C6. Prior to the commencement of construction of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads proposed to be traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council and the [RMS](#), and 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) considering final traffic volumes. The road dilapidation report shall be submitted to the [Secretary](#) prior to the commencement of construction clearly identifying recommendations made by the Council and the [RMS](#) and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to the satisfaction of Council and the [RMS](#), prior to the commencement of construction.

Crown Land

- C7. Prior to the commencement of construction of the project, the Proponent shall consult with and comply with the requirements of the LPMA in relation to any Crown land affected by the project to enable the lawful use of that land by the project.

Community Information, Consultation and Involvement

- C8. 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

- C9. 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

- C10. 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 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 D1, in particular noisy activities, has been approved; and
 - (e) procedures to inform and consult with affected landowners to rehabilitate impacted land.

Complaints Procedure

- C11. 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 [Secretary](#):
- (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 C9. 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.

C12. The Proponent shall record details of all complaints received through the means listed in condition C11 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 [Secretary](#) upon request.

C13. 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 C12. Any subsequent detailed response or action is to be provided within two weeks.

Compliance Tracking Program

C14. 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 limited to:

- (a) provisions for periodic reporting of compliance status to the [Secretary](#) 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 [Secretary](#) 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.

Environmental Management

Environmental Representative

C15. Prior to the commencement of any construction or operational activities, the Proponent shall nominate for the approval of the [Secretary](#) a suitably qualified and experienced

Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) prior to construction until at least 6 months after commencement of operation, or as otherwise agreed by the [Secretary](#). The Environmental Representative(s) shall:

- (a) monitor the implementation of all environmental management plans and monitoring programs required under this approval;
- (b) monitor the outcome of all environmental management plans and advise the Proponent upon the achievement of all project environmental outcomes;
- (c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and all 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 requirements of Condition C14 and the project Environmental Management System(s);
- (e) be consulted in responding to the community concerning the environmental performance of the project; and
- (f) have the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur, until reasonable steps are implemented to avoid such impact.

Construction Environmental Management Plan

C16. The Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in consultation with the [RLLS](#), [NOW](#), [DPI](#), [Crown Lands](#) and Palerang Council as relevant, and be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004 or its latest revision) and shall include, but not necessarily be limited to:

- (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 to address any requirements identified in the [EA](#);
- (i) the additional requirements of this approval;
- (j) a complaints handling procedure during construction;

- (k) maps or plans clearly indicating where the project area has been reduced to minimise impacts to EEC and native pasture in good condition;
- (l) a matrix of construction work method statements (or similar) to be prepared and the anticipated level of risk associated with each determined;
- (m) measures to monitor and manage soil and water impacts in consultation with [NOW](#) and [Fisheries NSW](#) 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 (including to groundwater dependent species and to registered groundwater users);
- (n) measures to monitor and manage flood impacts in consultation with [NOW](#) and shall include, but not necessarily be limited to a flood model for predicted water levels and contingency measures for the site during potential floods;
- (o) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks; and
- (p) emergency management measures including measures to control bushfires.

The Construction Environmental Management Plan shall be submitted for the approval of the Director General no later than one month prior to the commencement of any relevant construction works associated with the project, or within such period otherwise agreed by the Director General. Construction works shall not commence until written approval has been received from the Director General.

C17. As part of the Construction Environmental Management Plan required under condition C16 of this approval, the Proponent shall prepare and implement the following:

- (a) a **Flora and Fauna Management Plan**, developed in consultation with [OEHS](#), 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 where 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 required in condition C17(b); 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 [OEHS](#) and 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 pasture 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** for the approval of the [Secretary](#). In preparing the Plan, the Proponent shall consult with [OEHL](#). 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;
 - (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 D1 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 [Secretary'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 [Secretary](#); 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. 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) a **Aboriginal Heritage Plan** to monitor and manage Aboriginal heritage impacts in consultation with registered stakeholders and [OEH](#) including: details of further archaeological investigations and/or salvage measures to be carried out prior to construction, procedures for the management of identified objects within the project site, procedures for dealing with unidentified objects and/or human remains, Aboriginal cultural heritage induction processes for construction personnel, and procedures for ongoing Aboriginal consultation and involvement.
- C18. Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the [Secretary](#)'s approval a **Watercourse Crossing Risk Assessment** justifying the proposed crossing method for each watercourse. The risk assessment shall include, but not be limited to:
- (a) a description of the sensitivity of each watercourse to be crossed, including the stream order, status of riparian and aquatic vegetation, potential for fish habitat, presence of threatened species or habitat, and water use;
 - (b) geomorphic characteristics of the proposed crossing points, including thalweg and inflexion points and likely impacts on stream stability and hydrology;
 - (c) geomorphic justification of the crossing points and method of watercourse crossings;
 - (d) potential impacts on aquatic and riparian habitats; and
 - (e) construction risks and benefits associated with the chosen crossing methodology.
- In seeking the [Secretary](#)'s approval, the Proponent shall provide written evidence of endorsement by [NOW](#) & [DPI](#) of the construction methodology proposed at each waterway crossing.

PART D – DURING CONSTRUCTION

Noise Impacts

Construction Hours

- D1. The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receptor during the following hours:
- (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - (b) 8:00 am to 1:00 pm on Saturdays; and
 - (c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

- D2. Construction outside of these hours specified in condition D1 may be varied for works as approved through the out-of-hours work protocol outlined in condition C17(d)(iv) of this approval. Any request to alter the hours of construction shall be:
- (a) be considered on a case-by-case basis;
 - (b) be accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site; and
 - (c) require that affected residential receivers are informed of the timing and duration of any construction activities approved under this condition at least 48 hours before that work commences.

Work generating high noise impact

- D3. Any work generating high noise levels that has impulsive, intermittent, low frequency or tonal characteristics, including jack hammering, line drilling, pile driving, rock hammering, rock breaking, saw cutting, sheet piling, vibratory rolling but excluding blasting, which exceeds 42dBA at any sensitive receiver, must only be undertaken:
- (a) between the hours of 8:00am and 6:00pm Monday to Friday;
 - (b) between the hours of 8:00am and 1:00pm Saturday; and
 - (c) in continuous blocks of no more than three hours, with at least a one hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers;
- except as otherwise approved by the [Secretary](#). 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.

Construction Noise

- D4. 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

Heritage Impacts

- D5. 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 [OEHS](#) 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 [OEHS](#) and the registered Aboriginal stakeholders and written authorisation from [OEHS](#) is received by the Proponent.

- D6. 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.

Soil and Water Quality Impacts

- D7. Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with:
- (a) Managing Urban Stormwater: Soils and Conservation (Landcom, 2004);
 - (b) Managing Stormwater: Urban Soils and Construction 2A Installation of Services (DECC 2008); and
 - (c) Managing Stormwater: Urban Soils and Construction Vol 2C Unsealed Roads (DECC 2008).

Fauna Impacts

- D8. During construction, the proponent will maintain a buffer of 200 metres in all directions from all White-fronted chat nesting sites during the recorded breeding season of between August and January.

PART E –PRIOR TO OPERATIONS

Traffic and Transport Impacts

- E1. Prior to the commencement of operation of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council and the [RMS](#). Should the pre-operational dilapidation survey report identify any damage to roads attributable to construction traffic associated with the project, the Proponent shall repair the roads consistent with the recommendations of the pre-operational dilapidation survey report, within such time as agreed to with the Council and the [RMS](#). The pre-operation road dilapidation report shall be submitted to the [Secretary](#) prior to the commencement of operation, clearly identifying recommendations made by the Council and the [RMS](#) and how these have been addressed.

Operational Environmental Management Plan

- E2. The Proponent shall prepare and implement an Operation Environmental Management Plan in accordance with the Guideline for the Preparation of Environmental Management Plans (DUAP, 2004) or its latest revision. The Plan is to be prepared in consultation with the [NOW](#), [DPI](#), [Crown Lands](#) and Palerang 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 development, including all consents, licences, approvals and consultations;
 - (b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the 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 easement areas, including management of vegetation, soil erosion, weed control and landholder liaison.
 - (e) the environmental monitoring requirements outlined under this approval;
 - (f) complaints handling procedures as identified in conditions C11 to C13;
 - (g) specific consideration of relevant measures to address any requirements identified in the [EA](#); and
 - (h) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval.

The Plan shall be submitted for the approval of the [Secretary](#) no later than one month prior to the commencement of Operation of the project or within such period as otherwise agreed by the [Secretary](#). Operation shall not commence until written approval has been received from the [Secretary](#). Upon receipt of the [Secretary](#)'s approval, the Proponent shall make the Plan publicly available as soon as practicable.

Watercourse Crossings

- E3. The Proponent shall, in consultation with the [NOW](#) & [Fisheries NSW](#) and [RLLS](#), ensure that all watercourses (and associated riparian and aquatic habitat) disturbed by the project are rehabilitated to a standard equal to or better than the existing condition.

Biodiversity Offset

Biodiversity Offset Strategy

- E4. Details of the offset package shall be submitted for the approval of the [Secretary](#) prior to the commencement of operation or as agreed by the [Secretary](#). The package shall:
- (a) describe how the offset shall be guaranteed, managed and monitored in perpetuity;
 - (b) ensure all impacted vegetation communities and threatened species habitat has been offset as per the ratios/amounts calculated through the outcomes of the assessment carried out under Condition C1;
 - (c) demonstrate how the offset ratio is consistent with the principles of “improve or maintain” for biodiversity values; and
 - (d) include requirements for a post construction review to confirm the extent of clearing was commensurate with and not greater than that predicted. If clearing is greater, then the package shall demonstrate how the offset was modified and increased to the value of the actual biodiversity loss.

PART F – DURING OPERATIONS

Noise

- F1. The Proponent shall ensure that the operational noise generated by the project does not exceed the criteria in Table 1.

Table 1: Operational Noise Criteria

Property	Noise Criteria (day/evening/night (dB(A) $L_{aeq15\ min}$))
Werriwa	38
All other privately-owned residences	35

Notes:

- The limits in Table 1 do not apply if the proponent has entered into a written agreement with the relevant landowner to exceed the limits, and the Proponent has advised the Department in writing of the terms of this agreement.
- Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

- F2. The Proponent shall prepare a noise compliance report within 3 months of commissioning of the project. The noise compliance report must:
- be prepared by a suitably qualified noise expert;
 - demonstrate that the project is complying with the noise criteria in condition F1; and
 - be submitted to the Department and the EPA within one month of receiving the report, to the satisfaction of the Secretary.

- F3. Deleted

Operational Noise Design Standards – Overhead Transmission Line

- F4. 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.

Visual Amenity

Landscaping Requirements

- F5. Within six months of the commissioning of the project, the Proponent shall prepare and submit a Visual Impact Verification Report for the Secretary's approval. Unless otherwise agreed to by the Secretary, 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.

Within 18 months of the approval of the Visual Impact Verification Report by the Secretary (or as otherwise agreed to by the Secretary), 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 relevant landowners and road authorities

- F6. 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

- F7. The Proponent shall ensure that any disturbance to watercourses and/or associated riparian vegetation is rehabilitated to a standard equal to or better than the existing condition in consultation with the [NOW](#) and [Fisheries NSW](#) within six months of the cessation of construction activities at the relevant area . Any revegetation measures undertaken shall be monitored and maintained consistent with the requirements of condition F8.
- F8. The Proponent shall implement a revegetation and rehabilitation program for all areas of the development 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 [Secretary](#), 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 [Secretary](#)) as being well established, in good health and self sustaining.

PART G – DECOMMISSIONING / POST OPERATIONS

Decommissioning Management Plan

- G1. No later than one month prior to the decommissioning of the project, or as otherwise agreed by the [Secretary](#), the Proponent is to prepare a Decommissioning Management Plan for the approval of the [Secretary](#). The Plan is to include but not necessarily be limited to:
- (a) identification of structures to be removed and how they will be removed;
 - (b) measures to reduce impacts on the environment and surrounding sensitive land uses;
 - (c) details of components to be recycled;
 - (d) details of rehabilitation and revegetation with reference to the biodiversity offset required under condition E4.

APPENDIX 1 GENERAL LAYOUT OF THE PROJECT

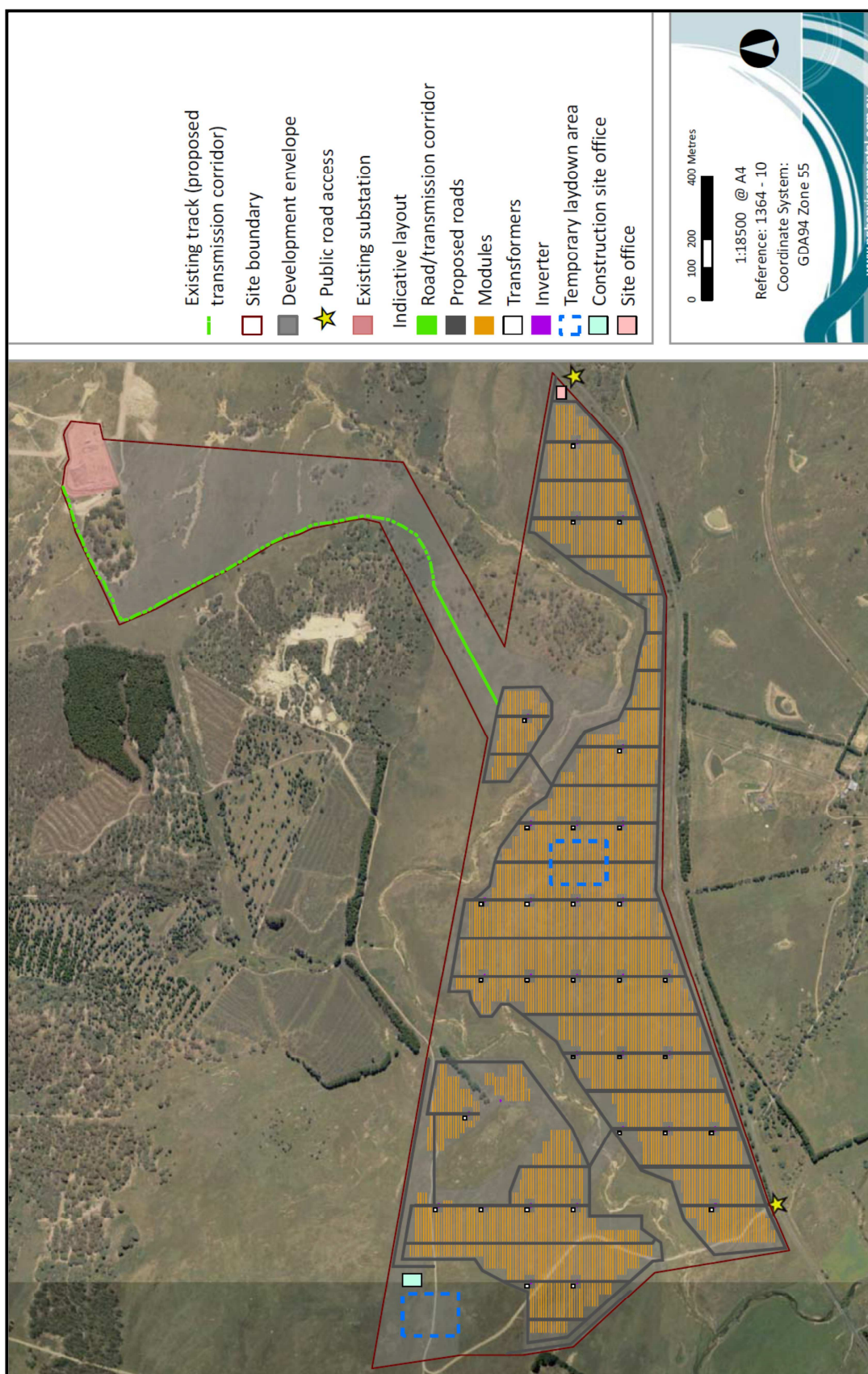


Figure 1: General arrangement

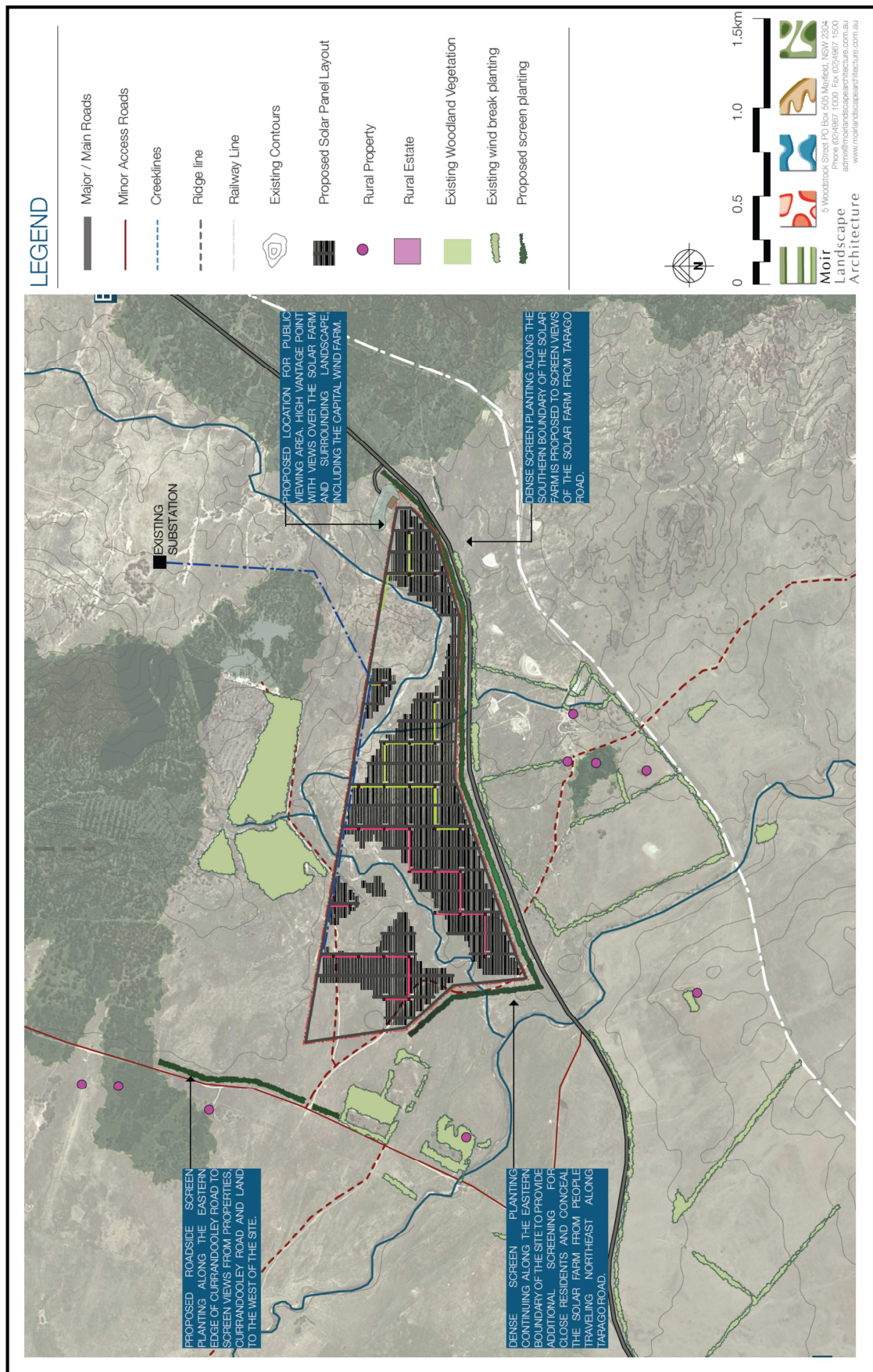


Figure 2: Visual impact mitigation