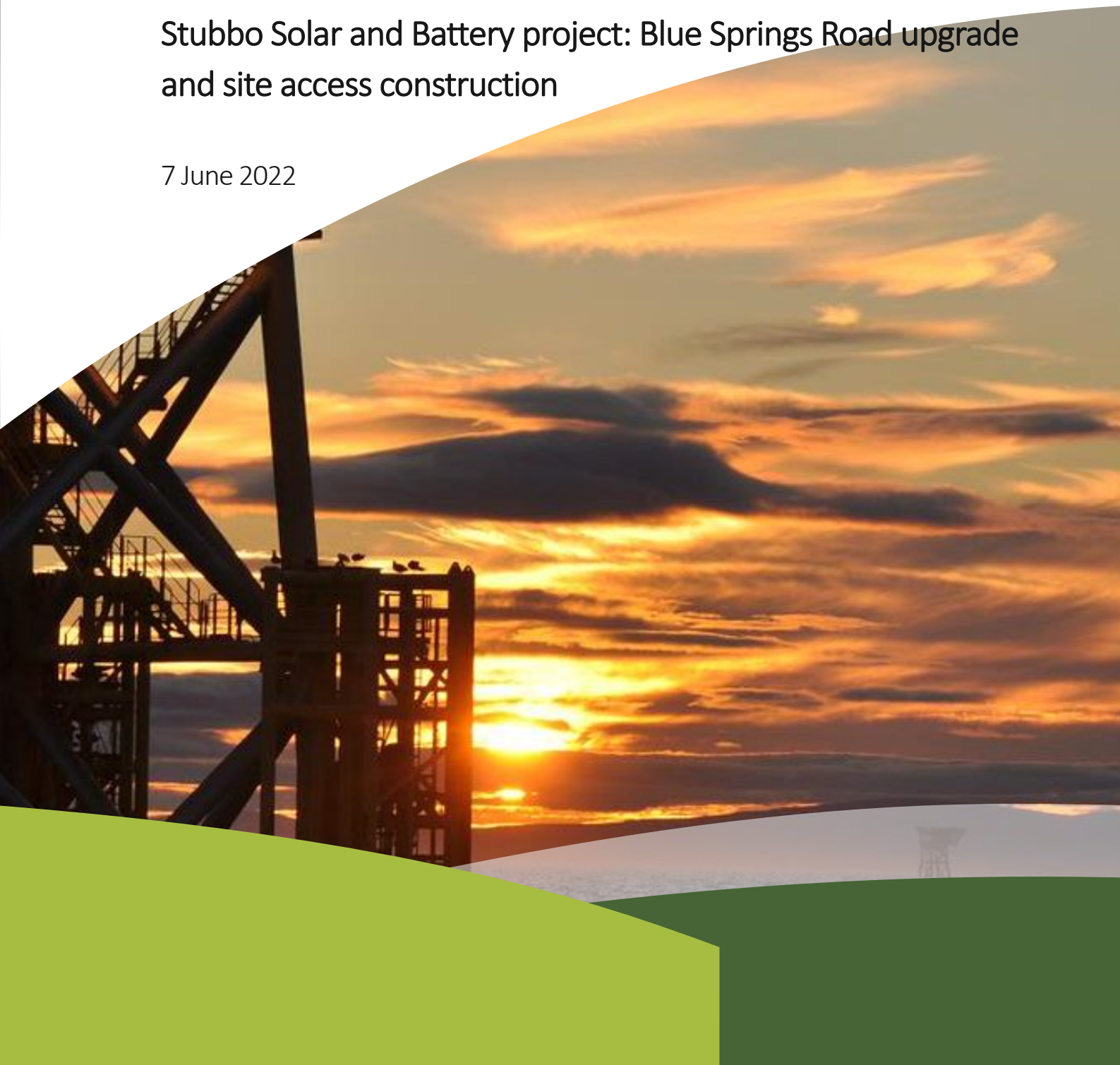




# Environmental Management Strategy

Stubbo Solar and Battery project: Blue Springs Road upgrade and site access construction

7 June 2022



# Environmental Management Strategy

## Stubbo Solar and Battery project: Blue Springs Road upgrade and site access construction

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# Abbreviations

Accent	Accent Environmental Pty Ltd
ACEN	ACEN Australia
BESS	battery energy storage system
BMP	biodiversity management plan
BoP	balance of plant
CoC	condition of consent
DAWE	Department of Agriculture, Water and the Environment
DC	development consent
DECC	Department of Environment and Climate Change
DGs	dangerous goods
DPE	Department of Planning and Environment
DPIE	Department of Planning, Industry and Environment (now and formerly DPE)
EIR	environmental incidents register
EIS	environmental impact statement
EMP	environmental management plan
EMS	environment management strategy
EPA	Environment Protection Authority
EPC	engineering, procurement and construction
HSE	health, safety and environment
km	kilometre
kV	kilovolt
LGA	local government area
MW	megawatt
MWRC	Mid-Western Regional Council
NEM	National Energy Market
NSW	New South Wales
NSW RFS	NSW Rural Fire Service
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Ramboll	Ramboll Australia Pty Ltd
RAP	registered aboriginal party
SWMP	soil and water management plan
SEPP	state environmental planning policy

TBD	to be determined
TfNSW	Transport for NSW
TMP	traffic management plan
UPC\AC	ACEN Australia Pty Ltd



# 1 Introduction

UPC Renewables Pty Ltd, now operating as ACEN Australia. ACEN (formerly known as UPC\AC Renewables Australia) is developing the Stubbo Solar Farm and Battery project (Stubbo Solar), a grid-connected photovoltaic solar farm of up to 400 megawatts (MW) alternating current (AC) and a Battery Energy Storage System (BESS) of up to 200 MW for 1 hour, in the New South Wales (NSW) Central West Orana region. The project is located approximately 90 kilometres (km) east of Dubbo, in the Mid-Western Regional Council (MWRC) Local Government Area (LGA).

ACEN is proposing to undertake an upgrade of the main site access road (Blue Springs Road) and commence construction of the main site access as preparation for the construction of the Stubbo Solar project.

## 1.1 Purpose and scope of this document

The purpose of this Environmental Management Strategy (EMS) is to provide an overarching framework for the management of environmental issues during the construction period. ACEN engaged Accent Environmental Pty Ltd (Accent) to prepare the EMS.

This EMS is for works to undertake Blue Springs Road upgrade and for construction of the main site access.

## 1.2 Strategic framework for environmental management

The EMS provides the means by which ACEN can manage project-related environmental risks by:

- systematically tracking and documenting compliance with Development Consent (DC) conditions (Conditions of Consent (CoCs), environmental impact statement (EIS) commitments, external regulatory requirements and internal policy obligations
- effectively communicating with external and internal stakeholders, including regulators, the community, contractors and company personnel achieving continuous improvement in environmental management.

The framework set out in the EMS enables ACEN to meet its environmental obligations and, along with its contractors, to implement environmental management best practices to identify, manage and mitigate environmental impacts during construction.

### 1.3 Project overview

The Stubbo Solar project is an up to 400 MW AC solar farm development with a battery energy storage system (BESS). ACEN is the project owner. Energy will be generated through the conversion of solar radiation to electricity via photovoltaic modules (solar panels). The solar panels will generate direct current electricity that will be inverted to AC electricity via the use of power conversion units. The electricity output from the project will then be supplied to the existing 330 kilovolt (kV) transmission line (Line 79) operated by TransGrid.

The Development Consent (DC) - Application Number: SSD-10452 – requires the preparation, approval and implementation of an EMS and subordinate environmental management plans (EMPs) for both construction and operations phases of the project.

The focus of this EMS is the works for the Blue Springs Road upgrade and for construction of the site access.

In meeting the specific environmental performance criteria established under the DC, ACEN will implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from construction activities.

ACEN will carry out the construction:

- in accordance with the relevant CoCs
- generally in accordance with the EIS.

### 1.4 Project staging

In accordance with CoC 3 (Schedule 4) of the DC, ACEN has sought the Planning Secretary's discretion to stage the development and undertake construction of the main site access prior to completion of road upgrades, such that an upgraded access will be available into the site prior to the commencement of construction on site.

## 2 Statutory requirements

### 2.1 Conditions of approval

Schedule 4 (CoC 1) requires an EMS to be developed to the satisfaction of the NSW Planning Secretary. The EMS presented in this document is for works to undertake the Blue Springs Road upgrade and for construction of the site access only. Another, more comprehensive EMS covering the main solar farm construction (further stages) will be developed at a later date (but prior to construction) in accordance with the requirements of Schedule 4 (CoC 1).

The CoCs from Schedule 2, Schedule 3 and Schedule 4 of the DC are listed in Table A1 in Appendix A with reference to their relevance to the upgrade of Blue Springs Road and construction of the site access. Where relevant, a cross-reference is provided to the documentation in which they are addressed.

### 2.2 Commitments in EIS and associated documentation

ACEN is required to carry out the proposed construction generally in accordance with the EIS (Ramboll 2020). This includes the relevant management and mitigation measures set out in the EIS (such as defined in the Development Consent), including Table 20-1 of the main EIS report, the Response to Submissions Report (Ramboll 2021a) and section 7 of the Amendment Report (Ramboll 2021b).

### 2.3 Legislation and planning documents

Relevant legislation and planning documents relevant to the Stubbo Solar project are described in Appendix B.

### 2.4 Guidelines and standards

Relevant guidelines and standards include:

- AS/NZ ISO 31000:2009 Risk Management Principles and Guidelines
- AS 2436 2010 Guide to noise and vibration control on construction, demolition and maintenance sites
- HB203:2006 Environmental Risk Management Principles and Processes
- Interim Construction Noise Guideline
- National Environment Protection (Ambient Air Quality) Measure 1998.

### 2.5 Other requirements

In accordance with CoC 4 (Schedule 2), ACEN will comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:

- any strategies, plans or correspondence that are submitted in accordance with this consent
- any reports, reviews or audits commissioned by the Department regarding compliance with this consent

- the implementation of any actions or measures contained in these documents.

### 3 Project description

Construction material and site components will be transported to the site via Cope Road and Blue Springs Road and a site access road would need to be constructed from Blue Springs Road to the site before construction of the Stubbo Solar project can commence.

#### 3.1 Blue Springs Road upgrade

Blue Springs Road is a Council road managed by MWRC that runs north-south from Cope Road in the south to Golden Highway in the north (a distance of approximately 30 km). The Stubbo Solar project will be accessed from Blue Springs Road between its intersection with Cope Road and the main site access.

To use Blue Springs Road effectively, the road needs to be upgraded from the intersection of with Cope Road to the main site access, a distance of 4.66 km. The upgrade will be undertaken from the Cope Road intersection to approximately 100 m past the intersection of the main site access.

ACEN engaged consultants ACOR to produce a report for the design of the upgrade works required (ACOR 2022). The works include:

- improved formation width, pavement design, delineation, roadside safety treatments and drainage culvert extensions and replacements
- upgrades to the Cope Road Intersection to allow for the heavy vehicles to access the solar farm along with minor upgrades to all other intersections and property access points along the extent of the upgrade works.
- upgrades to the Cope Road Intersection to allow for the heavy vehicles to access the solar farm along with minor upgrades to all other intersections and property access points along the extent of the upgrade works.

Figure 3.1 shows the location of the Blue Springs Road upgrade.

#### 3.2 Site access construction

Initially, ACEN considered two potential site access roads and these are shown as “Preferred site access” and “Alternative site access” in Appendix 5 of the DC. However, after further consideration, ACEN intends to use the “Alternative option for main site access” road as the main site access. This access road will be a new construction and will cross a small creek (Gum Creek) and requires construction of a road suitable to be used by all vehicles necessary to construct the solar farm. Figure 3.2 shows the location of the site access road shown as “Alternative option”. Construction works will be similar to those required to upgrade Blue Springs Road.



Figure 3.1 Blue Springs Road upgrade area

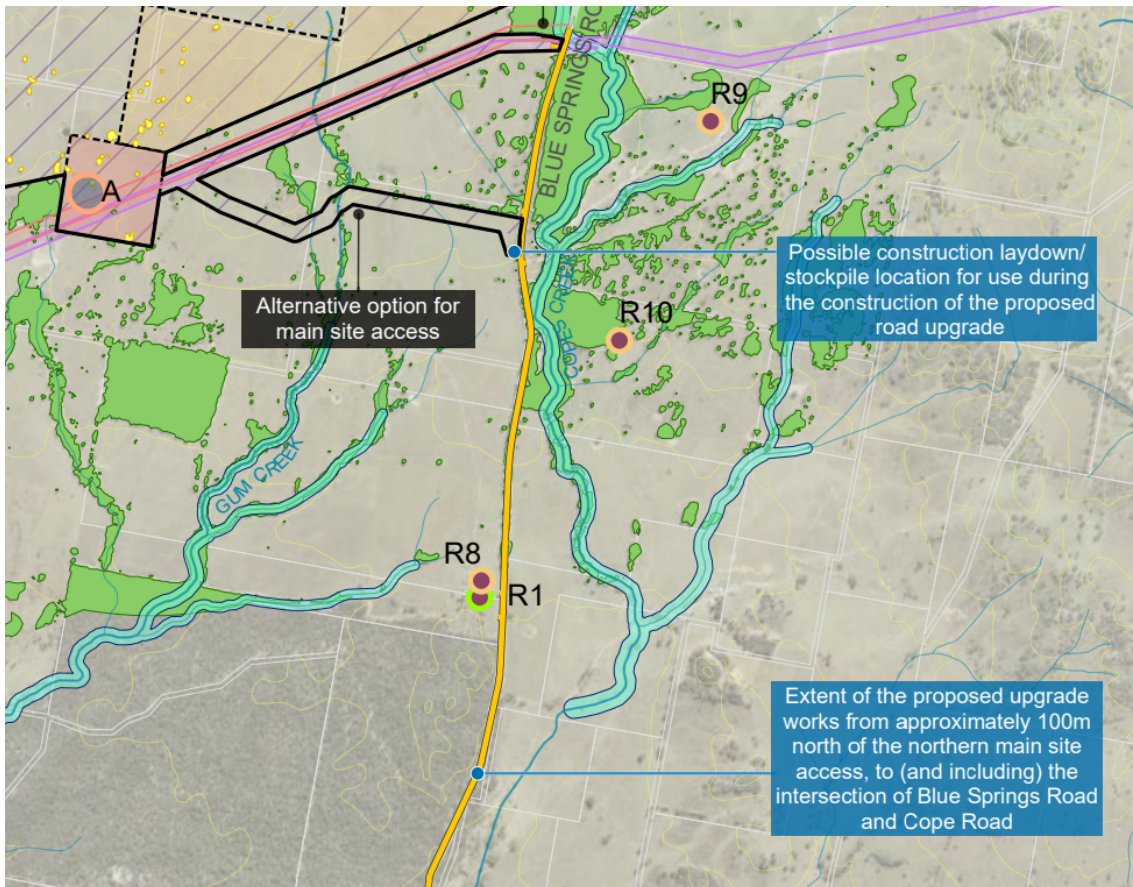


Figure 3.2 Main site access – shown as “alternative option”

### 3.3 Construction schedule

Proposed construction start and finish dates are shown in Table 3.1.

Table 3.1 Construction milestones

Milestone	Date
<b>Blue Springs Road Upgrade</b>	
Construction start	1 August 2022
Construction finish	31 December 2022
<b>Site access road (depending on DPE approval)</b>	
Construction start	1 August 2022 (if concurrent construction with Blue Springs Road Upgrade is permitted)
Construction finish	31 December 2022 (if concurrent construction with Blue Springs Road Upgrade is permitted)

### 3.4 Protection of public infrastructure

In accordance with CoC 8 (Schedule 2) of the DC, unless ACEN and the applicable authority agree otherwise, ACEN will:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

### 3.5 Operation of plant and equipment

In accordance with CoC 9 (Schedule 2) of the DC, ACEN will ensure that all plant and equipment used on site, or in connection with the development, is:

- maintained in a proper and efficient condition; and
- operated in a proper and efficient manner.

### 3.6 Hours of operation

In accordance with CoC 16 (Schedule 3) of the DC, unless ACEN and the applicable authority agree otherwise, ACEN will comply with the hours outlined in Table 3.2.

Table 3.2 Hours of operation

Day	Normal working hours
Monday to Friday	7:00 am - 6:00 pm
Saturday	8:00 am - 1:00 pm
Sundays	at no time on Sundays
NSW public holidays	at no time on NSW public holidays

ACEN notes that, as per CoC 16, the following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary:

- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

### 3.7 Noise

In accordance with CoC 17 (Schedule 3), ACEN will:

- minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC 2009), or its latest version
- ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A) LAeq,15min to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (NSW EPA 2017) at any non-associated residence.

### 3.8 Waste

In accordance with CoC 32 (Schedule 3), ACEN will:

- minimise the waste generated by the development
- classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version)
- store and handle all waste on site in accordance with its classification
- not receive or dispose of any waste on site; and
- remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.



### 3.9 Storage and handling of Dangerous Goods

In accordance with CoC 29 (Schedule 3), ACEN will store and handle all chemicals, fuels and oils used on-site in accordance with:

- the requirements of all relevant Australian Standards; and
- the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* (DECC 2007), if the chemicals are liquids.

In the event of an inconsistency between the two requirements above, the most stringent requirement will prevail to the extent of the inconsistency.

## 4 Implementation and operation

ACEN, as the proponent and owner of the Stubbo Solar project has ultimate responsibility and accountability to ensure the project is constructed in compliance with the approvals requirements.

All personnel working for ACEN on the Stubbo Solar project are responsible for:

- reporting all environmental incidents to their supervisor
- carrying out work duties at all times in an environmentally sensitive and responsible manner.

Actions to achieve compliance during construction will be managed or undertaken by ACEN.

### 4.1 Key stakeholders

The stakeholders in the Stubbo Solar project include regulators, project stakeholders and community stakeholders. Table 4.1 lists the key stakeholders.

Table 4.1 Key stakeholders

Regulators	Project stakeholders	Community stakeholders
Department of Planning and Environment (DPE)	ACEN	Host farms
Mid-Western Regional Council	Contractor	Non-host farms
Registered Aboriginal Parties (RAPs)	Balance of Plant (BoP) Civil Contractor	Other neighbours
NSW Rural Fire Service (NSW RFS)	BoP Mechanical Contractor	Local business owners
Department of Agriculture, Water and the Environment (DAWE) (Commonwealth)	BoP Electrical Contractor	Local employers
Transport of NSW (TfNSW)	Operations and Maintenance (O&M) Contractor	Local suppliers
SafeWork NSW	Specialist subcontractors	Local employees
Essential Energy	Specialist consultants	Local accommodation providers
<b>Forestry Corporation of NSW</b>	Transport and logistics companies	
Transgrid	Project financiers/ investors	

## 4.2 Project organisational structure

Understanding the organisational structure of the project is important when it comes to understanding the roles and responsibilities of the various project stakeholders. During the specific construction works for the Blue Springs Road upgrade and for construction of the site access, only a Contractor (or contractors) will be engaged, with no Balance of Plant (BoP) contractors engaged.

### 4.2.1 Applicant (Project Proponent)

ACEN Australia Pty Ltd, formerly known as UPC\AC) is the Stubbo Solar Applicant and is the proponent of the project.

### 4.2.2 Contractor

ACEN has engaged consultants ACOR to design the Blue Springs Rd upgrade and the site access road. This design will be constructed by the construction contractor engaged by ACEN. The construction contractor has not yet been selected (i.e., is to be determined (TBD)).

## 4.3 Roles and responsibilities

The project roles that ACEN has assigned to the project are briefly described below.

### 4.3.1 The ACEN Project Manager

The ACEN Project Manager role is to ensure the Blue Springs Road upgrade and construction of the site access is undertaken according to relevant CoCs of Development Consent SSD 10452. The ACEN Project Manager is accountable to ACEN senior management.

The Project Manager is also responsible for engaging consultants and contractors to design and construction the road upgrades. In addition, the Project Manager will provide safety and environmental advice to the project team and engaging with the regulators and the community.

### 4.3.2 Contractor management team

The road upgrade and main site access works will be constructed by a contractor (yet to be selected). The key Contractor roles are most likely to include a project manager, a health, safety and environment (HSE) manager, a construction manager and a site manager. Their roles are described below.

#### ***Contractor Project Manager***

The Contractor Project Manager is responsible for providing general support to the Construction Manager and the HSE manager and for ensuring the ACEN Project Manager is informed on all major project developments. The Contractor Project Manager is accountable to the ACEN Project Manager.

### ***Contractor Construction Manager***

The Contractor Construction Manager is responsible for the general supervision and day-to-day coordination of works on the Project site. The Contractor Construction Manager is also responsible for ensuring all site works are completed in accordance with the contractor and subcontractor scopes of works and for ensuring safety and environmental procedures/processes are followed. He/she is also responsible for reporting non-conformances to the Contractor Project Manager. The Contractor Construction Manager also provides support to the Contractor Site Manager and Contractor HSE Manager and for ensuring the Project Manager is informed on all major project developments. The Contractor Construction Manager is accountable to the Contractor Project Manager.

### ***Contractor Health, Safety and Environment Manager***

The Contractor HSE Manager is responsible for providing safety and environmental advice to the project team. He/she is in charge of implementation of all environmental, fire protection, and safety plans and for reporting non-conformances to the Contractor Construction Manager. The Contractor HSE Manager is responsible for conducting daily site inspections. The Contractor HSE Manager is accountable to the Contractor Project Manager

### ***Contractor Site Manager***

Contractor The Contractor Site Manager is responsible for ensuring day-to-day works are completed in accordance with the subcontractor scope of works. He/she is also responsible for reporting non-conformances, including safety and environmental issues, to the Contractor Project Manager.

## 4.4 ACEN's Environmental management documentation

This EMS is the overarching document in ACEN's environmental management system for the simultaneous upgrade of Blue Springs Road and construction of the main site access to the Stubbo Solar project, which includes a number of plans and strategies that have been put in place to manage environmental impacts that may result from this stage of the development. Another EMS will be prepared at a later stage for further stages of the development.

### 4.4.1 Prior to commencing construction

In accordance with CoC 5 (Schedule 4), prior to commencing construction, ACEN will submit detailed plans of the Blue Springs Road upgrades and the main site access to the development to the Secretary.

Plans will be submitted via the Major Projects website, showing comparison to the approved layout, via the Major Projects website.

### 4.4.2 Upgrading of infrastructure

Not relevant to this stage of the development: no solar panels will be installed during this stage.

#### 4.4.3 Prior to commencing operations or following the upgrades

Not relevant to this stage of the development: no solar panels will be installed during this stage.

#### 4.4.4 Compliance with DPE requirements

In accordance with CoC 4 (Schedule 2), ACEN will comply with any requirement/s of the Planning Secretary arising from DPE's assessment of:

- any strategies, plans or correspondence that are submitted in accordance with this consent
- any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
- the implementation of any actions or measures contained in these documents.

## 5 EMS structure, approval and review

### 5.1 Structure

The EMS is supported by a range of specific management plans that address project impacts on potentially affected aspects of the environment. Whereas the management plans are 'live' documents that should be updated between project phases (e.g. from construction to operations) or in response to changing circumstances (e.g. design modifications or specific environmental issues that arise), the EMS is a strategic document that sets out the context, legislative framework and embedded design elements of the project and describes the overarching management system, procedures and protocols that apply to all plans.

The general environmental principles to be adopted by ACEN for the Stubbo Solar project during construction are:

- compliance with statutory, legislation and CoCs
- minimisation of impacts on the community and environment
- the timely and efficient response to any environmental incidents and complaints
- rehabilitation of all disturbed land
- continual monitoring, review and reporting on the environmental impacts of construction activities.

This EMS provides the strategic context for environmental management to manage impacts that might result from the Blue Springs Road upgrade or from construction of the main site access include:

- a Biodiversity Management Plan (BMP)
- a Soil and Water Management Plan (SWMP)
- a Traffic Management Plan (TMP)
- an Unanticipated Finds Protocol.

Two other aspects of environmental management that are specified in the COCs and relevant to the road upgrade and main site access construction are waste management and the storage and handling of Dangerous Goods (DGs). The management of these aspects is outlined in Section 7.4 and 7.5 of this EMS, respectively.

### 5.2 Review and update

ACEN will undertake on-going review and improvement of existing systems and controls.

In accordance with CoC 2, (Schedule 4), this EMS (and any strategy, plan or program required under the DC) will be reviewed to the satisfaction of the Secretary of DPE. The EMS will be:

- updated prior to carrying out any upgrading or decommissioning activities on site
- reviewed and, if necessary, the strategies, plans or programs required under this consent revised to the satisfaction of the Secretary within 1 month of the:

- submission of an incident report under CoC 7 (Schedule 4)
- submission of an audit report under CoC 9 (Schedule 4) or
- any modification to the conditions of this consent.

When revised, the revision status of this EMS will be indicated on the title page of this document. This EMS will be made publicly available on the project website (Section 8.4), in accordance with CoC 17 (Schedule 4) of the DC. A hard copy of the EMS will also be kept at the site project office during construction.

As the EMS is an overriding framework, it will be reviewed and updated yearly (at a minimum), although this stage of the development is expected to be less than a year. However, ACEN and its contractors will undertake on-going review and improvement of existing systems and controls.

Review is a critical element of environmental management systems and involves a formal evaluation of the adequacy of the environmental management plans and documents – taking into account any new environmental issues, legislation, changing circumstances and continual improvement.

To ensure a rigorous, all-encompassing review process, the contractors will conduct quarterly management review meetings. These meetings should be attended by individuals with either executive or specialist responsibility. At this stage of the development this may include:

- the ACEN Project Manager
- the Contractor Project Manager
- the Contractor HSE Manager
- the Contractor Construction Manager
- the Contractor Site Manager
- the subcontractor management representatives, as appropriate.

ACEN commits to complying with CoC 4 (Schedule 2) and will:

- comply with any requirement/s of the Secretary arising from the Department’s assessment of:
  - a. any strategies, plans or correspondence that are submitted in accordance with this consent
  - b. any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - c. the implementation of any actions or measures contained in these documents

ACEN commits to complying with CoC 2 in full.

## 6 Environmental management framework

ACEN strives for excellence through its commitment to leading practice in environmental management and performance. Implementation of this EMS will assist in minimising the environmental impacts of construction-related activities by facilitating continual improvement in environmental performance.

This Strategy outlines the minimum standard to ensure ACEN manages the environmental aspects and impacts of the project in a manner that is planned, controlled, monitored, recorded and audited, using a management system that drives continual improvement.

### 6.1 Environmental Policy and a Company Values Statement

ACEN has both an Environmental Policy and a Company Values Statement, which set out the company's aims and objectives with respect to their projects' environmental management and values. These documents are attached as Appendix C.

### 6.2 Environmental management system

A well designed and carefully implemented environmental management system provides an important framework for environmental management activities. This management system is a five-step iterative system which comprises the documented systems and processes used for the safe construction, operations and decommissioning of the Project. The system enables hazards to be identified and assessed to eliminate or minimise the risk of impact to the environment to a level that is as low as reasonably practical (ALARP) throughout construction of the project. The site's environmental management plans for construction and operations describe how the risks are assessed and managed, as outlined below and in and shown diagrammatically in Figure 6.1. ACEN's role is to ensure the Contractor has a system that complies with these requirements.

**Step 1 – Policy establishment:** The environmental management system development process starts with establishing an Environmental Policy that is tied to the organization's mission. ACEN has an environmental policy.

**Step 2 – Planning:** The planning step consists of identifying regulatory and other requirements; identifying processes, resources, and significant environmental impacts; identifying management and mitigation measures; developing objectives and targets for improvement efforts; and creating a planning, programming, and budgeting system

The implementation and operation of various components of the environmental management system are detailed in the management plans, as appropriate.

**Step 3 – Implementation:** The implementation step consists of defining the structure, responsibilities, and programs; implementing induction and training; creating the environmental management system documentation (including document control and record keeping); communicating the environmental management system to personnel; developing and implementing standard operating procedures [SOPs]; and developing and implementing emergency preparedness and response procedures.



The implementation and operation of various components of the environmental management system are detailed in the management plans, as appropriate.

**Step 4 – Checking and correction:** The checking and corrective action step includes monitoring and measuring (e.g., internal assessments), problem and cause identification, corrective and preventative action implementation, and an environmental management system review.

**Step 5 – Review:** In the management review step, upper management reviews the environmental management system, including the results of internal assessments. Modifications to the environmental management system are made, as necessary, to ensure compliance. The management review is designed to ensure continual improvement of the environmental management system, taking into account the results of checking and corrective actions undertaken in Step 4.

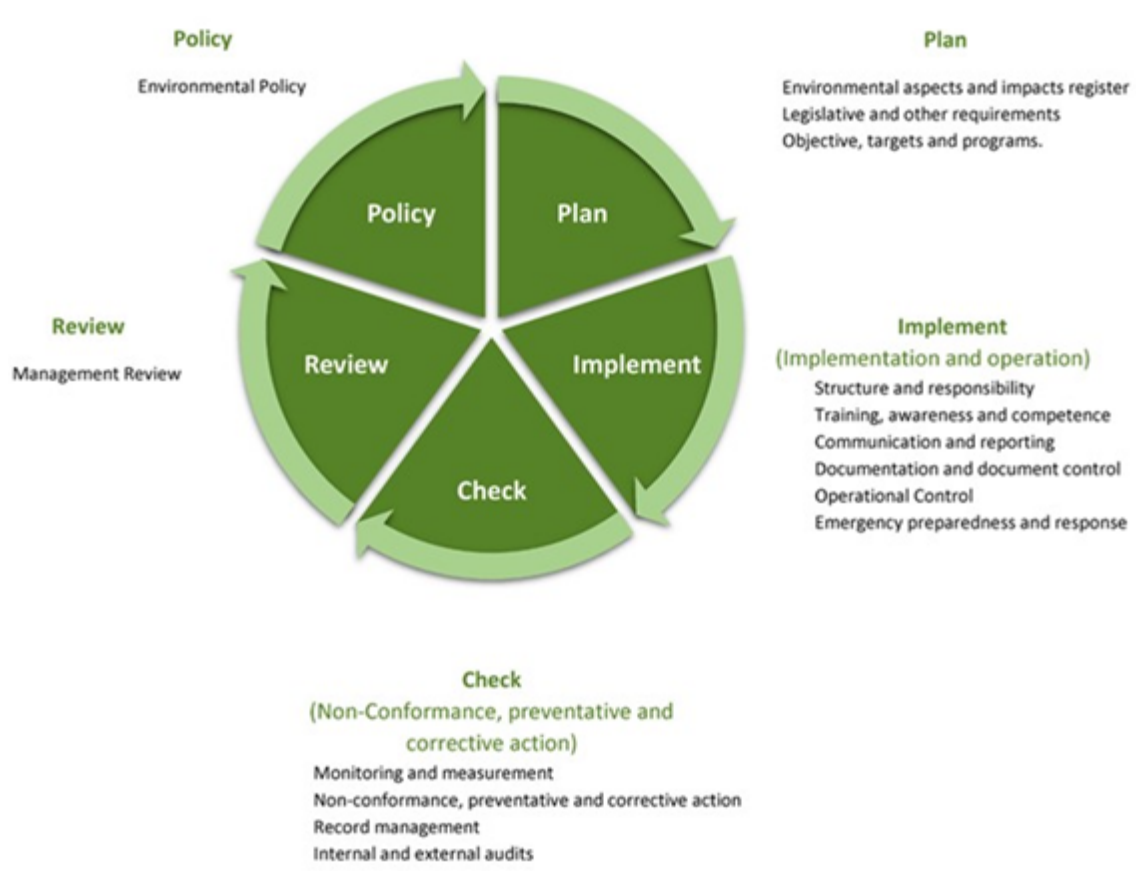


Figure 6.1 Environmental Management System Process

### 6.3 Terms and definitions

Under the POEO Act, the following terms are defined.

#### Material harm to the environment

Harm to the environment is material if:

- it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or

- it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and
- loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

#### Pollution incident

A pollution incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.

## 6.4 Management of waste

In order to comply with its obligations to manage waste appropriately, the Contractor will:

- minimise the waste generated by construction activities
- classify all waste generated during construction in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version) (NSW EPA 2014)
- store and handle all construction waste in accordance with its classification
- not receive or dispose of any waste on site
- remove all waste from construction areas as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

### 6.4.1 Waste minimisation

Waste generated by construction activities will be minimised and managed by following the NSW Waste Management Hierarchy. This hierarchy is described on the NSW EPA website (NSW EPA 2022) and shown on Figure 6.2 and is:

1. **Avoidance** including action to reduce the amount of waste generated by households, industry and all levels of government
2. **Resource recovery** including re-use, recycling, reprocessing and energy recovery, consistent with the most efficient use of the recovered resources
3. **Disposal** including management of all disposal options in the most environmentally responsible manner.

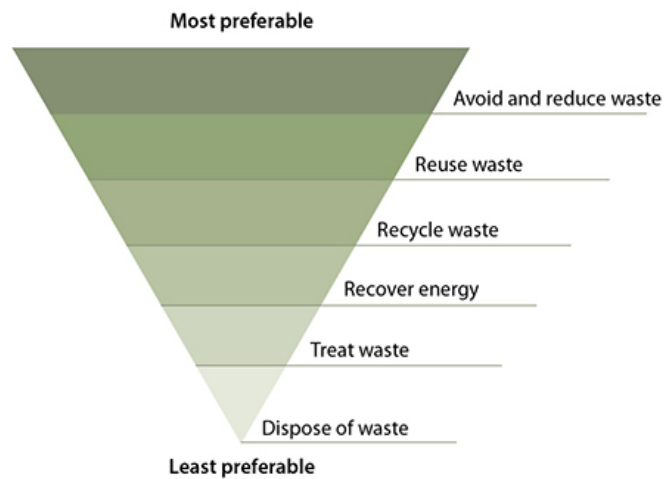


Figure 6.2 Waste Management Hierarchy (EPA NSW 2022)

#### 6.4.2 Waste classification

The Waste Classification Guidelines (NSW EPA 2014) classes waste into groups that pose similar risks to the environment and human health.

The following classes of waste are defined in clause 49 of Schedule 1 of the POEO Act:

- Special waste
- Liquid waste
- Hazardous waste
- Restricted solid waste
- General solid waste (putrescible)
- General solid waste (non-putrescible).

#### 6.4.3 Waste handling and storage

Construction waste will be classified, segregated and stored on-site prior to disposal and dedicated waste management areas will be clearly marked. Waste will be stored in appropriately-labelled containers (e.g. skips and recycling bins).

As far as possible, and if relevant to this stage of the development, the Contractor will ensure that waste such as plastic wrap, polystyrene and cardboard, etc. will be baled prior to transporting to recycling centres. Baling of individual waste streams will enable it to be taken to recycling centres in the region.

Hazardous waste will be segregated from other waste streams and stored in an appropriately banded area prior to transportation off-site.

#### 6.4.4 Waste receipt and on-site disposal

The Contractor will ensure that waste is not received at the construction site and that waste is not disposed of on site.

#### 6.4.5 Waste disposal

All construction waste will be removed from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

Waste (and spoil) disposal will be in accordance with the POEO Act and the WARR Act 2001. Wastes that are unable to be re-used or recycled will be disposed of off-site to an EPA NSW-approved waste management facility following classification (see Section 6.4.2).

Any waste from the site is classed as commercial, and the only facility in the local government area for this purpose is the Mudgee Waste Facility.

Baling of individual waste streams will enable it to be taken to recycling centres in the region. As far as possible, and if relevant to this stage of the development, the Contractor will ensure that waste such as plastic wrap, polystyrene and cardboard, etc. will be baled prior to transporting to recycling centres.

#### 6.4.6 Waste monitoring

All waste management practices will be monitored weekly to ensure objectives are met.

### 6.5 Storage and handling of Dangerous Goods

To appropriately manage DGs during construction, the Contractor will implement the following controls:

- DGs will be stored at a designated location, away from drainage lines, groundwater bores and away from highly trafficked locations
- volumes of diesel delivered to the site and used at the site will be tracked
- the volume of chemicals, fuels and oils will be minimised where possible. The use of environmentally friendly fuel, oil and chemical products will be considered
- all storage facilities for fuel, oil and chemicals will be designed in accordance with applicable standards and signs will be displayed in accordance with *AS1216:2006: Dangerous Goods*
- temporary fuel storages and refuelling areas will:
  - comply with *AS1940:2017 Flammable Liquids Storage and Handling*
  - include double skinned self-bunded tanks providing 110% containment of material to prevent pollution in the event of a breach of primary containment
  - be located at least 50 m away from water bodies and drainage lines

- where bunds hold multiple storage containers, bunding shall be capable of holding no less than 120% of the volume of the largest container and at least 25% of the total volume of all substances stored
- stormwater and spills within bunds shall be removed before any rain events where practical
- all hydrocarbon and chemical transfer points shall be secondarily contained (e.g. drip/spill tray) and decanting undertaken within a bunded area
- all hazardous chemicals and waste will be disposed of offsite in accordance with relevant NSW government regulations and guidelines. These are described in Section 6.4.
- spill response procedures shall be implemented and personnel will be trained in relation to spill management actions, which include:
  - all spills will be immediately controlled, contained, cleaned up and reported as an incident, with adequate spill-kits available to be used in accordance with SDS recommendations
  - a plan showing appropriately-positioned spill-kit locations
- all servicing of equipment and plant must be conducted over an impervious surface to prevent any oil or fuel drips to the land surface causing soil contamination
- absorbent material used for clean-up to be placed in a suitable waste receptacle for disposal and managed in accordance state waste management requirements
- emergency response equipment will be maintained at chemical, fuel and oil storage locations.

## 6.6 Rehabilitation of disturbed land

As noted in Section 5.1, one of the general environmental principles adopted by ACEN for the Stubbo Solar project during construction is for the rehabilitation of all disturbed land. Works for the upgrade of Blue Springs Road and for construction of the main site access will disturb the land and, in line with their principle for rehabilitation of such land, ACEN is committed to rehabilitating land disturbed by these works.

Disturbed areas will be progressively rehabilitated and monitoring of this will be on a monthly basis to ensure it occurs in a timely and effective manner.

## 7 Monitoring, auditing, reporting and review

During construction there will be continuous monitoring, auditing, reporting and review by ACEN and its contractors of the construction area and construction activities. Individuals and work crews will be required to demonstrate that the requirements of this EMS and other management plans are being adhered to.

All reports, reviews, and audits will be maintained by the Contractor Project Manager and made available to the appropriate managers (ACEN and subcontractors). Audit results will be used to review management techniques to ensure compliance with the DC.

### 7.1 Monitoring

Monitoring of environmental impacts is an important aspect of environmental management. Specific monitoring requirements for individual environmental aspects during road upgrade and main access construction are set out in the management plans (BMP, SWMP and TMP). Aspects that will be monitored include:

- site condition – to identify any environmental issues (see Table 7.1)
- consistency with design footprint – to ensure all construction footprints are compliant with approved development plans (see Table 7.1)
- noise and vibration – to ensure noise and vibration objectives are met (see Table 7.1)
- unanticipated Aboriginal cultural heritage finds – in accordance with the Unanticipated Finds Protocol (Appendix D)
- biosecurity (weeds and pests) – to ensure biosecurity objectives are met (see Table 7.1 and SWMP)
- vegetation clearing – to ensure vegetation clearing objectives are met (see Table 7.1 and BMP)
- soil management – to ensure soil management objectives are met (see Table 7.1 and SWMP)
- water management – to ensure water management objectives are met (see Table 7.1 and SWMP)
- traffic management – to ensure traffic management objectives are met (see Table 7.1 and TMP)
- rehabilitation – to ensure rehabilitation objectives are met (see Table 7.1).

The monitoring schedule, including responsibility, compliance indicator/s and records/actions, and timing / frequency are described in Table 7.1. The monitoring to be implemented in the sub-plans is summarised below.

### 7.1.1 Site inspection

During the construction phase, the Contractor and its subcontractors will conduct regular inspections to confirm compliance with the EMS and other management plans and to ensure all construction footprints are compliant with approved development plans. Inspection records will be maintained by the contractors and reported to ACEN on a regular basis as detailed in Table 7.1.

Inspection reports will be circulated to Contractor Project Manager and the on-site team. Key environmental risks and issues will be discussed daily at pre-start team meetings and toolbox meetings.

#### ***Daily inspections***

The Contractor Project Manager (or delegate) will conduct daily inspections of construction activities to ensure general compliance with the EMS and other management plans. All areas identified for improvement will be addressed directly and added to the Environmental Incidents Register (EIR).

#### ***Weekly monitoring***

Once per week (at least) during construction, the Contractor Project Manager and/or delegate(s) will conduct monitoring of construction activities to ensure compliance with the EMS and other management plans. All areas identified for improvement will be added to a corrective action register.

#### ***Monthly inspections***

Once per month (at least) during construction, the Contractor Project Manager and/or delegate(s) will conduct a thorough monthly inspection of construction activities to ensure compliance with the EMS and other management plans. All areas identified for improvement will be added to a corrective action register. The Contractor Project Manager and/or delegate(s) will also conduct an inspection of the condition of the roads for, and responding to, any emergency repair and/or maintenance requirements.

### 7.1.2 Biodiversity monitoring

During construction ACEN and the Contractor will implement the BMP, which is in place to minimise impacts of construction on the ecological environment.

The biosecurity objectives described in the BMP (such as weed and pest management) will be monitored weekly to ensure those objectives are met.

The vegetation clearing objectives described in the BMP will be monitored weekly and during clearing activities to ensure those objectives are met.

### 7.1.3 Heritage monitoring

All individuals (personnel, contractors and visitors) accessing the construction works will be trained in identifying potential Aboriginal cultural heritage items. If previously unknown Aboriginal items are identified within impact areas, ACEN and the Contractor will implement the Unanticipated Finds Protocol (see Appendix D).

#### 7.1.4 Soil and water monitoring

During construction ACEN and the Contractor will implement the SWMP, which is in place to minimise impacts of construction on soil and water.

The soil management objectives described in the SWMP will be monitored weekly (or daily during excavation activities) to ensure those objectives are met.

The water management objectives described in the SWMP will be monitored weekly and after any significant (>50 mm) rainfall event to ensure those objectives are met.

#### 7.1.5 Traffic impact management

During construction ACEN and the Contractor will implement the TMP, which is in place to minimise impacts of traffic on the environment.

The traffic management objectives described in the TMP will be monitored monthly to ensure those objectives are met.

#### 7.1.6 Noise and vibration monitoring

During construction ACEN will minimise the noise and vibration generated by the construction activities on site in accordance with the best practice requirements.

All management practices will be monitored weekly to ensure noise management objectives are met. This includes ensuring that the noise generated by the operation of the development during the night does not exceed 35 dB(A)  $L_{Aeq,15min}$  to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (NSW EPA 2017) at any non-associated residence.

ACEN and the Contractor will monitor noise and vibration levels immediately after any complaint is raised.

#### 7.1.7 Monitoring summary

A summary of environmental impact monitoring is presented in Table 7.1.



Table 7.1 Proposed inspection program

Inspection type	Purpose	Responsibility	Compliance indicator/s and records/actions	Timing / frequency
<b>Daily site inspection</b>	To identify any environmental issues	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged and undertaken	Daily during construction activities
<b>Consistency with design footprint</b>	Ensure all construction footprints are compliant with approved development plans	Contractor Project Manager	No non-compliances. Maps and geographic information system (GIS) outputs	Monthly or during clearance activities
<b>Compliance with noise and vibration objectives</b>	Ensure noise and vibration objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Monthly and immediately after any complaint is raised
<b>Compliance with biosecurity objectives</b>	Ensure biosecurity objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Weekly
<b>Compliance with vegetation clearing objectives</b>	Ensure vegetation clearing objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Weekly during clearance activities
<b>Compliance with soil management objectives</b>	Ensure soil management objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Weekly during excavation activities
<b>Compliance with water management objectives</b>	Ensure water management objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Weekly and after any significant (>50 mm) rainfall event
<b>Compliance with traffic management objectives</b>	Ensure traffic management objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Monthly

Inspection type	Purpose	Responsibility	Compliance indicator/s and records/actions	Timing / frequency
<b>Compliance with waste objectives</b>	Ensure waste management objectives are met	Contractor Project Manager	Record of completed inspection and, if necessary, corrective action lodged	Monthly
<b>Rehabilitation</b>	Ensure timely and effective progressive rehabilitation of disturbed areas	Contractor Project Manager	Records of before and after condition	Monthly

## 7.2 Non-compliance, incident management and corrective actions

### 7.2.1 Non-compliance

A project non-compliance is a project condition that is not in compliance with the DC conditions.

Environmental non-compliances will be reported and actioned through the incident management procedures detailed in Section 7.2.2, below.

As per CoCs 8, 9 and 10 (Schedule 4), ACEN will notify the Department in writing via the Major Projects website within 7 days after ACEN becomes aware of any non-compliance with the conditions of this consent. The notification will identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.

### 7.2.2 Incident notification and management

Any incident or accident that results in harm to the environment and/or off-site receptors is to be regarded as an environmental incident. Where an incident results from a failure of a system process, or requirements of management plans, the incident shall also be regarded as a non-conformance.

As defined in the CoC an incident is “a set of circumstances that causes or threatens to cause material harm to the environment”. Material harm is defined as harm that:

- involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or
- results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or makegood harm to the environment).

#### Overview

It is a mandatory requirement for any personnel working for or on behalf of ACEN to report and respond to all hazards and events that have affected or have the potential to adversely affect the environment. Examples of events include:

- fauna mortality
- fuel spillage
- excessive noise incidents
- chemical spills
- bushfire
- complaint from a neighbour.

The first line of response is to take immediate actions to minimise risks to persons, plant, equipment and the environment.

These actions may include:

- stop work
- assess site and make the area safe
- notify other parties that may be affected by the hazard/event.

**Notifiable environmental incidents**

DPE must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident on site which has the potential to cause material environmental harm. The notification must identify the development, including the application number and the name of the development, and set out the location and nature of the incident.

Examples of an environmental incident that results in ‘material harm to the environment’ could be:

- an uncontained spill into a water course resulting in harm to the health or safety of human beings or non-trivial harm to ecosystems
- the mortality of or serious injury to wildlife as a result of project activity
- damage to an objective of aboriginal heritage value.

Response agencies need to be informed of pollution incidents quickly, so action can be coordinated to prevent or limit harm to the environment and human health generally. These are listed in Table 7.2.

*Table 7.2 Response agency contact details*

Response agency	Contact details
Environment Protection Authority NSW (EPA NSW)	131 555 or (02) 9995 5555
Ministry of Health NSW	(02) 9391 9000
SafeWork NSW	131 050
The local authority, Mid Western Regional Council	(02) 6378 2850
Fire and Rescue NSW	000 or, for Mobiles only, 112
Rural Fire Service Mudgee HQ	facebook.com/MudgeeHQ
Rural Fire Service Gulgong D/C	facebook.com/GulgongRFS

## 7.3 Reporting and record keeping

Environmental non-conformances, incidents and complaints will be reported by subcontractors or the Construction Contractor to ACEN's Project Manager.

The Contractor Project Manager will record all environmental non-conformances, incidents and complaints in an Environmental Incident Register which will include the following information:

- time, date and location of incident
- nature of incident
- personnel and machinery involved in incident
- corrective measures taken in response to incident
- date of incident close-out.

The Contractor's Environmental Incident Register will be made available to ACEN at all times.

### 7.3.1 Record-keeping

ACEN will maintain the Environmental Incident Register (EIR) for the project and will make this available to the Responsible Authority upon request. ACEN will also maintain a Complaints Register for the project and will make this available to the Responsible Authority upon request.

The EIR will document, record, track, manage and report all environmental-related incidents and observations.

The Complaints Register will document, record, track, manage and report all complaints. An example of an EIR is attached as Appendix E.

### 7.3.2 Corrective actions

Once an incident or non-conformance has been reported to the ACEN Project Manager, a set of appropriate corrective actions will be raised by the contractor. Measures already implemented, additional measures to be implemented as a result and any corrective actions will be reported to the ACEN Project Manager. Actions will be implemented to the satisfaction of the ACEN Project Manager and their effectiveness confirmed to demonstrate appropriate measures have been implemented to prevent reoccurrence of impacts, as far as practical.

### 7.3.3 Reporting to DPE

The conditions of the DC (CoCs 7, 8, 9, 10) require a report summarising complaints, investigations and responses be submitted to DPE (via the Major Projects website).

Where a non-compliance has occurred, or a validated complaint was received, an incident report and set of corrective actions will be raised by the construction contractor and immediately reported to the for inclusion in the incident register. ACEN is responsible for submission of environmental reports to DPE, as required. The incident report will include:

- a summary of the incident

- outcomes of an incident investigation, including identification of the cause of the incident
- details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- details of any communication with other stakeholders regarding the incident.

## 7.4 Continuous improvement of environmental performance

Areas for improvement identified during daily inspections will be addressed by the environment team at daily pre-start (Toolbox) meetings with the appropriate construction supervisor and crew.

At the discretion of the environment team, identified areas of improvement may also form the basis for more formalised weekly project meeting. Addressing non-conformance and areas for improvement with the construction crews in this forum is aimed at continuously improving the environmental performance of the project and driving environmental awareness on site.

### 7.4.1 EMS approval

In accordance with CoC 1 (Schedule 4), the Applicant must have developed the EMS to the satisfaction of the Secretary of DPE prior to commencing this stage of the development.

### 7.4.2 Audit input into continuous improvement

Audits also play an important part in the continuous improvement process and the results of the audits should be considered when updating the EMS. Audits are more fully described in Section 7.5 below.

## 7.5 Auditing

If relevant with the timing of this stage of the development, an Independent Environmental Audit of the main site access construction works will be conducted in accordance with CoC 11 (Schedule 4). An audit will be undertaken:

- within 3 months of commencing construction, noting that this stage of the development is not expected to more than 3 months
- at different times to those specified in CoC 11 (Schedule 4) if DPE requires the initial and subsequent audits to be undertaken upon giving at least four weeks' notice to ACEN of the date upon which the audit must be commenced
- as per CoC 12 (Schedule 4) by an independent auditors agreed to in writing by DPE prior to the commencement of an Independent Audit.

The audit will be prepared in accordance with the relevant *Independent Audit Post Approvals Requirements* (NSW Government 2020). ACEN will:

- review and respond to each Independent Audit Report prepared under CoC 11 (Schedule 4), or CoC 13 (Schedule 4) where notice is given by DPE
- submit the response to DPE

- make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary unless otherwise agreed by DPE
- submit the Independent Audit Reports and the ACEN's response to audit findings to DPE within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements* (NSW Government 2020) unless otherwise agreed by DPE.

The recommendations of the Independent Environmental Audit will be implemented.

## 8 Community and stakeholder engagement

### 8.1 Consultation during project planning

ACEN has undertaken community and stakeholder consultation throughout every stage of the project, including during the preparation of the EIS for the Project and responses were taken into consideration in the design of both the Project and the environmental impact mitigation measures.

Details of the consultation undertaken during the EIS stage are provided in Chapter 5 of the EIS.

### 8.2 Notifications to DPE prior to key project stages

In accordance with CoC 4 (Schedule 4) prior to commencing construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant (ACEN) will notify DPE in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant (ACEN) will notify DPE in writing prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

### 8.3 Consultation during construction

To ensure the community is kept informed of works at the site, ACEN will:

- make information available on the Stubbo Solar project Facebook page (<https://www.facebook.com/StubboSolarFarm>)
- make information available at the ACEN Gulgong office
- Inform residents along Blue Springs Road by mail and provide them with information such as timeframes, contact numbers, etc.

### 8.4 Website

A website has been established for the Project <https://stubbosolarfarm.com.au/>

This website will be maintained and kept up-to-date by the Project Owner (ACEN). In accordance with CoC 17 (Schedule 4) the website will make the following information publicly available at minimum, as relevant to the stage of the development:

- EIS and response to submissions
- the final layout plans for the development
- current statutory approvals for the development
- approved strategies, plans or programs required under the conditions of this consent



- the proposed staging plans for the development if the construction, operations or decommissioning of the development is to be staged
- how complaints about the development can be made
- a complaints register (see Section 9)
- compliance reports
- any independent environmental audit, and the Applicant's response to the recommendations in any audit (see Section 7.5)
- any other matter required by the Secretary.

## 8.5 Dissemination of environmental information

ACEN commits to ensuring stakeholders are kept informed about the environmental performance of the development. This will be achieved by:

- ensuring the website is updated with environmental performance data
- making information available at the ACEN Gulgong office
- informing residents along Blue Springs Road by mail and providing them with information such as timeframes, contact numbers, etc.

## 9 Complaints management

In the event that a complaint is received from the community, ACEN's Project Manager (or their representative) will ensure the complaint is recorded and will undertake further investigation. The process for managing complaints is described below.

### 9.1 Complaints Management Procedure

The details of the complaint will be recorded in a Complaints Register, which will include the following:

- the date and time, where relevant, of the complaint
- the means by which the complaint was made (telephone, mail, email or in person)
- who received the complaint
- any personal details of the complainant that were provided, or if no details were provided, a note to that effect
- the nature of the complaint
- any actions taken in relation to the complaint, including timeframes for implementing the action
- if no action was taken in relation to the complaint, the reason(s) why no action was taken
- the status of the complaint (i.e. open/closed)
- measures to avoid reoccurrence (if any).

The Complaints Register will be managed and maintained by the ACEN's Project Manager or their representative during construction. They will be responsible for:

- providing a response to the person complaining within 72 hours of the complaint being made
- ensuring that the complaint is addressed in a timely manner and that the complaint is addressed adequately
- logging all details of the complaint in the Complaints Register
- notifying the relevant management staff as appropriate
- ensuring the Complaints Register is made available on the Project website and updated regularly, in accordance with CoC 17 (Schedule 4), with personal details kept private.

## 9.2 Contact details for complainants

The following avenues are available for complaints and enquiries to be lodged by the community and other stakeholders:

**Email:** [stubbo@upc-ac.com](mailto:stubbo@upc-ac.com)

**Phone line:** 1800 434 062

**Online contact form:** see website

The above email and phone number will be disclosed on the website along with the online contact form and included on all community notifications.

## 9.3 Dispute Resolution

In the event that the actions taken to address a complaint, including the measures for avoiding a recurrence, are not sufficient to satisfy the complainant and a dispute arises, the Project Owner (ACEN) will do the following:

- advise DPE that there is a dispute
- provide DPE with copies of the relevant complaint history
- if determined necessary by DPE, engage a specialist with expertise relevant to the issue at hand to investigate the dispute and provide recommendations for resolution
- advise the third party in dispute (the complainant) and DPE in writing, as to when the dispute investigation will be completed
- provide the third party and DPE a copy of the dispute investigation report, inclusive of the ACEN's intentions with regards to the implementation of the recommendations for resolution.

## 10 References

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- NSW EPA (2017) Noise Policy for Industry NSW EPA. October 2017
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- NSW Government (2020) Factsheet: Post-approval requirements for state-significant projects Independent Audit – Post Approval Requirements. NSW Government. December 2020
- Ramboll (2020) Stubbo Solar Farm: Environmental Impact Statement, prepared for UPC Renewables Australia Pty Ltd by Ramboll Australia Pty Ltd. November 2020
- Ramboll (2021a) Stubbo Solar Farm: Response to Submissions Report, prepared for UPC Renewables Australia Pty Ltd by Ramboll Australia Pty Ltd. June 2021
- Ramboll (2021b) Stubbo Solar Farm: Amendment Report, prepared for UPC Renewables Australia Pty Ltd by Ramboll Australia Pty Ltd. June 2021



# Appendix A

## Conditions of Consent reference table

Table A1 Conditions of Consent reference table

No.	Condition	Reference
<b>Schedule 2 - Administrative Conditions</b>		
<i>Obligation to minimise harm to the environment</i>		
1	In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development	This EMS has been prepared to assist with complying with this condition
<i>Terms of Consent</i>		
2	The Applicant must carry out the development:	This EMS has been prepared to assist with complying with this condition
2a	generally in accordance with the EIS; and	
2b	in accordance with the conditions of this consent	
3	If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency	This EMS has been prepared to assist with complying with this condition
4	The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:	EMS Section 2.5
4a	any strategies, plans or correspondence that are submitted in accordance with this consent	
4b	any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and	
4c	the implementation of any actions or measures contained in these documents	
<i>Upgrading of solar panels and ancillary infrastructure</i>		
5	The Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades	Not applicable to this stage of the development
<i>Structural Adequacy</i>		
6	The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia	Not applicable to this stage of the development
<i>Demolition</i>		

No.	Condition	Reference
7	The Applicant must ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version	Not applicable to this stage of the development
<i>Protection of Public Infrastructure</i>		
8	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	EMS Section 3.4
8a	repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and	
8b	relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development	
	This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent	
<i>Operation of Plant and Equipment</i>		
9	The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is	EMS Section 3.5
9a	maintained in a proper and efficient condition; and	
9b	operated in a proper and efficient manner	
<i>Subdivision</i>		
10	The Applicant may subdivide land comprising the site for the purposes of carrying out the development, to create separate freehold titles in accordance with one of the two options identified in Appendix 4, the EIS and the requirements of the EP&A Act, EP&A Regulation, Conveyancing Act 1919 (NSW) and the NSW Land Registration Services (or its successor).	Not applicable to this stage of the development
<i>Community enhancement</i>		
11	Prior to commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:	Not applicable to this stage of the development
11a	Division 7.1 of Part 7 of the EP&A Act; and	
11b	the terms of the letter of offer dated 27 May 2021, summarised in Appendix 3	
<b>Schedule 3 - Environmental conditions - General</b>		
<b>Batteries</b>		
1	The battery storage facility or system associated with the development must not exceed a total delivery capacity of 200 MW.	Not applicable to this stage of the development
<b>Transport</b>		

No.	Condition	Reference
<i>Over-Dimensional and Heavy Vehicle Restrictions</i>		
2	The Applicant must ensure that the:	
2a	<p>development does not generate more than:</p> <ul style="list-style-type: none"> <li>60 heavy vehicle movements a day during construction, upgrading and decommissioning</li> <li>20 over-dimensional vehicle movements during construction, upgrading and decommissioning, and</li> <li>5 heavy vehicle movements a day during operations</li> </ul> <p>on the public road network, unless the Planning Secretary agrees otherwise</p>	See TMP for this stage of the development
2b	length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Planning Secretary agrees otherwise	See TMP for this stage of the development
3	The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project	See TMP for this stage of the development
<i>Access Route</i>		
4	<p>All over-dimensional and heavy vehicles associated with the development must travel to and from the site via Golden Highway, Ulan Road, Cope Road and Blue Springs Road as identified in Appendix 1 and Appendix 5.</p> <p>Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.</p>	See TMP for this stage of the development
<i>Site Access</i>		
5	All vehicles associated with the development must enter and exit the site via the preferred site access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5	See TMP for this stage of the development
6	If the applicant cannot secure access via the preferred site access point detailed in condition 5 of Schedule 3 of this consent, all vehicles associated with the development must enter and exit the site via the alternative site access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5	See TMP for this stage of the development
7	The site access point off Barneys Reef Road may only be used for emergency purposes	See TMP for this stage of the development
<i>Road Upgrades</i>		
8	Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must upgrade:	



No.	Condition	Reference
8a	the selected access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5, in accordance with Council requirements	See TMP for this stage of the development
8b	Blue Springs Road from the Cope Road up to a minimum 100 m beyond the selected site access point, as identified in Appendix 5; and	See TMP for this stage of the development
8c	the intersection of Cope Road and Blue Springs Road with BAR and BAL treatments to be sealed, designed and constructed for 100 km/h speed environment, able to accommodate the largest vehicle using the intersection, match existing road levels and not interfere with existing road drainage, identified in Appendix 5	See TMP for this stage of the development
	Unless the relevant roads authority agrees otherwise, these upgrades must comply with the <i>Austrroads Guide to Road Design</i> (as amended by TfNSW supplements), and be carried out to the satisfaction of the relevant roads authority	
<i>Road Maintenance</i>		
9	The Applicant must:	
9a	undertake an independent dilapidation survey to assess the: <ul style="list-style-type: none"> <li>existing condition of Ulan Road, Cope Road and Blue Springs Road on the transport route, prior to construction, upgrading or decommissioning works; and</li> <li>condition of Ulan Road, Cope Road and Blue Springs Road on the transport route, following construction, upgrading or decommissioning works</li> </ul>	See TMP for this stage of the development
9b	repair Ulan Road, Cope Road and Blue Springs Road on the transport route if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works	See TMP for this stage of the development
	in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary	See TMP for this stage of the development
	If there is a dispute about the repair of Ulan Road, Cope Road and Blue Springs Road between the applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision on the matter must be final and binding on both parties	
<i>Operating Conditions</i>		
10	The Applicant must ensure that the:	
10a	the internal roads are constructed as all-weather roads	See TMP for this stage of the development

No.	Condition	Reference
10b	there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site	See TMP for this stage of the development
10c	the capacity of the existing roadside drainage network is not reduced	See TMP for this stage of the development
10d	all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and	See TMP for this stage of the development
10e	vehicles leaving the site are in a clean condition, with loads appropriately covered or contained, to minimise dirt being tracked onto the sealed public road network	See TMP for this stage of the development
<i>Traffic Management Plan</i>		
11	Prior to commencing road upgrades, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council and to the satisfaction of the Planning Secretary. This plan must include:	See TMP for this stage of the development
11a	details of the transport route to be used for all development-related traffic	See TMP for this stage of the development
11b	details of the road upgrade works required by condition 8 of Schedule 3 of this consent	See TMP for this stage of the development
11c	<p>details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <ul style="list-style-type: none"> <li>• details of the dilapidation surveys required by condition 7 of Schedule 3 of this consent</li> <li>• temporary traffic controls, including detours and signage)</li> <li>• notifying the local community about development-related traffic impacts</li> <li>• procedures for receiving and addressing complaints from the community about development-related traffic</li> <li>• minimising potential cumulative traffic impacts with other projects in the area, including during construction, upgrading or decommissioning works</li> <li>• minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network (measures also required during operation of the project)</li> <li>• minimising dirt tracked onto the public road network from development-related traffic</li> <li>• details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service</li> </ul>	See TMP for this stage of the development

No.	Condition	Reference
	<ul style="list-style-type: none"> <li>• encouraging car-pooling or ride sharing by employees</li> <li>• scheduling of haulage vehicle movements to minimise convoy length or platoons</li> <li>• responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding</li> <li>• monthly monitoring for, and responding to, any emergency repair and/or maintenance requirements; and</li> <li>• a traffic management system for managing over-dimensional vehicles</li> </ul>	
11d	a driver's code of conduct that addresses: <ul style="list-style-type: none"> <li>• travelling speeds</li> <li>• driver fatigue</li> <li>• procedures to ensure that drivers adhere to the designated transport routes and speed limits; and</li> <li>• procedures to ensure that drivers implement safe driving practices</li> </ul>	See TMP for this stage of the development
11e	a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan	See TMP for this stage of the development
	Following the Planning Secretary's approval, the Applicant must implement the Traffic Management Plan	
<b>Land Management</b>		
12	Applicant must maintain the agricultural land capability of the site, including	Not applicable to this stage of the development
12a	establishing the ground cover of the site within 3 months following completion of any construction or upgrading	
12b	properly maintaining the ground cover with appropriate perennial species and weed management; and	
12c	maintaining grazing within the development footprint, where practicable	
<b>Biodiversity</b>		
<i>Vegetation Clearance</i>		
13	The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS	See BMP for this stage of the development
<i>Biodiversity Offsets</i>		
14	In accordance with the timing in Table 1, the Applicant must retire biodiversity credits of a number and class specified in Table 2 and Table 3 as listed in the DC, unless the Planning Secretary agrees otherwise	

No.	Condition	Reference
	The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:	
14a	acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016	See BMP for this stage of the development
14b	making payments into an offset fund that has been developed by the NSW Government; or	See BMP for this stage of the development
14c	funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme	See BMP for this stage of the development
<i>Biodiversity Management Plan</i>		
15	Prior to commencing road upgrades, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:	See BMP for this stage of the development
15a	<p>include a description of the measures and timeframes that would be implemented for:</p> <ul style="list-style-type: none"> <li>● protecting vegetation and fauna habitat outside the approved disturbance areas;</li> <li>● managing the remnant vegetation and fauna habitat onsite;</li> <li>● minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;</li> <li>● minimising the impacts to fauna on site and implementing fauna management protocols;</li> <li>● avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;</li> <li>● rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;</li> <li>● maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</li> <li>● controlling weeds, feral pests and pathogens</li> </ul>	See BMP for this stage of the development
15b	include a program to monitor and report on the effectiveness of mitigation measures; and	See BMP for this stage of the development
15c	include details of who would be responsible for monitoring, reviewing and implementing the plan	See BMP for this stage of the development
15d	<p>a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> <li>● travelling speeds</li> <li>● driver fatigue</li> <li>● procedures to ensure that drivers adhere to the designated transport routes and speed limits; and</li> </ul>	See BMP for this stage of the development

No.	Condition	Reference
	<ul style="list-style-type: none"> <li>procedures to ensure that drivers implement safe driving practices</li> </ul>	
	Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan	
<b>Amenity</b>		
<i>Construction, Upgrading and Decommissioning Hours</i>		
16	Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:	EMS Section 3.5
16a	7 am to 6 pm Monday to Friday	
16b	8 am to 1 pm Saturdays; and	
16c	at no time on Sundays and NSW public holidays	
	<p>The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary:</p> <ul style="list-style-type: none"> <li>the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or</li> <li>emergency work to avoid the loss of life, property and/or material harm to the environment</li> </ul>	
<i>Noise</i>		
17	The Applicant must:	
17a	minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC 2009), or its latest version; and	EMS Section 3.6
17b	ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A) LAeq,15min to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA 2017) at any non-associated residence	EMS Section 3.6
<i>Dust</i>		
18	The Applicant must minimise the dust generated by the development	See TMP and SWMP for this stage of the development
<i>Visual</i>		
19	The Applicant must:	Not applicable to this stage of the development

No.	Condition	Reference
19a	minimise the off-site visual impacts of the development, including the potential for any glare or reflection	
19b	ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and	
19c	not mount any advertising signs or logos on site, except where this is required for identification or safety purposes	
<i>Lighting</i>		
20	The Applicant must:	Not applicable to this stage of the development
20a	minimise the off-site lighting impacts of the development; and	
20b	ensure that any external lighting associated with the development	
<i>Heritage</i>		
21	The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 6 or any Aboriginal heritage items located outside the approved development footprint	There are no Aboriginal heritage items identified in the vicinity of the section of Blue Springs and to be upgraded nor along the proposed main site access
22	Prior to carrying out any development that could directly or indirectly impact the heritage item identified in Table 2 of Appendix 6, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010), or its latest version	There are no Aboriginal heritage items identified in the vicinity of the section of Blue Springs and to be upgraded nor along the proposed main site access
<i>Heritage Management Plan</i>		
23	Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 6, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	There are no Aboriginal heritage items identified in the vicinity of the section of Blue Springs and to be upgraded nor along the proposed main site access Therefore, a heritage
23a	be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary	
23b	be prepared in consultation with Heritage NSW and Aboriginal Stakeholders	

No.	Condition	Reference
		management plan will not be developed for this phase of works.
23c	<p>include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> <li>• protecting the Aboriginal heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 6</li> <li>• salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 6</li> <li>• a contingency plan and reporting procedure if: <ul style="list-style-type: none"> <li>○ previously unidentified heritage items are found; or</li> <li>○ Aboriginal skeletal material is discovered;</li> </ul> </li> <li>• ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and</li> <li>• ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and</li> </ul>	Notwithstanding the above, an Unanticipated Finds Protocol has been developed for this stage of the development (see Appendix A)
23d	include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project	Not applicable to this phase of works
<b><i>Soil and Water</i></b>		
<i>Water Supply</i>		
24	<p>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development</p>	See SWMP for this stage of the development
<i>Water Pollution</i>		
25	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act	See SWMP for this stage of the development
<i>Operating Conditions</i>		
26	The Applicant must:	See SWMP for this stage of the development

No.	Condition	Reference
26a	minimise erosion and control sediment generation	See SWMP for this stage of the development
26b	ensure any solar panels and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) manual, or its latest version	See SWMP for this stage of the development
26c	ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site	See SWMP for this stage of the development
26d	ensure all works are undertaken in accordance with the following, unless DPIE Water agrees otherwise: <ul style="list-style-type: none"> <li>Guidelines for Controlled Activities on Waterfront Land (NRAR 2018), or its latest version; and</li> <li>Policy and Guidelines for Fish Habitat Conservation and Management (2013), or its latest version</li> </ul>	See SWMP for this stage of the development
<i>Soil and Water Management Plan</i>		
27	Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with DPIE Water. This plan must:	See SWMP for this stage of the development
27a	demonstrate how the project will meet conditions 25 and 26(a) to (d); and	See SWMP for this stage of the development
27b	include details of the soil erosion control measures including sediment basins	See SWMP for this stage of the development
	The Applicant must implement the Soil and Water Management Plan for construction upgrading, operation and/or decommissioning of the development	See SWMP for this stage of the development
<b>Hazards</b>		
<i>Fire Safety Study</i>		
28	Prior to commencing construction of the battery storage facility, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary.	Not applicable to this stage of the development
<i>Storage and Handling of Dangerous Goods</i>		
29	The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:	



No.	Condition	Reference
29a	the requirements of all relevant Australian Standards; and	EMS Section 6.5
29b	the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.	EMS Section 6.5
	In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency	
<b>Waste</b>		
32	The Applicant must:	
32a	minimise the waste generated by the development	EMS Section 6.4.1
32b	classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version)	EMS Section 6.4.2
32c	store and handle all waste on site in accordance with its classification	EMS Section 6.4.3
32d	not receive or dispose of any waste on site; and	EMS Section 6.4.4
32e	remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal	EMS Section 6.4.5
	In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency	
<b>Accommodation and Employment Strategy</b>		
33	Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Planning Secretary.	Not applicable to this stage of the development, as the main site access works are undertaken prior to completion of Blue Springs road upgrades will only require a small number of workers: the expected workforce for the road upgrades and main site access is approximately 50 people which is small proportion of the intended workforce for the

No.	Condition	Reference
		whole development discussed in the EIS
<b><i>Decommissioning and Rehabilitation</i></b>		
34	Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary.	Not applicable to this stage of the development
<b>Schedule 4 - Environmental Management</b>		
<i>Environmental Management Strategy</i>		
1	Prior to commencing the development, the Applicant must prepare an EMS for the development to the satisfaction of the Secretary. This strategy must	This EMS has not been prepared to fully comply with this condition – it only applies to the works to undertake Blue Springs Road upgrade and for construction of the site access. Another EMS will be prepared for further staged of the development
1a	provide the strategic framework for environmental management of the development	EMS Section 6
1b	identify the statutory approvals that apply to the development	EMS Section 2
1c	describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development	EMS Section 4.3
1d	describe the procedures that would be implemented to: <ul style="list-style-type: none"> <li>● keep the local community and relevant agencies informed about the operation and environmental performance of the development</li> <li>● receive, handle, respond to, and record complaints</li> <li>● resolve any disputes that may arise</li> <li>● respond to any non-compliance</li> <li>● respond to emergencies, and</li> </ul>	EMS Section 8 and EMS Section 9
1e	include: <ul style="list-style-type: none"> <li>● references to any plans approved under the conditions of this consent, and</li> <li>● a clear plan depicting all the monitoring to be carried out in relation to the development</li> </ul>	Plans referenced throughout EMS Monitoring in EMS Section 7.1

No.	Condition	Reference
	Following the Planning Secretary's approval, the Applicant must implement the Environmental Management Strategy	
<i>Revision of Strategies, Plans and Programs</i>		
2	The Applicant must prepare an EMS for the development to the satisfaction of the Secretary. This strategy must	
2a	update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site	EMS Section 5.2
2b	<p>review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:</p> <ul style="list-style-type: none"> <li>● submission of an incident report under condition 7 of Schedule 4</li> <li>● submission of an audit report under condition 9 of Schedule 4, or</li> <li>● any modification to the conditions of this consent</li> </ul>	EMS Section 5.2
<i>Updating and Staging of Strategies, Plans or Programs</i>		
3	<p>With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.</p> <p>To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p><i>Notes:</i></p> <p><i>While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.</i></p> <p><i>If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</i></p>	EMS Section 5.2
<i>Notification of Department</i>		
4	<p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.</p> <p>If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to</p>	EMS Section 5.2

No.	Condition	Reference
	commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage	
<i>Final Layout Plans</i>		
5	Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website	Detailed Design of Blue Springs Road will be provided to the Department prior to commencement of upgrades. Detailed Design of main site access will be provided to the Department prior to commencement of construction of this stage of the development
<i>Work as Executed Plans</i>		
6	Prior to commencing operations or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the approved final layout plans to the Department via the Major Projects website	EMS Section 4.4.3
<i>Incident Notification</i>		
7	The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7	EMS Section 7.2.2
<i>Non-Compliance Notification</i>		
8	The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance	EMS Section 7.2
9	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance	EMS Section 7.2.1

No.	Condition	Reference
10	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance	EMS Section 7.2.1
<b><i>Independent Environmental Audit</i></b>		
11	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency	EMS Section 7.5
11a	within 3 months of commencing construction; and	EMS Section 7.5
11b	within 3 months of commencement of operations	Not applicable to this phase of works
12	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit	EMS Section 7.5
13	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced	EMS Section 7.5
14	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must	
14a	review and respond to each Independent Audit Report prepared under condition 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 where notice is given by the Planning Secretary	EMS Section 7.5
14b	submit the response to the Planning Secretary; and	EMS Section 7.5
14c	make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary. unless otherwise agreed by the Planning Secretary	EMS Section 7.5
15	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary	EMS Section 7.5
16	Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance	EMS Section 7.5
<b><i>Access to information</i></b>		
17	The Applicant must:	
17a	make the following information publicly available on its website as relevant to the stage of the development:	EMS Section 8.4

No.	Condition	Reference
	<ul style="list-style-type: none"> <li>• the EIS</li> <li>• the final layout plans for the development</li> <li>• current statutory approvals for the development</li> <li>• approved strategies, plans or programs required under the conditions of this consent</li> <li>• the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged</li> <li>• how complaints about the development can be made</li> <li>• any independent environmental audit, and the Applicant's response to the recommendations in any audit, and</li> <li>• any other matter required by the Secretary, and</li> </ul>	
17b	keep this information up to date	EMS Section 8.4



# Appendix B

## Legislation and planning documents

## Appendix B: Key legislation, regulations and planning instruments

Statutory reference	Relevance to project
<b>Commonwealth legislation</b>	
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , a referral is required to be submitted to the Department of Agriculture, Water and the Environment (DAWE) for any 'action' that is considered likely to have a significant impact on any Matters of National Environmental Significance (MNES). However, the project EIS concluded that no significant impacts in MNES are likely to occur and a Referral under the EPBC Act was not required.
<i>Native Title Act 1993</i>	The <i>Native Title Act 1993</i> was enacted to formally recognise and protect native title rights in Australia. The study area is within a native title claim area (Tribunal file no. NC2018/002) which is awaiting determination.
<b>State legislation and regulations</b>	
<i>Environmental Planning and Assessment Act 1979</i> Environmental Planning and Assessment Regulation 2000	The <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> and EP&A Regulation provide the framework for environmental planning and assessment in NSW. The consent authority for the project as a State Significant Development (SSD) was determined under Part 4, Division 4.2 Section 4.5 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). Consent for an SSD is granted under Part 4, Division 4.7, Section 4.38 of the EP&A Act.
<i>Roads Act 1993</i>	Under Section 138 of the <i>Roads Act 1993</i> , consent from the relevant roads authority (council or Transport for NSW (TfNSW)) will be required for any road upgrade works.  Under Part 4, Division 4.7, Section 4.2 of the EP&A Act, consent for any required road upgrades cannot be refused if it is necessary for carrying out the SSD and is to be substantially consistent with the SSD consent.
<i>Biodiversity Conservation Act 2016</i> Biodiversity Conservation Regulation 2017	The biodiversity development assessment report (BDAR) for the project was prepared in accordance with the requirements of the <i>Biodiversity Conservation Act 2016</i> and the act provides the overarching legislation for biodiversity management. The Biodiversity Conservation Regulation 2017 outlines the framework for addressing impacts on biodiversity from development and clearing, as set out in the BDAR.
<i>Fisheries Management Act 1994</i>	The <i>Fisheries Management Act 1994</i> (FM Act) governs the management of fish and their habitat within NSW and is administered by the Department of Primary Industries (DPI). The FM Act aims to conserve 'key fish habitats' (KFH). The only KFH identified in the project EIS was at the location of the western cable crossing of Stubbo Creek.  A permit under sections 201, 205 or 219 of the FM Act is not required for SSD under the provisions of Section 4.41 of the EP&A Act.
<i>Biosecurity Act 2015</i>	The <i>Biosecurity Act 2015</i> provides a statutory framework for the management of biosecurity risks from diseases, pests (plant and



Statutory reference	Relevance to project
	<p>animal) and contaminants, such as potentially may be introduced and/or spread due to the project. The Act is of particular relevance to project construction when the risk posed by introduced diseases, pests and contaminants is at its highest and is relevant to activities such as sheep grazing during operation.</p>
<p><i>National Parks and Wildlife Act 1974</i></p>	<p>The <i>National Parks and Wildlife Act 1974</i> (NP&amp;W Act) governs the management of national parks, historic sites, nature reserves, reserves, Aboriginal areas and state game reserves in NSW. The Aboriginal Cultural Heritage Assessment Report for the project was undertaken under the Act.</p> <p>Part 8A of the NP&amp;W Act provides for the protection of threatened flora and fauna and states that a person must not harm any animal that is, or is part of, a threatened species, an endangered population or an endangered ecological community (EEC).</p>
<p><i>Heritage Act 1977</i></p>	<p>The <i>Heritage Act 1977</i> aims to protect and conserve the natural and cultural history of NSW, including scheduled heritage items, sites and relics. The unexpected finds protocol developed for the project is pursuant to the Act.</p>
<p><i>Water Management Act 2000</i></p>	<p>The <i>Water Management Act 2000</i> (WM Act) regulates the use and interference of surface and groundwater in NSW where a water sharing plan has been implemented.</p> <p>Under section 4.41 of the EP&amp;A Act, authorisations under the WM Act are not required for an SSD in relation to a water use approval under Section 89, a water management work approval under Section 90 or an activity approval (other than an aquifer interference approval) under Section 91 of the WM Act. As the project is not expected to require an aquifer interference approval, no approvals under the <i>WM Act</i> are expected to be required.</p>
<p><i>Crown Lands Management Act 2016</i></p>	<p>Crown Land is not present within the project disturbance area and no Crown Land permits will be required for the project.</p>
<p><i>Protection of the Environment Operations Act 1997</i></p>	<p>Under section 48 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act), premises-based scheduled activities, as defined in Schedule 1, require an Environmental Protection Licence (EPL). Under Clause 17 of Schedule 1, a solar project is not a scheduled activity under the POEO Act and an EPL is not required.</p> <p>However, the POEO Act is referenced in the consent conditions in relation to water pollution, provides useful definitions (e.g. of environmental harm) and is relevant to waste management.</p>
<p><i>Rural Fires Act 1997</i></p>	<p>The <i>Rural Fires Act 1997</i> (RF Act) aims to prevent, mitigate, and suppress bush and other fires. Section 63(2) of the RF Act requires the owners of land to prevent the ignition and spread of bushfires on their land. As the project is an SSD, a bush fire safety authority under section 100B of the <i>Rural Fires Act</i> is not required.</p> <p>No part of the development footprint is mapped as bushfire prone using the NSW Rural Fire Service search function <a href="https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-">https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-</a></p>

Statutory reference	Relevance to project
	<a href="#">fire-area/planning-for-bush-fire-protection/bush-fire-prone-land/check-bfpl</a> .
<i>Local Land Services Act 2013</i>	<p>Local Land Services is a project stakeholder in relation to biosecurity and the management of weeds. However, the Local Land Services Act 2013 is not directly relevant to the development approval.</p> <p>The Act provides framework for the management of local land services including approval to remove native vegetation in a regulated rural area. However, clearing of native vegetation in a regulated rural area is authorised under Part 4 of the EP&amp;A Act and not required for the project under the LLS Act.</p>
<i>Mining Act 1992</i>	<p>The main objective of the <i>Mining Act 1992</i> is to encourage and facilitate the discovery and development of mineral resources in NSW, having regard to the need to encourage ecologically sustainable development.</p> <p>The development footprint is the subject of a Mining Lease (ML 1466), an Authorisation (AUTH 0286) for coal and oil shale exploration and a Petroleum Exploration Licence (PEL 0456). However, no activities authorised by the mining lease or the exploration licenses have been carried out within the development footprint and no conflicts with project activities are anticipated.</p>
<b>Environmental planning instruments</b>	
State Environmental Planning Policy (State and Regional Development) 2011	SEPP S&RD identifies development and infrastructure that is regionally and state significant, including determining whether a project is classified as an SSD. This instrument is primarily of relevance during the approvals phase of a project.
State Environmental Planning Policy (Infrastructure) 2007	The SEPP (Infrastructure) 2007 allows for the development of solar farm projects with consent even on land prescribed for primary production. This instrument is primarily of relevance during the approvals phase of a project.
State Environment Planning Policy No. 33 (Hazardous and Offensive Development)	<p>State Environmental Planning Policy No 33 – Hazardous and Offensive Development requires that a preliminary hazard assessment (PHA) be prepared for potentially hazardous or offensive development.</p> <p>The PHA prepared for the project concluded that the highest risk level associated with the project is medium and as such can be managed with the measures inherent to the project.</p>
State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)	<p>The State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) provides a State-wide planning approach to the remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human and environmental health.</p> <p>The project EIS found that no reported contaminated sites are associated with the development footprint. Any contamination discovered during construction would be subject to assessment under SEPP 55.</p>

Statutory reference	Relevance to project
State Environmental Planning Policy (Primary Production and Rural Development) 2019	<p>The State Environmental Planning Policy (Primary Production and Rural Development) 2019 (SEPP PP&amp;RD) aims to facilitate the orderly and economic use and development of rural lands for primary production related purposes and reduce land use conflict and sterilisation of rural lands.</p> <p>SEPP PP&amp;RD is relevant to the project as the development footprint is zoned as RU1 Primary Production. The development footprint is classified class 5 under the land and soil capability assessment scheme, which means it has severe limitations for high impact land management uses such as cropping and is not considered high value agricultural land.</p>
State Environmental Planning Policy – Koala Habitat Protection 2020 and 2021	<p>The State Environmental Planning Policy (Koala Habitat Protection) 2019 (SEPP Koala Habitat) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.</p> <p>State Environmental Planning Policy (SEPP) 2021 was released on 17 March 2021. As an interim measure, it is designed to operate alongside SEPP 2020. However, SEPP 2020 continues to apply to land zoned RU1, RU2, and RU3.</p> <p>SEPP Koala Habitat only applies to developments where Council is the determining authority.</p>
Mid-Western Regional Local Environmental Plan (LEP) 2012	<p>The project is located entirely within the Mid-Western Regional Council LGA and is subject to the <i>Mid-Western Regional Local Environmental Plan 2012</i> (LEP). The study area is zoned as 'Primary Production (RU1)' under the LEP.</p>
<b>Development control plans</b>	
Mid-Western Regional Development Control Plan 2013	<p>The Mid-Western Regional Development Control Plan 2013 (the DCP) complements the Mid-Western Regional LEP and provides detailed requirements to guide development in the Mid-Western Regional Council LGA. Section 6.5 of the DCP applies specially to solar farms.</p>



# Appendix C

## ACEN's Environmental Policy and Company Values Statement

# Our vision

We believe in a more sustainable, inclusive and resilient world where we all have access to affordable renewable energy.



## PEOPLE \ In this together

We care about what we do, how we do it, and we genuinely care about each other.

### We care about safety, health and wellbeing.

- We ensure safe systems of work and take the time to listen, hear and understand each other.
- We keep it safe to speak up, to disagree or to offer an alternative perspective.
- We respect sustainable workloads and actively support work-life flexibility.

### We work collaboratively, inclusively and respectfully.

- We know that diversity with inclusion brings richness, innovation, opportunity and strength to our work.
- We have each other's back, work with integrity, keep our promises, and are on time, open and honest.
- We thrive on challenges, are accountable, creative, practical and outcomes focused. We like to keep it real, relaxed, personal and have some fun.

### We value growth and learning.

- We invest in each other's contribution, seek to bring out the best in each other and value positive behaviours.
- We recognise, appreciate and celebrate what we achieve

*We love working to each other's strengths and bringing our collective expertise to bear on the problems we face. We are all in this together and that makes the difference, individually and together.*



## COMMUNITY \ Long term partners

We want to make a collaborative, enduring and positive contribution in communities where we work.

### We act with integrity.

- We aim to be a valued community member and a trustworthy renewable energy partner for the long term.

### Landholders and community hosts are at the heart of what we do.

- We engage often, openly and genuinely to work together to create shared value.

### We respect our shared heritage, cultures and future.

- We understand and value the diversity of Aboriginal and Torres Strait Islander and non-indigenous cultures, rights, experiences and heritage as an integral part of our shared Australian identity.

*We believe in what is possible and are excited to be a part of the future we are building together.*



## ENVIRONMENT \ Proactive stewards

We are all stewards of the future and have a responsibility now to minimise our overall impact on the natural environment in everything we do.

### We care about our environment.

- We comply with environmental standards and wherever possible exceed them.
- We undertake thorough and objective environmental research, and share our knowledge for preservation and education purposes.

### We want to provide a net benefit to the environment through our projects.

- We work proactively to preserve existing environmental qualities, whilst taking into account the whole of life environmental contributions our projects provide.

### We are here for the long term.

- We are committed to sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

*We love our planet and are passionate, patient and persistent because we know that together, we can make a significant contribution towards a healthy 100% renewables future. That is big to us, exciting, and worth it.*



## INDUSTRY EXCELLENCE \ A force for positive change

We are pushing the boundaries of traditional industry thinking and pioneering modern projects for modern energy needs. We want to make a positive and enduring impact.

### We are solution focused.

- We innovate, take initiative and apply critical thinking to solve problems and resolve situations we may never have faced before. We value and respect our varied expertise to work together to solve problems.

### We value quality and diligence in everything we do.

- We like to get things done and are strongly outcomes focused. We remember the why in the what we are doing.

### We have an open and collaborative mindset.

Where others say no, we say help us understand what is needed. We proactively look for ways to collaboratively change the status quo.

*We want to be an authentic force for positive change in the industry. We are here to make a difference.*

Our values

# Our mission

To meaningfully reduce emissions and accelerate Australia's transition to a renewable energy future.

To be a valued leading provider of renewable energy solutions to the market and our customers.

To develop, build and operate environmentally responsible and sustainable energy projects in Australia.

Our values

# UPC/AC RENEWABLES AUSTRALIA

## ENVIRONMENTAL POLICY

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UPC/AC Renewables Australia (UPC/AC) is committed to undertaking our business activities in an environmentally sensitive and forward thinking manner. To achieve this, we will:

- Comply with environmental laws and regulations in all work locations as an absolute minimum,
- Understand and manage potential environmental risks at all work locations,
- Contribute to the overall health and resiliency of ecosystems in all work locations,
- Participate in integrated approaches to land use planning,
- Identify and implement opportunities for efficient energy and water usage,
- Identify and implement opportunities for waste avoidance and minimisation,
- Report annually to all stakeholders on our environmental activities.



Anton Rohner  
Chief Executive Officer  
April 2019



David Pollington  
Chief Operations Officer  
April 2019



# Appendix D

## Unanticipated Finds Protocol

# Unanticipated Finds Protocol

Stubbo Solar project – Blue Springs Road upgrades and main site access construction

3 June 2022

## 1 Introduction

UPC Renewables Pty Ltd, now operating as ACEN Australia (ACEN, formerly known as UPC\AC Renewables Australia) (UPC\AC) is developing the Stubbo Solar Farm and Battery project (Stubbo Solar), a grid-connected photovoltaic solar farm of up to 400 megawatts (MW) alternating current (AC) and a Battery Energy Storage System (BESS) of up to 200MW for 1 hour, in the New South Wales (NSW) Central West Orana region. The project is located approximately 90 kilometres (km) east of Dubbo, in the Mid-Western Regional Council (MWRC) Local Government Area (LGA).

ACEN is required under the development consent (DC) to upgrade of Blue Springs Road from its intersection with Cope Road to its intersection with the main site access. Simultaneously ACEN is also proposing to undertake construction of the main site access prior to commencement of construction of the Stubbo Solar project.

The commitments made by ACEN regarding cultural heritage as listed in Table 20-1 of the EIS and in Table 7-2 of the Amendment Report include commitment AH1, AH4 and HH4:

*“AH1 The proponent will develop the ACHMP which is to be agreed to by the RAPs and DPIE. The ACHMP will also include an unanticipated finds protocol, unanticipated skeletal remains protocol and long-term management of any artefacts. Prior to construction”.*

*“AH4 The addendum survey area would be included in the Aboriginal cultural heritage management plan (ACHMP), which will detail the processes for managing unanticipated Aboriginal heritage items or potential human remains encountered during the life of the project. Prior to construction”.*

*“HH4 The addendum survey area will be included in the Unanticipated Finds Protocol for Historic Heritage which will detail the processes for managing unanticipated historic heritage items during the life of the project. Prior to construction”.*



For the current stage of construction of the proposed Blue Springs Road upgrade and main site access road no identified Aboriginal heritage items are known to be present in the vicinity of the works. As such, the Heritage Conditions 21-23 of the development consent (DC) relating to protection and salvage of identified heritage items, and development of a Heritage Management Plan related to the identified heritage are not applicable to the current construction stage. However, Heritage Condition 23 states that a contingency plan and reporting procedure must be prepared to be implemented if:

- previously unidentified heritage items are found; or
- Aboriginal skeletal material is discovered.

Prior to the commencement of further stages of construction that could impact directly or indirectly on the heritage items identified in Appendix 6 of the DC a Heritage Management Plan will be prepared.

## 2 Unanticipated Finds Protocol

### 2.1 Scope

This Unanticipated Finds Protocol applies to all activities undertaken during the main site access road upgrade and main site access construction for the Stubbo Solar by personnel, contractors or visitors, that could result in uncovering unanticipated finds. The protocol sets out the required process regarding the discovery of unanticipated finds during construction activities. The protocol details the training requirements, steps to be followed in the event a chance find occurs, reporting and recording requirements, and chain of command.

### 2.2 Training requirements

All individuals (personnel, contractors and visitors) accessing the site have the potential to uncover an unanticipated find and, as such, must understand the unanticipated finds protocol prior to gaining access. In order to enact the protocol individuals must also be trained in identifying potential Aboriginal cultural heritage items.

### 2.3 Discovery of new Aboriginal sites

Any artefact that is the result of past Aboriginal activity is classified as an Aboriginal cultural heritage item (site, object or place). Such artefacts include stone artefacts, plant artefacts (such as culturally scarred trees) and animal artefacts showing signs of modification. New artefacts are artefacts that have not previously been described and listed within Appendix 6 of The Development Consent (DC) - Application Number: SSD-10452. These artefacts are

protected under the *Aboriginal Heritage Act 1975* (the Act) and *Heritage Act 1977* (NSW) and as such the following Unanticipated (Chance) Finds protocol must be followed to minimise impacts on them.

#### Potential types of unanticipated find

In the vicinity of the proposed Blue Springs Road upgrade and the main site access construction area, no Aboriginal items have been identified. However previous Aboriginal site features were identified within the development site, largely associated with the Stubbo Creek which traverses the site and its tributaries, during pre-construction assessment in August 2020 (Stubbo SF EIS (2020) Section 7). These Aboriginal site features included isolated artefacts, artefact scatters with PADs (potential archaeological deposits) and a scarred tree. Many of the finds were stone artefacts predominantly quartz (80%) and chert (7%).

It is possible human bone remains may be discovered during construction. Such a discovery has its own protocol (Unanticipated Human Remains Protocol, see Section 3).

#### Procedure to follow in the event of discovery of unanticipated find

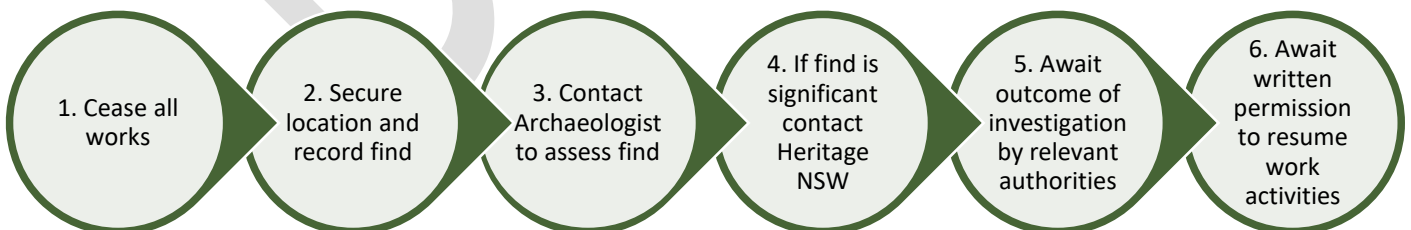
In the event a new Aboriginal cultural heritage item is identified within the project boundary during construction activities the following steps should be taken (see Figure 1 for overview):

- **Cease all works immediately** – with the exception of vital Occupational health and safety necessities all works within the vicinity of the possible Aboriginal site should cease.
- **Contact supervisor** – the individual who finds the artefact should report the find to the supervisor responsible for the activity who in turn is responsible for contacting the Environmental Manager or Project Manager.
- **Secure location** – the find should not be moved and the area surrounding the object (within at least a 10 m radius of the location) should be secured to establish a protection zone and avoid further disturbance. The protection zone should be secured by erecting temporary fencing and adequate signage until further notice.
- **Record finding** – the Project Manager / Environmental Manager will record the find (including description of item, photos of item and location).
- **Inform personnel** – the Project Manager/ Environmental Manager will inform all onsite personnel of the chance find and work area restrictions, and enforce the protection zone required to protect the find.
- **Contact an archaeologist** – within 24 hours of the artefact being found, the project archaeologist or a suitably qualified archaeologist must be contacted to determine the validity, nature, extent and significance of the find:

- If determined not to be an Aboriginal artefact works may resume upon receipt of a written confirmation from the project Archaeologist and approval of the Project Manager/ Environmental Manager.
- If determined to be culturally significant the find should be recorded and reported as soon as possible to Heritage NSW on (02) 9873 8500 (heritagemailbox@environment.nsw.gov.au).
- **Follow Archaeologist’s advice** – if the Archaeologist confirms the Chance Find is an Aboriginal cultural heritage item, he/she will inform the Project Manager/Environmental Manager and provide advice on how to proceed.
- **Follow Instruction from Heritage NSW** – further action such as heritage assessment, historical research, archaeological excavation and/or archival recording may be required before continuing work in the area, in accordance with any advice received from Heritage NSW. Aboriginal stakeholders (e.g. registered Aboriginal parties (RAPs) are to be involved in further assessments.
- **Await written permission to resume** – if the Chance Find is an Aboriginal cultural heritage item, works may only recommence once a Plan of Management has been enacted and written permission has been obtained from authorities.

A Plan of Management is required for new Aboriginal cultural heritage items. The plan should be developed in consultation with the archaeologist and include:

- procedures for any further assessment of the item
- required cultural heritage management measures, such as archaeological excavation and/or archival recording
- any additional or ongoing modification of construction or operational activities
- outline of required consultation with RAPs and Heritage NSW.



*Figure 1 Overview steps of Unanticipated Finds Protocol*

## 2.4 Discovery of new Historic Heritage sites

As part of their Aboriginal Cultural Heritage and Historic Heritage Assessment Report for the Stubbo Solar EIS project OzArk Environment and Heritage produced a protocol for the discovery of new historic heritage items (OzArk 2020). This protocol is reproduced below.

### Potential types of unanticipated find

A historic artefact is anything which is the result of past activity not related to the Aboriginal occupation of the area. Historic artefacts may include pottery, wood, glass and metal objects as well as the built remains of structures, sometimes heavily ruined.

Heritage significance of historic items is assessed by suitably-qualified specialists who place the item or site in context and determine its role in aiding the community's understanding of the local area, or their wider role in being an exemplar of state or even national historic themes.

### Procedure to follow in the event of discovery of unanticipated find

In the event a new historic heritage item is identified during construction activities the following steps should be taken:

- **Cease all works immediately** – All ground surface disturbance in the area of the finds should cease immediately, then:
  - a) the discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted
  - b) the site supervisor will be informed of the find(s).
- **Contact NSW Police** – If finds are suspected to be human skeletal remains, then NSW Police must be contacted as a matter of priority.
- **Contact an archaeologist** – If there is substantial doubt regarding the historic significance for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be significant. If a quick opinion cannot be gained, or the identification is that the item is likely to be significant, then proceed to the next step.
- **Notify Heritage NSW** – Notify Heritage NSW as soon as practical on 131 555 providing any details of the historic find and its location.
- **If the find is insignificant in the view of the heritage specialist** – if, in the view of the heritage specialist or Heritage NSW, the finds appear not to be significant, work may recommence without further investigation. Keep a copy of all correspondence for future reference.

- **If the find is significant in the view of the heritage specialist** – if, in the view of the heritage specialist or Heritage NSW, finds appear to be significant, facilitate the recording and assessment of the finds by a suitably qualified heritage specialist. Such a study should include the development of appropriate management strategies.
- **a significant find has been made** – If the find(s) are determined to be significant historic items (i.e. of local or state significance), any re-commencement of ground surface disturbance may only resume following compliance with any legal requirements and gaining written approval from Heritage NSW.

### 3 Discovery of Aboriginal ancestral remains (Unanticipated Human Remains Protocol)

In the case of suspected human remains are uncovered within the project boundary during proposed construction activities the following steps should be taken:

- **Cease all works immediately** – with the exception of vital Occupational health and safety necessities all works within the vicinity of the possible remains should cease
  - **Contact supervisor** – the individual who finds the artefact should report the find to the supervisor responsible for the activity who in turn is responsible for contacting the Environmental Manager or nominated Senior staff member.
  - **Notify authorities** – notify the NSW Police, and notify DPE using the EPA’s Environment Line on **131555**, as soon as possible providing details of the remains and their location.
  - **Secure location** – the remains should not be moved and the surrounding area should be secured determining a protection zone in consultation with NSW Police, DPE - Environment and Heritage and Archaeologist if required.
  - **Inform personnel** – the Project Manager/ Environmental Manager will inform all onsite personnel of chance find if access to work area is restricted and enforce protection zone required to protect the find.
  - **Await confirmation from NSW Police and OEH** before recommencement of works. If remains are confirmed to be non-human works may resume. If remains are determined to be human then a plan of management will be established in consultation with NSW Police, OEH and the Aboriginal stakeholders.
  - **Execute Plan of management**, works may only recommence once plan has been enacted and all relevant parties have approved continuation of works.



# Appendix E

## Community Enquiries and Complaints Register example

