

# PRE-OPERATION COMPLIANCE REPORT

## Darlington Point Solar Farm

### Amendment Record

VERSION	DATE	DESCRIPTION	APPROVED BY
1	31/03/2022	Pre-Operation Compliance Report for the Darlington Point Solar Farm	Chris Stewart (Signal Energy)



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## 1. KEY ACRONYMS AND ABBREVIATIONS

ABBREVIATION	DESCRIPTION
AC	Alternating Current
BCS	Biodiversity, Conservation and Science Directorate within the Department of Planning, Industry and Environment
BESS	Battery Energy Storage System
CR	Compliance Report
COA	Conditions of Approval
DPE	NSW Department of Planning and Environment
DPSF	Darlington Point Solar Farm
EPC	Engineering, Procurement and Construction
PAR 2018	<i>Compliance Reporting: Post Approval Requirements (DPE)</i>
PAR 2020	<i>Compliance Reporting: Post Approval Requirements (DPIE)</i>
POCR	Pre-Operation Compliance Report
PV	Photovoltaic
DC	Direct Current
DP	Deposited Plan
TfNSW	Transport for NSW

## 2. INTRODUCTION

This Pre-Operation Compliance Report (POCR) has been prepared on behalf of Signal Energy Australia Pty Ltd (SEA) for the Applicant (Darlington Point Solar Farm Pty Ltd) to meet compliance criteria as established under Schedule 4, Condition 6 of the Darlington Point Solar (SSD 8392) Conditions of Approval (COA).

This POCR is the final Compliance Report (CR) prior to operation of the Darlington Point Solar Farm (DPSF), outlining compliance with SSD 8392 COA. SEA will endeavour to address ongoing compliance during operation of the DPSF however, as the Engineering, Procurement and Construction (EPC) contractor for the DPSF, SEA does not have any influence on ongoing works undertaken at the DPSF post construction. As such, SEA do not accept an ongoing liability for DPSF operational compliance. Canadian Solar Operations and Maintenance (CSOM) will be the operator of the DPSF, while Edify Energy Pty Ltd (Edify Energy) are the Applicant for SSD 8392.

Modification 1 of SSD 8392 (SSD-8392-MOD-1), relating to the increasing the Battery Energy Storage System (BESS) capacity from 50 MW / 100 MW-hours to 200 MW / 400 MW-hours, was approved on 22 October 2021. As such, the NSW Department of Planning, Industry and Environment (DPIE), now Department of Planning and Environment (DPE), provided a consolidated consent for SSD 8392 and SSD-8392-MOD-1, which will be referred to under this POCR where relevant. Signal Energy are not involved in the construction of the BESS, while construction and operation of the BESS is excluded from this POCR as discussed below.

Schedule 4, Condition 6 of SSD-8392-MOD-1 COA states the following:

*“The applicant must provide regular compliance reporting to the Department on the development, excluding the battery storage facility, in accordance with the relevant Compliance Reporting Requirements (DPE, 2018)”.*

The document *Compliance Reporting: Post Approval Requirements (PAR)* was prepared by the DPE in 2018 as part of the Environmental Impact Assessment Improvement Project, with the aim to “achieve a consistent, transparent and documented approach to undertaking post approval activities and monitoring and reporting compliance in NSW” (NSW DPE, 2019).



The 2018 DPE *Compliance Reporting: Post Approval Requirements* was superseded in May 2020 by DPIE (PAR 2020), however, as stated under Schedule 4, Condition 6 of SSD-8392-MOD-1, the DPSF remains obligated to provide compliance reporting in accordance with PAR 2018.

This is the second CR to include provisions under SSD-8392-MOD-1, with the first assessment under SSD-8392-MOD-1 occurring under Construction Compliance Report Five (CCR5), issued in November 2021.

## **2.1 Project Background**

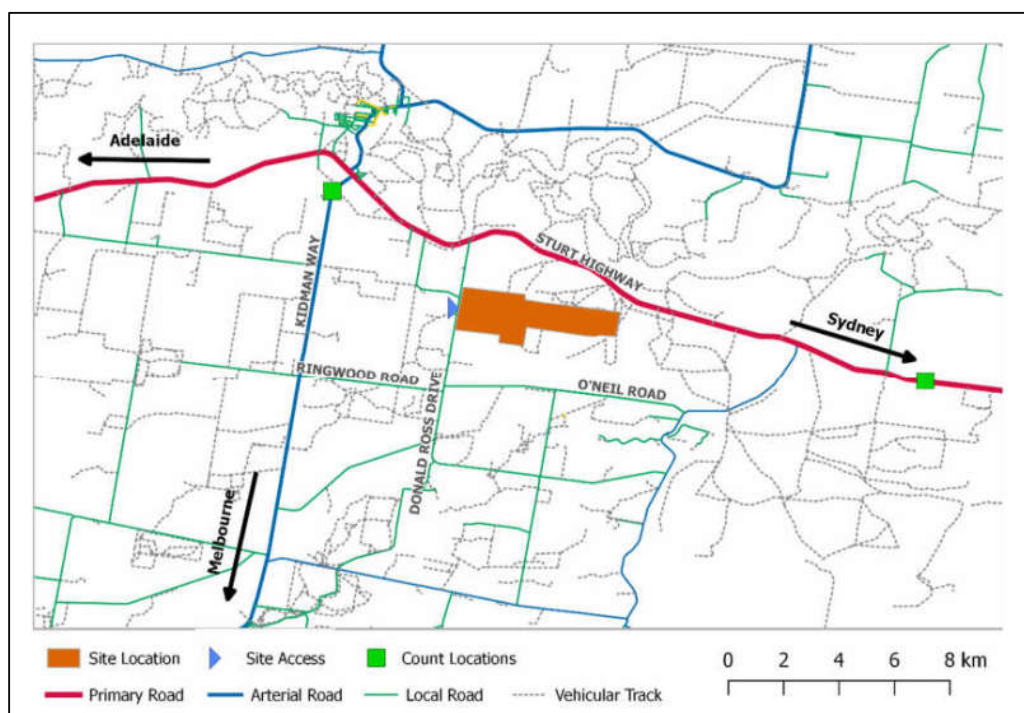
The DPSF, a State Significant Development (SSD) approved on 7 December 2018, covers an approximate area of 710 ha and includes construction and operation of a 275 MW solar farm, comprising of following:

Photovoltaic (PV) solar panels

- Steel mounting frames with piled foundations
- A single-axis tracking system
- Direct current (DC) / alternating current (AC) inverter stations
- Medium voltage (33kV) electrical reticulation network
- A 33/132kV switchyard, including an internal 33kV switch-room
- Internal access tracks for operational maintenance and housekeeping, to be largely located in bushfire set-back zones
- Security perimeter fencing
- Staff car park and small amenities building
- Battery energy storage system facility.

The DPSF is located at Lots 1, 2, and 4 Deposited Plan (DP) 1249830, Donald Ross Drive (3.5 km south of the Sturt Highway / Donald Ross Drive intersection), Darlington Point NSW 2706.

**Figure 1** illustrates the location of the DPSF.



**Figure 1: Site Location**

The names and contact details of key site personnel are detailed in **Table 1**.

**Table 1: Contact details of key site personnel**

NAME	POSITION	PHONE	EMAIL
Chris Eccles	Signal Energy Project Manager	0488 262 129	<a href="mailto:chris.eccles@signalenergy.com">chris.eccles@signalenergy.com</a>
Chris Stewart	Signal Energy SHEQ Manager	0448 611 785	<a href="mailto:chris.stewart@signalenergy.com">chris.stewart@signalenergy.com</a>
Bevan Cassells	DPSF Construction Manager	0448 338 807	<a href="mailto:Bevan.cassells@signalenergy.com">Bevan.cassells@signalenergy.com</a>

The project footprint of the DPSF is shown in **Figure 2**.



### 3. COMPLIANCE SUMMARY

An assessment of actions required for the solar farm prior to operation under the SSD-8392-MOD-1 COA was undertaken in accordance with Section 2 of PAR 2018. The results of this assessment are detailed in **Table 2** below. Updates provided by DPE in SSD-8392-MOD-1 are provided in red for reference. As previously stated, SEA are not involved in the construction of the BESS, which is not subject to this PO CR (nor due to become operational). As such, conditions relating specifically to the BESS are not included in this PO CR, nor is monitoring methodology or compliance tracking undertaken by SEA relevant to the construction and / or operation of the BESS.

Unless stated otherwise, monitoring methodology and / or sources of evidence for compliance stated in **Table 2** relate to SEA monitoring and data recording only. SEA have included COSM / Edify Energy operational information where possible, however it is understood that specific systems and management methodology may differ to that undertaken during construction of the DPSF.

Details of any non-compliances (where applicable) are recorded in **Section 3.1**.

**Table 2: Compliance Summary**

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
2	1	2_A1	Minimise Harm	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.	At all times	Compliant	Environmental Management Strategy (EMS). Construction Environmental Management Plan (CEMP – construction only). Biodiversity Management Plan (BMP) Traffic Management Plan (TMP) Accommodation and Employment Strategy (AES). Chance Find Protocol (CFP).	Monitoring of environmental conditions undertaken as outlined under relevant management plans.	All management plans stored on the online Lucidity Management System. Applicable monitoring reports are stored on the Lucidity Management System. SEA understand COSM either have prepared, or currently preparing updated Management Plans.
2	2	2_B1	Terms of Consent	The Applicant must carry out the development: (a) generally in accordance with the EIS; and	At all times	Compliant	EMS, CEMP, BMP, TMP, AES and CFP.	Development of CEMP outlining commitments listed under the EIS. The CEMP is utilised during management of DPSF.	All management plans stored on the online Lucidity Management System. SEA understand COSM either have prepared, or currently preparing updated Management Plans. COSM / Edify Energy to be responsible for compliance during operation.
2	2	2_B2	Terms of Consent	The Applicant must carry out the development: (b) in accordance with the conditions of this consent.	At all times	Compliant	EMS, CEMP, BMP, TMP, AES and CFP. Independent Environmental Audit.	Development of this table outlining commitments listed under the Conditions of Consent. This register is utilised by the site Environmental Representative during management of DPSF. Independent Compliance Audit undertaken in September 2019. Bi-annual compliance reporting submitted to	Compliance register. Compliance Audits. Compliance Reporting – required at intervals no longer than 52 weeks during operation.



SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
								DPIE / DPE during construction. Regular monitoring undertaken in accordance with approved Management Plans.	
2	3	2_C1	Terms of Consent	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.	At all times	Not Triggered	All management plans.	Version control on all documents maintained in Lucidity Software.	Lucidity Software / Procore
2	4	2_D1	Terms of Consent	The Applicant must 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;	At all times	Compliant	EMS, CEMP, BMP, TMP, AES and CFP. Emergency Plan.	Plans to be updated as required.	All plans required under project conditions of consent endorsed by relevant authority for construction of the DPSF. Operational / BESS Management Plans separate to SEA works.
2	4	2_D2	Terms of Consent	The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of: (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and	At all times	Compliant	EMS, CEMP, BMP, TMP, AES and CFP.	6 month independent audit completed by Echo Consultants. Signal Energy undertaken works to correct non-compliances identified under the independent audit.	Audit results. Signal Energy response letter.
2	4	2_D3	Terms of Consent	The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of: (c) the implementation of any actions or measures contained in these documents.	At all times	Compliant	Section 10.8 of Environmental Management Strategy (EMS). Biodiversity Management Plan (BMP).	Signal Energy undertaken works to correct non-compliances identified under the independent audit.	Signal Energy response letter. Emails / letters to be prepared following action specified by Secretary to demonstrate completion.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
2	5	2_E1	Staging	The Applicant may construct, operate and decommission the development in stages. Where staging of the development is proposed, the conditions of this consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).	At all times	Compliant	Has been constructed in two (informal) stages with all management plans applicable throughout the duration of construction.	NA	NA
2	8	2_H1	Work as executed plans	Prior to the commencement of operations or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to the Department.	At all times	Compliant	Work as executed plans	NA	Overall layout plan (works as executed plans) and accompanying letter (dated 9 February 2022) prepared by SEA, understood to have been uploaded to planning portal.
2	9	2_I1	Notification of Department	Prior to the commencement of the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing 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 must notify the Department in writing prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage.	At all times	Compliant	Notification sent to DPE on 20 March 2019, prior to construction	NA	Letter sent to DPE 20 March 2019 for commencement of construction.  Email to be sent to DPE for formal commencement of operations.
2	10	2_J1	Structural adequacy	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.  <i>Notes:</i> · Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. · Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.	At all times	Compliant	Construction to occur as per approved plans.	All construction to be approved by Principal Certifying Authority (PCA), Murrumbidgee Council.	PCA Sign Off
2	11	2_K1	Demolition	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.	At all times	Not Triggered	NA	NA	NA

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
2	12	2_L1	Protection of Public Infrastructure	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</p> <p>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.</p>	At all times	Not Triggered	Dilapidation Report (post construction).	Dilapidation report prepared for local roads following construction – no repair required.	Dilapidation Report.
2	12	2_L2	Protection of Public Infrastructure	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p>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.</p>	At all times	Not Triggered	Dilapidation Report (post construction).	Dilapidation report prepared for local roads following construction – no repair required.	Dilapidation Report.
2	13	2_M1	Operation of Plant and Equipment	<p>The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:</p> <p>(a) maintained in a proper and efficient condition; and</p>	At all times	Compliant	Induction Vehicle Inspection Traffic Management Plan	Plant and Vehicle Checklist. Pre-start checks. Work activity assessments.	Results of checks documented and recorded in online form on Lucidity.
2	13	2_M2	Operation of Plant and Equipment	<p>The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:</p> <p>(b) operated in a proper and efficient manner.</p>	At all times	Compliant	Drivers code of conduct CSOM – Traffic Management Plan.	Site internal audits. Visual inspections.	Site internal audits. Details of plant / equipment recorded in online form on Lucidity.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	1	3_A1	Over-Dimensional and Heavy Vehicle Restrictions	<p>The Applicant must ensure that the:</p> <ul style="list-style-type: none"> <li>(a) development does not generate more than: <ul style="list-style-type: none"> <li>o 80 heavy vehicle movements a day during construction, upgrading or decommissioning;</li> <li>o 15 over-dimensional vehicle movements during construction, upgrading or decommissioning; and</li> <li>o 10 heavy vehicle movements a day during operations; on the public road network; and</li> </ul> </li> </ul> <p><b>Consent given on 28/6/19 for an increase of heavy vehicle movements to 110 vehicle movements for a period of 8 weeks.</b></p>	At all times	Compliant	<p>Section 9.1 of Traffic Management Plan.</p> <p>CSOM – Traffic Management Plan.</p>	<p><b>Previous:</b> Traffic personnel at site entrance monitor vehicle movements.</p> <p><b>End of construction:</b> Deliveries and site personnel report to Signal Energy / Canadian Solar for sign on and off to site, unless using email system stated below. Current vehicle numbers far below restrictions with heavy vehicle access limited to isolated occurrences. Subconsultants email daily sign-on sheet to Signal Energy for upload to Procore Management System.</p> <p><b>Operation:</b> heavy vehicle numbers controlled by site personnel.</p>	<p>Online log of vehicle movements maintained.</p> <p>Consent given on 28/6/19 for temporary increase in allowable heavy vehicle movements to 110 vehicle movements for an 8-week period.</p>
3	1	3_A2	Over-Dimensional and Heavy Vehicle Restrictions	<p>The Applicant must ensure that the:</p> <ul style="list-style-type: none"> <li>(b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres unless the Secretary agrees otherwise.</li> </ul>	At all times	Compliant	<p>Section 9.1 of Traffic Management Plan</p>	<p>Traffic personnel at site entrance monitor vehicle movements during peak construction.</p> <p>SEA management personal manage access and egress due to low number of personnel onsite during late stages of construction (limited to very low traffic movements).</p>	<p>Procore log of vehicle movements maintained.</p> <p>Security log at site entrance tracking HV movement.</p>
3	2	3_B1	Over-Dimensional and Heavy Vehicle Restrictions	<p>The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering and leaving the site each day.</p>	At all times	Compliant	<p>Sections 9.1 and 9.7 of Traffic Management Plan</p>	<p>Traffic personnel at site entrance monitor vehicle movements.</p> <p>SEA management personal manage access and egress due</p>	<p>Procore log of vehicle movements maintained.</p> <p>Security log at site entrance tracking HV movements.</p>



SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
								to low number of personnel onsite during late stages of construction (limited to very low traffic movements).	
3	3	3_C1	Designated Over-Dimensional and Heavy Vehicle Access Route	All over-dimensional and heavy vehicles associated with the development must travel to and from the site via the Sturt Highway, Donald Ross Drive and the approved site access point (shown in Appendix 1). <i>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.</i>	At all times	Compliant	Sections 9.1 and 9.5 of Traffic Management Plan  Haulage routes outlined in the site induction.  Nil permits for over dimensional vehicles required during construction.	Traffic personnel at site entrance monitor vehicle movements  SEA Management personal manage access and egress due to low number of personnel onsite during end stages of construction.	PDF supplied to delivery suppliers. Site Induction.
3	5	3_E1	Operating Conditions	The Applicant must ensure: (a) the internal roads are constructed as all-weather roads;	During construction	Compliant	Section 9.5 of Traffic Management Plan	Roads constructed as per conditions	Road condition.
3	5	3_E2	Operating Conditions	The Applicant must ensure: (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;	During construction	Compliant	Section 9.5 of Traffic Management Plan	Visual cues	Specific contractor parking onsite  Utilisation of a shuttle and bus service during construction – no longer required due to low number of personnel remaining onsite (less than 25).  No vehicles to be parked in road reserve of Donald Ross Drive (unless required for site works near road and traffic control in place).

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	5	3_E3	Operating Conditions	The Applicant must ensure: (c) the capacity of the existing roadside drainage network is not reduced;	During construction	Compliant	Section 9.5 of Traffic Management Plan	Drainage monitored at access intersection following periods of heavy rainfall.	Murrumbidgee Council sign-off on construction of intersection (email dated 09/05/2019).
3	5	3_E4	Operating Conditions	The Applicant must ensure: (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and	At all times	Compliant	Section 9.5 of Traffic Management Plan	Single access location monitored by site management.	Driver records. Security observations.
3	5	3_E5	Operating Conditions	The Applicant must ensure: (e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.	At all times	Compliant	Section 9.5 of Traffic Management Plan	Monitoring of road condition. Monitoring reports.	Photographs. Monitoring Reports. Shaker grid and sealed entrance to site. Shaker grid has been removed as construction concludes, with a street sweeper to be utilised if required.
3	6	3_F1	Unformed Crown Roads	The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with <b>DPIE Crown Lands</b> .	During construction	Not Triggered	Section 9.5 of Traffic Management Plan	NA	NA
3	8	3_H1	Land Management	Following any construction or upgrading on the site, the Applicant must: a) restore the ground cover of the site as soon as practicable;	During construction	Compliant	Section 7 of Biodiversity Management Plan (BMP). Rehabilitation Strategy under CEMP.	Monthly biodiversity monitoring. Quarterly grassland monitoring. Monitoring during operation as per the BMP.	Monthly biodiversity monitoring reports. Rehabilitation Strategy under CEMP. Quarterly Grassland Reports. Rehabilitation ongoing onsite.
3	8	3_H2	Land Management	Following any construction or upgrading on the site, the Applicant must: b) maintain the ground cover with appropriate perennial species; and	During construction	Compliant	Section 7 of Biodiversity Management Plan (BMP). Rehabilitation Strategy under CEMP.	Monthly biodiversity monitoring. Quarterly grassland monitoring. Monitoring during operation as per the BMP.	Monthly biodiversity monitoring reports. Quarterly grassland monitoring. Kleinfelder weed spraying. Rehabilitation ongoing onsite. Mowing records.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	8	3_H3	Land Management	Following any construction or upgrading on the site, the Applicant must: c) manage weeds within this ground cover.	During construction	Compliant	Section 7 of Biodiversity Management Plan (BMP) CEMP	Monthly biodiversity monitoring. Quarterly grassland monitoring.	Monthly and quarterly monitoring reports. Weed Management undertaken September 2019 and June 2020.  Mowing of grasslands being undertaken on a regular basis.
3	9	3I_1	Biodiversity Offsets	Within two years of commencing construction under this consent, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Column (a) in Table 1 below, to the satisfaction of BCS. <b>See Conditions of Consent for SSD-8392-MOD-1 for table.</b>	During construction / operation, where relevant.	Compliant (not triggered to date)	Section 7.2 of Biodiversity Management Plan.	Undertaken by Octopus Investments.	Extension granted by DPIE via letter (dated 29 September 2021) until 29 April 2022.
3	10	3J_1	Biodiversity Offset	The retirement of credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by: a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;	During construction / operation, where relevant.	Compliant (not triggered to date)	Section 7.2 of Biodiversity Management Plan.	Undertaken by Octopus Investments.	Extension granted by DPIE via letter (dated 29 September 2021) until 29 April 2022.
3	10	3J_1	Biodiversity Offset	The retirement of credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by: b) making payments into an offset fund that has been developed by the NSW Government; or	During construction / operation, where relevant.	Compliant (not triggered to date)	Section 7.2 of Biodiversity Management Plan.	Undertaken by Octopus Investments.	Extension granted by DPIE via letter (dated 29 September 2021) until 29 April 2022.
3	10	3J_1	Biodiversity Offset	The retirement of credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by: c) providing supplementary measures.	During construction / operation, where relevant.	Compliant (not triggered to date)	Section 7.2 of Biodiversity Management Plan.	Undertaken by Octopus Investments.	Extension granted by DPIE via letter (dated 29 September 2021) until 29 April 2022.

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3	13	3_M1	Hours	<p>Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:</p> <ul style="list-style-type: none"> <li>a) 7 am to 6 pm Monday to Friday;</li> <li>b) 8 am to 1 pm Saturdays; and</li> <li>c) at no time on Sundays and NSW public holidays.</li> </ul> <p><b>Modified to 7 am to 6 pm all days with the exception of Public Holidays</b></p>	At all times	Compliant	Section 9.6 of the Environmental Management Strategy, which requires the preparation of a Construction Noise and Vibration Management Plan (CNVMP) under the CEMP.	Site sign in and out at site shed.	<p>Sign in and out sheet recording times personnel are onsite.</p> <p>Letter of approval for hours change sent to Edify Energy by DPIE, dated 17 December 2018.</p>
3	13	3_N1	Hours	<p>The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the 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>	At all times	Not Triggered	Section 9.6 of the Environmental Management Strategy, which requires the preparation of a Construction Noise and Vibration Management Plan (CNVMP) under the CEMP.	Incident recording	Lucidity Management System.
3	14A	3_O1	Noise	The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009), or its latest version.	At all times	Compliant	Section 9.6 of the Environmental Management Strategy, Construction Noise and Vibration Management Plan (CNVMP) under the CEMP.	<p>Consultation records in Lucidity addressing complaints with regards to noise.</p> <p>Website invites feedback.</p>	CEMP, including CNVMP. No noise related complaints on register (see DPSF website).
3	14B	3_O2	Noise	The Applicant must ensure that the noise generated by the operation of the development during the evening and night does not exceed 35 dB(A) L <sub>Aeq15 min</sub> to be determined in accordance with the procedures in the <i>NSW Noise Policy for Industry</i> (EPA, 2017) at any non-associated residence.	During Operation	Not Triggered	CSOM - Site Management Plan (as applicable)	<b>Condition in relation to BESS Modification - DPSF Solar Array compliance driven on complaints basis</b>	Complaint's record for DPSF solar array.



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3	15	3_P1	Dust	The Applicant must minimise the dust generated by the development.	At all times	Compliant	Construction Environmental Management Plan (CEMP) CSOM – Site Management Plan	Visual cues	Water cart numbers increased onsite following independent environmental audit.  Restoration of groundcover and completion of the majority of earthworks (beyond minor maintenance and rehabilitation) limits water carts to an 'as needs' basis.  Groundcover covers approximately 90% of previously disturbed areas, with little dust generation onsite.
3	16	3_Q1	Visual	The Applicant must: (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;	At all times	Compliant	Construction planning.	Visual cues.	Visual inspections.  Regular mowing keeps site in good condition with CSOM to take over maintenance of the site.
3	16	3_Q1	Visual	The Applicant must: (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and	At all times	Compliant	Construction Plans	NA	Construction as per executed plans.  Site buildings painted in non-obtrusive colours.
3	16	3_Q1	Visual	The Applicant must: (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.	At all times	Compliant	Conditions of consent.	Visual cues.	Visual inspections.
3	17	3_R1	Lighting	The Applicant must: (a) minimise the off-site lighting impacts of the development; and	At all times	Compliant	Construction planning. No night work undertaken.	Visual cues.	Visual inspections.  Lighting at night limited to that required for site security.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	17	3_R2	Lighting	The Applicant must: (b) ensure that any external lighting associated with the development: <ul style="list-style-type: none"> <li>is installed as low intensity lighting (except where required for safety or emergency purposes);</li> <li>does not shine above the horizontal; and</li> <li>complies with <i>Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting</i>, or its latest version.</li> </ul>	During construction	Compliant.	Conditions of consent.	Visual cues.	Visual inspections.  Noted as a potential non-compliance under independent environmental audit. Signal Energy response letter prepared to demonstrate compliance.
3	19	3_T1	Discovery of Human Remains	If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must notify the NSW Police and <b>Heritage NSW</b> as soon as possible following the discovery, and work must not recommence in the area until this is authorised by <b>Heritage NSW</b> .	At all times	Not Triggered	Chance Finds Protocol (CFP)	Recorded as required.	If encountered, summary of findings and actions applied will be provided in letter format.
3	21	3_V1	Water Pollution	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	At all times	Compliant	CEMP, including Soil and Water Management Plan (SWMP) during construction.	Visual inspections.	Flat site precludes run-off with ESC applied as required.  Roadside drainage at site entrance drains towards local dam within the DPSF boundary.
3	22	3_W1	Operating Conditions	The Applicant must: (a) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) manual, or its latest version;	At all times	Compliant	CEMP, including Soil and Water Management Plan (SWMP).	Visual inspections.	Flat site precludes run-off with ESC applied as required.  ESC applied at site entry as only location with potential run-off offsite.  Roadside drainage at site entrance drains towards local dam within the DPSF boundary.  Conclusion of construction has resulted in re-growing of vegetation within the project footprint.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	22	3_W2	Operating Conditions	The Applicant must: (b) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and	At all times	Compliant	Site geotechnical inspections Independent Environmental Audit and Signal Energy response letter.	Monthly biodiversity monitoring.	Dispersive clay soils noted onsite. Pile design verified to sufficient depth so as to prevent impacts from reactive topsoil.  Increase in contractors to limit time soils are exposed for trenching (following independent audit).
3	22	3_W3	Operating Conditions	The Applicant must: (c) implement appropriate flood management practices to ensure post-development flows from the site are limited to pre-development flows for all storms up to and including the 90-year Average Recurrence Interval event.	At all times	Compliant	Construction as per flood study	Continual review before and after rain events.	No issues to date.
3	23	3_X1	Hazards - operating conditions	The Applicant must: (a) minimise the fire risks of the development;	At all times	Compliant	Section 7 of Biodiversity Management Plan (BMP). Construction Environmental Management Plan (CEMP), including bushfire mitigation measures. Four 22,000L water tanks supplied onsite. CSOM – Bush Fire Management Plan	10m defensible space to be provided between array and retained vegetation.	Grasslands monitored via routine inspections. Constructed as per executed plans. CSOM – Bush Fire Management Plan

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	23	3_X2	Hazards - operating conditions	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(b) ensure that the development: <ul style="list-style-type: none"> <li>includes defensible space <b>as outlined in the EIS</b> that permits unobstructed vehicle access <b>to the site</b>;</li> <li>manages the defensible space as an Asset Protection Zone;</li> <li>complies with the relevant asset protection requirements in the RFS's <i>Planning for Bushfire Protection 2019</i> (or equivalent) and <i>Standards for Asset Protection Zones</i>;</li> <li>is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting located adjacent to the internal access road;</li> </ul> </li> </ul>	At all times	Compliant	<p>Section 7 of Biodiversity Management Plan (BMP).</p> <p>CSOM – Bush Fire Management Plan</p>	As per Bush Fire Management Plan	<p>Site photographs.</p> <p>Final design includes fire breaks.</p> <p>Four 22,000 L water tanks located adjacent to site shed. All tanks pipe and connected via underground pipes to hydrant system.</p> <p>Constructed as per executed plans.</p> <p>CSOM – Bush Fire Management Plan</p>
3	23	3_X3	Hazards - operating conditions	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</li> </ul>	At all times	Compliant	<p>Section 7 of Biodiversity Management Plan (BMP).</p> <p>Construction Environmental Management Plan (CEMP), including bushfire mitigation measures.</p> <p>CSOM – Bush Fire Management Plan</p>	NA	<p>Bushfire management training undertaken by selected Signal personnel for construction.</p> <p>CSOM – Bush Fire Management Plan for operation</p>
3	23	3_X4	Hazards - operating conditions	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(d) notify the relevant local emergency management committee following construction of the development, and prior to the commencement of operations.</li> </ul>	During construction	Not Triggered	<p>Section 7 of Biodiversity Management Plan (BMP)</p> <p>CSOM – Bush Fire Management Plan</p>	NA	<p>Edify Energy notified that this needs to occur.</p>



SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	24	3_Y1	Fire Safety Study	At least one month prior to the construction of the battery storage facility (excluding pre-construction minor works), unless otherwise agreed by the Secretary, the Applicant must prepare a Fire Safety Study of the development, <b>in consultation with RFS, and</b> to the satisfaction of <b>FRNSW and</b> the Secretary. The study must  (a) Be consistent with the:  i. Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study' guideline; and  <i>Construction of the battery storage facility, other than pre-construction minor works, must not commence until the Secretary has approved the Fire Safety Study. Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.</i>	During construction	NA	Outside SEA Scope of Work.	NA	NA
3	24	3_Y2	Fire Safety Study	At least one month prior to the construction of the battery storage facility (excluding pre-construction minor works), unless otherwise agreed by the Secretary, the Applicant must prepare a Fire Safety Study of the development, <b>in consultation with RFS, and</b> to the satisfaction of <b>FRNSW and</b> the Secretary. The study must  (a) Be consistent with the:  i. New South Wales Government's <i>Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i> .  <i>Construction of the battery storage facility, other than pre-construction minor works, must not commence until the Secretary has approved the Fire Safety Study. Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.</i>	During construction	NA	Outside SEA Scope of Work.	NA	NA

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	24	3_Y3	Fire Safety Study	At least one month prior to the construction of the battery storage facility (excluding pre-construction minor works), unless otherwise agreed by the Secretary, the Applicant must prepare a Fire Safety Study of the development, <b>in consultation with RFS, and</b> to the satisfaction of <b>FRNSW and</b> the Secretary. The study must ii. <b>Describe the final design of the battery storage facility.</b>  <i>Construction of the battery storage facility, other than pre-construction minor works, must not commence until the Secretary has approved the Fire Safety Study. Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.</i>	During construction	NA	Outside SEA Scope of Work.	NA	NA
3	25	3_Z1	Storage and Handling of Dangerous Materials	The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with: (a) the requirements of all relevant Australian Standards; and  <i>In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.</i>	At all times	Compliant	CEMP, including Soil and Water Management Plan (SWMP).  Independent environmental audit and Signal Energy response.  Remaining quantities of chemicals and fuels brought by contractors not stored onsite.  CSOM maintain hazardous materials storage area within site warehouse for operation.	Routine inspections by Site Management.  Remaining quantities of chemicals and fuels brought by contractors not stored onsite.	Lucidity Management System used to identify hazards and actions.  Photographs  Review and update of SDS register and storage undertaken following independent environmental audit.
3	25	3_Z2	Storage and Handling of Dangerous Materials	The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with: (b) the NSW EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> if the chemicals are liquids.  <i>In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.</i>	At all times	Compliant	CEMP, including Soil and Water Management Plan (SWMP).  Remaining quantities of chemicals and fuels brought by contractors not stored onsite.  CSOM maintain hazardous materials storage area within site warehouse for operation.	Routine inspections by Site Management.  Remaining quantities of chemicals and fuels brought by contractors not stored onsite.	Lucidity Management System used to identify hazards and actions.  Photographs

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
3	26	3_AA1	Emergency Plan	<p>Prior to the commissioning of development, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's Planning for Bushfire Protection 2019 (or equivalent);</li> <li>(b) identify the risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;</li> <li>(c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;</li> <li>(d) list works that should not be carried out during a total fire ban;</li> <li>(e) include availability of fire suppression equipment, access and water;</li> <li>(f) include procedures for the storage and maintenance of any flammable materials;</li> <li>(g) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;</li> <li>(h) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;</li> <li>(i) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;</li> <li>(j) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and</li> </ul>	Prior to commissioning	Compliant	<p>Available electronically and hard copy in site office (notice board during peak construction)</p> <p>CSOM – updated Emergency Plan</p> <p>CSOM Bush Fire Management Plan</p>	Comments received by NSW RFS – indicating endorsement	<p>Available electronically and hard copy in site office (notice board during peak construction)</p> <p>CSOM updated Emergency Plan</p> <p>CSOM Bush Fire Management Plan</p>

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
				<p>management of the Asset Protection Zone;</p> <p>(k) include bushfire emergency management planning;</p> <p>(l) include details of how RFS would be notified, and procedures that would be implemented in the event that:</p> <ul style="list-style-type: none"> <li>there is a fire on-site or in the vicinity of the site;</li> <li>there are any activities on site that would have the potential to ignite surrounding vegetation; or</li> <li>there are proposed activities to be carried out during a bushfire danger period; and</li> </ul> <p>(m) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.</p> <p>The Applicant must implement the Emergency Plan for the duration of the development.</p>					
3	27	3_AB1	Waste	<p>The Applicant must:</p> <p>(a) minimise the waste generated by the development;</p>	At all times	Compliant	<p>CEMP, including Waste Management Plan (WMP).</p> <p>Waste separated by non-putrescible (construction), office / food, and recycling waste.</p>	Visual inspections by Site Management.	<p>Non-conformances to be logged on Lucidity for immediate action.</p> <p>Construction waste has been removed from site. Additional waste, where found, will be removed from the DPSF upon identification.</p>



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3	27	3_AB2	Waste	The Applicant must: (b) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version);	At all times	Compliant	CEMP, including Waste Management Plan (WMP). During construction waste was managed by Nilsen and the following contractors: <ul style="list-style-type: none"> <li>Country Waste Services – Cardboard and general waste.</li> <li>Yenda – septic.</li> </ul> CSOM to manage was utilising contractors during operation	Visual inspections by Site Management.	Non-conformances to be logged on Lucidity for immediate action during construction.
3	27	3_AB3	Waste	The Applicant must: (c) store and handle all waste on site in accordance with its classification;	At all times	Compliant	CEMP, including Waste Management Plan (WMP). Waste separated by non-putrescible (construction), office / food, and recycling waste.	Visual inspections by Site Management.	Non-conformances to be logged on Lucidity for immediate action during construction.
3	27	3_AB4	Waste	The Applicant must: (d) not receive or dispose of any waste on site; and	At all times	Compliant	CEMP, including Waste Management Plan (WMP). No waste from offsite premises to enter site.	Plant and Vehicle Checklist. Pre-start checks. Work activity assessments.	Results of checks documented.

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3	27	3_AB5	Waste	The Applicant must: (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.	At all times	Compliant	CEMP, including Waste Management Plan (WMP). CSOM to manage waste during operation.	Visual inspections by Site Management.	Waste centre receipts. Site rehabilitation has included the removal of waste items accidentally left behind by construction contractors.
4	2	4_B1	Revision of Strategies, Plan and Programs	The Applicant must: (a) 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; and	At all times	Not Triggered	Section 10 of Biodiversity Management Plan (BMP) Section 2.6 of Environmental Management Strategy	NA	NA
4	2	4_B2	Revision of Strategies, Plan and Programs	The Applicant must: (b) 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: <ul style="list-style-type: none"> <li>submission of an incident report under condition 4 of Schedule 4;</li> <li>submission of an audit report under condition 6 of Schedule 4; or</li> <li>any modification to the conditions of this consent.</li> </ul>	At all times	<b>Non-compliant (see Section 3.1 for discussion)</b>	Material changes to management plans made following Independent Audit. Advised by DPIE that material changes do not require secretary approval.	NA	NA

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
4	3	4_C1	Updating and Staging of Strategies, Plan and Programs	<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.</p> <p>With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all 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. 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>	At all times	Compliant	Minor updates made to Traffic Management Plan, Accommodation and Employment Strategy and Environmental Management Strategy following independent audit:	NA	Material changes to management plans made following Independent Audit. Advised by DPIE that material changes do not require secretary approval.

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4	4	4_D1	Incident Notification	<p>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 3.</p> <p><b>Incident:</b> A set of circumstances that causes or threatens to cause material harm to the environment</p> <p><b>Material Harm:</b> Is 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 make good harm to the environment)</p>	At all times	Compliant	Section 8 of Biodiversity Management Plan (BMP).	Incidents to be reported to site SHEQ Manager immediately.	<p>Lucidity email tracking.</p> <p>Compliance reports.</p> <p>Emails to DPIE (formerly DPE).</p> <p>Login to Major Projects maintained.</p> <p>Note: No incidents occurred within reporting period.</p>
4	5	4_E1	Non-compliance Notification	<p>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</p>	At all times	Compliant	<p>Section 8.5 of Biodiversity Management Plan (BMP).</p> <p>Previous Compliance Reports prepared by Signal Energy / Kleinfelder.</p>	<p>Compliance spreadsheet is monitored during construction.</p> <p>Conditions of Consent monitored during construction.</p>	<p>Lucidity email tracking.</p> <p>Compliance reports.</p> <p>Emails to DPIE / DPE.</p> <p>Login to Major Projects maintained.</p>
4	5A	4_E2	Non-compliance Notification	<p>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.</p>	At all times	Compliant	<p>Section 8.5 of Biodiversity Management Plan (BMP).</p> <p>Previous Compliance Reports prepared by Signal Energy / Kleinfelder.</p>	<p>Compliance spreadsheet is monitored during construction.</p> <p>Conditions of Consent monitored during construction.</p>	<p>Lucidity email tracking.</p> <p>Compliance reports.</p> <p>Emails to DPIE / DPE.</p> <p>Login to Major Projects maintained.</p>

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4	5B	4_E3	Non-compliance Notification	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	NA – information only	NA – information only	NA – information only	NA – information only	NA – information only
4	6	4_F1	Compliance Reporting	The Applicant must provide regular compliance reporting to the Department on the development, excluding the battery storage facility, in accordance with the relevant Compliance Reporting requirements (DPE 2018).	At all times	Compliant	As per COA.	As per NSW DPE Compliance Reporting: Post Approval Requirements (2018)	Compliance Reports provided during construction.
4	7	4_G1	Independent Environment Audit	<p><b>Note:</b> Updated conditions relating to BESS facility not included. Relevant condition has not been triggered.</p> <p>Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(a) be prepared in accordance with the relevant Independent Audit Post Approval requirements (DPE 2018);</p> <p>Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.</p>	During construction	Compliant	Independent Environmental Audit. Signal Energy Response / Updates Letter prepared to provide update on actions required following the audit.	Audit complete and submitted.	Independent Environmental Audit. DPIE Response Letter. Signal Energy Response / Updates Letter.

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
4	7	4_G2	Independent Environment Audit	<p>Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.</p>	During construction	Compliant	<p>Section 8.4 of Biodiversity Management Plan (BMP).</p> <p>Independent Environmental Audit.</p> <p>Signal Energy Response / Updates Letter prepared to provide update on actions required following the audit.</p>	Audit complete.	Email and letter of endorsement.
4	7	4_G3	Independent Environment Audit	<p>Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(c) be carried out in consultation with the relevant agencies;</p> <p>Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.</p>	During construction	Compliant	Independent Environmental Audit.	Audit complete and recommendations applied.	Appendix B of Independent Environmental Audit. Signal Energy Response / Updates Letter.



SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
4	7	4_G4	Independent Environment Audit	<p>Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and</p> <p>Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.</p>	During construction	Compliant	<p>Independent Environmental Audit.</p> <p>Signal Energy Response / Updates Letter prepared to provide update on actions required following the audit.</p>	Audit complete and submitted.	<p>Independent Environmental Audit.</p> <p>DPIE Response Letter.</p> <p>Signal Energy Response / Updates Letter.</p>
4	7	4_G5	Independent Environment Audit	<p>Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.</p> <p>Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.</p>	During construction	Compliant	<p>Independent Environmental Audit.</p> <p>Signal Energy Response / Updates Letter prepared to provide update on actions required following the audit.</p>	Audit complete and submitted. Recommendations applied onsite.	<p>Independent Environmental Audit.</p> <p>DPIE Response Letter.</p> <p>Signal Energy Response / Updates Letter.</p>

SCHEDULE	CONDITION NO.	UNIQUE ID	CATEGORY	CONDITION	DEVELOPMENT PHASE	STATUS	RELEVANT PLAN / ACTION	MONITORING METHODOLOGY	EVIDENCE AND COMMENTS
4	8	4_H1	Access to information	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <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>a complaints register;</li> <li>compliance reports;</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> <p>(b) keep this information up to date.</p>	At all times	<b>Non-compliant</b>	Conditions of consent.	NA	See Darlington Point Solar Farm Website ( <a href="https://edifyenergy.com/project/darlington-point/">https://edifyenergy.com/project/darlington-point/</a> )

### 3.1 Non-Compliance(s)

Non-compliances identified under this PO CR are discussed in **Table 3**. Any potential non-compliance identified in **Table 3** was identified during the preparation of this PO CR, with this PO CR providing notification as per Schedule 4, Conditions 5, 5A and 5B of SSD-8392-MOD-1 Consolidated COA.

SEA identified potential non-compliances relating to onsite biodiversity (Schedule 3, Condition 12 of SSD-8392 – Biodiversity Management Plan) and accommodation / employment (Schedule 3, Condition 28 of SSD-8392 – Accommodation and Employment Strategy) monitoring at the DPSF under CCR5, whereby formal internal monthly monitoring of disturbance areas, intersections between the solar array and retained vegetation and personnel sources / accommodation had been replaced by informal observational monitoring by SEA management personnel onsite. The change has been due to the overlap period where ‘construction’ is essentially complete, while SEA complete ‘maintenance and management’ works to the DPSF array prior to formal handover to operation. During this time, personnel numbers are very low (often not exceeding 10-20 onsite, including contractors), while site impacts more resemble post-construction operations and maintenance than construction (monthly biodiversity inspections become annual under Section 8.3 of Biodiversity Management Plan). As such, SEA would not expect that the modified monitoring methodology would constitute a non-compliance.

As previously discussed, SEA make no representation as to the compliance status of the BESS facility, nor to ongoing compliance during operation unless directly stated otherwise under this PO CR. This is due to the fact that SEA are not the Applicant / Landowner and, as such, do not have the authority to enforce compliance actions on external parties outside SEA’s contractual agreements.

In light of the above, SEA do not hold responsibility for compliance with Schedule 4, Condition 2(c) (Revision of Strategies, Plans and Programs) for SSD-7401-MOD-1, where a management plan is to be updated within one month post “*any modification to the conditions of this consent*”. SEA understands that SSD-8392-MOD-1 was approved in October 2021, however SSD-8392-MOD-1 relates to the BESS facility and it is expected that management plans will be updated for the BESS prior to the commencement of construction, with SEA plans for construction of the solar array not requiring an update, especially when considering that SEA are currently in the transition from ‘construction’ to ‘operation’ phase of development for the DPSF.

SEA understands that CSOM are responsible for preparing and implementing management plans during operation of the DPSF.

**Table 3: Potential non-compliances under SSD 8392**

CONDITION	DISCUSSION
<p><b>Schedule 4, Condition 8 – Access to Information</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) make the following information publicly available on its website as relevant to the stage of the development: <ul style="list-style-type: none"> <li>o the EIS;</li> <li>o the final layout plans for the development;</li> <li>o current statutory approvals for the development;</li> <li>o approved strategies, plans or programs required under the conditions of this consent;</li> <li>o the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>o how complaints about the development can be made;</li> <li>o a complaints register;</li> <li>o compliance reports;</li> <li>o any independent environmental audit, and the Applicant's response to the recommendations in any audit; and</li> <li>o any other matter required by the Secretary; and</li> </ul> </li> <li>(b) keep this information up to date.</li> </ul>	<p><b>Minor administrative non-compliance</b></p> <p>An administrative error has occurred, with the stamped approved plans uploaded to the DPSF website in-lieu of the Final Layout Plans sent to DPIE / DPE prior to the commencement of construction.</p> <p>The plans on the DPSF website show the same layout as the Final Layout Plans, however the discrepancy is noted. The Final Layout Plans will be uploaded as soon as possible alongside this PO CR.</p>

#### 4. INDEPENDENT ENVIRONMENT AUDIT

Echo Consultants Pty Ltd were engaged to complete the Independent Environment Audit of the DPSF (under Schedule 4, Condition 6). The Independent Environment Audit identified five (5) non-compliances with the DPSF COA. These non-compliances and the relevant actions undertaken by Signal Energy were discussed under Construction Compliance Report 2 (March 2020).

#### 5. PREVIOUS REPORT ACTION LIST

**Table 4** provides an outline of non-compliances and queries raised by SEA under CCR5.

**Table 4: Summary of actions from DPSF Construction Compliance Report 5**

CONDITION	ACTION	CURRENT STATUS
<b>Schedule 4, Condition 6 of SSD-8392-MOD-1 – Compliance Reporting</b>	<p>The first non-compliance relates to the delayed issue of CCR5. CCR4 was issued in March 2021 and therefore issue of CCR5 was required in September 2021 to be considered compliant with PAR 2018 and Schedule 4, Condition 6 of SSD-8392-MOD-1 (SSD-8392). This delay was due to a combination of administrative factors and the tightening of COVID-19 restrictions in the months preceding September 2021 resulting in the report being overlooked. SEA have prepared this report as soon as possible following identification that it had not been completed.</p> <p>This non-compliance was identified late October 2021, with the issued CCR5 providing notification.</p>	Resolved via the preparation of CR5.
<b>Schedule 3, Condition 12 of SSD-8392 – Biodiversity Management Plan</b>	<p>The second non-compliance identified under CCR5 relates to the completion of an Annual Biodiversity Report (ABR) required under the DPSF Biodiversity Management Plan (BMP) (NGH Environmental, 2018). The DPSF BMP was prepared and approved under Schedule 3, Condition 12 of SSD-8392. Table 8-1 of the BMP states that quarterly grassland monitoring is to be undertaken to monitor grassland condition onsite. The most recent Quarterly Grassland Monitoring was delayed until 3 November 2021 due to the same reasons as the delayed CCR. This is not considered a non-compliance as the BMP does not state direct dates that Quarterly Grassland Monitoring is to be undertaken, but the delay was noted. Regular site inspections were being undertaken during this time but monthly biodiversity reports (internal only), which had previously completed by the DPSF ER were not completed due to the above listed limitations coupled with the lack of works occurring onsite meaning that items covered under monthly inspections (Course Woody Debris, buffer between works and retained vegetation, weed and fauna occurrence – potential injury to fauna) were not as impacted during the months July – October 2021. Updated site surveys for the Biodiversity Monitoring were completed 3-4 November, with the report completed. Quarterly Grassland Monitoring and monthly Biodiversity Monitoring are internal processes only, used to inform site management, with results compiled in an ABR submitted to DPIE.</p> <p>The first ABR included both the 2019-2020 and 2020-2021 ABR as SEA only became aware of the reporting requirement on 10 June 2021 due to ambiguous language in the BMP. Previously, SEA utilised Biodiversity and Grassland Monitoring to inform site management. SEA immediately queried the requirement with Katrina O'Reilly at DPIE, who noted that the missing ABR does constitute a non-compliance with the DPSF COA. This is because SEA had committed to working under the BMP and were thus subject to reporting requirements outlined under the BMP. SEA had been complying with monitoring requirements under the BMP and, as such, had the necessary data to complete the outstanding ABRs. As</p>	All reports referenced in CR5 have since been completed.

CONDITION	ACTION	CURRENT STATUS
	such, DPE advised SEA to include the 2019-2020 and 2020-2021 ABR in a single document. The completed ABR was dated 16 June 2021.	
<b>Schedule 3, Condition 28 of SSD-8392 – Accommodation and Employment Strategy</b>	<p>Section 5 of the DPSF Accommodation and Employment Strategy (AES) states that review of the success of the strategy would be included in monthly reports. During peak construction these reports were prepared using a number of factors, including discussions with subcontractor Project Managers, email dispersal and provision of an online survey. Following the departure of the majority of site workers, the AES monitoring became less important for day-to-day site management, as a maximum of 20-30 staff onsite could easily be catered for by local accommodation sources and workers were sourced locally wherever possible. However, reporting continued with the provision of the online survey no longer used due to the small number of personnel onsite. The July – October 2021 survey reports were not completed due to the reasons listed above. Although, strictly speaking, this is considered a non-compliance with Schedule 3, Condition 28 of SSD-8392, it is considered that the process was still being followed informally as SEA management onsite managed the small number of construction subcontractors onsite, sourced locally wherever possible. There were also times that SEA was the sole company onsite.</p> <p>This potential non-compliance was identified during the preparation of this CR on 3 November 2021.</p>	Informal monitoring of accommodation and employment continued due to low personnel numbers onsite.
<b>Schedule 3, Condition 23 Query – SSD 8392 and SSD-8392-MOD-1</b>	<p><b>Query</b></p> <p>SEA sought clarification on Schedule 3, Condition 23 of SSD 8392 and SSD-8392-MOD-1. It was noted that the update under SSD-8392-MOD-1 states that the defendable space shall be installed as per the EIS, which via review of the DPSF EIS (ARUP, 2018), includes “<i>Adequate setbacks included in the design (eg 20m from fenceline before commencement of solar arrays, and 20m setback from wooded areas and ‘Vegetation and Heritage Protection Exclusion Zones’).</i>”</p> <p>SEA conducted vegetation removal, Asset Protection Zone (APZ) installation and solar farm construction as per the original SSD-8392 condition, which states that the development “<i>...includes at least a 10 metre defendable space around the perimeter of the solar array area that permits unobstructed vehicle access.</i>” This was drawn from the NSW Rural Fire Service comments on the 2018 EIS addressed to DPE (letter dated 8 June 2018). The reduction in APZ (defendable space) width was further noted under the DPE Assessment Report (2018) for SSD-8392 that “<i>Following a request by</i></p>	Additional APZ installation has not occurred onsite.



CONDITION	ACTION	CURRENT STATUS
	<p><i>RFS, the Applicant has committed to managing the entire site as an Asset Protection Zone, preparing a bushfire management plan to manage risk, and has revised the project to include a 10m APZ around project infrastructure."</i></p> <p>SEA have thus created a 10m defendable space surrounding the solar array and queried as to whether the updated SSD-8392-MOD-1 was meant to increase the solar array APZ to 20m or was meant to apply to the BESS facility only.</p> <p>For reference, Chapter 8.3.5 of the NSW RFS <i>Planning For Bush Fire Protection 2019</i> states that a solar farm requires a minimum 10m APZ for structures and associated buildings / infrastructure, managed to a standard of an Inner Protection Area (IPA). Solar farm infrastructure that does not require a specific APZ includes access roads and power or other services to the site.</p> <p>In light of the above, Signal Energy consider that construction still aligns to Schedule 3, Condition 23 under SSD-8392-MOD-1. Signal Energy requests that DPE advise them if this is not true.</p>	
<p><b>Schedule 3, Condition 26</b> <b>Note – SSD 8392 and SSD-8392-MOD-1</b></p>	<p><b>Query</b></p> <p>SEA further note that Schedule 3, Condition 26 was modified during the preparation of a consolidated consent for SSD-8392 and SSD-8392-MOD-1. Under Schedule 3, Condition 26, the proponent is required to prepare an Emergency Plan for the development. SEA prepared the Emergency Plan for construction to align with the SSD-8392 approval. The current SEA Emergency Plan was noted as being compliant during the Project Independent Audit by Echo Consultants Pty Ltd in September 2019.</p> <p>SEA will notify Edify Energy Pty Ltd (as the project proponent) that the Emergency Plan will require review and potential updates will need to be compliant with the updated Schedule 3, Condition 26.</p> <p>SEA do not consider the current Emergency Plan to be non-compliant.</p>	<p>SEA maintained the approved Emergency Plan for the duration of their contract, as the constructor of the Solar Farm itself. A separate Emergency Plan would be required for operation of the facility and / or construction of the battery facility, to be undertaken either by or behalf of the proponent (Edify Energy).</p> <p>CSOM will prepare an updated Emergency Plan and Bush Fire Management Plan for operation of the DPSF.</p>

## 6. SUMMARY OF INCIDENTS

No incidents (as defined under SSD-8392-MOD-1 Consolidated COA) have occurred at the DPSF during the construction period.

It will be the responsibility of the operator, CSOM, to ensure incident reporting continues to occur as outlined under Schedule 4, Condition 4 of SSD-8392-MOD-1 during operation of the DPSF.

## 7. SUMMARY OF COMPLAINTS

SEA maintain a register of complaints on the Lucidity Incident Module. One complaint was registered on 25 March 2020, stating that the relevant person had observed DPSF buses transporting workers to site and that the bus system was not social distancing compliant under NSW restrictions during the early COVID-19 pandemic. As the complainant remained anonymous, SEA could not respond to the complaint directly but detailed the complaint plus the following information on the online DPSF Complaint Register.

- SEA have a COVID-19 Action Plan that includes a detailed Hygiene Plan.
- SEA doubled the amount of buses so there is only 1 person for every 2 seats.
- SEA have also spaced buses when arriving to site, to allow for enhanced contact tracing in the event of a confirmed case.
- All buses are thoroughly cleaned including disinfection of all hard surfaces after every bus trip.
- SEA put out daily communications about COVID-19 and the project control method.

No additional complaints have been recorded on the DPSF complaints register during the construction period.

## 8. DECLARATION

See **Attachment 1** for the signed declaration form for this assessment.

## Attachment 1: Compliance Report Declaration Form


<b>Project Name</b>	Darlington Point Solar
<b>Project Application Number</b>	SSD 8392
<b>Description of project</b>	Construction of 275 MW Solar Farm.
<b>Project Address</b>	Lots 1, 2, and 4 Deposited Plan (DP) 1249830, Donald Ross Drive, Darlington Point NSW 2706.
<b>Proponent</b>	Edify Energy Pty Ltd
<b>Title of Compliance Report</b>	Pre-operation Compliance Report
<b>Date</b>	31/03/2022

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

<b>Name of Authorised Reporting Officer</b>	Christopher Stewart
<b>Title</b>	SHEQ and Systems Manager
<b>Signature</b>	
<b>Qualification</b>	Bachelor of Environmental Science
<b>Company</b>	Signal Energy Australia Pty Ltd
<b>Company Address</b>	Level 24, Three International Towers, 300 Barangaroo Avenue, Sydney NSW 2000