

Project Approval

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

I 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 20 DEC 2010 2010

SCHEDULE 1

Application No.:	10_0123
Proponent:	Infigen Suntech Australia Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lots 5, 6, 9, 25, 72, 90, 91 and 92 of DP 755305, Lot 10 of DP 844960 and Lot 7017 of DP 1020095
Project:	Nyngan Solar Farm, including: • 100 megawatt fixed solar photovoltaic array; • 140 inverters and 70 kiosk transformers; • Underground and frame secured electrical connections between the PV array, transformers, inverters; • an underground electrical connection to the substation; • Substation augmentation; • Access tracks, fencing and landscaping; • Operations and maintenance building; and • Construction facilities.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	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	Bogan Shire Council
DECCW	The Department of Environment, Climate Change and Water
Department, the	Department of Planning
DII	Industry and Investment NSW
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's approval or the agreement or satisfaction of the Director-General	A written approval from the Director-General (or delegate).
Dust	Any solid material that may become suspended in air or deposited
Environmental Assessment	<i>Nyngan Solar Farm Environmental Assessment</i> prepared by ngh environmental Ltd and dated October 2010
EPA	Environment Protection Authority as part of DECCW
LPMA	Land & Property Management Authority
Minister, the	Minister for Planning
NOW	NSW Office of Water as part of DECCW
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 and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and 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
RTA	NSW Roads and Traffic Authority
Sensitive Receiver	Any non associated residential dwelling and the horse ranch located to the north of the site.
Site	Land to which Major Projects Application 10_0121 applies.
Submissions Report	<i>Nyngan Solar Farm Submissions Report</i> prepared by NGH Environmental Ltd and dated December 2010

SCHEDULE 2
PART A - ADMINISTRATIVE CONDITIONS

Terms of Approval

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) Major Project Application 10_0123;
 - (b) Environmental Assessment Nyngan Solar Farm (nghenvironmental October 2010);
 - (c) Submissions Report Nyngan Solar Farm (nghenvironmental December 2010); and
 - (d) conditions of this approval.
- A2. In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition A1(a) to A1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition A1(a) to A1(c) inclusive, and any other document listed from condition A1(a) to A1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- A3. 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 in these reports, plans or correspondence.

Limits of Approval

- A4. This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval have been commenced before that time.

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 of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

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 300 millimetres, shall be removed from the site unless otherwise agreed by the Director-General, 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 Director-General.
- 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 Director-General. 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.

- A8. 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 site landowners have adequate provisions to require that decommissioning occurs in accordance with this approval.
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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

Native Vegetation Impacts

- C1. 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 C14(a).

Biodiversity Offset Strategy

- C2. The Proponent shall prepare a biodiversity offset strategy, in consultation with DECCW and the landholder to the satisfaction of the Director-General, to guide the development of the offset package required in condition E1. The offset strategy is to be prepared by an ecologist and submitted for approval prior to the commencement of construction and include:
- (a) consideration of all native vegetation losses and the adequacy of the proposed offset;
 - (b) demonstration of how the offset will 'improve or maintain' biodiversity values;
 - (c) the proposed offset ratios and connectivity improvements;
 - (d) proposed management actions;
 - (e) demonstration of how the strategy was prepared in accordance with DECCW's *Principles for the Use of Biodiversity Offsets in NSW*; and
 - (f) measures to ensure in-perpetuity the conservation commitment.

Operational Noise Impacts

- C3. Prior to the commencement of construction the Proponent shall submit for approval of the Director General an operational noise verification report to demonstrate that the proposed design and layout of the project and any proposed noise management or mitigation measures will ensure that noise levels at nearby sensitive receivers are within acceptable limits.

Traffic and Transport Impacts

- C4. 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 RTA, 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 Director-General prior to the commencement of construction clearly identifying recommendations made by the Council and the RTA 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 RTA, prior to the commencement of construction.

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- C5. 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

- C6. 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

- C7. 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 D2, in particular noisy activities, has been approved; and
 - (e) procedures to inform and consult with affected landowners to rehabilitate impacted land.

Complaints Procedure

- C8. 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 area along the pipeline route 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 C6. 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.

- C9. The Proponent shall record details of all complaints received through the means listed in condition C8 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.

- C10. 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 C9. Any subsequent detailed response or action is to be provided within two weeks.

COMPLIANCE TRACKING PROGRAM

C11. 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 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.

ENVIRONMENTAL MANAGEMENT

Environmental Representative

C12. Prior to the commencement of any construction or operational activities, the Proponent shall nominate for the approval of the Director-General 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 Director-General. 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 C11 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

C13. 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 NOW 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 documents referred to under conditions A1(b) and A1(c) of this approval;
 - (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; and
 - (l) a matrix of construction work method statements (or similar) to be prepared and the anticipated level of risk associated with each determined.
- (a) measures to monitor and manage soil and water impacts in consultation with NOW and DII (Fisheries) 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);
- (b) measures to monitor and manage flood impacts in consultation with NOW and shall include contingency measures for the site during potential floods;
- (c) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks; and
- (m) 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.

C14. As part of the Construction Environmental Management Plan required under condition C13 of this approval, the Proponent shall prepare and implement the following:

- (a) a **Flora and Fauna Management Plan**, developed in consultation with DECCW, 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 C14(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 DECCW 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 Director-General. In preparing the Plan, the Proponent shall consult with DECCW. The Plan shall include, but not necessarily outline the station design and corridor landscaping measures to enhance the design of, and minimise, mitigate and/or offset the impacts of the project in relation to access and transport facilities, land use and property, visual amenity, heritage values, and personal and passenger safety. 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 D4 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. 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.
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PART D – DURING CONSTRUCTION

SOIL AND WATER QUALITY IMPACTS

- D1. 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).

HERITAGE

- D2. If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the NSW Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Director General advising otherwise is received by the Proponent.
- D3. If during the course of construction the Proponent becomes aware of any previously unidentified significant Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the DECCW informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Director General advising otherwise is received by the Proponent.

NOISE IMPACTS

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.
- D5. 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, to prevent environmental harm or risk to life.
- D6. Construction outside of these hours specified in condition D4 may be varied for works as approved through the out-of-hours work protocol outlined in condition C14(d)(vi) 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

- D7. Any work generating high noise 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 Director-General. 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.
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PART E – PRIOR TO OPERATIONS

BIODIVERSITY OFFSET

Biodiversity Offset Package

- E1. Details of the offset package shall be submitted for the approval of the Director-General prior to the commencement of operation or as agreed by the Director-General. The package shall:
- (a) describe how the offset shall be guaranteed and monitored in perpetuity;
 - (b) ensure all cleared vegetation communities and native pastures are represented. Where this cannot be achieved how an equivalent offset has been developed;
 - (c) demonstrate how the offset ratio determined improves or maintains 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.

Traffic and Transport Impacts

- E2. 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 RTA. 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 RTA. The pre-operation road dilapidation report shall be submitted to the Director-General prior to the commencement of operation, clearly identifying recommendations made by the Council and the RTA and how these have been addressed.

OPERATION ENVIRONMENTAL MANAGEMENT PLAN

- E3. The Proponent shall prepare and implement an Operation Environmental Management Plan in accordance with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004) or its latest revision. The Plan is to be prepared in consultation with the NOW. 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 requirements; and
 - (iv) management of vegetation, soil erosion, weed control.
 - (e) the environmental monitoring requirements outlined under this approval;
 - (f) complaints handling procedures as identified in conditions C8 to C10;
 - (g) specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions A1(b) and A1(c) of this approval; 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 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.

PART F – DURING OPERATION

Noise

- F1. 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).
- F2. No later than three months after commencement of operation of the project, or as otherwise agreed by the Director-General, the Proponent shall undertake operational noise monitoring to compare actual noise performance of the project against the **Industrial Noise Policy** and prepare an Operational Noise Report. The Report shall include, but not necessarily be limited to:
- (a) noise monitoring to assess compliance with the operational noise levels at sensitive receivers;
 - (b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
 - (c) details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared;
 - (d) consideration of the requirement of any additional feasible and reasonable measures to reduce noise impacts at sensitive receivers identified in F2(a).
- F3. The Proponent shall provide the Director-General and the DECCW with a copy of the Operational Noise Report within 60 days of completing the operational noise monitoring referred to under condition F2 of this approval, or as otherwise agreed by the Director-General.

VISUAL AMENITY

Landscaping Requirements

- F4. 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.
- F5. 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 relevant landowners and road authorities.
- F6. The Proponent shall ensure that any permanent buildings 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 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 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.
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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 Director-General, the Proponent is to prepare a Decommissioning Management Plan for the approval of the Director-General. 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 E1.
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