



**environmental
engineering &
energy**

New England Solar Farm Project – Stage 1 Independent Environmental Audit

**UPC\AC Renewables Australia Pty Ltd
Development Consent SSD 9255***

(*as modified on 19 February 2021)


May 2022



**Prepared for
NSW Government
Department of Planning and Environment**

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Prepared for:	Company
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Draft Report A	16 June 2022	Draft Report for UPC and GLC review
Draft Report B	4 July 2022	Draft Report for UPC and GLC review
Final Report	5 July 2022	Issued to UPC and GLC
Final Reissued	3 August 2022	Amended to include DPE requests. Issued to UPC and GLC

LIMITATION: This report has been prepared on behalf of and for the exclusive use of 3E Environmental Engineering & Energy's Client and is subject to and issued in connection with the provisions of the agreement between 3E Environmental Engineering & Energy and its Client. 3E Environmental Engineering & Energy accepts no liability or responsibility whatsoever for or in respect of any issue of reliance on this report by a third party.

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New England Solar Farm – Independent Environmental Audit – Details

Project Audited:	New England Solar Farm
Dates of on-site component of Audit:	4-5 th May 2022
New England Solar Farm Audit Contact:	Mr Alessandro Kennedy – Environmental Manager (GLC)
Lead Auditor:	John Hanrahan <i>B.Eng. (Chem)</i> , Lead Auditor (Exemplar Cert: 121281) Principal Engineer 3E Environmental Engineering & Energy PO Box 1893, Armidale, NSW 2350
Independent Legal Review and Audit Report Reviewer:	Adam Jones <i>B.Ec/LLB, B.Comm, GradCertEnv</i> Lawyer Suite 503, 9-13 Bronte Road Bondi Junction, NSW 2022
Scope of the 2022 Audit:	<ol style="list-style-type: none"> 1. The scope of the audit was to conduct an independent environmental audit and provide a subsequent report of findings as required by Schedule 4, Condition 11 of the Development Consent SSD 9255 (as modified on 19 February 2021). 2. The scope of the audit included all relevant conditions specified in Development Consent SSD 9255 (as modified on 19 February 2021) approved by the delegate of the NSW Minister for Planning. 3. The scope of the audit was limited to the site of the UPC development as shown in Appendix 1 and listed in Appendix 2 of the development consent. 4. This was the first independent environmental audit of the site. The audit period for this audit was from 9th March 2020 (the date of approval of the development consent) to 5th May 2022 (the last day of the auditor's on-site attendance at this audit).
New England Solar Farm personnel interviewed during the Audit:	<ul style="list-style-type: none"> • Alessandro Kennedy – Environmental Manager (GLC) • Matthew Reilly – Construction Manager (GLC) • Miquel Bordera – Engineering Manager (GLC) • Tim Greenaway – NESF Project Director (UPC) • Peter Allen – Plant & Site Coordinator (GLC) • Sarah Donnan – NESF Project Manager (UPC) • Volodymyr Kozly – NESF Project Manager (GLC) • Adin Pilcer – NESF Project Manager (UPC) • Operator – NE Slashing • Waste Contractor – Gramarc Australia Pty Ltd
New England Solar Farm Construction sites visited/ inspected 4-5th May 2022:	<ul style="list-style-type: none"> • Site Temporary Compound/Laydown areas A and B • Access roads – Barleyfields Rd (North); Big Ridge Road • Solar arrays – Zones B and C • Waste storage areas • Concrete washout bays • TransGrid switchyard • Substation • Topsoil storage areas • Water storage tanks – water pipeline • Vehicle refuelling areas/Chemical storage area • Perimeter fencing • Erosion and sediment control structures • Cut and fill earthworks- Rehabilitated farm dams- Internal roads • MV cable trenching • Heritage avoidance zones (NE68, NE50) • Wheel wash bay • Protected vegetation area – stored vegetation – slashing operation • Keeping Place (Armidale)

1 Executive Summary

This independent environmental audit of the New England Solar Farm Project's compliance with the conditions of Development Consent SSD 9255 (as modified on 19 February 2021) was conducted in May 2022 by 3E Environmental Engineering & Energy.

The overall findings of this audit of the New England Solar Farm Project in May 2022 are as follows:

- A total of 57 conditions across the Development Consent were audited. As recorded in this audit report, this audit identified 31 'compliant' findings, 14 'non-compliant' findings, and 12 'not triggered' findings.
- UPC was compliant with 31 of the 45 applicable conditions (i.e. all conditions except those which were 'not triggered').
- This audit report includes 14 recommendations, against each of the non-compliance findings identified.

No systemic non-compliances were identified during this audit.

This audit report includes 39 observations. Observations are provided for UPC's consideration as opportunities for improvement, enabling continual improvement to be demonstrated in statutory compliance, environmental management and environmental practices during the construction.

In terms of overall environmental performance, the New England Solar Farm Project as assessed in this audit was considered to be managed to high environmental standards, in accordance with appropriate environmental management plans, monitoring programs and procedures.

2 Introduction

2.1 Background

UPC\AC Renewables Australia Pty Ltd (UPC) is the Applicant of the New England Solar Farm (NESF) development (the Project), and has awarded the Engineering, Procurement and Construction (EPC) contract for Stage 1 of the Project (approximately 400 MW) to Green Light Contractors Pty Ltd (GLC).

The Project is a significant grid-connected solar farm (720 MW) and battery energy storage system, located approximately 8 km south of Armidale in NSW.

The development footprint extends over approximately 2,061 ha of land currently used for agricultural purposes and will involve approximately 2.4 million panels.

The Project development consent was determined under Section 4.38 of the *Environmental Planning & Assessment Act 1979* by the Independent Planning Commission of NSW on 9 March 2020 (State Significant Development [SSD] 9255). The development consent for the Project was subsequently modified on 19 February 2021.

Subsequently, the Planning Secretary of NSW Planning, Industry & Environment (DPE) approved the staging of the development with construction to be undertaken in two stages:

- Stage 1: Construction of a 400 megawatt (MW) solar farm within the Northern Array; and
- Stage 2: Construction of a 320MW solar farm and battery energy storage system (BESS) within the balance of the Northern Array and Central Array. Stage 2 will commence approximately 12-18 months after the commencement of Stage 1.

This independent environmental audit is intended to satisfy Schedule 4, Condition 11 of the Development Consent SSD 9255 (as modified on 19 February 2021), which requires UPC to commission and pay the full cost of an independent environmental audit of the Project "within 3 months of commencing construction".

This audit report is the first independent environmental audit report completed at the Project (since the Development Consent determination on 9th March 2020) and submitted to the DPE, to demonstrate the construction's level of statutory environmental compliance.

2.2 Audit Team

3E Environmental Engineering & Energy (based in Armidale, NSW) provides professional independent auditing and consultancy services in a number of specialised areas of environmental management within the resource, chemical, oil and gas and utilities industries. John Hanrahan (3E's Principal Engineer) is a Certified Environmental Management System Lead Auditor (Exemplar: Cert: 121281) and has more than 20 years' direct experience in the mining and environmental industries and more than nine years' experience as a lead auditor.

Adam Jones (an independent lawyer based in Sydney) was engaged by 3E Environmental Engineering & Energy to conduct a legal review of the draft audit report. Adam Jones has more than 20 years' legal experience across a variety of industry sectors. Since 2012, Adam Jones has built extensive experience in the resource industry via contract work (including conducting on-site audits and audit report reviews). Adam Jones also holds a Graduate Certificate of Environment.

2.3 Audit Objectives

This independent environmental audit focused on construction works and on-site field practices associated with the New England Solar Farm Project since granting of the development consent. The objective of this audit was to assess the status of compliance of the Project against the conditions of the Development Consent.

2.4 Audit Scope

The scope of this independent environmental audit included all relevant conditions (but excluding definitions and appendices unless otherwise specified in this report) specified in Development Consent SSD 9255 (as modified on 19 February 2021) as approved on 9th March 2020 by the Independent Planning Commission of NSW.

2.5 Audit Period

The period covered by this independent environmental audit ('audit period') is from 9th March 2020 (the date of approval of the Development Consent) to 5th May 2022 (the last day of the on-site attendance component of this audit).

2.6 Audit Report Submission

Section 4.5 of the NSW Government's *Independent Audit Post Approval Requirements* (IAPAR) (DPIE, May 2020) requires the submission of the final Independent Audit Report and the Applicant's response to audit findings within 2 months of undertaking the independent audit site inspection, unless otherwise agreed with the DPIE. The on-site inspection component of this audit commenced on 4th May 2022 and concluded on 5th May 2022.

The Lead Auditor considers that the audit commenced on 4th May 2022 (i.e. the first day of the Auditor's on-site attendance and inspections). On-site attendance and inspections ended on 5th May 2022.

3 Audit Methodology

3.1 Selection and Endorsement of Audit Team

UPC selected 3E Environmental Engineering & Energy to conduct the audit, after reviewing proposals received from environmental audit service providers. The Secretary of the DPE endorsed the appointment of the Audit Team by letter on 13th December 2021, which is reproduced in Appendix D of this audit report.

3.2 Independent Audit Scope Development

The audit scope was determined by Development Consent Schedule 4, Condition 11, which (as of 19 February 2021) requires that the independent environmental audit must “be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020)”.

In developing the audit scope, 3E Environmental Engineering & Energy consulted UPC and considered responses from the relevant agencies arising from pre-audit consultations. The agency responses received are reproduced in Appendix C of this audit report.

The Detailed Compliance Status table in Appendix A of this audit report was prepared by 3E Environmental Engineering & Energy.

3.3 Compliance Evaluation

This independent environmental audit was conducted by:

- direct verification of compliance against relevant conditions in the field; and
- ‘sampling’ a range of the documents, records and data associated with the Project and related activities.

The nature of sampling during any form of compliance audit is such that it may not necessarily identify everything that the construction is, or is not, doing in relation to an individual condition of the Development Consent.

The Lead Auditor’s Independent Audit Declaration in respect of the conduct of this independent environmental audit is set out in Appendix E of this audit report.

3.4 Site Interviews

The Lead Auditor attended the Project site on 4-5th May 2022 (2 days). Interviews were conducted in person. The “New England Solar Farm Project – Independent Environmental Audit – Details” page in this audit report lists the names of the Project personnel who were interviewed during this audit.

An on-site opening meeting for the audit was held on 4th May 2022 and an on-site closing meeting was held on 5th May 2022.

The attendees at the opening and closing meetings are listed in the attendance sheets reproduced below.



AUDIT OPENING MEETING (4TH MAY 2022)



AUDIT CLOSING MEETING (5TH MAY 2022)

NAME	ROLE/POSITION	NAME	ROLE/POSITION
1. Alessandro Kennedy	Environmental Manager	1. Alessandro Kennedy	Environmental Manager
2. Matt Reilly	GLC Construction Manager	2. DON RICH	UPC Project Manager
3. Tim Cresswell	PROJECT DIRECTOR UPC/AC	3. Miguel Borroja	Engineering Manager
4. Blake Gordon	Environmental Consultant	4. VOLODYMYR KRASY	PROJECT MANAGER (GLC)
5. SARAH BOWMAN	UPC/AC PM	5. VICTOR MENDEZ	Project Director GLC
6. ADIN PLEIN	UPC/AC PM	6. Matt Reilly	Construction Manager GLC
7. Victor Mendez	GLC / Project Director	7. JOHN HARRAHAN	LEAD AUDITOR - 3E ENV. ENG. & ENERGY
8. Volo Krasy	GLC / Project Manager	8.	
9. JOHN HARRAHAN	LEAD AUDITOR - 3E ENV. ENG. & ENERGY	9.	
		10.	

At the opening meeting, the objectives of the audit, the scope of the audit, the resources required and methodology to be applied were discussed. At the closing meeting, preliminary audit findings were presented, recommendations were made, and post-audit actions and timing for preparation of this audit report were confirmed.

3.5 Site Inspections

The Lead Auditor conducted site inspections on 4-5th May 2022. The “New England Solar Farm Project – Independent Environmental Audit – Details” page of this audit report lists the construction areas which the Lead Auditor inspected during on-site attendance.

3.6 Consultation

In preparation for on-site audit attendance, the Lead Auditor consulted the agencies as indicated in the letters reproduced in Appendix C of this audit report.

Several agencies did not respond to the consultation letters.

The agencies which responded to the Lead Auditor’s consultation letters were:

- NSW Department of Planning and Environment;
- Transport for NSW;
- NSW Department of Planning and Environment – Biodiversity, Conservation and Science Directorate;
- Water Group - NSW Department of Planning and Environment;
- Heritage NSW - NSW Department of Planning and Environment;
- Uralla Shire Council; and
- NSW Environment Protection Authority.

3.7 Compliance Status Descriptors

The Lead Auditor assessed compliance with each condition of the Development Consent in accordance with the following ‘audit finding’ compliance status descriptors, as required in Section 3.8 (Table 2) of the NSW Government’s *Independent Audit Post Approval Requirements* (2020).

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

3.8 Observations

As noted in Section 3.8 of the NSW Government’s *Independent Audit Post Approval Requirements* (2020): “The auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project.”

The 39 observations in this audit report are in addition to the compliance status descriptors in Section 3.7 of this audit report.

4 Audit Findings

4.1 Approvals and Documents Audited

Development Consent SSD 9255 (as modified on 19 February 2021), Schedule 4, Condition 11 requires “*Independent Audits of the development must be conducted and carried out in accordance with the relevant Independent Audit Post Approval requirements (2020)*.”

The “development” is defined in the development consent “*as described in the EIS*”.

The Development Consent is the “consent” referred to in Schedule 4, Condition 11 and is the only approval instrument that was required to be directly audited.

As part of this independent environmental audit, the Lead Auditor reviewed the Strategies, Plans and Programs listed in Section 4.6 of this audit report.

Each Development Consent condition in the Detailed Compliance Status table in Appendix A of this audit report also identifies additional documents that were reviewed during this independent environment audit.

The Lead Auditor also had regard to Section 3.2 of the NSW Government’s *Independent Audit Post Approval Requirements (2020)* and investigated environmental issues which were raised by agencies during the audit consultation process.

The Lead Auditor’s investigations of these environmental issues are recorded in the Consultation Comments tables within Appendix B of this audit report. Where relevant, the outcomes of these investigations have also been incorporated into the Audit Findings and Recommendations within the Detailed Compliance Status table in Appendix A of this audit report.

4.2 Compliance Performance

The Summary of Compliance Status table below summarises UPC’s performance against the conditions of the Development Consent as identified in this May 2022 audit. UPC was compliant with 31 out of 45 conditions which had been triggered as of May 2022.

**Summary of Compliance Status
as identified in the May 2022 Independent Environmental Audit**

Condition and Audit Finding	Compliant	Non-compliant	Not triggered as at May 2022
Development Consent SSD 9255 (as modified on 19 February 2021) Schedule 2 – Administrative Conditions (10 conditions)	7	0	3
Development Consent SSD 9255 (as modified on 19 February 2021) Schedule 3 – Environmental Conditions (30 conditions)	16	10	4
Development Consent SSD 9255 (as modified on 19 February 2021) Schedule 4 – Environmental Management and Reporting (17 conditions)	8	4	5
Total (57 Conditions)	31	14	12

4.3 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

During the audit period, no official notices, orders, penalty notices or prosecutions were received by UPC.

4.4 Non-compliances

Appendix A of this audit report contains a Detailed Compliance Status table for the assessment of UPC's compliance against each Condition of Consent in Schedules 2, 3, and 4 of the Development Consent.

A summary of non-compliances is provided in Section 4.2 of this audit report. Details of these non-compliances and recommendations to address the non-compliances are provided with the respective Conditions of Consent in Section 4.6, Table 1 of this audit report, and in Appendix A of this audit report.

The Lead Auditor did not identify any systemic (i.e. related) non-compliance findings during this audit.

4.5 Previous Audit Recommendations

This is the first Independent Audit to be conducted and carried out for the development since commencement of construction. Therefore, there are no previous audit recommendations.

4.6 Environmental Management Plans, Sub-Plans and Compliance Documents

UPC has developed the following Environmental Management Plans, Sub-Plans and Compliance Documents referred to in Section 4.2.3/6 of the NSW Government's *Independent Audit Post Approval Requirements* (2020)) in accordance with the requirements of the Development Consent:

- Subdivision Plans (Schedule 2, Condition 10)
- Traffic Management Plan (Schedule 3, Condition 6) including a program to ensure drivers working on the development receive suitable training on the drivers' code of conduct and other obligations
- Biodiversity Management Plan (Schedule 3, Condition 11)
- Construction Noise and Vibration Management Plan (not specifically referred to, developed for compliance with Schedule 3, Condition 13)
- Heritage Management Plan including sub-plans of Aboriginal Heritage and Historical Heritage (Schedule 3, Condition 19), and a program to monitor and report on effectiveness of measures and any heritage impacts
- Water Supply Strategy (not specifically referred to, for compliance with Schedule 3, Condition 20)
- Soil and Water Management Plan (not specifically referred to, for compliance with Schedule 3, Condition 21)
- Fire Safety Study (Schedule 3, Condition 23)
- Emergency Plan (Schedule 3, Condition 26)
- Waste Management Plan (not specifically referred to, for compliance with Schedule 3, Condition 27)
- Accommodation and Employment Strategy (Schedule 3, Condition 28), including a program to monitor and review the effectiveness of the strategy over the life of the development
- Environmental Management Strategy (Schedule 4, Condition 1).

The Lead Auditor assessed the adequacy and implementation of each of these Environmental Management Plans, Sub-Plans and Compliance Documents during this audit. Audit findings and recommendations are included in Table 1 below, and in Appendix A of this audit report, against the documents and their applicable Development Consent conditions listed above. Opportunities for improvement in the documents listed above are identified in the numbered observations set out in Appendix A of this audit report against the applicable Development Consent conditions.

Subject to the exceptions (i.e. non-compliances) identified in Table 1 below and in Appendix A of this audit report, the Lead Auditor considers that as of May 2022, UPC has implemented the relevant Environmental Management Plans, sub-plans and compliance documents to the extent that these management plans, sub-plans and documents were applicable in the construction phase of the development.

The Lead Auditor considers that as of May 2022, UPC's Environmental Management Plans, sub-plans and compliance documents are generally adequate for the relevant purposes of the Development Consent.

Table 1: Non-compliances and recommendations

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
Schedule 3 Condition 3.	TRANSPORT Access Route <p>All vehicles associated with the development must travel to and from the site via the New England Highway, Barleyfields Road, Big Ridge Road and the two site access points off Big Ridge Road, as identified in the figure in Appendix 4.</p> <p><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></p>	Non-compliance No. 1 – On the following occasion during the audit period UPC did not comply with this condition: <ul style="list-style-type: none"> evidence was provided demonstrating that during the audit period, a vehicle associated with the development travelled via Barleyfields Road (South) which is not an approved access route. 	Recommendation No. 1 – UPC should implement measures to monitor vehicles to ensure correct use of authorised access routes.	NC1
Schedule 3 Condition 4.	TRANSPORT Road Upgrades and Site Access <p>Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 4. These upgrades must be carried out to the satisfaction of the relevant roads authority, unless the Secretary agrees otherwise.</p>	Non-compliance No. 2 – UPC was unable to provide evidence to verify that the remaining works to Barleyfields Road and Big Ridge Road Segments 1 and 3, as identified and required by Uralla Shire Council, were completed by 10 th March 2022 as required by Council.	Recommendation No. 2 – UPC should ensure and obtain Council's formal notification that the conditions identified in Councils correspondence dated 17/02/2022 have been satisfied.	NC2
Schedule 3 Condition 6.	TRANSPORT Traffic Management Plan <p>Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include:</p> <ul style="list-style-type: none"> (a) details of the transport route to be used for all development-related traffic; (b) a protocol for undertaking independent dilapidation surveys to assess the: 	Non-compliance No. 3 – As of May 2022, the following aspects of the Traffic Management Plan (TMP) were not being implemented: <ul style="list-style-type: none"> Regarding the disciplinary procedure (section 3.25) of the TMP, there was no evidence provided to verify that the procedure was implemented for the non-conformance reported to the Planning Secretary on 05/05/2021 for the non-compliance that occurred on 30/04/2021. 	Recommendation No. 3 – UPC should ensure all required elements of the TMP are implemented.	NC3

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<ul style="list-style-type: none"> existing condition of Barleyfields Road and Big Ridge Road on the access route, prior to construction, upgrading or decommissioning activities; and condition of Barleyfields Road and Big Ridge Road on the access route, following construction, upgrading or decommissioning activities; <p>(c) a protocol for the repair of Barleyfields Road and Big Ridge Road on the access route, if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning works;</p> <p>(d) details of the road works required by condition 4 of Schedule 3 to this consent;</p> <p>(e) a protocol for the maintenance of segments 4 and 5 of Big Ridge Road required by condition 5(f) of Schedule 3 to this consent;</p> <p>(f) 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"> temporary traffic controls, including detours and signage; notifying the local community about project-related traffic impacts; procedures for receiving and addressing complaints from the community about development- related traffic; minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable; 			

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<ul style="list-style-type: none"> • implement measures to minimise dirt tracked onto the public road network from development- related traffic; • details of the employee shuttle bus service and measures to encourage employee use of this service; • scheduling of haulage vehicle movements to minimise convoy length or platoons; • responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding; • responding to any emergency repair or maintenance requirements; and • a traffic management system for managing over-dimensional vehicles; <p>(g) a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> • travelling speeds; • driver fatigue; • procedures to ensure that drivers adhere to the designated transport routes; and • procedures to ensure that drivers implement safe driving practices, including consideration of other road users; and <p>(h) 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.</p> <p>Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>			

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance																														
Schedule 3 Condition 10.	<p>BIODIVERSITY</p> <p>Biodiversity Offsets</p> <p>Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of BCS, unless the Secretary agrees otherwise.</p> <p>The retirement of these credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Scheme</i> and can be achieved by:</p> <p>(a) acquiring or retiring ‘biodiversity credits’ within the meaning of the <i>Biodiversity Conservation Act 2016</i>;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p><i>Table 1: Ecosystem Credit Requirements</i></p> <table><tr><th>Vegetation Community</th><th>PCT ID</th><th>Credits Required</th></tr><tr><td>Bakely's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion</td><td>510</td><td>107</td></tr><tr><td>Silvertop Stringybark open forest of the New England Tableland Bioregion</td><td>1174</td><td>78</td></tr><tr><td>Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion</td><td>567</td><td>18</td></tr></table> <p><i>Table 2: Species Credit Requirements</i></p> <table><tr><th>Vegetation Community</th><th>Credits Required</th></tr><tr><td>Bluegrass (<i>Dichanthium setosum</i>)</td><td>44</td></tr><tr><td>Hawkweed (<i>Picris euae</i>)</td><td>43</td></tr><tr><td>Austral Toadflax (<i>Thesium australe</i>)</td><td>33</td></tr><tr><td>Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)</td><td>39</td></tr><tr><td>Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)</td><td>30</td></tr><tr><td>Squirrel Glider (<i>Petaurus norfolkensis</i>)</td><td>39</td></tr><tr><td>Koala (<i>Phascolarctos cinereus</i>)</td><td>39</td></tr><tr><td>Barking Owl (<i>Ninox connexus</i>)</td><td>5</td></tr></table>	Vegetation Community	PCT ID	Credits Required	Bakely's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion	510	107	Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78	Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18	Vegetation Community	Credits Required	Bluegrass (<i>Dichanthium setosum</i>)	44	Hawkweed (<i>Picris euae</i>)	43	Austral Toadflax (<i>Thesium australe</i>)	33	Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)	39	Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)	30	Squirrel Glider (<i>Petaurus norfolkensis</i>)	39	Koala (<i>Phascolarctos cinereus</i>)	39	Barking Owl (<i>Ninox connexus</i>)	5	<p>Non-compliance No. 4 – The Secretary agreed to a deferment of the retirement of the biodiversity credits subject to UPC retiring the biodiversity credits by 31st March 2021. UPC retired the biodiversity credits with payment to the BCT on the 12 May 2021, which did not satisfy the DPE's required timeframe.</p>	<p>Recommendation No. 4 – UPC should ensure any actions requested by the Secretary are completed within the required timeframe.</p>	NC4
Vegetation Community	PCT ID	Credits Required																																
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Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)	39																																	
Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)	30																																	
Squirrel Glider (<i>Petaurus norfolkensis</i>)	39																																	
Koala (<i>Phascolarctos cinereus</i>)	39																																	
Barking Owl (<i>Ninox connexus</i>)	5																																	
Schedule 3 Condition 28.	<p>AMENITY</p> <p>Noise</p>	<p>Non-compliance No. 5 – No evidence was able to be provided to verify the following best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)</p>	<p>Recommendation No. 5 – UPC should ensure all required environmental management control measures to minimise the noise generated by any construction</p>	NC5																														

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	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.	and listed in Table 11 (section 7.1) of the CNVMP: <ul style="list-style-type: none"> - during the first month of construction, conducting one round of attended noise monitoring at site boundaries and closest residences; - during the first month of construction, carrying out noise level checks (Sound Power Levels) on all critical items of plant (equipment noise certificates were provided post audit however test dates were outside the audit period and not within the first month of construction); and - instructing all site personnel during a general induction as to their responsibilities in minimising noise and adhering to the noise minimisation measures. 	activity, developed in accordance with the best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and as listed in Table 12 of the CNVMP are implemented.	
Schedule 3 Condition 19.	HERITAGE Heritage Management Plan Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must: <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with Heritage NSW, Aboriginal Stakeholders and Council; (c) include a description of the measures that would be implemented for: <ul style="list-style-type: none"> • protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 or items located outside the approved 	Non-compliance No. 6 – As of May 2022, UPC did not satisfy the following requirements of this condition: <ul style="list-style-type: none"> - the requirement to consult with Heritage NSW was not included in the HHMP, and therefore no evidence existed to indicate that consultation with Heritage NSW was undertaken; and - the points listed in section 4.2.1 of the HHMP have not been conveyed in the site induction material. 	Recommendation No. 6 – UPC should review and update the Historical Heritage Management Plan and ensure all required elements are included and implemented.	NC6

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<p>development footprint, including fencing off Aboriginal heritage items prior to commencing construction and providing ongoing access and management opportunities for Aboriginal people to NE09 and NE68;</p> <ul style="list-style-type: none"> • salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5; • protecting the historic heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint; • managing the impact of the development on the historic heritage items identified in Table 2 of Appendix 6, including photographic archival records prepared in accordance with Heritage Council of NSW Guidelines for archival recordings; • a contingency plan and reporting procedure if: <ul style="list-style-type: none"> – previously unidentified heritage items are found; or – Aboriginal skeletal material is discovered; • 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 • ongoing consultation with Aboriginal stakeholders during the implementation of the plan; 			

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<p>(d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.</p> <p>Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.</p>			
<p>Schedule 3</p> <p>Condition 21.</p>	<p>SOIL AND WATER</p> <p>Water Pollution</p> <p>The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.</p>	<p>Non-compliance No. 7 – The Soil and Water Management Plan (Section 4.5) adopts a minimum sediment control Type 2 structure (Rock Filter Dam with geotextile) to be used on the NESF construction site. However, based on the audit site inspection (see Photo 26 and Photo 27), sediment fences have been installed where long term rock filter dams have been specified on the ESCP (Dwg No: NESF1-SMEC-CW-00DRN-DWG-131), which is inconsistent with the ESCP and could result in sediment being introduced into waters.</p>	<p>Recommendation No. 7 – UPC should ensure all sediment control structures are installed in accordance with the ESCPs and the Soil and Water Management Plan.</p>	<p>NC7</p>
<p>Schedule 3</p> <p>Condition 25.</p>	<p>HAZARDS</p> <p>Operating Conditions</p> <p>The Applicant must:</p> <p>(a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;</p> <p>(b) ensure that the development:</p> <ul style="list-style-type: none"> includes at least a 10 metre defendable space around the perimeter of the solar array area and battery storage facility that permits unobstructed vehicle access; manages the defendable space and solar array areas as an Asset Protection Zone; 	<p>Non-compliance No. 8 – Regarding the fourth dot point of paragraph (b) of this condition, at the time of this audit, a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road had not been installed to respond to any fires on site.</p>	<p>Recommendation No. 8 – UPC should procure and install a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection in order to respond to any fires on site.</p>	<p>NC8</p>

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<ul style="list-style-type: none"> complies with the relevant asset protection requirements in the RFS's <i>Planning for Bushfire Protection 2019 (or equivalent)</i> and <i>Standards for Asset Protection Zones</i>; 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 and a FRNSW compatible suction connection located adjacent to the internal access road; <p>(c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</p> <p>notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.</p>			
Schedule 3 Condition 27.	<p>WASTE</p> <p>The Applicant must:</p> <p>(a) minimise and manage the waste generated by the development in accordance with the EPA's waste hierarchy objectives of avoidance, resource recovery and then disposal;</p> <p>(b) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version);</p> <p>(c) store and handle all waste on site in accordance with its classification;</p> <p>(d) not receive or dispose of any waste on site; and</p>	<p>Non-compliance No. 9 – In relation to paragraph (d) of this condition, there was evidence that excavated waste material (from the road upgrades) was received on site during this audit period.</p>	<p>Recommendation No. 9 – It is recommended that UPC not use any stockpiled waste material (from the road upgrades) on site until the reuse of the material is reviewed and relevant approval granted.</p>	NC9

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.			
Schedule 3 Condition 28.	<p>ACCOMMODATION AND EMPLOYMENT STRATEGY</p> <p>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 Secretary. This strategy must:</p> <ul style="list-style-type: none"> (a) propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development; (b) consider the cumulative impacts associated with other State significant development projects in the area; (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction. <p>Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.</p>	<p>Non-compliance No. 10 – UPC was not able to provide evidence that it had fully implemented aspects of the Accommodation and Employment Strategy (AES) as follows:</p> <ul style="list-style-type: none"> – Section 6.3 of the AES states that leading up to and during construction, the AES would be reviewed at least every six months. Some evidence was provided to show consultation with accommodation providers was undertaken in March 2021, however, no evidence was provided to show that the AES had been reviewed or updated since approved in the 12 month period prior to the commencement of construction. – Section 5.3 of the AES states that consultation will be undertaken with local councils (Uralla Shire Council, Armidale Regional Council and Tamworth Regional Council) prior to construction commencing and during construction to ensure an appropriate plan for transient worker housing is in place and there is no other unexpected pressures on local facilities due to the Project. No evidence was provided to show that the consultation with local councils (other than Uralla Shire Council) had been undertaken prior to construction. – Section 6.2 (second dot point) states that GLC will incorporate the levels of medical services (i.e. which facilities provide particular levels of service) in each jurisdiction in the Emergency Response 	<p>Recommendation No. 10 – UPC should:</p> <ul style="list-style-type: none"> – review and if necessary, update the Accommodation and Employment Strategy considering the changes made to the construction schedule (and cumulative impacts) and general circumstances regarding accommodation in the locality of the development; and – undertake consultation with Armidale Regional Council and Tamworth Regional Council as committed to in the approved AES. 	NC10

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
		Plan (ERP). No evidence was provided to show that these levels of service are incorporated in the ERP.		
Schedule 4 Condition 1.	<p>ENVIRONMENTAL MANAGEMENT</p> <p>Environmental Management Strategy</p> <p>Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the development; receive, handle, respond to, and record complaints; resolve any disputes that may arise; respond to any non-compliance; respond to emergencies; and <p>(e) include:</p> <ul style="list-style-type: none"> references to any plans approved under the conditions of this consent; and 	<p>Non-compliance No. 11 – In relation to Revision 4.1 of the Environmental Management Strategy (EMS), no evidence was provided to verify:</p> <ul style="list-style-type: none"> an updated Monitoring Schedule summarising all monitoring requirements associated with the NESF was posted on the NESF website, as per section 11.4 of the EMS; that attended noise monitoring for construction (including equipment noise level checks) during first month of construction (Table 11-1) was conducted; that the environmental induction includes (at a minimum) all dot points described in section 4.5.1 of the EMS. 	<p>Recommendation No. 11 – UPC should review all measures described in the Environmental Management Strategy and ensure these measures are implemented as required.</p>	NC11

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	<ul style="list-style-type: none"> a clear plan depicting all the monitoring to be carried out in relation to the development. <p>Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>			
Schedule 4 Condition 2.	<p>ENVIRONMENTAL MANAGEMENT</p> <p>Revision of Strategies, Plans and Programs</p> <p>The Applicant must:</p> <p>(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</p> <p>(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:</p> <ul style="list-style-type: none"> submission of an incident report under condition 7 of Schedule 4; submission of an audit report under condition 9 of Schedule 4; or <p>any modification to the conditions of this consent.</p>	<p>Non-compliance No. 12 – UPC was unable to demonstrate that relevant environmental strategies, plans and programs had been reviewed (and if necessary revised) within 1 month of the the modification to the conditions of this consent (Modification 1 was determined 19th February 2021).</p>	<p>Recommendation No. 12 – As required by this condition, within 1 month of submitting this audit report, UPC should review the strategies, plans or programs required under this consent. UPC should formally advise the Secretary which plans were reviewed and which plans will be revised, and by when.</p>	NC12
Schedule 4 Condition 9.	<p>COMPLIANCE</p> <p>Non-Compliance Notification</p> <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</p>	<p>Non-compliance No. 13 – Regarding the non-conformance notification dated (5 May 2021) to DPE for the 30 April 2021 non-compliance, no reason for the non-compliance was included in the notification provided to DPE.</p>	<p>Recommendation No. 13 – UPC should ensure the reason for non-compliances is included in the non-compliance notification. UPC could consider developing a non-conformance template to ensure all the requirements of this condition are addressed.</p>	NC13

Condition of Consent	Condition Requirement	Details of non-compliance	Recommendation	Unique ID for non-compliance
	have been done, or will be, undertaken to address the non-compliance.			
Schedule 4 Condition 12.	<p>ACCESS TO INFORMATION</p> <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"> the EIS; the final layout plans for the development (Schedule 4, Condition 5); 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, operation or decommissioning of the development is to be staged; how complaints about the development can be made; a complaints register; compliance reports; any independent environmental audit, and the Applicant's response to the recommendations in any audit; and any other matter required by the Secretary; and <p>keep this information up to date.</p>	<p>Non-compliance No. 14 – the following documents were not publicly available on the NESF website at the time of this May 2022 audit:</p> <ul style="list-style-type: none"> the Response to Submissions dated June 2019; additional information dated 31 October 2019 and 10 December 2019; additional information provided to the IPC of NSW on 7 February 2020 and 18 February 2020; Modification Report dated 16 December 2020; other Statutory Approvals as listed in Table 3-1 of the EMS; the Construction Environmental Management Plan and Appendices (CEMP) as committed to in the EIS and section 1.2.2 of the CEMP. 	<p>Recommendation No. 14 – UPC should ensure that all documents as required by Schedule 4, condition 12 and other plans as committed to in the EIS, are publicly available on the NESF website.</p>	NC14

4.7 Environmental Performance

In terms of overall environmental performance, the New England Solar Farm Project as assessed in this audit was considered to be managed to high environmental standards, in accordance with appropriate environmental management plans, monitoring programs and procedures.

Appendix A of this audit report contains a Detailed Compliance Status table for the assessment of UPC's compliance against each Condition of Consent in Schedules 2, 3, and 4 of the Development Consent.

A summary of UPC's environmental performance as assessed in this May 2022 audit is provided in Section 4.2 of this audit report.

Taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance, other than the audit findings discussed in this section, the Lead Auditor has no other matters considered relevant to this audit report. It is noted that construction of the Project commenced on 7 February 2022 and 'past performance' is not relevant for this first audit.

During the consultation process for this audit, DPE requested that *"careful consideration is given to those conditions related to:*

- *Construction traffic, including implementation of management plans, for example Schedule 3, Conditions 1, 2, 3, 4 and 6.*
- *Landscaping, for example progress concerning landscape screening, Schedule 3, Condition 7."*

During the audit, careful consideration was given to the related conditions as requested by DPE. The outcomes of these investigations have been incorporated into the Audit Findings and Recommendations within the Detailed Compliance Status table in Appendix A of this audit report. UPC was found to be compliant with the specific conditions requested to be considered by DPE.

4.8 Consultation Outcomes

Prior to this May 2022 audit the Lead Auditor consulted the DPE and other agencies and stakeholders identified in Section 3.6 of this audit report.

The outcome of this feedback received from the DPE and other agencies and stakeholders consulted is documented in Table 2 in accordance with the IAPAR requirement and further detail documented in Appendix B.

In addition, each environmental area of focus resulting from the feedback was investigated and formed part of the assessment of compliance with the relevant Development Consent condition. In Table 2, each relevant environmental issue is cross-referenced to the relevant Audit Finding and Recommendation in the Detailed Compliance Status table within Appendix A of this audit report.

Table 2: Feedback received from stakeholders/agencies during consultation

Agency/Stakeholder	Comment or environmental area of focus	Where addressed
NSW Department of Planning and Environment (DPE)	<p>Please also ensure that careful consideration is given to those conditions related to:</p> <ul style="list-style-type: none"> ▪ Construction traffic, including implementation of management plans, for example Schedule 3, Conditions 1, 2, 3, 4 and 6. ▪ Landscaping, for example, progress concerning landscape screening, Schedule 3, Condition 7. 	See auditor's findings in Schedule 3, conditions 1, 2, 3, 4, 6 and 7 in this report.
Uralla Shire Council	Of principle interest to Council currently are:	See auditor's findings as follows:

Agency/Stakeholder	Comment or environmental area of focus	Where addressed
	<ul style="list-style-type: none"> Compliance with over-dimensional and heavy vehicle restrictions; Dust suppression; Implementation of erosion and sediment control measures, and Waste management and classification. 	<ul style="list-style-type: none"> Compliance with over-dimensional and heavy vehicle restrictions; Dust suppression (Schedule 3, conditions 1 and 14) Implementation of erosion and sediment control measures, and Waste management and classification (Schedule 3, condition 27)
Heritage NSW	Heritage NSW has reviewed the conditions of consent and would like to draw your attention to Condition 19 of Development Consent SSD 9255 (the Consent), which states that a Heritage Interpretation Plan must be completed prior to commencing the development. The condition does not require this be submitted to Heritage NSW for review but must be completed as part of the development conditions. The Condition also states that this plan must be in accordance with subpoints a-b as per the condition 19 of consent, and also "following the Secretary's approval, the Applicant must implement the Heritage Management Plan".	See auditor's findings in Schedule 3, conditions 17, 18 and 19 regarding Heritage in this report.
Biodiversity and Conservation (BCD)	<p>In terms of the scope of independent environmental audits for this development, to ensure the interests of the BCD are appropriately addressed such audits should focus on the measures for avoidance, minimisation, and offsetting impacts, as required by the conditions of consent.</p> <p>For the Stage 1 audit, the BCD requests the scope of the audit includes implementation of the measures in the approved BMP for Stage 1 of the development and consideration of our attached advice on previous versions of the BMP.</p>	See auditor's findings in Schedule 3, conditions 9, 10 and 11 regarding Biodiversity in this report.
NSW Environment Protection Authority (EPA)	<p>The New England Solar Farm does not hold an Environment Protection Licence with the EPA, as electricity generation by means of solar power is not a scheduled activity under Schedule 1 of the Protection of the Environment Operations Act 1997.</p> <p>The EPA notes that you are undertaking an independent environmental audit of the solar farm and are required to consult with relevant parties by the Project Approval. The EPA does not have any issues or matters to be addressed in the environmental audit.</p>	The NSW EPA did not have any specific issues to be addressed.
Transport for NSW (TfNSW)	TfNSW has no specific issues that it would like to be investigated with the audit of the project.	TfNSW did not have any specific issues to be addressed.
Water Group – Department of Planning and Environment	There is nothing specific that DPE Water requires to be addressed in the audit.	DPE Water did not have any specific issues to be addressed.

Agency/Stakeholder	Comment or environmental area of focus	Where addressed
Fire and Rescue NSW (FRNSW)		No response received.
NSW Rural Fire Service (RFS)		No response received.

4.9 Complaints

During the audit period, UPC recorded community complaints in its Community Complaints Register. The register is published on the Project website at: <https://newenglandsolarfarm.com.au/documents-and-approvals/>.

Twenty-three complaints were recorded in the register during the audit period, inclusive of eight related to property and infrastructure, six for traffic and transport, four for dust, four for workforce behaviour and one for water. 70% of the complaints were from adjoining landholders and most related to the road upgrade activities. During the audit period, no complaints were received from any government regulators or agencies.

The register includes the response to each complaint. All complaints were considered by UPC to be closed at the time of this audit. In addition, there was evidence that responses and resolutions were undertaken in a timely manner. The register also includes a concise recording, investigating and reporting procedure. The Lead Auditor considers UPC's response to and management of complaints to be adequate.

4.10 Incidents

During the audit period, there were no reported incidents or notifications from UPC to the EPA, DPE or other regulatory bodies.

4.11 Actual versus predicted impacts

As part of this audit, and in conjunction with the assessment of the adequacy and implementation of each of UPC's Environmental Management Plans, Sub-Plans and Compliance Documents, the Lead Auditor assessed the compliance between actual impacts and predicted impacts of the project (i.e. as predicted in the Environmental Impact Statement (EIS) documentation defined in the Development Consent SSD 9255).

To the extent possible (the entire development boundary was not able to be accessed at the time of this audit due to wet ground conditions), the physical development boundary was compared with the approved boundary using both visual observation during the on-site audit and desktop review. Based on the on-site inspection and desktop review, the physical development boundary was considered to be consistent with (i.e. within) the approved development boundary as defined in Appendices 1, 2 and 3 of the Development Consent.

Subject to the non-compliances identified in this audit report (none of which were systemic), there was evidence during this audit that UPC is carrying out the NESF Project generally in accordance with the EIS and in accordance with the conditions of the Development Consent. The potentially adverse off-site impacts that were identified during this audit included the non-compliances relating to transport (NC1), noise (NC5), sediment (NC7) and social impact (NC10), as recorded in Section 4.6, Table 1 of this audit report, and in Appendix A of this audit report.

4.12 Key Strengths

The Lead Auditor identified that during the audit period, the key strengths of the Project were:

- No systemic non-compliances were identified during this audit;
- UPC was able to demonstrate a high level of commitment to achieving and maintaining environmental compliance and addressing landowner concerns;
- UPC was able to demonstrate a high level of commitment to protecting, salvaging and where necessary, relocating Aboriginal heritage and historic heritage items.
- UPC was able to demonstrate a responsible level of encouraging and contracting local employment and businesses and keeping the community informed of the construction progress.

5 Recommendations

5.1 Non-compliances

For the non-compliances identified in this audit, the Lead Auditor has recommended actions for UPC to address those non-compliances which UPC had not already addressed. These recommendations are included in the Independent Audit Findings and Recommendations column for the relevant Development Consent conditions in the Detailed Compliance Status table within Appendix A of this audit report.

5.2 Observations

The Detailed Compliance Status table in Appendix A of this audit report includes individually numbered observations. Observations have been provided by the Lead Auditor as opportunities for improvement, for UPC's consideration to enable continual improvement to be demonstrated in statutory compliance, environmental management and environmental practices across the operation.

6 UPC Response to Audit Findings

6.1 Non-compliances

UPC will record its responses to the identified 'non-compliant' audit findings and recommendations in a 'non-compliance audit findings action plan' document, having regard to the table example in Appendix D of the *Independent Audit Post Approval Requirements* (2022).

6.2 Observations

UPC will record its responses to the observations in this audit report in an 'audit observations response' document, having regard to the table example in Appendix D of the *Independent Audit Post Approval Requirements* (DPIE, May 2022).

7 Limitations of Audit

The scope of this independent environmental audit was limited to reviewing how the Applicant (UPC/AC Renewables Australia Pty Limited) at its New England Solar Farm Project is maintaining environmental compliance against applicable conditions specified in Development Consent SSD 9255 (as modified on 19 February 2021).

The period covered by this independent environmental audit ('audit period') is from 9th March 2020 (the date of approval of the Development Consent) to 5th May 2022 (the last day of the on-site component of this audit).

Unless otherwise indicated, in this audit report a reference to 'UPC', or 'New England Solar Farm Project', is a reference to the Applicant (as defined in the Development Consent).

This independent environmental audit was conducted by: a) direct verification of compliance against relevant conditions in the field; and b) 'sampling' a range of the documents, records and data associated with the Project and related activities. The nature of sampling during any form of compliance audit is such that it may not necessarily identify everything that the operation is, or is not doing, in relation to an individual condition of the Development Consent.

This independent environmental audit and associated audit report was commissioned by UPC to comply with Schedule 4, Condition 11 of the Development Consent. No other warranty, expressed or implied, is made as to the professional advice indicated in this report. Note that this report may not contain sufficient information for the purposes of other parties or for other uses.

The content of this report applies only to matters which were available to and/or evident to the Lead Auditor at the time of this independent environmental audit and within the scope of the audit. The status of environmental compliance can change in a limited time, which may be important if the report is used after any protracted delay.

The content of this report is based on the observations made during field inspections and the associated documents and records reviewed, that were provided by UPC during the audit. Field inspection locations were selected by the Lead Auditor to ensure that a representative sample of field activities could be inspected/audited against relevant conditions. Field inspections were completed at various locations and infrastructure associated with the Project and applicable to conditions within the Development Consent.

Environmental compliance audits such as this independent environment audit are typically based on the selective testing of the information and data being examined. Non-compliances may exist and not be detected. An environmental compliance audit is not designed to identify and detect all instances of non-compliance against the Development Consent, as it is not performed continuously throughout the audit period. The findings and comments expressed in this audit report have been formed and are based on the above limitations.

No analytical samples were collected during this audit to verify any former or current monitoring programs in place or data collected.

This audit report does not, and does not purport to, give legal advice on the actual or potential liabilities of the operation, or draw conclusions as to whether any particular circumstances constitute a breach of relevant legislation. Only qualified legal practitioners who are retained to provide legal advice can provide this advice.

8 Conclusion

This independent environmental audit of the New England Solar Farm Project's compliance with the conditions of Development Consent SSD 9255 (as modified on 19 February 2021) was conducted in May 2022 by 3E Environmental Engineering & Energy.

This audit report is the first independent environmental audit report completed at the New England Solar Farm Project (since the approval of the Development Consent on 9th March 2020) and submitted to the NSW Department of Planning and Environment (DPE), to demonstrate the construction's level of statutory environmental compliance.

A total of 57 conditions across the Development Consent were audited. As recorded in this audit report, this audit identified 31 'compliant' findings, 14 'non-compliant' findings, and 12 'not triggered' findings.

No systemic non-compliances were identified during this audit.

This audit report includes 39 observations. Observations are provided for UPC's consideration as opportunities for improvement, enabling continual improvement to be demonstrated in statutory compliance, environmental management and environmental practices across the operation.

In terms of overall environmental performance, the New England Solar Farm Project as assessed in this audit was considered to be managed to high environmental standards, in accordance with appropriate environmental management plans, monitoring programs and procedures.

Appendix A:

Detailed Compliance Status of the New England Solar Farm Project

The Detailed Compliance Status table below provides information regarding the findings identified in this May 2022 audit against the Development Consent conditions. Observations are provided as opportunities for improvement, for UPC's consideration to improve levels of compliance and enable continual improvement to be demonstrated in statutory compliance, environmental management and environmental practices across the operation.

In relation to the Development Consent conditions as reproduced in the Detailed Compliance Status table below:


- Red type represents February 2021 modification – as modified on 19 February 2021

Detailed Compliance Status

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
1.	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT 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.	During this May 2022 audit, in carrying out the solar farm construction activities, UPC as the principal holder of the Development Consent, was able to demonstrate that the operation has implemented a range of reasonable and feasible measures, as described in this audit report, to prevent and/or minimise the likelihood of any harm to the environment that may result from the operation of the project.	During the audit period UPC has adequately implemented all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction of the project.	Compliant	
2.	TERMS OF CONSENT The Applicant must carry out the development: a) generally in accordance with the EIS; and b) in accordance with the conditions of this consent. <i>Note: The general layout of the development is shown in Appendix 1.</i>	During this May 2022 audit the Lead Auditor conducted field inspections of the NESF site and sighted a selection of documents relating to Development Consent conditions. The relevant strategy, plan and program documents are listed in Section 4.6 of this audit report and in the 'evidence collected' column entry for each Development Consent condition. As defined in Section 4.11 of this audit report, during the audit period, the actual environmental impacts of the NESF	Subject to the non-compliances identified in this audit report (none of which were systemic), there was evidence during this May 2022 audit that UPC is carrying out the NESF Project generally in accordance with the EIS and in accordance with the conditions of the Development Consent.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		Project were generally consistent with the predicted impacts as described in the 2019 EIS, and as noted in Section 4.12 of this audit report, no systemic non-compliances were identified during this audit.			
3.	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.	Relevant UPC personnel acknowledged and understood this condition.	Relevant UPC personnel acknowledged and understood this condition.	Compliant	
4.	TERMS OF CONSENT The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of: <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> ▪ Correspondence (letter dated 3 March 2022) from the Planning Secretary (NSW DPE) to UPC re: New England Solar Farm (SSD-9255) Potential Non-compliance with Schedule 3, Condition of Consent 03, SSD 9255. ▪ Correspondence (email dated 24 March 2022) from UPC to the NSW DPE re: New England Solar Farm - NES Potential Non-compliance, S3, CoC 03. <u>Non-compliance – 30 April 2021</u> <ul style="list-style-type: none"> ▪ Correspondence dated 5 May 2021 from UPC to the Planning Secretary (NSW DPE) re: New England Solar 	The Department assessed correspondence from UPC regarding a potential non-compliance with Schedule 3, Condition of Consent 3 and requested evidence of the prestart meetings mentioned in the incident report (Saturday 19 February 2022) by COB 25 March 2022. In an email dated 24 March 2022, UPC provided documented evidence of the GLC pre-start meeting dated 21/02/2022 and a UGL prestart meeting dated 16/2/22.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		Farm (SSD-9255) Incident Report – Site Access Route.			
5.	UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE Over time, 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 Secretary incorporating the proposed upgrades.	Relevant UPC personnel acknowledged and understood this condition.	This condition requirement has a timing trigger (i.e. upgrade of the solar panels and ancillary infrastructure) that has not been met during this audit period, therefore an assessment of compliance is not required.	Not Triggered	
6.	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 <i>Building Code of Australia</i> . <i>Notes:</i> <ul style="list-style-type: none"> Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. 	The following (staged) Construction Certificates (CC) (pursuant to Part 6 of the EP&A Act 1979) determined by a Principal Certifying Authority (David Blackett, Building Certifier - Accreditation No. BDC0032 of Blackett Maguire + Goldsmith) and associated documentation (approved plans and Specifications) were sighted: <u>Construction Certificate (No. CC-21122)</u> determined on 12 August 2021 for the “CC1 – Erection of metal chain wire perimeter fencing with access gates, automatic sliding gate, and barbed wire post tensioned livestock fencing with access gates; associated with the development of the New England Solar Farm.” The CC relates to Stage 1 only. It	UPC was able to demonstrate that new buildings and structures are in the process of being constructed in accordance with the relevant requirements of the BCA, as evidenced by the certifying certificates including Construction Certificates for Stage 1 (Zones A-D) for the: <ul style="list-style-type: none"> new perimeter fencing; substation civil site works; and the solar array civil works. At the time of this May 2022 audit, it was stated that all construction works were approximately 10% complete. This condition requirement has a timing trigger (i.e. completion of construction)	Not Triggered	

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Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>was stated that approximately 10% of the fence was erected at the time of the audit.</p>  <p>Photo 1 Section of partially constructed (May 2022) perimeter fence in Stage 1 (Zone C) looking north (4 May 2022)</p> <p><u>Construction Certificate (No. CC-21152)</u> determined on 28 September 2021 for the “CC3 – Civil site works including excavation, benching, grading, stormwater, access roads, and the drainage paths for the Substation; associated with the development of the New England Solar Farm.” The CC relates to Stage 1 only. The substation was under construction at the time of this audit.</p> <p><u>Construction Certificate (No. CC-21189)</u> determined on 15 December 2021 for the “CC4 – Civil site works including excavation, benching, grading, stormwater, access roads, and the drainage paths for the Solar Array;</p>	that has not been met during this audit period, therefore an assessment of compliance is not required.		


New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>installation of footings and piers for the Solar Array; and preliminary electrical works for the Solar Array across Zone A, B, C, D; associated with the development of the New England Solar Farm." The CC relates to Stage 1 only. The substation was under construction at the time of this audit.</p> <p>It was stated that no building or structure construction was completed during the audit period therefore no occupation certificates have been determined nor issued at the time of this audit.</p> <p>It was also stated that the Site Temporary Compound buildings housing the site offices etc. are classed as "moveable dwellings" (as defined in the Local Govt. Act) and therefore do not require CCs under the EP&A Act.</p> <p>It is noted that construction certificates sighted are effective as their issue dates are prior to the commencement of (Stage 1) construction date (7 February 2022) of the development.</p> <p>It was stated that the CC for the Operating & Maintenance building (CC6) was being prepared at the time of this audit.</p> <p>The CC for the TransGrid switchyard (CC2) civil site works including bulk excavation works, bench, internal roads, drainage, oil separators, transformer foundations, minor foundations, drainage</p>			


New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
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		<p>construction, cut and fill areas for grading the site was not sighted.</p> <p>The following information has been submitted to the PCA and was pending approval as of May 2022:</p> <ul style="list-style-type: none"> • CC5 for the 330/33kV substation foundations, structural works and erection of new 330/33kV substation including buildings and associated works; • O&M facility earthworks, civil, and electrical arrangement and erection of TransGrid 300kV switchyard and associated works - high voltage equipment (installation of HVE including testing and commissioning); • Civil and structural - installation of footings, foundations and steel structures including gantry and auxiliary services building. 			
7.	<p>DEMOLITION</p> <p>The Applicant must ensure that all demolition work on site is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i>, or its latest version.</p>	<p>It was stated that during the audit period, other than the removal of minor farm infrastructure such as livestock fences and small farm structures (one domestic concrete water tank) no structures were demolished.</p>	<p>Based on the evidence collected during this audit, UPC was compliant with this condition during the audit period.</p> <p>Observation No. 1 – As demolition includes work to dismantle a structure or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure (which is anything that is constructed whether fixed or moveable), UPC should confirm whether the Standard applies when dismantling any</p>	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
			structures associated with the Site Temporary Compound.		
8.	<p>PROTECTION OF PUBLIC INFRASTRUCTURE</p> <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>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>	<p>Publicly owned infrastructure in the vicinity of the development primarily includes public roads and utilities.</p> <p>It was stated that during the audit period:</p> <p>(a) no publicly owned infrastructure was damaged by the project; and</p> <p>(b) no publicly owned infrastructure was required to be relocated as a result of the development, and therefore no compensation was required for any relocation.</p> <p>As a visual aid to prevent damage, it was stated that "Tiger Tails" (black and yellow power line covers) have been installed by the applicant on the Essential Energy (NSW government owned corporation) transmission lines traversing Big Ridge Road.</p> <p>In addition, it was stated that:</p> <ul style="list-style-type: none"> A council owned water main located in the road reserve was relocated within the road reserve. The work was performed and paid for by the applicant. A Telstra owned underground cable was damaged on Barleyfields road (on the boundary with private land) 	Based on the evidence collected during this audit, UPC was compliant with this condition during the audit period.	Compliant	


New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
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		<p>during the road upgrades. The repairs were paid for by the applicant.</p> <p>However, these works were associated with the upgrade of the road network to which this condition expressly does not apply.</p>			
9.	<p>OPERATION OF PLANT AND EQUIPMENT</p> <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> <p>(b) operated in a proper and efficient manner.</p>	<p>The following evidence was sighted:</p> <ul style="list-style-type: none"> ▪ Completed IMS Plant Pre-Mobilisation Forms: <ul style="list-style-type: none"> - Articulated Dump Truck (dated 8 April 2022) - Generator – Diesel – 80kVA (dated 14 September 2021). ▪ Completed IMS Verification of Competency (VOC) Forms: <ul style="list-style-type: none"> - Piling Operator for Skid Steer Loader (dated 15 March 2022) (Photo 3) - Excavator (LE) (dated 8/3/22) ▪ Training Needs Register (excel spreadsheet) – VOC Register tab – above VOCs were verified in register <p>During this audit, the auditor reviewed a random sample of maintenance planning and scheduling applicable to mobile plant. This is inclusive of targeting equipment, plant and infrastructure with the potential for environmental risk or harm if not correctly maintained, inclusive of:</p>	<p>Relevant to equipment, plant and infrastructure with the potential for environmental risk or harm, UPC was able to demonstrate diligent and effective maintenance and operation systems for fixed and mobile plant across the development.</p>	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
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		<p><u>Mobile Plant Maintenance</u></p> <p>The site inspection during the audit did not identify any examples of any unmaintained or inappropriately operated equipment.</p> <p>It was stated that contractors maintain their equipment off site. Light vehicles are serviced in Uralla and vehicle prestart forms are completed weekly. Date of next regular service is put into the vehicle. Prestarts are completed daily for heavy vehicles.</p> <p><u>UPC Maintenance Systems</u></p> <p>During the audit period, UPC's plant inspection and competency/training systems within the Integrated Management System were observed to be effectively administered by the Plant and Site Coordinator. Remobilisation forms for equipment are completed by the contractor and loaded electronically into the DashPivot (cloud-based platform for project management of construction site). The use of DashPivot for premobilisation, maintenance, competency records, weed and seed declaration, and retaining records in DashPivot, was assessed during this audit for heavy vehicles (e.g. articulated dump truck (Photo 2).</p>			

		 <p>Photo 2 Heavy vehicle (articulated dump truck) on site (5 May 2022)</p> <p><u>Plant and Equipment Premobilisation</u></p> <p>It was stated that contractors submit a list of equipment, including maintenance history, planned to be used on site which is then subjected to a risk assessment conducted by UPC. Safe Work Method Statements (SWMS) are also provided with the equipment along with a completed Weed and Seed Declaration Form confirming the equipment has been inspected and is free from dirt, vegetation, seed and pests, and a vehicle wash down has been completed. Upon arrival at site, if the equipment passes inspection by the Plant and Site Coordinator, it is issued with a Plant ID and registered into the plant register. Plant is inspected to ensure it is fitted with adequate noise and vibration control equipment where possible.</p> <p><u>Verification of Competency</u></p> <p>A Verification of Competency assessment is conducted for each operator for competency in operation of specific plant and equipment. The assessment consists of a generic mobile plant questionnaire followed by a specific assessment</p>			
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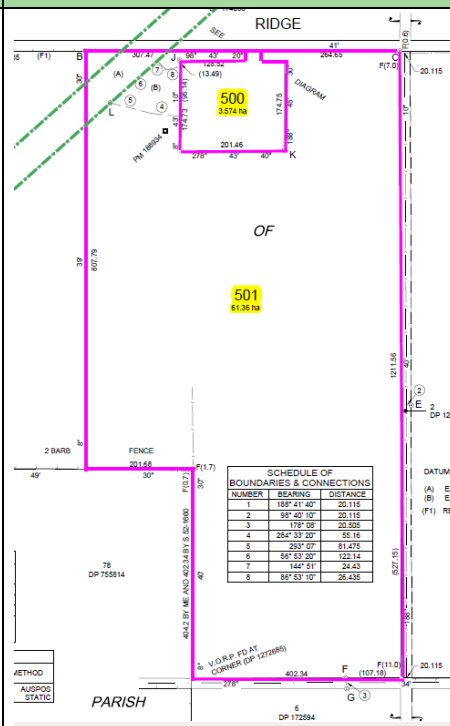
New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>including both a theoretical and practical component. The assessment is conducted and signed off by the Plant and Site Coordinator and recorded in the Training Needs Register.</p>  <p>Photo 3 Skid steer pile driving machine on site (4 May 2022)</p>			
10.	<p>SUBDIVISION PLAN</p> <p>The Applicant may subdivide the site to create new allotments for the proposed substation, in accordance with the layout approved in Schedule 4 - Condition 5, and with the requirements of the EP&A Act and EP&A Regulation, and generally in accordance with the figure in Appendix 3.</p> <p>Prior to subdividing the site, the Applicant must prepare and submit detailed subdivision plans to the Secretary for approval.</p>	<ul style="list-style-type: none"> (Unregistered) Plan of subdivision of Lot 84 in DP 755814 and Lot B in DP 172594 Date of Survey: 15 March 2022 showing new Lot 500 (3.574 ha) and Lot 501 (61.36 ha) (Photo 5). Draft (unsigned) Section 88B Instrument in order to burden the new Lot 501 with an easement created for the existing TransGrid transmission line. Unsigned Deposited Plan Administration Sheet for registering of 	<p>This condition requirement has a timing trigger (i.e. subdivision) that has not been met during this audit period, therefore an assessment of compliance is not required.</p> <p>Observation No. 2 – When seeking the Secretary's approval, UPC could consider providing a comparison (e.g. orientation, location and area) of the proposed subdivision to the indicative location of the subdivision as shown in the figure of Appendix 3 to aid future verification of this consent condition.</p>	Not Triggered	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	<p>Notes:</p> <ul style="list-style-type: none"> Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision. Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates 	<p>the subdivision and easement referred to above.</p> <p>It was stated that UPC is undertaking the subdivision of the proposed substation on behalf of TransGrid, and that the footprint has changed somewhat from the “indicative subdivision location” layout in the figure in Appendix 3.</p> <p>At the time of this audit, it was stated that the proposed subdivision had been surveyed and the survey plans sent to TransGrid for review. The plans will then be sent to the landholder for sign off. UPC is aware that the detailed subdivision plans must be sent to the Secretary for approval. Once approved, application will be made to NSW Land Registry Services for the subdivision plan to be registered.</p> <p>Based on the draft subdivision plan (Photo 5), the proposed subdivision seems generally in accordance with the figure in Appendix 3 (Photo 4); the orientation has been broadly pivoted and rotated on the north east corner, approximately 23° to the south.</p>	<p>The comparison could take the form of one image superimposed over the other.</p>		

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 2 – Administrative Conditions					
Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		 <p>Photo 4 Indicative subdivision location as per figure in Appendix 3 of the Development Consent (19 February 2021)</p>			

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)

Schedule 2 – Administrative Conditions

Condition of Consent	Condition Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance																											
		 <p>SCHEDULE OF BOUNDARIES & CONNECTIONS</p> <table><thead><tr><th>NUMBER</th><th>BEARING</th><th>DISTANCE</th></tr></thead><tbody><tr><td>1</td><td>155° 41' 40"</td><td>20.115</td></tr><tr><td>2</td><td>59° 40' 10"</td><td>20.115</td></tr><tr><td>3</td><td>178° 09'</td><td>20.505</td></tr><tr><td>4</td><td>254° 33' 20"</td><td>55.16</td></tr><tr><td>5</td><td>233° 01'</td><td>51.475</td></tr><tr><td>6</td><td>55° 53' 20"</td><td>122.14</td></tr><tr><td>7</td><td>144° 51'</td><td>24.43</td></tr><tr><td>8</td><td>86° 53' 10"</td><td>26.435</td></tr></tbody></table> <p>Photo 5 Draft subdivision survey showing new lots 500 and 501 (15 March 2022)</p>	NUMBER	BEARING	DISTANCE	1	155° 41' 40"	20.115	2	59° 40' 10"	20.115	3	178° 09'	20.505	4	254° 33' 20"	55.16	5	233° 01'	51.475	6	55° 53' 20"	122.14	7	144° 51'	24.43	8	86° 53' 10"	26.435			
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New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 3 – Environmental Conditions					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
1.	<p>TRANSPORT</p> <p>Over-Dimensional and Heavy Vehicle Restrictions</p> <p>The Applicant must ensure that the:</p> <p>(a) development does not generate more than:</p> <ul style="list-style-type: none"> 56 heavy vehicle movements a day during construction, upgrading and decommissioning; 6 over-dimensional vehicle movements during construction, upgrading and decommissioning; and 5 heavy vehicle movements a day during operations; on the public road network; <p>(b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres,</p> <p>unless the Secretary agrees otherwise.</p>	<ul style="list-style-type: none"> Correspondence dated 20/12/2021 from UPC requesting the Secretary (DPE) to permit an increase in the number of over-dimensional vehicle movements from 6 to 15 during construction, upgrading and decommissioning. Correspondence dated 28/01/2022 from the DPE to the Applicant approving the change in Condition 1 of Schedule 3 that the applicant must ensure that the development does not generate more than 15 over-dimensional vehicle movements during construction, upgrading and decommissioning. Traffic Management Plan – NESF – Stage 1 (Revision 6, 16 February 2021). HV Movement Log Register 29.04.2022 Rev01 (Excel spreadsheet). Over Dimensional Vehicle Permits and Transport Management Plans for: <ul style="list-style-type: none"> the Control Room (Permit No: 625855V1) with permit period 7/04/22 – 04/07/22; the Transformers 1 and 2 (Permit No: 625865V1) with permit period 04/05/22 – 03/08/22; 	UPC was able to demonstrate that the development complies with the over-dimensional and heavy vehicle restrictions required under this condition.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 3 – Environmental Conditions					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>(a)</p> <ul style="list-style-type: none"> Daily heavy vehicle movements during construction are monitored by UPC with actual daily numbers and planned numbers collected from each department daily and collated to ensure heavy vehicle movements have met the 56 heavy vehicle movements/day for that day as well as ensuring planned future movements are compliant. Movements are recorded in the HV Movement Log Register. Based on a review of the HV Movement Log Register the development did not generate more than 56 heavy vehicle movements a day from the commencement of construction (7 February 2022) until 29 April 2022. It was stated that three (3) over-dimensional vehicle movements had occurred from the commencement of construction (7 February 2022) to the end of this audit period in relation to: <ol style="list-style-type: none"> The Control Room on 14th April 2022; The first power transformer on 3rd April 2022; and The second power transformer on 10th April 2022. <p>The date and number of OSOM movements (no description) are recorded in the HV Movement Log</p> 			

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 3 – Environmental Conditions					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>Register, referring to another register that was not provided in this audit. Transformer movement dates were also verified based on Facebook posts.</p> <p>It is noted UPC has been approved (28/01/2022) to increase in the number of over-dimensional vehicle movements from 6 to 15 during construction, upgrading and decommissioning.</p> <ul style="list-style-type: none"> • Relevant UPC personnel acknowledged and understood that a limit of 5 heavy vehicle movements a day is permitted during operations; on the public road network. <p>(b) Evidence was provided to demonstrate that UPC is ensuring the length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres. UPC has ensured this as a logistic requirement (transport contract was sighted specifying this condition). In addition, star pickets have been placed 26m apart at the entrance to the development so that security can confirm compliance on arrival. Examples of transport supplier NHVR permits were sighted, limiting vehicles to B-Doubles (26m).</p>			

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)											
Schedule 3 – Environmental Conditions											
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance						
2.	<p>TRANSPORT</p> <p>Over-Dimensional and Heavy Vehicle Restrictions</p> <p>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.</p>	<ul style="list-style-type: none">HV Movement Log Register 29.04.2022 Rev01 (Excel spreadsheet).It was stated that UPC coordinates the collation and recording of data into an Excel spreadsheet (described above) based on raw data provided by subcontractors. Daily reports are received from TransGrid, Electrical, Civil and Mechanical Works, Substation and Logistics Leads (no report, however delivery logs from suppliers are provided) subcontractors on the number of actual HV movements for the day and future movements planned. Based on the planned movements, UPC coordinates future HV movements limits among subcontractors every evening to ensure compliance with the 56 heavy vehicle movements a day during construction as per Schedule 3, condition 1.A sample record from the HV Movement Log Register for Friday 29th April 2022 was sighted as detailed below: <table><tr><th>Subcontractor</th><th>HVs</th></tr><tr><td>UGL</td><td>5</td></tr><tr><td>Logistics</td><td>5</td></tr></table>	Subcontractor	HVs	UGL	5	Logistics	5	<p>UPC was able to demonstrate that accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day are kept.</p> <p>Observation No. 3 – UPC could consider including the current recording procedure of the number of over-dimensional and heavy vehicles entering or leaving the site each day into any future updates of the Traffic Management Plan along with assigning responsibility. The current HV Movement Log register should be renamed “Vehicle Register” in accordance with the TMP (Table 3-1).</p> <p>Observation No. 4 – UPC could consider locating either the site vehicle entry or site security station in such a way that all over-dimensional and heavy vehicle traffic can be monitored and recorded by security to provide an additional form of record keeping for these movements.</p>	Compliant	
Subcontractor	HVs										
UGL	5										
Logistics	5										

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)																
Schedule 3 – Environmental Conditions																
Condition of Consent	Condition Requirement	Evidence collected		Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance										
		<table><tr><td>Civil</td><td>13</td></tr><tr><td>Electrical</td><td>5</td></tr><tr><td>Temporary Works</td><td>3</td></tr><tr><td>GLC Substation</td><td>6</td></tr><tr><td>TOTAL:</td><td>37</td></tr></table> <p>It was stated that Leads (from the six areas described above) input the number of HV movements for the day into the spreadsheet.</p>	Civil	13	Electrical	5	Temporary Works	3	GLC Substation	6	TOTAL:	37				
Civil	13															
Electrical	5															
Temporary Works	3															
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3.	<p>TRANSPORT</p> <p>Access Route</p> <p>All vehicles associated with the development must travel to and from the site via the New England Highway, Barleyfields Road, Big Ridge Road and the two site access points off Big Ridge Road, as identified in the figure in Appendix 4.</p> <p><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></p>	<p><u>Non-compliance – 30 April 2021</u> (refer to Schedule 4, condition 8)</p> <ul style="list-style-type: none">Correspondence dated 5 May 2021 from UPC to the Planning Secretary (NSW DPE) re: New England Solar Farm (SSD-9255) Incident Report – Site Access RouteCorrespondence (email dated 18 May 2021) from the NSW DPE to UPC re: Incident – Request for InformationCorrespondence (letter dated 25 February 2021) from UPC to the NSW DPE re: Incident 30/04/2021 – Request for Information		<p>UPC was able to provide evidence that the Applicant (via their heavy transport subcontractors) had obtained the relevant (NHVR) permit for the over-dimensional vehicle movement for the Solar Farm Substation Switchroom.</p> <p>Non-compliance No. 1 – On the following occasion during the audit period UPC did not comply with this condition:</p> <ul style="list-style-type: none">Evidence was provided demonstrating that during the audit period, a vehicle associated with the development travelled via Barleyfields Road (South) which is not an approved access route.	Non-compliant	NC1										


New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
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		<p>Refer to non-compliance audit finding – On 30 April 2021, a vehicle associated with the development travelled via Barleyfields Road (South) which is not an approved access route.</p> <p><u>Switchroom Oversize, Overmass (OSOM):</u></p> <ul style="list-style-type: none"> National Heavy Vehicle Regulator (NHVR) OSOM Permit number 625855V1 issued to HISPEC INDUSTRIAL COATINGS PTY LTD. Permit period 7 April 2022 – 4 July 2022. Description of load – switchroom. Transport Management Plan 2 (HiSpec Heavy Haulage) Document No. PL-001 TMP, Version 1.0: Revision 0.1, Issued 5th October 2021 for transport of one switchroom departing Ferryden Park SA arriving NESF Big Ridge Rd, Uralla NSW. <p><u>Power Transformers OSOM (x 2 trips):</u></p> <ul style="list-style-type: none"> Transport Management Plan 2 (Russell Transport). Permit period 03/04/2022 – 10/04/2022 for two transport trips of 150t Transformers loaded at Lytton, Qld and unloaded at NESF Big Ridge Road, Uralla. Arrival dates 03/03/2022 and 10/03/2022. 	<p>Recommendation No. 1 – UPC should implement measures to monitor vehicles to ensure correct use of authorised access routes.</p>		

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Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<ul style="list-style-type: none"> HV Movement Log Register 29.04.2022 Rev01 (Excel spreadsheet). NHVR Permit 556200V2 for delivery between the 4/3/22 - 24/4/22 for the first delivery; and NHVR Permit 629931V1 for delivery between the 7/4/22 - 6/7/22 was provided for the 2nd delivery however, no permit was provided for the 1st delivery. <p>Based on the evidence sighted above, permits were obtained under the Heavy Vehicle National Law (NSW) for the OSOM movements of the:</p> <ul style="list-style-type: none"> Switchroom (Permit period 7 April 2022 – 4 July with movement on 14th April 2022) Transformers: the two movements during the audit period on the 3rd April 2022 and 10th April 2022 respectively. 			
4.	TRANSPORT Road Upgrades and Site Access <p>Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 4. These upgrades must be carried out to the satisfaction of the relevant roads authority, unless the Secretary agrees otherwise.</p>	<ul style="list-style-type: none"> Correspondence dated 24/02/2021 from UPC to DPE requesting DPE to approve a variation to the treatment of New England Highway and Barleyfields Road (North) intersection from CHR to a Shortened Channelised Right Turn (CHR-S). Correspondence dated 24/02/2021 from DPE to UPC advising that under condition 4 of Schedule 3 of the 	<p>The road upgrades identified in Appendix 4 included the:</p> <ul style="list-style-type: none"> New England Highway and Barleyfields Road (North) intersection; Barleyfields Road (between New England Highway and Big Ridge Road); 	Non-compliant	NC2

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		<p>Development Consent for the New England Solar Farm, the Secretary has approved the request for an alternate intersection road upgrade treatment at the intersection of the New England Highway and Barleyfields Road (North).</p> <ul style="list-style-type: none"> Correspondence dated 17/02/2022 from Uralla Shire Council to UPC advising that <i>"that while the roads (Barleyfields Road and Big Ridge Road Segments 1 and 3) have not been constructed to Council's satisfaction, acceptable arrangements including bonding and a commitment to complete the works by 10 March 2022 have mitigated the associated risk and therefore Council has no objection to the commencement of the works associated with the construction of the solar farm."</i> Correspondence dated 01/02/2022 from Transport for NSW (TFNSW) to UPC confirming that TfNSW had inspected the Works (New England Highway & Barleyfields Road Intersection Upgrade Project) and is satisfied that Practical Completion has been achieved. The date upon which Practical Completion was achieved was 27 January 2022. "Certificate of Practical Completion" for the Barleyfields Road Level 	<ul style="list-style-type: none"> Barleyfields Road and Big Ridge Road intersection; Big Ridge Road (Sections 1,3,4,5, and Site access points). <p>The Secretary approved the Applicant's request to vary the New England Highway and Barleyfields Road (North) intersection upgrade from the required Channelised Right Turn (CHR) as per Appendix 4, to a Shortened Channelised Right Turn (CHR-S).</p> <p>The New England Highway and Barleyfields Road (North) intersection was completed on 27 January 2022 prior to commencement of construction being 7th February 2022 and to the satisfaction of the road authority (TfNSW).</p> <p>In addition, the railway crossing upgrade was commissioned into use on 3/11/2021 prior to commencement of construction and to the satisfaction of the rail authorities.</p> <p>Of the remaining roads where Uralla Shire Council is the road authority, Barleyfields Road and Big Ridge Road (Sections 1 and 3) had not been constructed to Council's satisfaction. However, in a Council motion moved on 2 February 2022 (and advised on 17th February 2022), subject to the provision of a bond and commitment to complete the works by 10 March 2022, Council had no objection to the commencement</p>		

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		<p>Crossing Upgrade (Project No: SJM-BRLX-CWP-001) consigned by:</p> <ol style="list-style-type: none"> 1. SJM Rail Signalling (SJM) representative dated 03/11/2021; and 2. John Holland CRN representative dated 24/01/2022. <ul style="list-style-type: none"> ▪ “Certificate of Acceptance” issued by SJM Rail Signalling for commissioning the Barleyfields Road Level Crossing Upgrade into use on 3/11/2021 consigned by: <ol style="list-style-type: none"> 1. Commissioning Engineer dated 03/11/2021; and 2. Regional Signalling Representative dated 24/01/2022. ▪ Uralla Shire Council meeting minutes of Extraordinary Meeting of Council - 1 February 2022 (minute X02.02/22). ▪ Notification dated 03/02/2022 from UPC to DPE notifying that it would be commencing construction of Stage 1 of New England Solar Farm on 7 February 2022. 	<p>of construction. The bond was issued on 9th February 2022.</p> <p>Non-compliance No. 2 – UPC was unable to provide evidence to verify that the remaining works to Barleyfields Road and Big Ridge Road Segments 1 and 3, as identified and required by Uralla Shire Council, were completed by 10th March 2022 as required by Council.</p> <p>Recommendation No. 2 – UPC should ensure and obtain Council’s formal notification that the conditions identified in Councils correspondence dated 17/02/2022 have been satisfied.</p>		
5.	<p>TRANSPORT</p> <p>Operating Conditions</p> <p>The Applicant must ensure:</p>	(a) Solar Farm Internal Roads Typical Pavement Details (SMEC; Drawing No: NESF1-SMEC-CW-00ROA-DWG-113; REVISION 0). Pavement	(a) Internal road design has been undertaken by SMEC (engineering company) detailing base, sub-base and pavement thickness as well as	Compliant	

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	<p>(a) the internal roads are constructed as all-weather roads;</p> <p>(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;</p> <p>(c) the capacity of the existing roadside drainage network is not reduced;</p> <p>(d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction;</p> <p>(e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network; and</p> <p>(f) segments 4 and 5 of Big Ridge Road, identified in the figure in Appendix 4, are maintained to the standard identified in Appendix 4 at the cost of the Applicant for the life of the development, unless the Secretary agrees otherwise.</p>	<p>designs are based on construction and operational traffic for Class 1 (6m wide) access roads and operational traffic only for Class 2 (4 m wide) access roads.</p> <p>(b) NESF Site Temporary Compound and Laydown Areas (Drawing No: NESF1-SMEC-CW-00GRL-DWG-800). Carpark based on expected maximum of 133 vehicles typically and overflow capacity of up to 177 (310 total) vehicles.</p> <p>- Daily security report for Monday 02/05/2020 (screenshot).</p> <p>(c) Design Reports:</p> <ul style="list-style-type: none"> Road Upgrades for New England Solar Farm Project – Upgrade of Barleyfields Road and Big Ridge Road Segment 1, Uralla Shire LGA (New England Surveying & Engineering; 1 April 2021). Section 6.12 Drainage. Road Upgrades for New England Solar Farm Project – Upgrade of Big Ridge Road Segment 3, Uralla Shire LGA (New England Surveying & Engineering; 3 December 2020). Section 6.12 Drainage. Road Upgrades for New England Solar Farm Project – Upgrade of Big Ridge Road Segments 4 & 5, 	<p>bearing capacities of the pavement structure. The auditor considers the roads are all-weather if built to the designs specified and based on the (constructed) internal roads sighted at the time of this May 2022 audit.</p> <p>(b) At the time of this May audit, it was stated that the construction workforce was approximately 100-200 people (191 on site on 2nd May 2022). Based on a total parking capacity of 310 vehicles, there is sufficient parking on site for all vehicles. No parking on the public road network was observed at the time of this May 2022 audit.</p> <p>(c) Detailed drainage design (reports sighted) including culvert designs and table drain capacities has been undertaken and implemented during the road upgrade for Big Ridge Road Segments 1, 3, 4 & 5.</p> <p>(d) Verified as per evidence column.</p> <p>(e) Rumble grids and a wheel wash (Photo 8) have been installed on site. It was stated that they have been used for vehicles with excessive mud attached due to wet weather conditions. No tracked dirt on the sealed public road network (access roads) was observed at the time of this audit.</p>		


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		<p>Uralla Shire LGA (New England Surveying & Engineering; 14 December 2020). Section 6.12 Drainage.</p>  <p>Photo 6 Twin-cell culvert under Big Ridge Road Segment 5 at chainage 9,153m (4 May 2022)</p> <p>(d) During the site visit a number of laydown compounds were sighted where loading/unloading of materials is undertaken (Photo 7). There was no evidence that loading/unloading of materials was being undertaken off site or that vehicles were not entering and leaving the site in a forward direction.</p>	<p>(f) UPC was aware of this condition and these segments were maintained to the standard identified in Appendix 4 at the time of the site audit inspection.</p>		

		 <p>Photo 7 Shipping container unloading gantries located in one of the laydown compounds (4 May 2022)</p> <p>(e) Site inspection of rumble grids and wheel wash installed on site (Photo 8) and inspection of sealed public roads in the vicinity of the development.</p>  <p>Photo 8 Rumble grids and wheelwash installed on site (4 May 2022)</p> <p>(f) Segments 4 and 5 of Big Ridge Road, identified in the figure in Appendix 4, are to be maintained to the standard</p>			
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		identified in Appendix 4 (i.e. gravel (unsealed) carriageway to a width of 8.7m). Inspected during site visit.			
6.	<p>TRANSPORT</p> <p>Traffic Management Plan</p> <p>Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include:</p> <p>(i) details of the transport route to be used for all development-related traffic;</p> <p>(j) a protocol for undertaking independent dilapidation surveys to assess the:</p> <ul style="list-style-type: none"> existing condition of Barleyfields Road and Big Ridge Road on the access route, prior to construction, upgrading or decommissioning activities; and condition of Barleyfields Road and Big Ridge Road on the access route, following construction, upgrading or decommissioning activities; <p>(k) a protocol for the repair of Barleyfields Road and Big Ridge Road on the access route, if dilapidation surveys identify these roads to be damaged</p>	<ul style="list-style-type: none"> Traffic Management Plan NESF – Stage 1 (Revision 6, 16 February 2021) (TMP). Correspondence dated 24/02/2021 from the Department (NSW DPIE) to UPC advising the Planning Secretary has approved the Traffic Management Plan (Revision 6, dated 16 February 2021). Correspondence (letter dated 25/02/2021) from UPC notifying the DPIE that it would be commencing the development from 1st March 2021. <p>Based on the documented evidence provided above, UPC was able to demonstrate that the TMP was prepared prior to commencing the development to the satisfaction of the Secretary.</p> <p>Appendix A of the TMP includes UPC consultation correspondence with TfNSW and Council in the preparation of the TMP.</p> <p>The TMP includes details of all the requirements of paragraphs (a) to (h) of this condition in sections as per Table 1-1 of the TMP.</p>	<p>Subject to the non-compliance below, UPC was able to demonstrate that a Traffic Management Plan for the development for the Project has been prepared prior to commencing the development and has been generally implemented to satisfy Development Consent Schedule this condition.</p> <p>Non-compliance No. 3 – As of May 2022, the following aspects of the Traffic Management Plan (TMP) were not being implemented:</p> <ul style="list-style-type: none"> Regarding the disciplinary procedure (section 3.25) of the TMP, there was no evidence provided to verify that the procedure was implemented for the non-conformance reported to the Planning Secretary on 05/05/2021 for the non-compliance that occurred on 30/04/2021. <p>Recommendation No. 3 – UPC should ensure all required elements of the TMP are implemented.</p> <p>Observation No. 5 – In any future update of the TMP, UPC could consider highlighting Barleyfields Road (South) as a road <u>not</u> to be used both in section 2.4 and in Figure 2-1 (e.g., red</p>	Non-compliant	NC3

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	<p>during construction, upgrading or decommissioning works;</p> <p>(l) details of the road works required by condition 4 of Schedule 3 to this consent;</p> <p>(m) a protocol for the maintenance of segments 4 and 5 of Big Ridge Road required by condition 5(f) of Schedule 3 to this consent;</p> <p>(n) 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"> temporary traffic controls, including detours and signage; notifying the local community about project-related traffic impacts; procedures for receiving and addressing complaints from the community about development-related traffic; minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable; implement measures to minimise dirt tracked onto the public road network from development-related traffic; 	<p>UPC provided the following evidence to demonstrate that UPC have implemented the TMP.</p> <p>(a) Details of the of the transport route to be used for all development-related traffic is included in the delivery driver induction (Doc. No.: NESF1-GLC-HS-00GRL-IND-001) and NESF1 – Inductions (Doc. No.: NESF1-GLC-HSE-00GRL-IND-001) (sighted).</p> <p>(b) It was stated that several dilapidation surveys have been undertaken to assess the condition of Barleyfields Road and Big Ridge Road (one conducted by SMEC 30/09/2020 pre road upgrades). Weekly inspections are being undertaken post road upgrade completion and pre signoff including video capture. Baselines (video evidence) have been captured for road upgrade sign off and prior to construction.</p> <p>(c) As stated above, weekly inspections (including video recordings) are being undertaken of the road conditions of Barleyfields Road and Big Ridge Road on the access route (sample of completed Weekly Road Inspection reports sighted 25/2/22, 4/03/22 and 18/3/22). Also, section 138 approvals (sighted s138 dated 8/4/22 for MV trenching across segment 5 of Big</p>	<p>cross on the road) of the TMP. This figure should also be referred to in section 2.4 and could also be used to update the figure used in all site inductions.</p> <p>Observation No. 6 – UPC could consider creating a separate “Complaints” tab as an initial dropdown option (in addition to the existing Contact Us and Feedback Form options) under the primary link “Contact Us” on the NESF website to allow improved visibility. Specific complaint related details (email and telephone contact etc.) could be included under the link.</p>		

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	<ul style="list-style-type: none"> details of the employee shuttle bus service and measures to encourage employee use of this service; scheduling of haulage vehicle movements to minimise convoy length or platoons; responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding; responding to any emergency repair or maintenance requirements; and a traffic management system for managing over-dimensional vehicles; <p>(o) a driver's code of conduct that addresses:</p> <ul style="list-style-type: none"> travelling speeds; driver fatigue; procedures to ensure that drivers adhere to the designated transport routes; and procedures to ensure that drivers implement safe driving practices, including consideration of other road users; and 	<p>Ridge Road) are being obtained from Council.</p> <p>(d) These works have been completed and signed off by Council and sighted during the site inspection.</p> <p>(e) It was stated in the audit interview that segments 4 and 5 of Big Ridge Road are being graded frequently as well as dust suppression carried out as required using a water cart.</p> <p>(f)</p> <ul style="list-style-type: none"> A Traffic Control Plan (TCP) for the NESF Access Road (dated 03/02/2022) was sighted. Evidence of flagging and temporary signage being used to ensure drivers were aware of the location of the gatekeepers' residence in the vicinity of the rail crossing was also sighted (photo dated 15 Oct 2021). 			

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	<p>(p) 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.</p> <p>Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>	 <p>Photo 9 VMS board positioned on Barleyfields Road (North) (4 May 2022) as required by the TCP</p> <ul style="list-style-type: none"> Local community notifications about project-related traffic impacts were sighted including a letter to landholders regarding the commencement of road upgrade works (dated 28/02/21) and a road works update (30/06/2021). A contact email and 1300 phone number for complaints (as well as other feedback) have been provided on the NESF website. A total of 6 complaints (26% of total complaints) have been traffic and transport related (as of May 2022) based on a review of the complaints register. Minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable. It was stated that there 			

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		<p>are no school bus routes on the access road. During the site inspection it was evident that employees were accessing (approx. 6:00 – 7:00hrs) and egressing the site (after approx. 17:00hrs) outside of school hours. Avoidance of potential interaction with the rail crossing has been improved as part of the rail crossing upgrade (rail crossing upgraded, geometry and line marking improved as well as improved signage, wider lanes and better sight distances). In addition, the rail operator has been consulted and the two rail movements a day are (generally) outside of the peak vehicle movements. A safety audit has been conducted post rail crossing upgrading. The access route road upgrades have also minimised potential conflict with other road users.</p> <ul style="list-style-type: none"> Implementing measures to minimise dirt tracked onto the public road network from development- related traffic. Rumble grids and wheelwash have been installed on site (Photo 8). No visible evidence of dirt tracked onto the public road network was sighted during the site inspection. Details of the employee shuttle bus service and measures to encourage employee use of this service. A 			

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		<p>purchase order for two shuttle buses (12-seaters) for 12 month duration dated 27/1/2022 was sighted and shuttle buses (Photo 10) were sighted in use. It was stated that the buses are in use now, however, no evidence was provided to verify that UPC are encouraging use of this service. It was stated that the onsite carpark is limited and as construction ramps up (construction worker numbers increase), carpark capacity constraints will necessitate the increased use of shuttle buses.</p>  <p>Photo 10 Shuttle bus in use on site (4 May 2022)</p> <ul style="list-style-type: none"> Scheduling of haulage vehicle movements to minimise convoy length or platoons. It was stated that scheduling of haulage vehicle is undertaken to minimize platoons. Recent heavy vehicle movements 			


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		<p>from the Port of Brisbane to the site over the last week show adequately spaced arrival times, however, no evidence was able to be provided.</p> <ul style="list-style-type: none"> Responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding. It was stated that weather monitoring is carried out Civil, Mechanical and Electrical leads at morning prestarts (prestarts sighted for the site inspection days 4-5/03/22 which included the weather forecast for each day). In addition, a number of examples of text messages were provided demonstrating delaying/pausing heavy vehicle deliveries of supplies due to local climate conditions (wet weather). Prestarts were also sighted including advising of the possibility of fog the following day. Responding to any emergency repair or maintenance requirements. It was stated that no emergency repairs were reported, however, the unsealed sections of segment 4 and 5 of Big Ridge Road have been graded and maintained during the audit period. A traffic management system for managing over-dimensional vehicles. Traffic Management Plans were sighted for the three OSOM vehicle 			


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		<p>movements undertaken during the audit period. In addition, a sample of general freight supplier NHVR permits (637526V1, 620818V1, 236021V5 and 606312V1) were sighted for B-Double (length up to 25/26m) use of Big Ridge Road and Barleyfields Road.</p> <p>(g) The driver's code of conduct generally addresses the four points in this paragraph (g) of the condition.</p> <p>(h) Evidence of inductions and toolbox meetings was provided to demonstrate that a program to ensure drivers working on the development receive suitable training on relevant obligations under the Traffic Management Plan.</p> <p>No evidence of was provided to demonstrate that a program to ensure drivers working on the development receive suitable training on the Drivers Code of Conduct.</p> <p>Several separate Construction Traffic Management Plans (CTMPs) prepared for the road upgrade works as per section 2.5 of the TMP were sighted.</p> <p>Regarding section 3.23 and 3.24 of the TMP, there was evidence that bimonthly auditing of the TMP during the construction period was conducted and records kept (IMS – High Risk</p>			

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		<p>Construction Audit – Traffic Management; Onward Consulting; 30/03/2022).</p> <p>Refer to non-compliance audit finding – Regarding the disciplinary procedure (section 3.25) of the TMP, there was no evidence provided to verify that the procedure was implemented for the incident that occurred on 30/04/2021 and reported to the Planning Secretary on 05/05/2021.</p>			
7.	<p>LANDSCAPING</p> <p>Additional Noise Mitigation Measures</p> <p>Within 3 years of commencement of construction, the owner of N1 may request in writing that the Applicant to plant a vegetation screen to minimise the visual impacts of the northern array on the N1 property.</p> <p>Upon receiving such a written request from the owner of N1, the Applicant must implement reasonable and feasible landscape screening in consultation with the owner making the request.</p> <p>The vegetation screen must:</p> <p>(a) be wholly contained within the site;</p> <p>(b) consist of native species that facilitate the screening of the view of the solar panels and ancillary infrastructure from within the N1 property;</p>	<ul style="list-style-type: none"> Email dated 11/04/2022 from UPC to DPE re: NESF – Screening to N1. Correspondence from Fields Environmental Solutions (based in Uralla) to UPC dated 02/03/2022 regarding Seedling Availability. The written email request from the owner of N1 was not provided. <p>A written request from the owner of N1 was received by UPC in writing (email dated 18th March 2021 – not sighted) that the Applicant plant a vegetation screen to minimise the visual impacts of the northern array on the N1 property.</p> <p>According to the email dated 11/04/2022 (from UPC to DPE), upon receiving the written request from the owner of N1, UPC met with the owner on 17 June 2021 and after further discussions, agreement on the location of the screening was reached on 25 February 2022. UPC engaged (September 2021) Field's Environmental</p>	<p>In accordance with paragraph (c) of this condition, UPC intends to implement the vegetation screening within 12 months of the date of UPC's receipt of the N1 owner's written request, which is interpreted as 7 February 2022.</p> <p>Observation No. 7 – As this condition is now activated, the Biodiversity Management Plan (BMP) should be updated and a new protocol added as stated in section 6.6 of the BMP.</p>	Compliant	

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	<p>(c) be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise; and</p> <p>(d) be properly maintained with appropriate weed management.</p> <p>If the Applicant and owner of N1 cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p>	<p>Services to supply the native seedlings who advised, due to suitable planting conditions, that the planting should be undertaken in September 2022 (i.e. spring). UPC advised the owner of N1 of this revised planting date by telephone on 17 March 2022.</p> <p>(a) It was stated that the vegetation screen will be wholly contained within the site, however, outside the development footprint but inside the Project boundary.</p> <p>(b) It was stated that native species will be sourced from a Uralla9 nursery (Field's Environmental Solutions). Agreement of the location of the vegetation screen to facilitate the screening of the view of the solar panels and ancillary infrastructure from within the N1 property has been reached with the owner of N1.</p> <p>(c) The auditor considers the "written request" in part (c) of this condition to refer to the request in writing received within 3 years of commencement of construction. Therefore, the earliest date for this request is the date of the commencement of construction (7 February 2022). UPC understands that the written request receipt date is the commencement of construction (7 February 2022) (email dated 11/04/2022).</p>			

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		<p>(d) It was stated that the proper maintenance and weed management of the vegetation screen (once implemented) will be included in the Weed Management Plan for the site.</p> <p>UPC acknowledged and understood that if UPC and the owner of N1 cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p>			
8.	<p>LAND MANAGEMENT</p> <p>Following any construction or upgrading on the site, the Applicant must:</p> <p>(a) restore the ground cover of the site as soon as practicable;</p> <p>(b) maintain the ground cover with appropriate perennial species; and</p> <p>(c) manage weeds within this ground cover; and</p> <p>(d) manage feral pest species.</p>	<p><u>Weeds:</u></p> <ul style="list-style-type: none"> Email dated 30/03/2022 from GLC to Onward Consulting re: Weed Survey Correspondence. NESF – Priority Weed Survey Report (27/01/22). Invoice dated 14/03/2022 for 1000kg of Rye Corn. 	<p>UPC was able to demonstrate responsible land management for the development.</p> <p>Observation No. 8 – UPC could consider including tracking rehabilitation progress on the ArcGIS system similar to the progress of other parameters that are currently being tracked. This could include the time taken to rehabilitate after construction/civil works are completed.</p> <p>Observation No. 9 – UPC should consider seeking advice as to the possibility of immediately grubbing the small number of isolated finds of Chilean Needle Grass (if identifiable) from the road reserves. In addition, UPC could consider slashing immature weeds such as the Common Thornapple (Photo 11) prior to seeds maturing.</p>	Compliant	

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		 <p>Photo 11 Datura (Thornapple) at the time of the site visit (4 May 2022)</p> <p><u>Feral Pests:</u></p> <ul style="list-style-type: none"> ▪ Prestart Meeting Form dated 28/03/22. ▪ Feral Pest Identification poster. ▪ NESF - Feral Pest Register (Excel spreadsheet; No document number; dated 15/03/2022). <p><u>Ground cover:</u></p>			

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		<ul style="list-style-type: none"> Nutrien Ag Solutions Seed mix quotes (dated 3/09/21) for native grass seed mixes for Barleyfields Road Segments 1,3,4 & 5. Seed Analysis Certificates for native seeds (dated 25/01/2021 – 3/03/2021). Site visit: Rehabilitated areas including former farm dams, MV trenching areas, grid substation and TransGrid switchyard.  <p>Photo 12 TransGrid switchyard - rehabilitated batter with topsoil spreading in foreground (4 May 2022)</p> <p>(a) Examples that restoration of the ground cover of the site is occurring as soon as practicable sighted during site visit (Photo 12).</p> <p>(b) The perennial species used to maintain the groundcover are</p>			

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		<p>considered appropriate. It was stated that Rye Corn is used as a stabilizing cover crop while the native grass regenerates. The seed mix breakdowns were sighted (seed mix quotes). Seed mixes are being used for the dam and the road upgrades.</p> <p>(c) A comprehensive weed survey was undertaken in November/December 2021 and reported in January 2022 (Priority Weed Survey Report).</p> <p>(d) It was stated that one feral pest had been sighted to date (Brown Hare) which was recorded in the Feral Pest Register. This requirement is included in toolbox talks and a Feral poster has been produced. Based on the limited sightings to date, it was stated that no management measures have been triggered.</p>			
9.	<p>BIODIVERSITY</p> <p>Vegetation Clearance</p> <p>The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS.</p>	<ul style="list-style-type: none"> Fence Alignment as Constructed Zone B (Dwg No: M3767 44000 010) Dated 19/04/22. NESF – Habitat Tree Preclearance Survey – Phase 1 (Onward Consulting – 30 June 2021). <p>It was stated that no native vegetation or fauna habitat located outside the approved disturbance footprint has been cleared and that the perimeter fence (approximately 60% complete at the time of this May 2022 audit) provided a hard</p>	UPC was able to provide evidence that no vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS had been cleared during the audit period.	Compliant	


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		<p>barrier to avoid inadvertent clearing. All construction works are being carried out within the perimeter fence boundary.</p> <p>It was stated that some flagging and rural fencing installation around heritage sites and slashing had been undertaken outside the development footprint, but no vegetation or fauna habitat had been cleared.</p> <p>The as built fence alignment provided for Zone B seemed to be generally in accordance with the approved disturbance footprint as shown in the development consent (Appendix 5).</p>			
10.	<p>BIODIVERSITY</p> <p>Biodiversity Offsets</p> <p>Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of BCS, unless the Secretary agrees otherwise.</p> <p>The retirement of these credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Scheme</i> and can be achieved by:</p> <p>(d) acquiring or retiring 'biodiversity credits' within the meaning of the <i>Biodiversity Conservation Act 2016</i>;</p>	<ul style="list-style-type: none"> Correspondence from UPC to DPE dated 29th January 2021 requesting the Secretary's approval to defer the requirement to retire biodiversity credits prior to commencing the development under this consent to two (2) weeks after the approval of MOD 1. Correspondence from DPE to UPC dated 11th February 2021 approving the commencement of works prior to the retirement of biodiversity credits required under this condition subject to UPC retiring the biodiversity credits by 31 March 2021. New England Solar Farm Modification 1 – Public Notice of SSD Modification Determination; 	<p>Non-compliance No. 4 – The Secretary agreed to a deferment of the retirement of the biodiversity credits subject to UPC retiring the biodiversity credits by 31st March 2021. UPC retired the biodiversity credits with payment to the BCT on the 12 May 2021, which did not satisfy the DPE's required timeframe.</p> <p>Recommendation No. 4 – UPC should ensure any actions requested by the Secretary are completed within the required timeframe.</p>	Non-compliant	NC4

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	<p>(e) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(f) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.</p> <p><i>Table 1: Ecosystem Credit Requirements</i></p> <table><tr><th>Vegetation Community</th><th>PCT ID</th><th>Credits Required</th></tr><tr><td>Blakey's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion</td><td>510</td><td>107</td></tr><tr><td>Silvertop Stringybark open forest of the New England Tableland Bioregion</td><td>1174</td><td>78</td></tr><tr><td>Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion</td><td>567</td><td>18</td></tr></table> <p><i>Table 2: Species Credit Requirements</i></p> <table><tr><th>Vegetation Community</th><th>Credits Required</th></tr><tr><td>Bluegrass (<i>Dichanthium setosum</i>)</td><td>44</td></tr><tr><td>Hawkweed (<i>Picris evelae</i>)</td><td>43</td></tr><tr><td>Austral Toadflax (<i>Thesium australe</i>)</td><td>33</td></tr><tr><td>Pale-headed Snake (<i>Hoplocephalus bilineatus</i>)</td><td>39</td></tr><tr><td>Glossy Black-Cockatoo (<i>Calyptrorhynchus lathamii</i>)</td><td>30</td></tr><tr><td>Squirrel Glider (<i>Petaurus norfolkensis</i>)</td><td>39</td></tr><tr><td>Koala (<i>Phascolarctos cinereus</i>)</td><td>39</td></tr><tr><td>Barking Owl (<i>Ninox connexa</i>)</td><td>5</td></tr></table>	Vegetation Community	PCT ID	Credits Required	Blakey's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion	510	107	Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78	Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18	Vegetation Community	Credits Required	Bluegrass (<i>Dichanthium setosum</i>)	44	Hawkweed (<i>Picris evelae</i>)	43	Austral Toadflax (<i>Thesium australe</i>)	33	Pale-headed Snake (<i>Hoplocephalus bilineatus</i>)	39	Glossy Black-Cockatoo (<i>Calyptrorhynchus lathamii</i>)	30	Squirrel Glider (<i>Petaurus norfolkensis</i>)	39	Koala (<i>Phascolarctos cinereus</i>)	39	Barking Owl (<i>Ninox connexa</i>)	5	<p>Determination Date 19 February 2021.</p> <ul style="list-style-type: none">Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation. Payment made by UPC with payment received 12 May 2021 (BCT 25 May 2021).Correspondence from UPC to DPE dated 25 May 2021 confirming retirement of biodiversity credits.Correspondence from DPE to UPC dated 22 June 2021 noting BCS had reviewed the BCT statement and that BCS was satisfied with the correct number and type of biodiversity offset credits having been retired in accordance with this condition. <p>The number and class of biodiversity credits specified in Table 1 and Table 2 correspond to the number and class of biodiversity credits specified on the statement issued by the BCT.</p> <p>BCS was satisfied with the number and class of biodiversity credits specified (correspondence dated 22 June 2021).</p> <p>(a) BCT confirmed that the payments made into the Biodiversity Conservation Fund were made under section 6.30(1) of the Act (<i>Biodiversity Conservation Act 2016</i>) to satisfy an obligation to retire</p>			
Vegetation Community	PCT ID	Credits Required																																	
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		<p>biodiversity credits (BCT statement 25 May 2021).</p> <p>(b) The retirement of the biodiversity credits was carried out by option (a) above, therefore this option was not utilised.</p> <p>(c) The retirement of the biodiversity credits was carried out by option (a) above, therefore this option was not utilised.</p>			
11.	<p>BIODIVERSITY</p> <p>Biodiversity Management Plan</p> <p>Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:</p> <p>(a) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> protecting vegetation and fauna habitat outside the approved disturbance areas; managing the remnant vegetation and fauna habitat on site; minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with 	<p>Prior to commencing the development:</p> <ul style="list-style-type: none"> Correspondence (letter dated 25/02/2021) from UPC notifying the DPIE that it would be commencing the development from 1st March 2021. Biodiversity Management Plan New England - Stage 1 2x200MW AC (v7, 14 May 2021) (BMP). Correspondence dated 25/02/2021 from the Department (NSW DPIE) to UPC advising the Secretary has approved the Biodiversity Management Plan (Revision 7, dated 23 February 2021). A copy of the Staging of Construction approval letter from the Secretary dated 11/02/2021 approving the staging of the development and the submission of relevant plans on a 	<p>UPC was able to sufficiently demonstrate that a Biodiversity Management Plan for the development (approved by the Secretary on 23/02/2021) for the Project has been prepared prior to commencing the development (01/03/2021) and is being implemented to satisfy Development Consent Schedule 3, Condition 11.</p> <p>Observation No. 10 – In any future update of relevant management plans, UPC should consider clearly showing a figure of Stage 1 boundaries with both the development footprint (a lined boundary rather than a shaded area) and Project boundary. This should have a higher resolution and be in addition to the currently used Project Layout (Figure 2-1) in the Biodiversity Management Plan. Based on the current Project Layout Figure 2-1, the boundaries of the Northern Array and Central Array are not easily discernable,</p>	Compliant	



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	<p>the construction and operation of the development;</p> <ul style="list-style-type: none"> minimising the impacts to fauna on site and implementing fauna management protocols; avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna; rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area; 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 controlling weeds and feral pests; and <p>(b) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p> <p>Following the Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p><i>Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to</i></p>	<p>progressive basis including the Biodiversity Management Plan.</p> <p>The Biodiversity Management Plan addresses paragraphs (a) and (b) of this condition as follows:</p> <p>(a) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> protecting vegetation and fauna habitat outside the approved disturbance areas (Section 2.1, Section 5 and Chapter 7 (Table 7-1)); managing the remnant vegetation and fauna habitat on site (Section 2.1, section 2.2, section 5 and Chapter 7 (Table 7-1)); minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development (Section 5 and Chapter 7); minimising the impacts to fauna on site and implementing fauna management protocols (Section 5 and Chapter 7); avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna (Section 5 and Chapter 7); 	<p>and the area of Stage 1 is not easily discernable. These suggested changes should also apply to any update of relevant management plans for Stage 2.</p> <p>Observation No. 11 – The current consultation correspondence attached in Appendix D of the Biodiversity Management Plan is incomplete and should be replaced with the responses from DPIE (and therefore BCD) referred to in section 1.6 of the BMP. All references to BCS should be replaced with BCD.</p>		

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	<i>include any of the matters that are covered under the Biodiversity Stewardship Agreement.</i>	<ul style="list-style-type: none"> rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area (Section 5 and Chapter 7); 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 (Section 5 and Chapter 7); controlling weeds and feral pests (section 5 and Chapter 7); and <p>(b) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions (Section 6.1, Section 6.3 and Chapter 7).</p> <p>Following the Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <ul style="list-style-type: none"> It was stated that security fencing (Photo 13), or bunting fencing is being utilised (sighted) protecting vegetation and fauna habitat outside the approved disturbance areas. 			

		 <p>Photo 13 Blakely's Red gum – Yellow Box grassy woodland (PCT 510) seen in background and protected by perimeter fencing (5 May 2022)</p> <ul style="list-style-type: none">• In relation to managing the remnant vegetation and fauna habitat on site, Protocols 5 (weeds and pathogens) and 6 (coarse woody debris and bush rock management) describe the management of the remnant vegetation and fauna habitat on site. Felled timber has been windrowed (sighted) to be used later in areas of protected vegetation or fauna habitat.• UPC provided examples of practices to minimise clearing and avoid unnecessary disturbance of vegetation that is associated with the construction and operation of the development. This included realigning/moving an internal road to avoid clearing a mature native tree beside the entry to the temporary compound, amending the solar array location design to avoid clearing trees, and dedicated internal haul roads so that vegetation is not necessarily being disturbed.			
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		<ul style="list-style-type: none"> UPC was able to provide habitat tree preclearance survey reports (for the site, fences and access roads) and Clearing Register as evidence of practices to minimise the impacts to fauna on site and implement fauna management protocols. Site speed limits (sighted) of 40 km/hr (and less) (Photo 17) have also been set to reduce fauna impact on site. In relation to avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna, based on a review of the Clearing Registers, clearing periods were as follows: - Fence & Perimeter Road – 07/07/21-02/08/21 which is not during the spring period. The Clearing Register was not provided for the solar array footprint, however, as clearing occurred after the commencement of construction in February 2022 (summer), this requirement is considered satisfied. There was evidence that UPC is rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area. Seed mix quotes (for Mix 1 and Mix 2, 3 Sept) for use on the road upgrades were sighted. Seed mix components consisted of Kangaroo Grass, Burra Weeping Grass Mix, Oxley Wallaby 			

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		<p>Grass and Silky Bluegrass. Examples of rehabilitation and revegetation underway (early growth stage) of filled in farm dams and substation earthworks batter were sighted.</p> <ul style="list-style-type: none"> There was evidence that UPC is 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. Vegetative (felled tree) stockpiles were sighted (Photo 14) around the site. It was stated that ecologists will assess in conjunction with the civil team as to what will be retained and what will be mulched. UPC has both an earthworks plan and stockpile allocation plan for soil resources. Areas are assigned for topsoil stockpiles (Photo 15). It was stated that improvements to the cut and fill design have resulted in improvements to topsoil surplus on site. 			

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		 <p>Photo 14 Salvaged timber on site for reuse (5 May 2022)</p>  <p>Photo 15 Topsoil stockpile (4 May 2022)</p> <ul style="list-style-type: none"> There was evidence that UPC has implemented measures to control weeds and feral pests (see Schedule 3, Condition 8). 			

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12.	<p>AMENITY</p> <p>Construction, Upgrading and Decommissioning Hours</p> <p>Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:</p> <p>(a) 7 am to 6 pm Monday to Friday;</p> <p>(b) 8 am to 1 pm Saturdays; and</p> <p>(c) at no time on Sundays and NSW public holidays.</p> <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"> 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. 	<ul style="list-style-type: none"> Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 3) 2021 dated 30/7/2021 and remaining in force until 24 December 2021. Security site sign in records/log for week preceding site audit (25-30th April 2022). Earliest (excluding security services) sign in times recorded below: <ul style="list-style-type: none"> Monday 25/4/22: Public Holiday – no sign in Tuesday 26/4/22 – 5:59 am Wednesday 27/4/22 – 6:00 am Thursday 28/4/22 – 6:00 am Friday 29/4/22 – 6:01 am Saturday 30/4/22 – 6:59 am <p>It was evident (sighted) that training such as toolbox talks, prestart meetings etc. are undertaken in the hour from sign in and prior to the commencement of work.</p> <ul style="list-style-type: none"> Site interview: <ul style="list-style-type: none"> - It was stated that construction work is undertaken between the hours specified in this condition. - It was stated that three OSOM deliveries have occurred outside these hours (on Sundays) during the 	During the audit period, no construction activities are known to have occurred outside of the construction times and days defined in Development Consent Schedule 3, Condition 12.	Compliant	

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		<p>audit period however, all deliveries have been authorised by NHVR.</p> <ul style="list-style-type: none"> Complaints register – no complaints associated with work outside of these hours. 			
13.	<p>AMENITY Noise</p> <p>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.</p>	<ul style="list-style-type: none"> Construction Noise and Vibration Management Plan NESF – Stage 1 (Rev 4; 6 December 2021). Complaints Register. Environmental Work Method Statement 001 – Piling Works (Rev 1, 20/01/2022 and prepared by Site and HSE managers). Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 3) 2021 (Minister of Planning and Public Places) (30/07/2021) Sample of Equipment Noise Certificates for equipment P655, TOB375, TS003, TS004, TS13 and TS152). <p>UPC has prepared a Construction Noise and Vibration Management Plan NESF – Stage 1 (CNVMP) as an Appendix F of the CEMP. It is applicable to the pre-construction and construction phase of the NESF.</p>	<p>Subject to the non-compliance below, UPC has generally implemented the controls to minimise the noise generated by any construction as described in the Construction Noise and Vibration Management Plan NESF – Stage 1.</p> <p>Non-compliance No. 5 – No evidence was able to be provided to verify the following best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and listed in Table 11 (section 7.1) of the CNVMP:</p> <ul style="list-style-type: none"> during the first month of construction, conducting one round of attended noise monitoring at site boundaries and closest residences; during the first month of construction, carrying out noise level checks (Sound Power Levels) on all critical items of plant (equipment noise certificates were provided post audit however test dates were outside the audit period and not within the first month of construction); and 	Non-compliant	NC5

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		<p>The CNVMP references the <i>Interim Construction Noise Guideline (2009)</i> (ICNG) (sections 1.3 2.2, 2.3 and 4.1). As described in Section 7.2.2 of the ICNG, a construction noise plan (the CNVMP) is a plan developed to ensure that appropriate work practices are implemented during a project's construction to minimise noise impact. UPC has detailed the environmental management controls (to minimise noise) in Table 11 (section 7.1) of the CNVMP (NV1-NV20).</p> <p>Evidence was able to be provided to generally verify the implementation of the controls listed in Table 12 (and Appendix D).</p> <p>No noise complaints have been received during the audit period (NV3).</p> <p>It was stated that respite periods for the piling rigs are in accordance with timing as described in NV7 (g) of Appendix D of CNVMP. The pile driver ceases work for smoko and lunch breaks with mandatory breaks. The stated operating hours of the piling rigs during construction activities are 8-10am, 12-2pm and 3-5pm.</p> <p>It was stated that an order (see evidence listed above) from the Minister of Planning and Public Places was provided for the COVID order hours, and no out of hours work has been conducted during the audit period (NV2).</p>	<p>- instructing all site personnel during a general induction as to their responsibilities in minimising noise and adhering to the noise minimisation measures.</p> <p>Recommendation No. 5 – UPC should ensure all required environmental management control measures to minimise the noise generated by any construction activity, developed in accordance with the best practice requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and as listed in Table 12 of the CNVMP are implemented.</p> <p>Observation No. 12 – The EWMS 001 – Piling Works does not include the environmental controls described in NV7 (d) for mandatory breaks.</p> <p>Observation No. 13 – The EWMS 001 – Piling Works does not include vibration as a safety hazard, nor the environmental controls described in NV10 refer to safe working distances for vibration emitting equipment.</p>		

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		<p>Refer to non-compliance audit finding – No evidence was provided that as required during the first month of construction (Table 14 of the CNVMP):</p> <ul style="list-style-type: none"> one round of attended noise monitoring was conducted at site boundaries and closest residences; and noise level checks (Sound Power Levels) were carried out on all critical items of plant (NV9). <p>It was stated that a fixed noise monitor measuring real time noise levels continuously has been recently installed at the Project boundary near receptor N1 (no calibration undertaken as yet). Attended noise monitoring is intended to be undertaken at this 24/7 monitor when construction approaches the NE corner of Zone B (i.e. closer to identified receptors).</p> <p>It was stated that prior to machinery being brought on site manufacturer's noise limits are checked and that Sound Power Levels (SPLs) of equipment are in the process of being checked. Results will then be compared to Table 10 of the CNVMP for compliance.</p> <p>Refer to non-compliance audit finding – No evidence was provided that as required, all site personnel will be instructed during a general induction as to their responsibilities in minimising noise and adhering to the noise minimisation</p>			

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		<p>measures (NV4). In the audit interview it was stated that noise minimisation is not covered in the induction but is covered in the EWMS process, e.g. the pile driver is inducted specifically, however, the EWMS 001 – Pile Driving provided does not cover all required aspects (refer to observation No.17).</p> <p>It was stated that piling machines (large hydraulic hammer) and rock hammers operators are aware of the safe working distances for typical vibration equipment as listed in Table 9 of the CNVMP (NV10).</p> <p>It was stated that the requirement to switch off equipment while not in use is being communicated via daily prestart meetings and weekly toolbox meetings (from a safety point of view as well) (sighted in EWMS) (NV12).</p> <p>Shrouded noise generators (sighted) are in use and service vehicles use on-board air compressors. No evidence could be provided at the time of this audit that earth moving equipment are fitted with residential mufflers (NV12).</p> <p>It was stated that equipment is spread geographically, e.g. equipment (piling machines) working in Zone C and Zone B are separated by at least 200 m (NV15).</p> <p>UPC personnel understood the requirement to place noisy equipment to minimise impact on identified receptors. It was stated that current construction work</p>			

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		<p>was being undertaken in Zone C where there are no identified receptors (NV16).</p> <p>Evidence was provided to show that equipment brought on to the site undergoes a mechanical inspection including for excessive noise. All operators report any faulty equipment via prestart checks (sighted). No evidence of a noise related defect report during the audit period was provided (NV5).</p>			
14.	<p>AMENITY</p> <p>Dust</p> <p>The Applicant must ensure all operations and activities occurring at the site are carried out in a manner that minimises dust including the emission of wind-blown or traffic generated dust.</p>	<ul style="list-style-type: none"> Complaints register – no dust related complaints. Water Usage spreadsheet: review of water usage showed a daily average of 30kL of water used for dust suppression for the period 14 – 17 February 2022 inclusive. Audit interview. It was stated that: <ul style="list-style-type: none"> - that there are four (4) water carts on site (two wet hire from subcontractor) for dust suppression for use on Big Ridge Road and site internal roads. 	<p>Evidence was provided to show that, during the audit period, construction activities occurring at the site are carried out in a manner that minimises dust including the emission of wind-blown or traffic generated dust.</p> <p>Observation No. 14 – The Construction and Environmental Management Plan states that “<i>speed limits within the NESF development footprint will be limited to 40 km/hr</i>”. Any update of this plan should ensure that required site speed limits are consistent across all management plans and inductions.</p>	Compliant	



Photo 16 One of four water carts on site in use during site audit (4 May 2022)

- Sections 4 and 5 of Big Ridge Road are regularly watered. The criteria used to deploy water carts is visibility or the potential for receivers to be impacted.

- Site haul roads are constructed of rock (known as primary crush which has low fines material) which generates very little dust.

- Vehicle speed limits are restricted to 20 km/hr on site to minimise dust generation.



Photo 17 Speed sign limiting speed to 20 km/hr on site (4 May 2022)

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15.	Visual The Applicant must: <ul style="list-style-type: none"> (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection; (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with the surrounding landscape, where reasonable and feasible; and (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes. 	<ul style="list-style-type: none"> ▪ Complaints register – no visual amenity related complaints received during the audit period. ▪ Specification sheet for proposed solar array panels. ▪ Proposed O&M Building & Warehouse (Dwg No: NESF1-ANE-BD-03STR-DWG-009.B.IFR). ▪ Landscape Plans 1 & 2 for the Proposed O&M Building (Dwg No: NESF1-ANE-BD-03GRL-DWG-002-02 and NESF1-ANE-BD-03GRL-DWG-002-01). <p>(a) The proposed solar array panels will have mechanical properties including 2.0 mm anti-reflection coatings for both the back and front glasses to minimise the off-site visual impacts of the development. In addition, it was stated that the solar array design of single low trackers has been selected to minimise the offsite visual impacts.</p> <p>A vegetation screen will be installed within 12 months of the commencement of construction to minimise the visual impacts of the northern array on the N1 property (see Schedule 3, condition 7).</p> <p>It was stated that the galvanized steel towers of the switchyard (Photo 18)</p>	UPC was able to provide evidence to demonstrate compliance with all paragraphs of this condition.	Compliant	

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		<p>currently under construction will weather to a dull grey.</p> <p>(b) The proposed O&M Building external colour specification requires Basalt, (Colourbond) Evening Haze and Cove colours. Landscaping plans for the O&M Building and Warehouse include compacted gravel paths and native trees, shrubs and groundcovers. It is considered that these requirements will ensure the infrastructure blends in with the surrounding landscape. The Switchyard Control Room (Photo 19) and the PCUs (Photo 20) on site at the time of the site inspection were painted in neutral colours (beige) to blend in with the local rural landscape.</p> <p>(c) No advertising signs or logos (except for identification or safety purposes) were sighted on site at the time of this May 2022 audit.</p>			



Photo 18 Switchyard under construction
(4 May 2022)



Photo 19 Switchyard control room (painted
pale tan) (4 May 2022)



Photo 20 Power Conversion Units (PCUs)
awaiting installation (painted mild grey)
(4 May 2022)

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16.	<p>AMENITY</p> <p>Lighting</p> <p>The Applicant must:</p> <p>(a) minimise the off-site lighting impacts of the development; and</p> <p>(b) ensure that any external lighting associated with the development:</p> <ul style="list-style-type: none"> is installed as low intensity lighting (except where required for safety or emergency purposes); does not shine above the horizontal; and complies with <i>Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting</i>, or its latest version. 	<ul style="list-style-type: none"> Uralla 330kV Switching Station Lighting Design Report. Doc. No:3200-0642-DP1-DR-003 Rev C; (UGL;10/08/2021) Email correspondence from TransGrid (design engineer) to UPC dated 18/05/2022 re: Lighting Design. Email correspondence from GLC to Onward Consulting dated 22/03/2022 re: Control of the obtrusive effects of outdoor lighting. Complaints register – no lighting related complaints received during the audit period. <p>(a) During the audit period, construction has been undertaken in accordance with the construction hours in Schedule 3, condition 12. These hours are daytime hours, therefore, off-site lighting impacts of the development have been minimised.</p> <p>(b) The Switching Station Lighting Design Report states that light pollution will be minimised by utilising low powered LED lights that point directly at the ground.</p> <p>TransGrid has stated that the external building lights (in the grid substation switchyard) will be controlled by a photoelectric cell, with an auto/manual/off switch located at the</p>	UPC was able to demonstrate compliance with this condition during the audit period.	Compliant	

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		<p>major door (internal) of the Auxiliary Services Building.</p> <p>UPC has stated that turning off the site lighting at night (e.g., both the flood lights and the high-bays from 10pm to 5am) will eliminate any lighting spilling out into the night sky and therefore comply with the AS/NZS 4282:2019.</p> <p>As stated above in relation to paragraph (a) of this condition, during the audit period, construction has been undertaken in accordance with the construction hours in Schedule 3, condition 12. These hours are daytime hours, therefore, external lighting of the development has not been required.</p>			
17.	<p>HERITAGE</p> <p>Prior to the commencing the development, the Applicant must undertake consultation with Aboriginal stakeholders, in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (DECCW, 2010), or its latest version.</p>	<ul style="list-style-type: none"> Correspondence (letter dated 25/02/2021) from UPC notifying the DPE that it would be commencing the development from 1st March 2021. NESF – Aboriginal Heritage Management Plan (14 May 2021; v7 Final): <ul style="list-style-type: none"> Section 2.2 Consultation process for the EIS; Section 2.3 Consultation in developing this plan. 	<p>UPC was able to provide evidence that consultation was undertaken with Aboriginal stakeholders in accordance with <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (DECCW, 2010) as follows:</p> <ul style="list-style-type: none"> Stage 1 – Notification of project proposal and registration of interest: April – November 2018; Stage 2 – Presentation of information about the proposed project: April – November 2018; 	Compliant	

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		<ul style="list-style-type: none"> Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010): - Stage 1 – Notification of project proposal and registration of interest; - Stage 2 – Presentation of information about the proposed project; - Stage 3 – Gathering information about cultural significance; - Stage 4 – Review of draft cultural heritage assessment report. 	<ul style="list-style-type: none"> - Stage 3 – Gathering information about cultural significance; - Stage 4 – Review of draft cultural heritage assessment report. <p>These consultation periods were undertaken prior to the commencement of the development on 1st March 2021.</p>		
18.	<p>HERITAGE</p> <p>Protection of Heritage Items</p> <p>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 5 or the historic heritage items identified in Table 1 of Appendix 6, or any Aboriginal or historic heritage items located outside the approved development footprint.</p> <p>Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 5, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the <i>Code of Practice for Archaeological Investigation of Aboriginal</i></p>	<ul style="list-style-type: none"> NESF Heritage Database (Excel spreadsheet with filename J17300_NESF_HeritageDatabase). <p><u>Aboriginal heritage items identified in Table 1 of Appendix 5:</u></p> <p>A review of the NESF Heritage Database shows that thirty-nine (39) Aboriginal heritage items listed in Table 1 of Appendix 5 are located in Stage 1 of the construction phase.</p> <p>As of July 2021, of the thirty-nine (39) heritage items, all heritage items had either been salvaged (14), demarcated and/or fenced off (22) (Photo 21), and management was not required for three (3) heritage items.</p>	<p>There was evidence during this May 2022 audit that UPC is carrying out the protection of heritage items in accordance with this condition of the Development Consent.</p> <p>Observation No. 15 – Section 4.3.1 (i) of the AHMP should be updated to reflect the correct outcomes of the RAP consultation in relation to NE13.</p> <p>Observation No. 16 – As the project is approved to be staged, UPC could consider requesting a Surface Collection Report to be finalised by the consultant Archaeologist after collection for each stage. UPC stated that the salvage report would be completed once Stage 1 and Stage 2 salvage and relocation has been undertaken.</p>	Compliant	

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	<p><i>Objects in NSW</i> (DECCW, 2010), or its latest version.</p> <p><i>Note: The location of the Aboriginal heritage and historic heritage items referred to in this condition are shown in the figures in Appendix 5 and Appendix 6, respectively.</i></p>	 <p>Photo 21 Fencing completed around Aboriginal heritage site (NE68) to actively avoid impact (4 May 2022)</p> <p>It was stated that there were no reports of direct or indirect impact of Aboriginal heritage items during the audit period.</p> <p><u>Historic heritage items identified in Table 1 of Appendix 6:</u></p> <p>Three (3) of the eight (8) historic heritage items listed in Table 1 of Appendix 6 are located in Stage 1 of the construction phase and are all located outside of the development footprint (HNE19, HNE35 and HNE36)</p> <p>It was stated that there were no reports of direct or indirect impact of historic heritage items during the audit period.</p>			

		 <p>Photo 22 Flagging demarcating HNE19 (7 September 2021)</p> <p><u>Aboriginal heritage items identified in Table 2 of Appendix 5:</u></p> <p>A review of the NESF Heritage Database revealed that twenty-four (24) of the thirty-five (35) Aboriginal heritage items listed in Table 2 of Appendix 5 are located in Stage 1 of the construction phase.</p> <p>As of July 2021, of these twenty-four (24) items, twenty-three (23) had been either salvaged and relocated, or management was completed (i.e. did not require removal).</p> <p>Salvaged items were relocated to the Armidale Cultural Centre and Keeping Place (sample of items sighted: Photo 23 and Photo 24).</p>			
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Item ID	Item Description	Location
NE13	One 100g bag of soil	ALCOB
NE14	One 100g bag of soil	ALCOB
NE15	One 100g bag of soil	ALCOB
NE16	One 100g bag of soil	ALCOB
NE17	One 100g bag of soil	ALCOB
NE18	One 100g bag of soil	ALCOB
NE19	One 100g bag of soil	ALCOB
NE20	One 100g bag of soil	ALCOB
NE21	One 100g bag of soil	ALCOB
NE22	One 100g bag of soil	ALCOB
NE23	One 100g bag of soil	ALCOB
NE24	One 100g bag of soil	ALCOB
NE25	One 100g bag of soil	ALCOB
NE26	One 100g bag of soil	ALCOB
NE27	One 100g bag of soil	ALCOB
NE28	One 100g bag of soil	ALCOB
NE29	One 100g bag of soil	ALCOB
NE30	One 100g bag of soil	ALCOB
NE31	One 100g bag of soil	ALCOB
NE32	One 100g bag of soil	ALCOB
NE33	One 100g bag of soil	ALCOB
NE34	One 100g bag of soil	ALCOB
NE35	One 100g bag of soil	ALCOB
NE36	One 100g bag of soil	ALCOB
NE37	One 100g bag of soil	ALCOB
NE38	One 100g bag of soil	ALCOB
NE39	One 100g bag of soil	ALCOB
NE40	One 100g bag of soil	ALCOB
NE41	One 100g bag of soil	ALCOB
NE42	One 100g bag of soil	ALCOB
NE43	One 100g bag of soil	ALCOB
NE44	One 100g bag of soil	ALCOB
NE45	One 100g bag of soil	ALCOB
NE46	One 100g bag of soil	ALCOB
NE47	One 100g bag of soil	ALCOB
NE48	One 100g bag of soil	ALCOB
NE49	One 100g bag of soil	ALCOB
NE50	One 100g bag of soil	ALCOB
NE51	One 100g bag of soil	ALCOB
NE52	One 100g bag of soil	ALCOB
NE53	One 100g bag of soil	ALCOB
NE54	One 100g bag of soil	ALCOB
NE55	One 100g bag of soil	ALCOB
NE56	One 100g bag of soil	ALCOB
NE57	One 100g bag of soil	ALCOB
NE58	One 100g bag of soil	ALCOB
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NE67	One 100g bag of soil	ALCOB
NE68	One 100g bag of soil	ALCOB
NE69	One 100g bag of soil	ALCOB
NE70	One 100g bag of soil	ALCOB
NE71	One 100g bag of soil	ALCOB
NE72	One 100g bag of soil	ALCOB
NE73	One 100g bag of soil	ALCOB
NE74	One 100g bag of soil	ALCOB
NE75	One 100g bag of soil	ALCOB
NE76	One 100g bag of soil	ALCOB
NE77	One 100g bag of soil	ALCOB
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NE90	One 100g bag of soil	ALCOB
NE91	One 100g bag of soil	ALCOB
NE92	One 100g bag of soil	ALCOB
NE93	One 100g bag of soil	ALCOB
NE94	One 100g bag of soil	ALCOB
NE95	One 100g bag of soil	ALCOB
NE96	One 100g bag of soil	ALCOB
NE97	One 100g bag of soil	ALCOB
NE98	One 100g bag of soil	ALCOB
NE99	One 100g bag of soil	ALCOB
NE100	One 100g bag of soil	ALCOB

Photo 23 Record of items kept with the items salvaged and relocated to the Keeping Place (6 May 2022)



Photo 24 Salvaged items appropriately stored at the Keeping Place as per the collection method (6 May 2022)

As of July 2021, NE13 had not been salvaged or relocated prior to carrying out

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		any development that could directly or indirectly impact the heritage item. However, it was stated that NE13 is located outside the development footprint (approx. 300 m) so no development that could impact the heritage item has occurred and a salvage attempt had been conducted and was unsuccessful. Therefore, the site is now being managed as passive avoidance as described in the approved AHMP (section 4.3.1 (ii)(a)).			
19.	<p>HERITAGE</p> <p>Heritage Management Plan</p> <p>Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(e) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>(f) be prepared in consultation with Heritage NSW, Aboriginal Stakeholders and Council;</p> <p>(g) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 or items located outside the approved development 	<p>1. <u>NESF Aboriginal Heritage Management Plan (AHMP)</u></p> <ul style="list-style-type: none"> Correspondence (letter dated 25/02/2021) from UPC notifying the DPIE that it would be commencing the development from 1st March 2021. NESF Aboriginal Heritage Management Plan (v7, 14 May 2021) (AHMP) prepared by Ryan Desic. Correspondence dated 06/04/2020 from the Department (NSW DPIE) to UPC advising the Secretary has endorsed Ryan Desic to prepare the AHMP. Correspondence dated 13/11/2020 from the Department (NSW DPIE) to UPC advising the Secretary has approved the revised AHMP 	<p>Subject to the non-compliance below, UPC was able to sufficiently demonstrate that both an Aboriginal Heritage Management Plan (approved on 13/11/2020) and Historical Heritage Management Plan (approved on 21/10/2020) for the Project has been prepared prior to commencing the development (01/03/2021) and is being implemented to satisfy Schedule 3, Condition 19.</p> <p>Non-compliance No. 6 – As of May 2022, UPC did not satisfy the following requirements of this condition:</p> <ul style="list-style-type: none"> the requirement to consult with Heritage NSW was not included in the HHMP, and therefore no evidence existed to indicate that consultation with Heritage NSW was undertaken; and 	Non-compliant	NC6

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	<p>footprint, including fencing off Aboriginal heritage items prior to commencing construction and providing ongoing access and management opportunities for Aboriginal people to NE09 and NE68;</p> <ul style="list-style-type: none"> salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5; protecting the historic heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint; managing the impact of the development on the historic heritage items identified in Table 2 of Appendix 6, including photographic archival records prepared in accordance with Heritage Council of NSW Guidelines for archival recordings; a contingency plan and reporting procedure if: <ul style="list-style-type: none"> previously unidentified heritage items are found; or Aboriginal skeletal material is discovered; 	<p>(Revision 5, dated 9 November 2020).</p> <p>(a) Appendix C – endorsement letter dated 06/04/2020 as described above.</p> <p>(b) Consultation with:</p> <ul style="list-style-type: none"> Council: Section 1.2.4 - Appendix B of the HHMP – email dated 26 August 2020 Heritage NSW: Section 1.2.4 - Appendix C.2 – letter dated 18/10/2020 Aboriginal Stakeholders: Section 2.3 (Table 2.3) <p>(c) description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 (section 4.2) <p>Refer to non-compliance audit finding – The measures to provide ongoing access and management opportunities for Aboriginal people to NE09 and NE68 (section 4.1) have been described as TBA.</p> <ul style="list-style-type: none"> salvaging and relocating the Aboriginal heritage items (Section 4.3 and section 4.2.4) 	<p>– the points listed in section 4.2.1 of the HHMP have not been conveyed in the site induction material.</p> <p>Recommendation No. 6 – UPC should review and update the Historical Heritage Management Plan and ensure all required elements are included and implemented.</p> <p>Observation No. 17 – In any future update of the AHMP, UPC should consider:</p> <ul style="list-style-type: none"> including the Council consultation correspondence in an Appendix, similar to the HHMP; updating CoAs (to 17 and 19(b)) in paragraph one of Section 2.3.1; and correct the fourth paragraph of Section 4.1 to refer to NE09 and NE68 as grinding groove sites, not scar trees. 		

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	<ul style="list-style-type: none"> 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 ongoing consultation with Aboriginal stakeholders during the implementation of the plan; <p>(h) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.</p> <p>Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.</p>	<ul style="list-style-type: none"> protecting the historic heritage items (separate HHMP) managing the impact of the development on the historic heritage items (separate HHMP) a contingency plan and reporting procedure. Sections 5.1 and 5.2 Discovery/Management of new Aboriginal sites. Section 5.3 Discovery of Aboriginal ancestral remains (Table 5.2) ensuring workers on site receive suitable heritage inductions and that records are kept of these inductions (Section 6.2.1) ongoing consultation with Aboriginal stakeholders (Section 2.4) <p>(d) a program to monitor and report on the effectiveness of these measures (Section 6.4).</p> <p>Following the Secretary's approval, the Applicant must implement the Heritage Management Plan (as per section 6.4):</p> <ul style="list-style-type: none"> Collection of all nominated sites: Review of the NESF Heritage Database (Excel spreadsheet) recorded 17 sites have been salvaged as of July 2021 when Stage 1 was completed. 			

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		<ul style="list-style-type: none"> Protection of all nominated sites: Review of the NESF Heritage Database (Excel spreadsheet) recorded that of the 13 sites in Stage 1 requiring active avoidance, 4 sites had been fenced, and fencing was in progress for the remaining 9 sites of July 2021 when Stage 1 was completed. Evidence was provided to demonstrate that inductions are taking place and include appropriate material. A keeping place is suitably established and collected material is suitably stored and presented. The auditor sighted collected material that was suitably stored and presented at the Armidale Cultural Centre and Keeping Place (Photo 25) with one of the Registered Aboriginal Party representatives. 			



Photo 25 Salvaged Scar Tree (NE49) and other salvaged artefacts on display at the Armidale Cultural Centre and Keeping Place (6 May 2022)

- The NESF AH Database is updated and maintained as required by this plan: The NESF AH database was updated as of July 2021 when Stage 1 was completed. It was stated that the NESF AH database is also available geospatially but is a work in progress.

Evidence was provided (Solar Farm Fencing and Gates Zone D: Dwg No: NESF1-SMEC-CW-00FNC-DWG-164) to show that a 4 m access gate is in the design for access to NE09.

2. NESF Historical Heritage Management Plan (HHMP)



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		<ul style="list-style-type: none"> ▪ NESF Historical Heritage Management Plan (15 October 2020) (HHMP) prepared by Pamela Kottaras. ▪ Correspondence dated 06/04/2020 from the Department (NSW DPIE) to UPC advising the Secretary has endorsed Pamela Kottaras to prepare the HHMP. ▪ Correspondence dated 21/10/2020 from the Department (NSW DPIE) to UPC advising the Secretary has approved the HHMP (Revision 2, dated 15 October 2020). <p>(a) Section 1.8 – endorsement letter dated 06/04/2020 as described above.</p> <p>(b) Consultation with:</p> <ul style="list-style-type: none"> ○ Council: Section 1.2.4 - Appendix B.1 of the HHMP – email dated 26 August 2020 ○ Refer to non-compliance audit finding – the requirement to consult with Heritage NSW is not included in the HHMP. ○ Aboriginal Stakeholders: N/A <p>(c) description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> • Protecting the Aboriginal heritage items identified in 			

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		<p>Table 1 of Appendix 5 (Section 4.2) – included in AHMP</p> <ul style="list-style-type: none"> • salvaging and relocating the Aboriginal heritage items - included in AHMP • protecting the historic heritage items (Section 2.3 and Section 2.4 – Table 2.1) • managing the impact of the development on the historic heritage items (Section 2.4); photographic archival records (Section 2.4.4) • a contingency plan and reporting procedure (Section 3.2) • ensuring workers on site receive suitable heritage inductions and that records are kept of these inductions (Section 4.2.1) • ongoing consultation with Aboriginal stakeholders (Section 2.4) <p>(d) a program to monitor and report on the effectiveness of these measures (Section 4.3).</p> <p>Following the Secretary's approval, the Applicant must implement the Historical Heritage Management Plan (as per section 4.3):</p>			

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		<ul style="list-style-type: none"> Protection of all nominated sites: Review of the NESF HH Database (Excel spreadsheet) recorded 17 sites have been salvaged as of July 2021 when Stage 1 was completed. Inductions are taking place and include appropriate material: refer to non-compliance audit finding – the points listed in Section 4.2.1 of the HHMP have not been conveyed in the site induction material. The NESF HH Database is updated and maintained as required by this plan: The NESF HH database was updated as of July 2021 when Stage 1 was completed. There is no evidence of activities since this date, to warrant updating of the database. 			
20.	SOIL AND WATER Water Supply Prior to the commencement of the development the Applicant must demonstrate to the satisfaction of the Secretary that the Applicant has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply. <i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is</i>	<ul style="list-style-type: none"> Correspondence (letter dated 25/02/2021) from UPC notifying the DPIE that it would be commencing the development from 1st March 2021. Water Supply Agreement dated 21 September 2021. NESF Water Supply Strategy (Revision 3, 23/02/2021). Correspondence dated 10/12/2020 from WaterNSW to Onward Consulting re: WAL enquiries. 	Prior to the commencement of the development (01/03/2021) UPC was able to demonstrate to the satisfaction of the Secretary (approval letter dated 19/02/2021) that the UPC has sufficient water for all stages of the development. The basis for the approval was the provision of the Water Supply Strategy estimating construction water usage of 220 kL/day (compared with actual water usage of 55 kL/day during the audit period, however it should be noted that	Compliant	

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	<i>required to obtain the necessary water licences for the development.</i>	<ul style="list-style-type: none"> Water Supply Works/Water Use Approval 30CA308873. Correspondence (approval letter dated 19/02/2021) from DPIE to UPC stating that it was satisfied that the Water Supply Strategy meets the requirements of the relevant conditions of consent. Water Usage excel spreadsheet (for usage the period 9/11/2021 – 5/4/2022). Water usage averaging approximately 55 kL/day for the period. UPC legal advice (email dated 1 July 2022). 	<p>high rainfalls have been experienced during the audit period).</p> <p>Section 3.1.2.1 of the approved Water Supply Strategy states that UPC would not require its own WAL. UPC has a Water Supply Strategy approved by the Secretary which includes the private commercial agreement with a landholder who holds an offsite WAL. UPC has received legal advice that UPC is not required to obtain a separate WAL as referred to in the Note to this condition.</p> <p>Observation No. 18 – The approved Water Supply Strategy is incorrectly entitled Water Supply Management Plan on the NESF website. This should be renamed to reflect the correct name of the strategy.</p> <p>Observation No. 19 – Section 4.4 of the Soil and Water Management Plan states that 200 kL of water <u>per month</u> will be used over the construction period, which is not consistent with the the usage stated in the Water Supply Strategy (cf 200 kL <u>per day</u>). UPC should ensure that the usage units are correct and consistent.</p>		
21.	SOIL AND WATER Water Pollution	<ul style="list-style-type: none"> Section 6 of the Soil and Water Management Plan (Revision 4, 4 February 2022) 	Non-compliance No. 7 – The Soil and Water Management Plan (Section 4.5) adopts a minimum sediment control Type 2 structure (Rock Filter Dam with geotextile) to be used on the NESF	Non-compliant	NC7

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	The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.	<ul style="list-style-type: none"> ▪ Concept Erosion and Sediment Control Report (Revision 1, 15 October 2021) (Appendix A of the SWMP) ▪ Erosion and Sediment Control Plan Zone B (Dwg No: NESF1-SMEC-CW-00DRN-DWG-131) ▪ During the audit site visit, the following assets and practices were observed: <ul style="list-style-type: none"> ○ Environmental spill kits were readily available at relevant locations; ○ Liquid fuels and chemicals and were stored in self-bunded tanks/containers; ○ Drip trays utilised at refuelling sites. ○ Erosion and sediment control structures (e.g. Photo 26 and Photo 27). ▪ Audit interview: It was stated that NESF does not hold an Environment Protection Licence (EPL). ▪ During the audit site visit, there was no evidence as of May 2022, that the development has caused the pollution of waters. 	<p>construction site. However, based on the audit site inspection (see Photo 26 and Photo 27), sediment fences have been installed where long term rock filter dams have been specified on the ESCP (Dwg No: NESF1-SMEC-CW-00DRN-DWG-131), which is inconsistent with the ESCP and could result in sediment being introduced into waters.</p> <p>Recommendation No. 7 – UPC should ensure all sediment control structures are installed in accordance with the ESCPs and the Soil and Water Management Plan.</p> <p>Observation No. 20 – The Environmental Management Strategy should list the Soil and Water Management Plan in Table 11.3 as a required plan.</p>		

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		 <p>Photo 26 Sediment control located at northern side of Site Compound and Main Warehouse Area A (looking northeast) (5 May 2022)</p>  <p>Photo 27 Sediment control located downstream of earthworks cut and fill area in PCU-221 (looking southwest) (4 May 2022)</p>			
22.	SOIL AND WATER	<ul style="list-style-type: none"> Creek Crossing Protocol (SMEC, 9 November 2020) 	UPC was able to demonstrate that its Soil and Water Management Plan	Compliant	

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	<p>Operating Conditions</p> <p>The Applicant must:</p> <p>(a) minimise the siting of solar panels and ancillary infrastructure (including security fencing) within watercourses within the approved development footprint;</p> <p>(b) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, flooding and groundwater at the site;</p> <p>(c) 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;</p> <p>(d) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and</p> <p>(e) ensure all works are undertaken in accordance with the following, unless otherwise agreed by DPIE Water:</p> <ul style="list-style-type: none"> Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), or its latest version; and 	<ul style="list-style-type: none"> Soil and Water Management Plan NESF – Stage 1 (version 4, 4 February 2022) (SWMP) ESCPs – Drg No; NESF1-SMEC-CW-00DRN-DWG-130.00.IFC to 133.00.IFC Email correspondence dated 21/07/2021 regarding avoiding installing trackers in the floodway. <p>(a) Evidence was provided (email dated 21/07/2021 regarding updating design of PCU-132 layout) to show that the siting of solar panels and ancillary infrastructure within watercourses had been minimised. It is also acknowledged that the final site layout plans have been approved by the Secretary.</p> <p>(b) Evidence was provided to show that the solar panels and ancillary infrastructure (including security fencing) are designed and constructed to reduce impacts on surface water and flooding at the site. Impacts to reduce impacts on surface water, flooding and erosion are described in the SWMP and ESCP and flooding maps are shown in Appendix B of the SWMP.</p> <p>(c) Section 6.3 of the SWMP describes the measures to be taken to minimise any soil erosion associated with the construction including preparation of</p>	incorporating the operation's Erosion and Sediment Control Plans, complies with the requirements of Development Consent, Schedule 3, Condition 22.		


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	<ul style="list-style-type: none"> Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004), or its latest version. 	<p>a SWMP and progressive ESCPs. The SWMP states that the ESCPs are prepared in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) manual. It was stated that rehabilitation measures are undertaken to immediately restabilise areas after cut and fill operations (sighted). Topsoil is lightly compacted and seeded with ryecorn (which strikes in colder months) to stabilise the topsoil and facilitate regrowth of endemic grasses.</p> <p>(d) Evidence was provided to show that the solar panels and ancillary infrastructure are designed and constructed to avoid causing any erosion on site. An Erosion Control and Sediment Control Report with inputs from the flood study was prepared which describes the measures to be implemented. The report is complemented by four Erosion and Sedimentation Control Plans, one for each of the four zones composing the solar field.</p> <p>(e) UPC personnel understood this requirement to ensure all works are undertaken in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i> (NRAR, 2018) and noted that it will be applicable to</p>			


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		Stage 2 of the development as it contains 3rd order streams.			
23.	<p>HAZARDS</p> <p>Fire Safety Study</p> <p>Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, in consultation with FRNSW and RFS and to the satisfaction of FRNSW and the Secretary. The study must:</p> <p>(a) be consistent with the:</p> <ul style="list-style-type: none"> Department's <i>Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'</i> guideline; and NSW Government's <i>Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i>; and <p>(b) describe the final design of the battery storage facility.</p> <p>Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.</p>	<p>It was noted that construction of the battery storage facility commenced on 24 May 2022 (ACEN media release 24 May 2022) which post-dates the end of the audit period (5 May 2022).</p>	<p>The construction of the battery storage facility had not commenced during this audit period.</p>	Not Triggered	
24.	<p>HAZARDS</p> <p>Storage and Handling of Dangerous Goods</p>	<ul style="list-style-type: none"> During the audit site visit, the following was observed: <ul style="list-style-type: none"> Self-bunded fuel (diesel) storage tanks (Photo 28); 	<p>UPC was able to demonstrate that it stores and handles all chemicals, fuels and oils used on-site, generally in</p>	Compliant	

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	<p>The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:</p> <p>(a) the requirements of all relevant Australian Standards; and</p> <p>(b) the NSW EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> if the chemicals are liquids.</p> <p>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.</p>	<ul style="list-style-type: none"> ○ Secure self-bunded dangerous goods store (Photo 29); ○ Safety Data Sheet (SDS) folder located in the secure self-bunded chemical storage shed. <p>▪ It was stated that:</p> <ul style="list-style-type: none"> ○ The transformers being installed at the time of this audit did not contain oil while being installed. ○ All chemicals are stored within the designated dangerous goods store including the SDSs. Chemicals included oils, paints, WD40, grease and touch-up paint for the PCUs. 	accordance with the requirements of this condition.		



Photo 28 Self-bunded diesel storage tank
(4 May 2022)


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		 <p>Photo 29 Secure self-bunded dangerous goods store (5 May 2022)</p>			
25.	<p>HAZARDS</p> <p>Operating Conditions</p> <p>The Applicant must:</p> <p>(d) minimise the fire risks of the development, including managing vegetation fuel loads on-site;</p> <p>(e) ensure that the development:</p> <ul style="list-style-type: none"> includes at least a 10 metre defendable space around the perimeter of the solar array area and battery storage facility that permits unobstructed vehicle access; manages the defendable space and solar array areas as an Asset Protection Zone; 	<ul style="list-style-type: none"> New England Solar Farm – Bushfire Hazard Assessment (EMM, 2018) – Appendix M Fire and Emergency Response Plan (Rev 1, 31 March 2021) including: <ul style="list-style-type: none"> Fire Management Plan (Section 11) Emergency Response Procedure (ERP) 2 Bushfire/Grassfire (Section 5.2) ERP 7 Fire – Industrial (Section 5.7) ERP 8 Fire – Building (Section 5.8) ERP 9 Fire – Smoke (Section 5.9) NESF Monthly Environmental Inspection Checklist (Doc. No.: 	<p>Subject to the non-compliance below, UPC was able to provide evidence that it is effectively minimising and able to respond to the fire risks of the development.</p> <p>Non-compliance No. 8 – Regarding the fourth dot point of paragraph (b) of this condition, at the time of this audit, a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road had not been installed to respond to any fires on site.</p> <p>Recommendation No. 8 – UPC should procure and install a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction</p>	Non-compliant	NC8

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	<ul style="list-style-type: none"> complies with the relevant asset protection requirements in the RFS's <i>Planning for Bushfire Protection 2019 (or equivalent)</i> and <i>Standards for Asset Protection Zones</i>; 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 and a FRNSW compatible suction connection located adjacent to the internal access road; <p>(f) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and</p> <p>(g) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.</p>	<p>NESF1-GLC-EN-00GRL-FRM-004) (unsigned/undated)</p> <p>(a) It was state that slashing vegetation (grass) on a needs basis is the key mitigation measure currently being used to manage vegetation fuel loads on-site during the construction phase. Two slashing contractors have been engaged. In addition, as well as the water carts on site, a fire fighter trailer (Photo 30) and emergency response vehicle on site, is also available. There have been no reported fires during the audit period.</p>  <p>Photo 30 Firefighting tanker trailer located on the NESF site (4 May 2022)</p> <p>(b)</p> <ul style="list-style-type: none"> A 10 m defendable space on the inside of the NESF perimeter fence (as constructed as at the time of this audit) was observed during the audit 	<p>connection in order to respond to any fires on site.</p> <p>Observation No. 21 – The Fire Management Plan references the 2006 version of RFS's <i>Planning for Bushfire Protection</i>. UPC should review the 2019 version and update the plan if required. In addition, section 7.1.5, which describes the static water supplies as a 50,000 litre of fire-fighting water should be reviewed and updated to reflect the requirements of this condition.</p> <p>Observation No. 22 – The Fire Management Plan states that bushfires have the potential to cut NESF road access and egress, including the New England Highway, Barleyfields Road and Big Ridge Road, and the railway crossing. UPC should ensure the Fire and Emergency Response Plan be amended to identify designated alternative access/egress locations at one or more points along the perimeter fence. Access to the proposed location of the 20,000 litre tank should also be addressed in the Fire and Emergency Response Plan.</p>		

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		<p>site visit and was considered to permit unobstructed vehicle access. It was stated that vegetation had been cleared and slashed once as of May 2022, and that the Emergency Response Coordinator performs a weekly inspection and advises when slashing is required.</p> <p>Construction of the battery storage facility had not commenced as at the end of the audit period (5 May 2022).</p> <ul style="list-style-type: none"> Relevant personnel understood that this defensible space and solar array areas are to be managed as an Asset Protection Zone (AZP). Section 11.8 of the Fire Management Plan (FMP) describes the APZ requirements including a combined 20m APZ around site buildings and 10m APZ on the inside of the NESF perimeter fence. The FMP references the RFS's <i>Planning for Bushfire Protection 2019 (or equivalent)</i> and <i>Standards for Asset Protection Zones</i>. Refer to non-compliance audit finding – At the time of this audit, a 20,000-litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access 			

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		<p>road had not been installed to respond to any fires on site.</p> <p>(c) Relevant personnel understood this requirement. It was stated that RFS personnel have visited the site a number of times during the audit period to familiarise themselves with the site.</p> <p>(d) Relevant personnel understood this requirement, however, the requirement had not been triggered as at the date of this audit as construction of the development has not been completed as at the end of the audit period.</p>			
26.	<p>HAZARDS</p> <p>Emergency Plan</p> <p>Prior to commissioning operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of 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> <p>(a) be consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'</i>;</p>	<p>It was stated that (staged) commissioning of the operations is scheduled/planned for mid-July 2022.</p>	<p>This condition requirement has a timing trigger (i.e. prior to commissioning operations) that has not been met during the audit period, therefore an assessment of compliance is not required.</p>	Not Triggered	

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	(b) identify the fire risks and controls of the development; and (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site. Following approval, the Applicant must implement the Emergency Plan.				
27.	WASTE The Applicant must: (e) minimise and manage the waste generated by the development in accordance with the EPA's waste hierarchy objectives of avoidance, resource recovery and then disposal; (f) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version); (g) store and handle all waste on site in accordance with its classification; (h) not receive or dispose of any waste on site; and (i) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.	<ul style="list-style-type: none"> ▪ Virgin Excavated Natural Material (VENM) Assessment – Stage 1 (Onward Consulting, 18 February 2022) ▪ Waste Management Plan (Rev 4, 9 April 2021) ▪ Request for Proposal 1500VDC PV Modules (Doc. No: NESF-GLC-EL-00DCS-RFP-001, Rev 2) – Section 11 Packaging (excerpt) ▪ Correspondence from GLC to Onward Consulting (email dated 28/03/2022) ▪ Audit interview with waste contractor (Gramarc) ▪ Waste Provider Report (17/09/2021 – 29/04/2022) (a) <u>Avoidance</u> : In order to minimise waste by the development, the PV module suppliers are required to avoid plastic wrap and use biodegradable wrap instead. Pallet materials must comply with Australian	Subject to the non-compliance below, UPC was able to provide evidence that it is effectively managing waste generated by the Project, by proactively identifying avoidance and recycling opportunities and ensuring waste is appropriately stored, handled and disposed of. Non-compliance No. 9 – In relation to paragraph (d) of this condition, there was evidence that excavated waste material (from the road upgrades) was received on site during this audit period. Recommendation No. 9 – It is recommended that UPC not use any stockpiled waste material (from the road upgrades) on site until the reuse of the material is reviewed and relevant approval granted. Observation No. 23 – UPC should ensure that the location of the four VENM investigation areas identified in and shown in Figures 2-3 to 2-6 of the VENM report have been recorded in the	Non-compliant	NC9

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		<p>standards for mulching and spreading. As PV modules had not yet been received on site at the time of this audit, these avoidance measures could not be verified.</p> <p><u>Resource Recovery:</u> UPC stated that all packaging is sorted and separated into various waste streams (general waste, cardboard, timber & steel) (Photo 31, Photo 32 and Photo 33) prior to being taken from site to disposal or recycling sites.</p>  <p>Photo 31 On site waste skip bins for cardboard, metal waste recycling (and general solid waste) (4 May 2022)</p>	<p>project's ArcGIS system. It should be noted that if design changes require material to be transferred from the investigation areas to other properties, further investigation will need to be completed before the material can be classified as VENM.</p> <p>Observation No. 24 – In the next revision of the Waste Management Plan, UPC should consider including a section describing the waste minimisation and avoidance measures.</p> <p>Observation No. 25 – UPC could consider including quantitative targets in section 2.3 (Targets) of the Waste Management Plan, as the current statements are considered to be objectives. UPC is keeping detailed records of waste generated by the development, and these records could be compared to stated targets to monitor performance and thereby introduce improvements (as per section 7.8 of the EMP).</p> <p>Observation No. 26 – In the next revision of the Waste Management Plan, UPC should update and complete Table 5-1 with the estimated waste quantity to be generated from the development now that detailed design is complete (and construction has commenced).</p>		

		 <p>Photo 32 Scrap steel (strapping) for recycling (4 May 2022)</p>  <p>Photo 33 Wooden pallets for recycling (4 May 2022)</p> <p><u>Disposal:</u> It was stated that general solid waste is segregated and disposed of at the licensed Armidale Waste Management Facility.</p>			
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		<p>(b) An assessment of in-situ material proposed to be excavated and used as fill material in other areas of the Project Stage 1 development footprint was prepared in accordance with the <i>NSW Environment Protection Authority's (EPA) Waste Classification Guidelines (EPA 2014)</i>. The material met the definition for VENM in accordance with the Waste Classification Guidelines (EPA 2014), except for four investigation areas (refer to observation No.33).</p> <p>(c) Based on the audit site visit, it was evident that UPC was storing and handling waste on site in accordance with its classification.</p> <p>(d) Refer to non-compliance audit finding – Section 5.3 of the UPC's Waste Management Plan states that any excavated road material would be reused in accordance with the Excavated Public Road Material Exemption 2014, i.e. reused within the road corridor. However, excavated road material has been received on site (email dated 28/03/22). The development consent defines the site "as shown in Appendix 1 and listed in Appendix 2", therefore, the site excludes the (offsite) road reserves. Despite the excavated road material having an ENM classification, it is still</p>			

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		<p>considered waste and therefore, receiving this waste on site contravenes this condition.</p> <p>It was stated that no waste is being disposed of on site.</p> <p>(e) It was stated that the solid waste is removed from site multiple times per week and is managed by the Plant & Site Coordinator.</p> <p>General Solid Waste is transported to the Armidale Waste Management Facility (to landfill) which holds EPL 21362 issued (23 October 2020) by the NSW EPA relating to Waste disposal by application to land (any capacity). This facility is located at Waterfall Way, Armidale (Waste Provider Report).</p> <p>Other wastes (wood, metal, and cardboard) are transported to recycling centres (Waste Provider Report).</p> <p>Sewage is transported off site by a local contractor (Gramarc – audit interview) and disposed of at the Armidale Sewage Treatment Plant (EPL 1722).</p>			
28.	<p>ACCOMMODATION AND EMPLOYMENT STRATEGY</p> <p>Prior to commencing construction, the Applicant must prepare an Accommodation</p>	<ul style="list-style-type: none"> EIS – Appendix N (EMM, 2019) 	Subject to the non-compliance below, UPC was able to provide evidence that the AES was approved by the Secretary on 11 February 2021 prior to	Non-compliant	NC10

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	<p>and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. This strategy must:</p> <p>(e) propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development;</p> <p>(f) consider the cumulative impacts associated with other State significant development projects in the area;</p> <p>(g) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible;</p> <p>(h) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.</p> <p>Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.</p>	<ul style="list-style-type: none"> NESF Accommodation and Employment Strategy (Rev 2, 23/02/2021) (the AES) Correspondence dated 11/02/2021 from DPIE to UPC approving the Accommodation and Employment Strategy (Rev 1, dated 17 December 2020) (Uralla Shire) Council consultation dated 2/12/2020 – Attachment A of the AES NESF1 Access Register 20220504 (Excel spreadsheet) showing of the 262 contractors, employees and visitors that have been on site up to the date of this audit, the locality distribution is: <ul style="list-style-type: none"> Local 36% (94) Regional 43% (113) National 21% (55) Examples of accommodation consultation undertaken in March 2021 (email correspondence dated 16/03/2021). <p><u>Content of the AES:</u></p> <ul style="list-style-type: none"> Section 5 describes the accommodation strategy, with sections 5.1 and 5.2 discussing short term and rental accommodation capacities respectively, and 	<p>the commencement of construction on 7 February 2022, and the AES includes the requirements of paragraphs (a) to (d).</p> <p>Non-compliance No. 10 – UPC was not able to provide evidence that it had fully implemented aspects of the Accommodation and Employment Strategy (AES) as follows:</p> <ul style="list-style-type: none"> Section 6.3 of the AES states that leading up to and during construction, the AES would be reviewed at least every six months. Some evidence was provided to show consultation with accommodation providers was undertaken in March 2021, however, no evidence was provided to show that the AES had been reviewed or updated since approved in the 12 month period prior to the commencement of construction. Section 5.3 of the AES states that consultation will be undertaken with local councils (Uralla Shire Council, Armidale Regional Council and Tamworth Regional Council) prior to construction commencing and during construction to ensure an appropriate plan for transient worker housing is in place and there is no other unexpected pressures on local facilities due to the Project. 		

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		<p>section 5.3 discussing the strategy to prioritise local accommodation.</p> <ul style="list-style-type: none"> Section 3.2 considers the cumulative impacts associated with other State significant development projects in the area. Actions to encourage and prioritise local employment for the construction and operation of the development are listed in Table 6.1 in section 6, and discussed in section 4.3. Section 6.3 includes a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction. <p><u>Implementation of the AES:</u></p> <p>Section 6 describes the implementation of the AES including action plans for local employment and accommodation (section 6.1), provision of medical support (section 6.2), and monitoring and reporting (section 6.3).</p> <p>Table 6.1 – evidence by action number below (sampled):</p> <ul style="list-style-type: none"> Uralla Open Day held Thursday 20th May 2021 (flyer sighted; Facebook post). 	<p>No evidence was provided to show that the consultation with local councils (other than Uralla Shire Council) had been undertaken prior to construction.</p> <ul style="list-style-type: none"> Section 6.2 (second dot point) states that GLC will incorporate the levels of medical services (i.e. which facilities provide particular levels of service) in each jurisdiction in the Emergency Response Plan (ERP). No evidence was provided to show that these levels of service are incorporated in the ERP. <p>Recommendation No. 10 – UPC should:</p> <ul style="list-style-type: none"> review and if necessary, update the Accommodation and Employment Strategy considering the changes made to the construction schedule (and cumulative impacts) and general circumstances regarding accommodation in the locality of the development; and undertake consultation with Armidale Regional Council and Tamworth Regional Council as committed to in the approved AES. <p>Observation No. 27 – The NESF website lists the Accommodation and Employment Strategy (AES) as a Management Plan. UPC should update</p>		

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		<ul style="list-style-type: none"> Facebook post (5 March 2019) encouraging registration of service or employment area of interest. Email (dated 31/01/2022) referring employment enquiry to local employment agencies. Evidence sighted of media channels to disseminate information (NBN Television, Prime 7 News). “Express your interest in employment” section on the NESF website. Shuttle buses (for some contractors) were observed transporting workers at the time of this audit. Evidence was provided of a direct link (“Register your business”) to the ICN Gateway link on the NESF website. Evidence of Contractor Enquiries, ICN EOIs, ICN Pre-Qualification Questionnaire was also provided. Evidence was provided that local businesses and contractors are awarded contracts. <p>Table 6.2 – evidence by action number below:</p> <ul style="list-style-type: none"> Explore available accommodation options (evidence provided in Tables 5.2 to 5.5 of the AES). 	the website to ensure the AES is identified as a Strategy.		

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		<ul style="list-style-type: none"> Prioritise local accommodation options (evidence provided in Table 5.7 of the AES). Hosting of information sessions – NESF Supplier Information Session held at the Uralla Bowling Club (week commencing 8 March 2021). Evidence provided (meeting invite correspondence dated 11/03/2021) of UPC meeting with Uralla Shire Business Chamber. Refer to non-compliance audit finding – Consultation with Councils – no evidence was provided that consultation was undertaken with local councils other than Uralla Shire Council. Evidence was provided to demonstrate that local accommodation suppliers were contacted. 			
29.	DECOMMISSIONING AND REHABILITATION Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.	Relevant UPC personnel acknowledged and understood this condition.	This condition requirement has a timing trigger (i.e. within 18 months of the cessation of operations) that has not been met during this audit period, therefore an assessment of compliance is not required.	Not Triggered	

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Schedule 3 – Environmental Conditions															
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance										
	<p><i>Table 3: Rehabilitation Objectives</i></p> <table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Site</td><td><ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use</td></tr><tr><td>Solar farm infrastructure</td><td><ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise</td></tr><tr><td>Land use</td><td><ul style="list-style-type: none">Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)</td></tr><tr><td>Community</td><td><ul style="list-style-type: none">Ensure public safety at all times</td></tr></table>	Feature	Objective	Site	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use	Solar farm infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise	Land use	<ul style="list-style-type: none">Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)	Community	<ul style="list-style-type: none">Ensure public safety at all times				
Feature	Objective														
Site	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use														
Solar farm infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise														
Land use	<ul style="list-style-type: none">Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)														
Community	<ul style="list-style-type: none">Ensure public safety at all times														
30.	<p>DECOMMISSIONING AND REHABILITATION</p> <p>Within 3 years of commencement of operation, the Applicant must prepare a Decommissioning & Rehabilitation Plan for the development which shall be reviewed by the Applicant prior to the cessation of operations, to the satisfaction of the Secretary. The plan must:</p> <p>(a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 above;</p> <p>(b) describe the measures that would be implemented to:</p> <ul style="list-style-type: none">decommission the development and rehabilitate the site in accordance with the objectives in Table 3;minimise and manage the waste generated by the decommissioning of the development in accordance with	Relevant UPC personnel acknowledged and understood this condition.	This condition requirement has a timing trigger (i.e. within 3 years of commencement of operation) that has not been met during this audit period, therefore an assessment of compliance is not required.	Not Triggered											

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 3 – Environmental Conditions					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	<p>the obligations in condition 27 above; and</p> <p>(c) include a program to monitor and report on the implementation of these measures against the detailed completion criteria.</p> <p>The Applicant must decommission and rehabilitate the site in accordance with the approved Decommissioning & Rehabilitation Plan.</p>				

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
1.	<p>ENVIRONMENTAL MANAGEMENT</p> <p>Environmental Management Strategy</p> <p>Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(f) provide the strategic framework for environmental management of the development;</p> <p>(g) identify the statutory approvals that apply to the development;</p> <p>(h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(i) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the development; receive, handle, respond to, and record complaints; resolve any disputes that may arise; respond to any non-compliance; respond to emergencies; and 	<ul style="list-style-type: none"> Environmental Management Strategy (Document No. NESF1-SMEC-EN-00GRL-PLN-001) issued on 16 February 2021 (Revision 4.1). Correspondence dated 11/02/2021 from DPE to UPC approving the Environmental Management Strategy (Revision 4, 28 January 2021). <p>The strategy meets the requirements defined in Development Consent Schedule 4, condition 1 as follows:</p> <p>(a) provide the strategic framework for environmental management of the project (Section 2.1 and Section 2.2);</p> <p>(b) identify the statutory approvals that apply to the project (Section 3);</p> <p>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project (Section 4.1);</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the development (Section 5); receive, handle, respond to, and record complaints (Section 6); 	<p>Subject to the non-compliance below, UPC was able to provide evidence to satisfy the requirements of Schedule 4, condition 1 as:</p> <ul style="list-style-type: none"> UPC's Environmental Management Strategy (Document No. NESF1-SMEC-EN-00GRL-PLN-001) issued on 28 January 2021 (Revision 4) was formally approved by the Secretary on 11 February 2021; prior to commencing the development on 1 March 2021. Revision 4.1 of the EMS complied with the requirements of Development Consent Schedule 4, condition 1 (a) to (e). <p>UPC was able to provide evidence that it has implemented the EMS with regard to Communication (Section 5), Complaints Management (Section 6).</p> <p>Non-compliance No. 11 – In relation to Revision 4.1 of the Environmental Management Strategy (EMS), no evidence was provided to verify:</p> <ul style="list-style-type: none"> an updated Monitoring Schedule summarising all monitoring requirements associated with the NESF was posted on the NESF website, as per section 11.4 of the EMS; 	Non-compliant	NC11

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	<p>(j) include:</p> <ul style="list-style-type: none"> references to any plans approved under the conditions of this consent; and a clear plan depicting all the monitoring to be carried out in relation to the development. <p>Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>	<ul style="list-style-type: none"> resolve any disputes that may arise (Section 7); respond to any non-compliance (Section 8); and respond to emergencies (Section 10); <p>(e) include:</p> <ul style="list-style-type: none"> references to any plans approved under the conditions of this consent (Section 11.3); a clear plan depicting all the monitoring to be carried out in relation to the development. (Section 11). <p>To support the above Environmental Management Strategy, UPC also maintains a number of environmental management plans and monitoring plans.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> Sighted excerpts of construction updates in the local newspaper (Uralla Wordsworth) Sighted Daily Environmental Inspection Form (dated 6/4/2022 for the Substation area) Sighted Weekly Environmental Inspection Form (dated 5/4/22 for the substation area) 	<ul style="list-style-type: none"> that attended noise monitoring for construction (including equipment noise level checks) during first month of construction (Table 11-1) was conducted; that the environmental induction includes (at a minimum) all dot points described in section 4.5.1 of the EMS. <p>Recommendation No. 11 – UPC should review all measures described in the Environmental Management Strategy and ensure these measures are implemented as required.</p> <p>Observation No. 28 – In the next update of the EMS, Sections 1.3, 2.1 and 2.2 should include a reference to UGL (TransGrid switchyard contractor) as a major subcontractor. GLC is referred to as the EPC contractor however, UGL is directly contracted by UPC. In addition, UPC should include UGL in the EMS e.g. Figure 2-1. UGL and the UGL CEMP should also be referenced in other management plans where relevant.</p> <p>Observation No. 29 – UPC should review Section 3 Statutory Approvals of the EMS, and ensure all legislation that applies to the development is included e.g. POEO Act, Fisheries Management Act 1994 etc.</p>		

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<ul style="list-style-type: none"> Sighted Monthly Environmental Inspection Form (dated 28/3/22 for the substation area, site compound, Zone B and Zone C area) Sighted NESF Progress Meeting minutes dated 4 May 2022 Solar Array Online Induction (Rev 9, 21/12/2021) NESF Facebook and website Traffic Management Plan, Soil and Water Management Plan, CEMP, Biodiversity Management Plan, Aboriginal Heritage Management Plan 	<p>Observation No. 30 – UPC should consider reviewing Table 4.1 in the EMS. At the time of this audit, UPC Renewables' Project Manager was responsible for recording and actioning of complaints during construction, rather than GLC's Community Liaison Officer.</p> <p>Observation No. 31 – UPC could consider including an Environmental section/subheading in the Progress Meetings/Minutes.</p> <p>Observation No. 32 – The UGL CEMP should be reviewed and updated where required to ensure it is in accordance with UPC management plans. For example, Section 7.3 of the UGL CEMP states that UGL "in consultation with TransGrid" will report notifiable incidents to the regulator, which is not in accordance with this Development Consent.</p> <p>Observation No. 33 – In the next revision of the EMS, UPC could include Figure 1.3 of the AES and Figure 1-2 of the CEMP within the documents structure of the EMS and describe the CEMP in the EMS.</p>		
2.	ENVIRONMENTAL MANAGEMENT Revision of Strategies, Plans and Programs The Applicant must:	As described elsewhere in this audit report, relevant strategies, plans and programs were sighted during this May 2022 audit.	Non-compliance No. 12 – UPC was unable to demonstrate that relevant environmental strategies, plans and programs had been reviewed (and if necessary revised) within 1 month of the the modification to the conditions of this	Non-compliant	NC12

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Schedule 4 – Environmental Management and Reporting					
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	<p>(c) 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</p> <p>(d) 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"> • submission of an incident report under condition 7 of Schedule 4; • submission of an audit report under condition 9 of Schedule 4; or • any modification to the conditions of this consent. 		<p>consent (Modification 1 was determined 19th February 2021).</p> <p>Recommendation No. 12 – As required by this condition, within 1 month of submitting this audit report, UPC should review the strategies, plans or programs required under this consent. UPC should formally advise the Secretary which plans were reviewed and which plans will be revised, and by when.</p>		
3.	<p>ENVIRONMENTAL MANAGEMENT</p> <p>Updating and Staging of Strategies, Plans or Programs</p> <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,</p>	<p>Correspondence dated 11/02/2021 from DPE to UPC approving the staging of the development and the submission of the relevant strategies, plans or programs required by the development consent on a progressive basis (as per below):</p> <p>Construction will be undertaken in two stages:</p> <ul style="list-style-type: none"> • Stage 1: Construction of a 400 megawatt (MW) solar farm within the Northern Array; • Stage 2: Construction of a 320MW solar farm and battery energy storage system (BESS) within the balance of the Northern Array and Central Array. 	UPC was able to provide evidence of compliance with this condition.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	<p>plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> 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. 	<p><u>Stage 1</u></p> <ul style="list-style-type: none"> Traffic Management Plan (Stage 1); Accommodation and Employment Strategy (Stage 1); Historical Heritage Management Plan; Aboriginal Heritage Management Plan; Biodiversity Management Plan; and Environmental Management Strategy. <p><u>Stage 2</u></p> <ul style="list-style-type: none"> Traffic Management Plan (Stage 2); and Accommodation and Employment Strategy (Stage 2). 			
4.	<p>NOTIFICATIONS</p> <p>Notification of Department</p> <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 commencing the relevant stage, and clearly</p>	<p><u>Pre-construction:</u></p> <ul style="list-style-type: none"> Correspondence (letter dated 25/02/2021) from UPC notifying the DPIE that it would be commencing development activities from 1st March 2021. Correspondence dated 01/06/2021 from UPC to DPE requesting approval to commence construction of the fencing activities, temporary site compound and entry roads to the substation, TransGrid switchyard and Operations and Maintenance building. 	<p>UPC was able to provide evidence of compliance with the notification requirements of this condition.</p> <p>Observation No. 34 – UPC should consider attaching plans or providing more detail of the development to the Department in future staging notifications to clearly identify the development boundaries. For example, in addition to the Stage 2 notification description as: Construction of a 320MW solar farm and battery energy storage system (BESS) within the balance of the Northern Array and Central Array, UPC could consider providing a detailed plan of the boundaries and main</p>	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	identify the development that would be carried out during the relevant stage.	<ul style="list-style-type: none"> Correspondence dated 18/06/2021 from DPE to UPC stating that the works described above (correspondence dated 01/06/2021) could be undertaken prior to commencement of construction. <p>It is noted that the development consent's definition of "construction" excludes the installation of fencing.</p> <p><u>Grid Substation construction:</u></p> <ul style="list-style-type: none"> Correspondence dated 01/09/2021 from UPC to DPE requesting approval to commence construction in the substation footprint concurrent with finalisation of the road upgrades. Correspondence dated 21/10/2021 from DPE to UPC agreeing to the request to commence construction of the grid substation only following completion of the required road upgrades at Segments 1, 3 and 4 of Big Ridge Road and the Barleyfields Road/Big Ridge Road intersection. Correspondence dated 11/11/2021 from UPC to DPE providing notice that it would be commencing construction within the grid substation zone on 15 November 2021. <p><u>Commencement of Construction:</u></p> <ul style="list-style-type: none"> Correspondence dated 03/02/2022 from UPC to DPE providing notice 	development items within both Stage 1 and Stage 2 at an acceptable scale for legibility.		

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Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>that it would be commencing construction of Stage 1 of New England Solar Farm on 7 February 2022 in accordance with this condition.</p> <p><u>Staging of the Development:</u></p> <ul style="list-style-type: none"> Correspondence dated 11/02/2022 from DPE to UPC approving the staging of the project. 			
5.	<p>NOTIFICATIONS</p> <p>Final Layout Plans</p> <p>Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Secretary, including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.</p>	<ul style="list-style-type: none"> Correspondence (email) dated 5/08/2021 from UPC to DPE stating that the Final Layout Plans had been submitted (via the Major Projects Portal). Detailed plans of Final layout: <ol style="list-style-type: none"> NESF Site Layout Drawing Overall Site (DRG No: NESF1-SMEC-GN-00GRL-DWG-007 Rev 1) (Date: 16.07.2021) NESF Site Layout Drawing Zone A (DRG No: NESF1-SMEC-GN-00GRL-DWG-008 Rev 0) (Date: 30.06.2021) NESF Site Layout Drawing Zone B (DRG No: NESF1-SMEC-GN-00GRL-DWG-009 Rev 0) (Date: 30.06.2021) NESF Site Layout Drawing Zone C (DRG No: NESF1- 	UPC was able to provide evidence of compliance with this condition, as detailed plans of the final layout of the development, including details on the siting of solar panels and ancillary infrastructure, were provided to the Secretary on 5/08/2021 via the Major Projects website portal, which was prior to commencing construction on 7 February 2022.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
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Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>SMEC-GN-00GRL-DWG-0010 Rev 0) (Date: 30.06.2021)</p> <p>5. NESF Site Layout Drawing Zone C (DRG No: NESF1-SMEC-GN-00GRL-DWG-0011 Rev 0) (Date: 30.06.2021)</p> <ul style="list-style-type: none"> Acknowledgement (sighted in email dated 5/08/2021) that the detailed plans of the final layout of the development had been submitted via the Major Projects website portal. 			
6.	<p>NOTIFICATIONS</p> <p>Work as Executed Plans</p> <p>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 to the Secretary, via the Major Projects website.</p>	Relevant UPC personnel acknowledged and understood this condition.	This condition requirement has a timing trigger (i.e. prior to commencing operations or following the upgrades of any solar panels or ancillary infrastructure) that has not been met during this audit period, therefore an assessment of compliance is not required.	Not Triggered	
7.	<p>COMPLIANCE</p> <p>Incident Notification</p> <p>The Planning Secretary must be notified in writing via the Major Projects website portal 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</p>	It was stated that no incidents, as defined in the Development Consent, had occurred during the audit period.	Relevant UPC personnel acknowledged and understood this condition.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7.				
8.	<p>COMPLIANCE</p> <p>Non-Compliance Notification</p> <p>The Planning Secretary must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.</p>	<p>The following descriptions of “potential incident” and “incident” reflect the language used by UPC during this audit period in its notifications under this condition.</p> <p>The Lead Auditor considers the potential incident and incident referred to below as (potential) non-compliances and therefore relevant to this condition.</p> <p><u>Potential Incident – 18 February 2022</u></p> <ul style="list-style-type: none"> Correspondence dated 18 February 2022 from UPC to the Planning Secretary (NSW DPE) re: New England Solar Farm (SSD-9255) Potential Incident – Access Route <p><u>Incident – 30 April 2021</u></p> <ul style="list-style-type: none"> Correspondence dated 5 May 2021 from UPC to the Planning Secretary (NSW DPE) re: New England Solar Farm (SSD-9255) Incident Report – Site Access Route <p>Evidence was provided (snip of Major Project Portal submissions) that notifications are being provided to DPE by UPC via the Major Project Portal, however, dates could not be verified.</p>	UPC was able to provide evidence of compliance with this condition.	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
9.	<p>COMPLIANCE</p> <p>Non-Compliance Notification</p> <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 done, or will be, undertaken to address the non-compliance.</p>	<p>The following descriptions of “potential incident” and “incident” reflect the language used by UPC during this audit period in its notifications under this condition.</p> <p>The Lead Auditor considers the potential incident and incident referred to below as (potential) non-compliances and therefore relevant to this condition.</p> <p><u>Potential Incident – 18 February 2022</u></p> <ul style="list-style-type: none"> Correspondence dated 18 February 2022 from UPC to the Planning Secretary (NSW DPE) re: New England Solar Farm (SSD-9255) Potential Incident – Access Route Correspondence dated 25 February 2022 from UPC to the Planning Secretary (NSW DPE) re: New England Solar Farm (SSD-9255) Potential Incident – Access Route Correspondence dated 3 March 2022 from the Planning Secretary (NSW DPE) to UPC re: New England Solar Farm (SSD-9255) Potential Non-compliance with Schedule 3, Condition of Consent 03, SSD 9255 <p><u>Incident – 30 April 2021</u></p> <ul style="list-style-type: none"> Correspondence dated 5 May 2021 from UPC to the Planning Secretary (NSW DPE) re: New England Solar 	<p>Non-compliance No. 13 – Regarding the non-conformance notification dated (5 May 2021) to DPE for the 30 April 2021 non-compliance, no reason for the non-compliance was included in the notification provided to DPE.</p> <p>Recommendation No. 13 – UPC should ensure the reason for non-compliances is included in the non-compliance notification. UPC could consider developing a non-conformance template to ensure all the requirements of this condition are addressed.</p> <p><u>Potential Incident – 18 February 2022</u></p> <p>The notification (letter dated 18 February 2021 to the DPE) identified the development and the application number, set out the condition of consent that the development was non-compliant with, the way in which it did not comply and the reason for the non-compliance and what actions were done, and would be, undertaken to address the non-compliance.</p> <p>The “potential incident” was found not to be a non-compliance as the identified concrete truck was found not to be related to the NESF project after an investigation by UPC on the same day of the “potential incident”.</p> <p><u>Incident – 30 April 2021</u></p>	Non-compliant	NC13

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Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>Farm (SSD-9255) Incident Report – Site Access Route</p> <p>Refer to non-compliance audit finding – there was no reason for the non-compliance provided to DPE in the letter dated 5 May 2021 as required by this condition.</p> <ul style="list-style-type: none"> Correspondence (email dated 18 May 2021) from the NSW DPE to UPC re: Incident – Request for Information Correspondence (letter dated 25 February 2021) from UPC to the NSW DPE re: Incident 30/04/2021 – Request for Information 	<p>The notification (letter dated 5 May 2021 to the DPE) identified the development and the application number, set out the condition of consent that the development was non-compliant with, the way in which it did not comply and what actions were done, and would be, undertaken to address the non-compliance.</p> <p>Observation No. 35 – UPC's notification in both instances incorrectly referred to "incidents" (both are non-compliances) and have therefore notified DPE in accordance with Appendix 7 of the Development Consent. UPC should note the definitions of "Incident" and "Non-compliance" in the Development Consent and notify the Planning Secretary on the applicable basis.</p>		
10.	<p>COMPLIANCE</p> <p>Non-Compliance Notification</p> <p>A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.</p>	<p>It was stated that no incidents, as defined in the Development Consent, had occurred during the audit period.</p>	<p>Relevant UPC personnel acknowledged and understood this condition.</p>	Compliant	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
11.	INDEPENDENT ENVIRONMENTAL AUDIT Independent Audits of the development must be conducted and carried out in accordance with the <i>Independent Audit Post Approval Requirements (2020)</i> to the following frequency: (a) within 3 months of commencing construction; and (b) within 3 months of commencement of operations.	Relevant UPC personnel acknowledged and understood this condition. This audit is the first Independent Environmental Audit of the development to be conducted.	This May 2022 audit was conducted within three months of commencing construction (i.e. within three months of 7 February 2022).	Compliant	
11A.	INDEPENDENT ENVIRONMENTAL AUDIT Proposed independent auditors be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	<ul style="list-style-type: none"> Correspondence from DPIE to UPC (letter dated 13/12/2021) (see Appendix D of this report) approving the appointment of 3E Environmental Engineering and Energy to prepare the Independent Environmental Audit for the New England Solar Farm Project. This Independent Environmental Audit commenced on 3/05/2022. 	UPC was able to provide evidence that the proposed independent auditors were agreed to in writing by the Planning Secretary (13/12/21) prior to the commencement (3/05/2022) of this Independent Audit.	Compliant	
11B.	INDEPENDENT ENVIRONMENTAL AUDIT 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	Relevant UPC personnel acknowledged and understood this condition, however, no notice was given by the Planning Secretary during the audit period.	This condition was not triggered during the audit period.	Not Triggered	

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Schedule 4 – Environmental Management and Reporting					
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	Applicant of the date upon which the audit must be commenced.				
11C.	INDEPENDENT ENVIRONMENTAL AUDIT In accordance with the specific requirements of the <i>Independent Audit Post Approval Requirements</i> (2020), the Applicant must: <ul style="list-style-type: none"> (a) review and respond to each Independent Audit Report prepared under condition 11 of Schedule 4 of the consent, or condition 11B of Schedule 4 where notice is given by the Planning Secretary; (b) submit the response to the Planning Secretary; and (c) 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. 	Relevant UPC personnel acknowledged and understood this condition, however, no previous audits were undertaken during the audit period.	This condition was not triggered during the audit period.	Not Triggered	
11D.	INDEPENDENT ENVIRONMENTAL AUDIT 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 and site inspection as outlined in the <i>Independent Audit Post Approvals Requirements</i> (2020) unless	Relevant UPC personnel acknowledged and understood this condition, however, no previous audits were undertaken during the audit period.	This condition was not triggered during the audit period.	Not Triggered	

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
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	otherwise agreed by the Planning Secretary.				
11E.	INDEPENDENT ENVIRONMENTAL AUDIT Notwithstanding the requirements of the <i>Independent Audit Post Approval Requirements (2020)</i> , the Planning Secretary may approve a request or 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.	Relevant UPC personnel acknowledged and understood this condition, however, no requests for ongoing independent operational audits to be ceased were made during the audit period.	This condition was not triggered during the audit period.	Not Triggered	
12.	ACCESS TO INFORMATION The Applicant must: (b) make the following information publicly available on its website as relevant to the stage of the development: <ul style="list-style-type: none"> the EIS; the final layout plans for the development (Schedule 4, Condition 5); current statutory approvals for the development; approved strategies, plans or programs required under the conditions of this consent; 	<ul style="list-style-type: none"> NESF Project website: https://newenglandsolarfarm.com.au/ (a) As of May 2022, UPC was able to demonstrate that the following required content was publicly available on its website: <ul style="list-style-type: none"> the EIS: in accordance with the definition of "EIS" in the Development Consent, the following EIS documents were publicly available on the NESF website at the time of this May 2022 audit: <ul style="list-style-type: none"> the Environmental Impact Statement for NESF dated February 2019 the Amendment Report dated June 2019 	As of May 2022, UPC was able to demonstrate that most relevant documents required by Development Consent Schedule 4, condition 12 were available on the NESF website. Non-compliance No. 14 – the following documents were not publicly available on the NESF website at the time of this May 2022 audit: <ul style="list-style-type: none"> the Response to Submissions dated June 2019; additional information dated 31 October 2019 and 10 December 2019; additional information provided to the IPC of NSW on 7 February 2020 and 18 February 2020; 	Non-compliant	NC14

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
	<ul style="list-style-type: none"> the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; how complaints about the development can be made; a complaints register; compliance reports; any independent environmental audit, and the Applicant's response to the recommendations in any audit; and any other matter required by the Secretary; and <p>(c) keep this information up to date.</p>	<ul style="list-style-type: none"> the Subdivision Plan (Appendix 3 of the Development Consent) <p>Refer to non-compliance audit finding – the following EIS documents were not publicly available on the UPC website at the time of this May 2022 audit:</p> <ul style="list-style-type: none"> the Response to Submissions dated June 2019 additional information dated 31 October 2019 and 10 December 2019 additional information provided to the IPC of NSW on 7 February 2020 and 18 February 2020 Modification Report dated 16 December 2020 <ul style="list-style-type: none"> a copy of the final layout plans for the development (Schedule 4, Condition 5) (under The Project/Documents and Approvals/Site Plans) Refer to non-compliance audit finding – A copy of the Development Consent (SSD 9255) as modified on 19th February 2021 (under The Project/Documents and Approvals/Development Approval), however, other Statutory Approvals as listed in Table 3-1 of the EMS were 	<ul style="list-style-type: none"> Modification Report dated 16 December 2020; other Statutory Approvals as listed in Table 3-1 of the EMS; the Construction Environmental Management Plan and Appendices (CEMP) as committed to in the EIS and section 1.2.2 of the CEMP. <p>Recommendation No. 14 – UPC should ensure that all documents as required by Schedule 4, condition 12 and other plans as committed to in the EIS, are publicly available on the NESF website.</p> <p>Observation No. 36 – UPC could consider making the following changes on the NESF website:</p> <ul style="list-style-type: none"> change “Historic” to “Historical” in accordance with the name of the plan; change “Water Supply Management Plan” to “Water Supply Strategy”; rename “Fire and Emergency Response Plan” to “Emergency Plan” in accordance with the Development Consent; rename the main heading “Development Approval” to “Statutory Approvals”; 		

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>not publicly available, e.g. Construction Certificates etc.</p> <ul style="list-style-type: none"> under "The Project/Documents and Approvals/Approved Management Plans", a copy of the: <ul style="list-style-type: none"> Aboriginal Heritage Plan Historical Heritage Management Plan Environmental Management Strategy Traffic Management Plan Accommodation and Employment Management Plan Water Supply Management Plan Biodiversity Management Plan Fire and Emergency Response Plan a copy of the Staging of Construction approval letter dated 11/02/2021 (under Development Approval) and the following Staged Plans: <ul style="list-style-type: none"> Environmental Management Strategy – Stage 1 Traffic Management Plan – Stage 1 Biodiversity Management Plan – Stage 1 Fire & Emergency Response Plan – Stage 1 a mobile phone number and email address is included under "Register a 	<ul style="list-style-type: none"> rename the sub-heading "Development Approval" to "Development Consent". <p>Observation No. 37 – As the project is staged, UPC could consider identifying the staged management plans under a sub-heading.</p> <p>Observation No. 38 – UPC could consider replacing the unsigned Development Consent currently on the website with the signed Development Consent as attached to the EMS (Appendix C).</p> <p>Observation No. 39 – For improved transparency, UPC could consider publicly displaying the UPC/AC Renewables Australia Policy as a standalone document as already shown in Appendix A of the EMS.</p>		

New England Solar Farm Development Consent SSD 9255 (as modified on 19 February 2021)					
Schedule 4 – Environmental Management and Reporting					
Condition of Consent	Condition Requirement	Evidence collected	Independent Audit Findings and Recommendations	Compliance Status	Unique ID for non-compliance
		<p>complaint" (under Contact Us/Contact Us)</p> <ul style="list-style-type: none"> a Construction Complaints Register (from April 2021 to February 2022) is included under The Project/Document and Approvals/Complaints Register not applicable, as there were no compliance reports during the audit period not applicable, as there were no independent environmental audits and therefore no UPC response to recommendations in any audit, during the audit period no other matter has been required by the Secretary. <p>(b) Other than the non-compliances identified against this condition, the relevant information on the NESF Project website was considered to be up to date. The last complaint received was the 17/2/22 which was in accordance with the version on the website.</p>			

Appendix B:

Agency Consultation Comments and Auditor Response

The following Consultation Comments tables set out the environmental issues raised by the agencies which responded (reproduced in Appendix C) to the Lead Auditor's consultation letters, and the Lead Auditor's investigations of these issues. These investigations are cross-referenced to the relevant Audit Findings and Recommendations within the Detailed Compliance Status table in Appendix A of this audit report.

Agency	Contact	Agency Comments	Lead Auditor Response
NSW Department of Planning and Environment (DPE)	Nick Ballard	<p>Please also ensure that careful consideration is given to those conditions related to:</p> <ul style="list-style-type: none"> Construction traffic, including implementation of management plans, for example Schedule 3, Conditions 1, 2, 3, 4 and 6. Landscaping, for example, progress concerning landscape screening, Schedule 3, Condition 7. 	See auditor's findings in Schedule 3, conditions 1, 2, 3, 4, 6 and 7.
NSW Environment Protection Authority (EPA)	Rebecca Scrivener	<p>The New England Solar Farm does not hold an Environment Protection Licence with the EPA, as electricity generation by means of solar power is not a scheduled activity under Schedule 1 of the Protection of the Environment Operations Act 1997.</p> <p>The EPA notes that you are undertaking an independent environmental audit of the solar farm and are required to consult with relevant parties by the Project Approval. The EPA does not have any issues or matters to be addressed in the environmental audit.</p>	The NSW EPA did not have any specific issues to be addressed.
Uralla Shire Council	Matt Clarkson	<p>Of principle interest to Council currently are:</p> <ul style="list-style-type: none"> Compliance with over-dimensional and heavy vehicle restrictions; Dust suppression; Implementation of erosion and sediment control measures, and Waste management and classification. 	<p>See auditor's findings in:</p> <ul style="list-style-type: none"> Compliance with over-dimensional and heavy vehicle restrictions; Dust suppression (Schedule 3, conditions 1 and 14) Implementation of erosion and sediment control measures, and Waste management and classification (Schedule 3, condition 27)
Transport for NSW (TfNSW)	Christine Bower	TfNSW has no specific issues that it would like to be investigated with the audit of the project.	TfNSW did not have any specific issues to be addressed.
Water Group – Department of Planning and Environment	Judy Court	There is nothing specific that DPE Water requires to be addressed in the audit.	DPE Water did not have any specific issues to be addressed.
Heritage NSW	Tim Olliver	Heritage NSW has reviewed the conditions of consent and would like to draw your attention to Condition 19 of Development Consent SSD 9255 (the Consent), which states that a Heritage	See auditor's findings in Schedule 3, conditions 17, 18 and 19 regarding Heritage.

Agency	Contact	Agency Comments	Lead Auditor Response
		Interpretation Plan must be completed prior to commencing the development. The condition does not require this be submitted to Heritage NSW for review but must be completed as part of the development conditions. The Condition also states that this plan must be in accordance with subpoints a-b as per the condition 19 of consent, and also "following the Secretary's approval, the Applicant must implement the Heritage Management Plan".	
Biodiversity and Conservation (BCD)	Dimitri Young	In terms of the scope of independent environmental audits for this development, to ensure the interests of the BCD are appropriately addressed such audits should focus on the measures for avoidance, minimisation, and offsetting impacts, as required by the conditions of consent. For the Stage 1 audit, the BCD requests the scope of the audit includes implementation of the measures in the approved BMP for Stage 1 of the development and consideration of our attached advice on previous versions of the BMP.	See auditor's findings in Schedule 3, conditions 9, 10 and 11 regarding Biodiversity.
Fire and Rescue NSW (FRNSW)	Deputy Commander - Regional North 3		No response received.
NSW Rural Fire Service (RFS)	District/Zone Manager Armidale		No response received.

Appendix C:

Agency Consultation

In accordance with section 3.2 of the NSW Government's *Independent Audit Post Approval Requirements* (2020), consultation letters were sent by email to the relevant agencies. Agency comments received in response to the consultation letters are reproduced in this Appendix, and form the issues which are recorded with investigation outcomes in Appendix B.

From: [Nick Ballard](#)
To: jhanrahan@3eenvironmental.com.au
Cc: [James Epstein](#)
Subject: SSD 9255 New England Solar Farm - Independent Environmental Audit Consultation Update
Date: Monday, 11 April 2022 1:19:11 PM

Hi John,

Thank you for consulting with the Department of Planning and Environment (the Department) concerning the scope of the May 2022 Independent Environment Audit (IEA) for New England Solar Farm (SSD-9255).

The Department concurs with the list of eight agencies proposed for consultation in your letter to the Department dated 5 April 2022. At this point in time the Department does not consider any other parties or agencies be consulted concerning the scope of the IEA.

Please ensure the audit is conducted in accordance with Condition 11, Schedule 4 of Development Consent SSD-9255 (MOD 01), which requires the audit to be carried out in accordance with the Independent Audit Post Approval Requirements (June, 2020). Please also ensure that careful consideration is given to those conditions related to:

- Construction traffic, including implementation of management plans, for example Schedule 3, Conditions 1, 2, 3, 4 and 6.
- Landscaping, for example progress concerning landscape screening, Schedule 3, Condition 7.

If you have any questions, please do not hesitate to contact me.

Regards,

Nick Ballard

Senior Compliance Officer – Far North Region

Compliance | Department of Planning and Environment

T 02 6670 8652 | **M** 0000 000 000 | **E** nick.ballard@dpie.nsw.gov.au

PO Box 72, Murwillumbah NSW 2484 | 135 Murwillumbah Street, Murwillumbah NSW 2484

Please direct all email correspondence to compliance@planning.nsw.gov.au

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Please note that I work flexibly. I'm sending this message now because it's a good time for me, but I don't expect that you will read, respond to or action it outside of your own regular hours.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has recently upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: [Christine Bower](#)
To: jhanrahan@3eenvironmental.com.au
Subject: RE: New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation
Date: Wednesday, 27 April 2022 8:53:48 AM

Good morning John,

Thank you for the opportunity to comment on the environmental audit. I confirm that TfNSW has no specific issues that it would like to be investigated with the audit of the project.

Regards,

Christine

Christine Bower

Development Services Support Officer
Regional and Outer Metropolitan Division
Development Services

M 04 0892 4299 **T** (02) 4908 7688 **E** christine.bower@transport.nsw.gov.au

transport.nsw.gov.au

6 Stewart Avenue, Newcastle NSW 2302
Locked Bag 2030, Newcastle NSW 2302

Working days Monday to Friday, 8:00am - 3:30pm



Transport
for NSW



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

Please consider the environment before printing this email.



Mr John Hanrahan
3e Environmental Engineering and Energy
PO Box 1893
ARMIDALE NSW 2350

Dear Mr Fitzroy

RE: Updated BCD Advice - Independent Environmental Audit, New England Solar Farm (SSD 9255)

Further to our letter dated 5 May 2022, the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment and Heritage Group of the Department of Planning and Environment is writing to update our advice on the independent environmental audit for the implementation of the New England Solar Farm development consent.

I request that you disregard our previous letter and instead consider our advice below.

In terms of the scope of independent environmental audits for this development, to ensure the interests of the BCD are appropriately addressed, such audits should focus on the measures proposed for avoidance, minimisation, and offsetting of biodiversity impacts, as required by the conditions of development consent.

We note that the biodiversity credit retirement obligations have been satisfied for the development and the correct number and type of biodiversity credits have been retired.

Condition 11 of the development consent required that a Biodiversity Management Plan (BMP) be prepared for the development in consultation with the BCD and to the satisfaction of the Secretary.

The BCD was consulted on the BMP in January and February 2021 and copies of our responses are provided in **Attachments A and B** to this letter.

We understand the nominee of the Secretary approved the final BMP (Version 7) for the development dated 23 February 2021 also approved staging of the development and the submission of relevant plans on a progressive basis.

The approved BMP states in section 1.5 that it only applies to construction works for Stage 1 of the development.

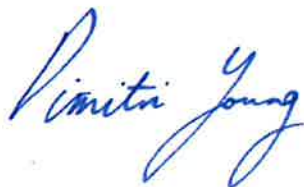
As set out in Table 3-1 of the BMP, the conditions of development consent require the BMP to apply to all stages of the development.

Hence, we anticipate that a BMP for Stage 2 of the development will also be prepared in consultation with the BCD and approved by the Secretary.

For the Stage 1 audit, the BCD requests the scope of the audit includes implementation of the measures in the approved BMP for Stage 1 of the development and consideration of our attached advice on previous versions of the BMP.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at bill.larkin@environment.nsw.gov.au or 6659 8216.

Yours sincerely



6 May 2022

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Attachment A



Planning,
Industry &
Environment

Our Ref: DOC20/934351
Your Ref: SSD 9255-PA-7

Energy, Industry and Compliance
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Ms Charissa Pillay, Senior Planning Officer – Post Approval

Dear Ms Pillay

RE: Draft Biodiversity Management Plan for the New England Solar Farm, Uralla

Thank you for your e-mail dated 14 January 2021 about the draft Biodiversity Management Plan (BMP) for the New England Solar Farm near Uralla seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment (DPIE). I appreciate the opportunity to provide input.

We note the proponent had apparently unknowingly withdrawn the BMP that was provided to us for review in November 2020 from the Major Projects portal. As a result, the BCD was notified by e-mail on 9 December 2020 that the request for advice had been withdrawn and a response was no longer required. We brought this matter to the attention of the Department's Planning and Assessment Group in December 2020 and understand from you that the withdrawal of the document was made in error and that we are again requested to review the document.

The BCD has now reviewed the draft BMP dated 9 December 2020 prepared by SMEC and we have identified several issues that need to be addressed to ensure the BMP contains adequate prescriptive measures to protect and manage biodiversity both during and post construction of the development. These issues are discussed in detail in **Attachment 1** to this letter.

In summary, the BCD recommends the following amendments be made to the BMP:

1. Amend the text in Table 3-1 that refers to Condition 9 Vegetation Clearance.
2. Replace the term retained vegetation and its definition to align with Condition 9. The new term should be *"protected vegetation or fauna habitat"* defined as being *"any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS, i.e. a no-go zone"*.
3. Include finer scale mapping of *protected vegetation or fauna habitat* relative to the development footprint.
4. Revise the BMP to refer consistently either to Mitigation and Management Actions (MMAs) or Mitigation and Management Measures (MMMs) throughout.

5. Remove the qualification of “where possible” relating to BMP MMA 1 in Table 5-1 and MMM 1 in Table 6-1.
6. Remove the qualification “unnecessary” relating to BMP MMA 2 in Table 5-1 and MMM 2 in Table 6-1.
7. Include an additional MMA to avoid and minimise biodiversity impacts in the development footprint, which could be worded as “*Avoid and minimise clearing impacts within the areas approved for clearing in the development footprint wherever possible*”.
8. Include details and/or prescriptive actions for fencing and signposting to ensure that these will be of robust and durable construction and are to remain in place after the construction phase to provide long term protection for *protected vegetation or fauna habitat*.
9. Include remediation protocols and a reporting framework for any *protected vegetation or fauna habitat* that is accidentally cleared or damaged.
10. Map the Plant Community Type plot locations in the *protected vegetation or fauna habitat* and ensure these are permanently marked in the field so that they can be reassessed over time including with photo records.
11. Include an additional MMA for trees (especially hollow-bearing trees) that are identified as being possible to retain despite being within the development footprint. This would clarify that incursions within the tree protection zone would be accepted if they were unavoidable but would result in retention of the tree. The MMA and associated protocols must clearly distinguish such areas from *protected vegetation or fauna habitat*.
12. Review and correct Table 5-1 so that the Protocols and Procedures in the BMP are correctly referenced.
13. Require monitoring of the rehabilitation works for at least three years after the areas have been seeded.
14. Include MMAs that address non-compliance with the speed limit and adaptive management to avoid fauna strikes, as well as a reporting framework for any roadkill fauna so records are reported in the annual report.
15. Include biodiversity management and mitigation actions for the additional works associated with Modification 1 if the modification application is approved.

If you have any questions about this advice, please do not hesitate to contact Ms Rachel Lonie, Senior Conservation Planning Officer, at rachel.lonie@environment.nsw.gov.au or 6650 7130.

Yours sincerely



21 January 2021

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Attachment 1: Detailed BCD Comments – New England Solar Farm draft Biodiversity Management Plan 2020

The Biodiversity and Conservation Division (BCD) has reviewed the draft Biodiversity Management Plan (BMP) for the New England Solar Farm prepared by SMEC dated 9 December 2020. The BMP has been prepared to meet consent condition 11 of State Significant Development (SSD 9255) which states:

11. Biodiversity Management Plan

Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:

- a) include a description of the measures that would be implemented for:*
 - *protecting vegetation and fauna habitat outside the approved disturbance areas;*
 - *managing the remnant vegetation and fauna habitat on site;*
 - *minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;*
 - *minimising the impacts to fauna on site and implementing fauna management protocols;*
 - *avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;*
 - *rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;*
 - *maximising the salvage of vegetative and soil resources within the approved distribution area for beneficial reuse in the enhancement or the rehabilitation of the site; and*
 - *controlling weeds and feral pests; and*
- b) including details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.*

1. Protection of native vegetation or fauna habitat

Condition 9 for the Major Project approval states that the Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS. This condition is listed in Table 3-1 however the text in that table is incorrect and should be amended.

The BMP refers to retained vegetation as being native vegetation that represents a relatively intact native Plant Community Type (PCT) identified in the Biodiversity Development Assessment Report (BDAR) for retention, i.e. a 'no-go zone'. This term and its definition should be revised to align with Condition 9 of the approval and should be used throughout the BMP to clarify the actions required to retain and protect these areas. Our suggested wording for this term is "*protected vegetation or fauna habitat*", which would be defined as being "*any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS, i.e. a no-go zone*".

A map of 'no-go areas' is provided as Appendix A Map 1 in the BMP. This is the same as the map in Appendix 1 of the SSD conditions of consent. The scale and quality of this map is inadequate to describe the areas of protected vegetation or fauna habitat. Better quality, finer scale maps to describe the areas of protected vegetation or fauna habitat are required in the BMP so they can be used by staff implementing the BMP and the Construction Environmental Management Plan (CEMP) and for ongoing monitoring and reporting. Such maps would for example be included in staff induction materials.

2. Mitigation and Management Actions and Mitigation and Management Measures

Mitigation and Management Actions (MMAs) and Mitigation and Management Measures (MMMs) are used interchangeably through the BMP. The use of these terms through the document should be reviewed and the text be revised to refer consistently to the one term, noting we have adopted MMAs in this response.

BMP MMA 1 in Table 5-1, which is also MMM 1 in Table 6-1, is to “*avoid or minimise clearing impacts to native PCTs where possible*” and the performance measure is for no clearing in the ‘no go area’. Consistent with the above advice, this MMA should refer to “*protected vegetation or fauna habitat*” and not native PCTs. The qualification “where possible” should be removed. No clearing of protected vegetation or fauna habitat should occur outside the approved disturbance footprint.

BMP MMA 2 in Table 5-1, which is also MMM 2 in Table 6-1, refers to clearing limits being clearing marked to prevent “*unnecessary clearing beyond the extent of the NESF footprint*”. The BMP should be amended to remove the qualification “unnecessary” as this would not be in accordance with Condition 9 of the project approval.

If there is an intention for the BMP to minimise clearing impacts within areas of the development footprint approved for clearing, which the BCD would support, then this should be specified as an additional MMA. For example, this additional MMA could be to “*Avoid and minimise clearing impacts within the areas approved for clearing in the development footprint wherever possible*”.

Protocol 1 states that some trees may be identified that can be retained despite being in the development footprint. We support this action as there are trees (including important hollow-bearing trees) that would have important habitat values. To enable this, a separate MMA should be included in the BMP to specify that such trees should be clearly identified for retention. The MMA could note however that incursion into their Tree Protection Zones (TPZ) would be acceptable only for these trees, where such an incursion was unavoidable but would result in the retention of the tree.

The BMP states that all native vegetation to be retained is to be delineated with fencing and ‘No Go Zone’ or ‘Environmental Protection Area’ signage. However, no details are provided on the fence materials, design or locations.

The BMP should be revised to include either prescriptive measures or specification details that will ensure the fencing and signage is permanent (i.e. not simply bunting or star pickets and mesh) and will adequately delineate and protect the areas from machinery and other incursions. The BMP should ensure that these will be of robust and durable construction methods that will remain in place after the construction phase to provide long term protection for retained vegetation. No access, stockpiling or other uses should be permitted in the retained vegetation protection areas. This should be spelt out in the BMP and be included in worker inductions as part of the CEMP.

The BMP should map the Plant Community Type (PCT) plot locations and these should be permanently marked in the field so that the plots can be reassessed over time including with photo records. Further, the BMP should also include remediation measures if retained vegetation is accidentally cleared or damaged and a reporting framework for documenting these instances.

3. Rehabilitation areas

Protocol 8 *Rehabilitation and revegetation of temporary disturbed areas* aims to stabilise the disturbed area and to return it to a condition that is like its pre-disturbance state. The objectives are to establish a low maintenance but effective perennial groundcover to protect the soil, minimise the potential for erosion; and minimise the conditions that could facilitate weed establishment and infestation.

It is not clear in the BMP where these areas would be and therefore what the extent of the works would be. Reference is made in the BMP to local provenance seed from the species that occur in the PCT for which the rehabilitation works are being undertaken. It would be preferable for the rehabilitation works to include a mixture of species, including trees and shrubs, to establish a complete PCT rather than only groundcover.

Quantitative assessment of revegetation should be undertaken for a longer period than six months so that progress on revegetation can be monitored over a longer time as seasonal and climatic factors will impact the results and revegetation requires longer period of monitoring and assessment if it is to succeed.

4. Protocols and Procedures

Section 7 titled Protocols and Procedures in the BMP provides details on the procedures to minimise impacts on biodiversity. Table 5-1 provides a list of the Biodiversity Mitigation and Management Actions and includes references to Section 7. We noted the following instances in Table 5-1 where the Protocols listed in the Reference column against the Mitigation and Management Actions appear to be incorrect as follows:

Mitigation and Management Actions (MMA)	BMP Protocols
MMA 7 Maximise the salvage of vegetative and soil resources within the development footprint	Protocol 7 Unexpected threatened species find
MMA 14 Speed limits within the development footprint	Protocol 5 Weed, pathogens and pests
MMA 20 Appropriate wash down facilities	Protocol 6 Coarse woody debris and bush rock management
MMA 21 Lighting to comply with Australian standard	Protocol 5 Weed, pathogens and pests
MMA 22 Control weeds and feral pests	Protocol 6 Coarse woody debris and bush rock management

A review of Table 5-1 is required to ensure that the Protocols and Procedures in the BMP are correctly referenced.

5. Fauna strikes

The BMP includes MMA 14 that relates to speed limits and fauna strikes, which seeks to limit speeds in the development footprint to 40kms/ hour and include this in the induction quiz. An adaptive management approach is required in relation to this issue. The BMP should include actions that address non-compliance with the speed limit and adaptive management to avoid fauna strikes.

Any roadkill fauna should be reported to the HSE Manager and collated in the annual report. While the BMP includes reference to reporting on injured or deceased fauna this needs to be clarified that it also includes any roadkill fauna.

6. SSD 9255 MOD 1 Road Upgrades

The BCD recently reviewed the Modification Application and associated BDAR (SSD 9255 MOD 1) for a revised layout incorporating road upgrades associated with the New England Solar Farm. The modification involves additional disturbance included vegetation removal to facilitate the road upgrades and road widening. The BMP should also include MMAs for the impacts associated with the new BDAR relating to the road upgrades if the modification application is approved.

7. BCD Recommendations

The BCD recommends the following amendments be made to the BMP:

1. Amend text in Table 3-1 that refers to Condition 9 Vegetation Clearance
2. Replace the term retained vegetation and its definition to align with Condition 9. The new term should be *“protected vegetation or fauna habitat”* defined as being *“any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS, i.e. a no-go zone”*.
3. Include finer scale mapping of *protected vegetation or fauna habitat* relative to the development footprint.
4. Revise the BMP to refer consistently either to Mitigation and Management Actions (MMAs) or Mitigation and Management Measures (MMMs) throughout.

5. Remove the qualification of “where possible” relating to BMP MMA 1 in Table 5-1 and MMM 1 in Table 6-1.
6. Remove the qualification “unnecessary” relating to BMP MMA 2 in Table 5-1 and MMM 2 in Table 6-1.
7. Include an additional MMA to avoid and minimise biodiversity impacts in the development footprint, for example “*Avoid and minimised clearing impacts within the areas approved for clearing in the development footprint wherever possible*”.
8. Include details and/or prescriptive actions for fencing and signposting to ensure that these will be of robust and durable construction and are to remain in place after the construction phase to provide long term protection for *protected vegetation or fauna habitat*.
9. Include remediation protocols and a reporting framework for any *protected vegetation or fauna habitat* that is accidentally cleared or damaged.
10. Map the Plant Community Type plot locations in the *protected vegetation or fauna habitat* and ensure these are permanently marked in the field so that they can be reassessed over time including with photo records.
11. Include an additional MMA for trees (especially hollow-bearing trees) that are identified as being possible to retain despite being within the development footprint. This would clarify that incursions within the tree protection zone would be accepted if they were unavoidable but would result in retention of the tree. The MMA and associated protocols must clearly distinguish such areas from *protected vegetation or fauna habitat*.
12. Review and correct Table 5-1 so that the Protocols and Procedures in the BMP are correctly referenced.
13. Require monitoring of the rehabilitation works for at least three years after the areas have been seeded.
14. Include MMAs that address non-compliance with the speed limit and adaptive management to avoid fauna strikes, as well as a reporting framework for any roadkill fauna so records are reported in the annual report.
15. Include biodiversity management and mitigation actions for the additional works associated with Modification 1 if the modification application is approved.

Attachment B



Planning,
Industry &
Environment

Our Ref: DOC21/64643
Your Ref: SSD 9255

Planning and Assessment Group
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Ms Charissa Pillay

Dear Ms Pillay

RE: Revised Biodiversity Management Plan for the New England Solar Farm at Uralla (SSD_9255)

Thank you for your e-mail dated 2 February 2021 about the revised Biodiversity Management Plan for the New England Solar Farm at Uralla seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment, Energy and Science Group of the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

We have reviewed the document supplied and advise that, although some of the previous BCD recommendations from our letter dated 21 January 2021 have been addressed, there are many that are still outstanding. These issues are discussed in detail in **Attachment 1** to this letter.

Many of the issues we identified appear to stem from the proponent's lack of lease agreements with private landholders that would enable biodiversity management actions to be undertaken within the project site outside the development footprint.

The BCD advice on the Biodiversity Management Plan (BMP) was based on the SSD 9255 Major Project consent condition 11 that stated *inter alia* that the BMP must include measures to protect vegetation and fauna habitat outside the approved disturbance areas and manage the remnant vegetation and fauna habitat on site. The conditions define 'site' as being that shown on the map in Appendix 1 of the consent and the lots and DPs that are listed in Appendix 2 of the consent. The 'development footprint' is defined as being the area within the site on which the components of the project will be constructed (shown in Appendix 1 of the consent).

We have also noted the project assessment report by the Independent Planning Commission addresses biodiversity issues in Table 6 with the following recommended condition:

- *"Prepare and implement a Biodiversity Management Plan in consultation with BCD, including measures to protect and manage vegetation and fauna habitat outside the approved disturbance area."*

It is therefore clear that there was a requirement to manage vegetation and fauna habitat both within the development footprint and within the remainder of the site.

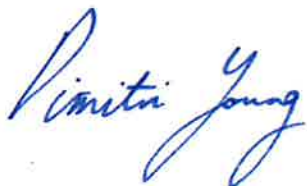
In summary, the BCD considers the BMP does not adequately meet the consent condition and we recommend that:

1. The purpose and objectives of the BMP must be revised to accord with the BMP consent condition 11.
2. The BMP must be revised to cover both the construction and operation phases of the entire project (i.e. not be limited to Stages) and must apply to the entire project site (i.e. not be limited to the development footprint).
3. The BCD's previous recommendations 3, 5, 7, 8, 10, 11, 12, 14 and 15 (should the MOD 1 application be approved) in our letter dated 21 January 2021 must be addressed.
4. In relation to our previous recommendation 15, the BMP must be revised to:
 - a. cover all additional areas assessed in the MOD 1 application.
 - b. Include maps at a suitable scale to clearly identify these areas.
 - c. Include actions to address the associated direct and indirect biodiversity impacts and the mitigation measures as described and assessed in the BDAR Addendum, September 2019 (EMM) and the BDAR Addendum, December 2020 (EMM).
 - d. Clarify the measures (such as for hollow bearing trees, vegetation removal and vehicle strike) that apply to all works associated with the project including road upgrades approved under MOD 1.
5. The BMP must require that before construction of the project can commence, the proponent must demonstrate to the satisfaction of the Secretary that the proponent is able to implement the BMP both within the development footprint and the remainder the project site.

Once our recommendations above have been addressed, the BCD requests a further opportunity to review the revised BMP.

If you have any questions about this advice, please do not hesitate to contact Ms Rachel Lonie, Senior Conservation Planning Officer, at rachel.lonie@environment.nsw.gov.au or 6650 7130.

Yours sincerely



5 February 2021

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosure: Attachment 1. BCD Detailed Comments – Revised Biodiversity Management Plan (February 2021), New England Solar Farm, Uralla

Attachment 1: Detailed BCD Comments – Revised Biodiversity Management Plan for the New England Solar Farm, Uralla

The Biodiversity Conservation Division (BCD) has reviewed the revised Biodiversity Management Plan (BMP) prepared by SMEC dated February 2021 and provides the following comments.

1. Issues that have been satisfactorily addressed

The following changes have been made in the revised BMP in line with our comments dated 21 January 2021 in relation to our numbered recommendations:

Recommendation 1. Amend the text in Table 3-1 that refers to Condition 9 Vegetation Clearance. – Done

Recommendation 2. Replace the term retained vegetation and its definition to align with Condition 9. The new term should be “*protected vegetation or fauna habitat*” defined as being “*any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS, i.e. a no-go zone*”. – Done

Recommendation 4. Revise the BMP to refer consistently either to Mitigation and Management Actions (MMAs) or Mitigation and Management Measures (MMMs) throughout. . – Done, these have been made MMMs

Recommendation 6. Remove the qualification “unnecessary” relating to BMP MMA 2 in Table 5-1 and MMM 2 in Table 6-1. – Done

Recommendation 9. Include remediation protocols and a reporting framework for any *protected vegetation or fauna habitat* that is accidentally cleared or damaged.- Done

Recommendation 13. Require monitoring of the rehabilitation works for at least three years after the areas have been seeded. - While this has not been included as an action, we note this measure is limited to soil cover in disturbed areas in the development footprint and not restoration of vegetation communities - No further change required.

2. Issues not addressed in revised BMP

The following issues identified in our comments dated 21 January 2021 in relation to our numbered recommendations have not been addressed.

Recommendation 3. Include finer scale mapping of *protected vegetation or fauna habitat* relative to the development footprint. – Not done. Figure 1 is at too large a scale to clearly identify the areas that are to be protected and managed.

Recommendation 5. Remove the qualification of “where possible” relating to BMP MMA 1 in Table 5-1 and MMM 1 in Table 6-1. - Not done. Text still refers to “native PCTs where possible “ in MMM 1 Table 6-1 and this is qualified as “where practicable” under the performance measure. This is not in accordance with consent condition 9. There needs to be a separate MMM that relates to “protected vegetation or fauna habitat” as above and related actions must be provided for areas in the project site but outside the approved disturbance footprint.

Recommendation 7. Include an additional MMA to avoid and minimise biodiversity impacts in the development footprint, which could be worded as “*Avoid and minimise clearing impacts within the areas approved for clearing in the development footprint wherever possible*”. - Not done. The BMP needs to clearly distinguish between vegetation within the development footprint and *protected vegetation or fauna habitat* as defined above. Vegetation clearing described in section 3 in Table 7-1 needs to state that this is for clearing as approved in the development footprint only. Also, the qualification “wherever possible” is preferred in this instance.

Recommendation 8. Include details and/or prescriptive actions for fencing and signposting to ensure that these will be of robust and durable construction and are to remain in place after the construction phase to provide long term protection for *protected vegetation or fauna habitat*. - Not all done. The revised BMP states that “*All no-go zones clearly demarked with bunting or similar, subject to UPCVAC Renewables being permitted by the respective private landholder*”. Also, for signage the BMP states “*subject to UPCVAC Renewables being permitted by the respective private landholder to access and instal (sic) signage*”. The condition clearly requires action in project area outside development footprint.

The issue with landholders and leases needs to be resolved. It is not clear if this is permanent fencing, what the buffer distance is and where it will be placed. Also, the text states “*Appropriate (sic) signage as specified in mitigation and management measure three is relevant to the fence construction phase and subject to private landowners agreement to the implementation of the protection measures, but not once protected areas become external to the development areas*”. Again, the protected areas should not be external to the development areas, as they are part of the project site and the BMP needs to cover actions within these areas. Also, we noted some typographic errors in this section that should be fixed. It is not clear how the continued grazing in solar array areas as described in the Environmental Impact Statement will occur given the fencing requirements.

Recommendation 10. Map the Plant Community Type plot locations in the *protected vegetation or fauna habitat* and ensure these are permanently marked in the field so that they can be reassessed over time including with photo records. - Not done. Text on page 16 states “*Ecological monitoring will not be able to access the areas of protected native vegetation or fauna habitat outside the fenced areas of the solar farm.*” The BMP only has a monitoring requirement for any retained native vegetation or habitat “*on the development site*”. Also, MMM 6 under Protocols just refers to photo points and rapid data plots for at least three dominant species. Monitoring requirements should be strengthened to capture more data, such as plot data to quantify species richness in each vegetation stratum and photo monitoring points, and the locations for the ongoing monitoring should be identified. Biodiversity management should improve overall vegetation condition over time, and not just maintain canopy trees.

Recommendation 11. Include an additional MMA for trees (especially hollow-bearing trees) that are identified as being possible to retain despite being within the development footprint. This would clarify that incursions within the tree protection zone would be accepted if they were unavoidable but would result in retention of the tree. The MMA and associated protocols must clearly distinguish such areas from *protected vegetation or fauna habitat*. - Not done. The BMP does not distinguish MMMs within the development footprint and in the project site outside the development footprint.

Recommendation 12. Review and correct Table 5-1 so that the Protocols and Procedures in the BMP are correctly referenced. - Done except for MMM 22 which should be changed to Protocol 5.

Recommendation 14. Include MMAs that address non-compliance with the speed limit and adaptive management to avoid fauna strikes, as well as a reporting framework for any roadkill fauna so records are reported in the annual report. – Done, but this need to extend to road upgrade areas. The BMP states “*Measures to mitigate impacts specific to the road widening will include reduced speed limits for project-related vehicle movements, which will be detailed in the traffic management plan (TMP). Given that the access route utilises public roads, reduced speed limits for public vehicles may not be enforced (except during road upgrade works).*” The BCD has not reviewed the Traffic Management Plan, but these measures should also be set out in the BMP under MMM14 in Table 6-1.

Recommendation 15. Include biodiversity management and mitigation actions for the additional works associated with Modification 1 if the modification application is approved. - Not done. The BMP states that additional measures are not required and does not for example describe the revised project site or the additional impacts associated with the road upgrades. Should the MOD 1 application be approved, the BMP needs to be revised to including the additional development footprint, associated direct and indirect biodiversity impacts and the mitigation measures as described and assessed in the BDAR Addendum, September 2019 (EMM), which was an Addendum

to the original BDAR and the BDAR Addendum, December 2020 (EMM) which was a separate BDAR provided with the Modification Report for MOD 1.

3. Scope of BMP

The following issues were not identified in our review of the previous BMP but have been identified in our review of the February 2021 BMP.

Page 1 of the BMP states the purpose of the BMP *“is to describe how impacts on biodiversity will be minimised and managed during the construction of Stage 1 of the NESF under the framework of the EMS”*. This limited scope does not address the BMP consent condition 11. For example, the third dot point in the condition is *“minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development”*. There is no reference in condition 11 to the BMP being only for Stage 1 and for the construction stage only so this text needs to be amended to expand the scope to cover the entire development for the life of the development over the project site.

The first dot point under 1.4 Objectives states *“Ensure appropriate controls and procedures are implemented during construction activities to avoid or minimise potential adverse impacts to biodiversity values in the NESF development footprint”*. As above, the objectives need to be amended to expand the scope to cover the project site.

BCD Recommendations

In summary, the BCD considers the BMP does not adequately meet the consent condition and we recommend that:

1. The purpose and objectives of the BMP must be revised to accord with the BMP consent condition.
2. The BMP must be revised to cover both the construction and operation phases of the entire project (i.e. not be limited to Stages) and must apply to the entire project site (i.e. not be limited to the development footprint).
3. The BCD's previous recommendations 3, 5, 7, 8, 10, 11, 12, 14 and 15 (should the MOD 1 application be approved) in our letter dated 21 January 2021 must be addressed.
4. In relation to our previous recommendation 15, the BMP must be revised to:
 - a. cover all additional areas assessed in the MOD 1 application.
 - b. Include maps at a suitable scale to clearly identify these areas.
 - c. Include actions to address the associated direct and indirect biodiversity impacts and the mitigation measures as described and assessed in the BDAR Addendum, September 2019 (EMM) and the BDAR Addendum, December 2020 (EMM).
 - d. Clarify the measures (such as for hollow bearing trees, vegetation removal and vehicle strike) that apply to all works associated with the project including road upgrades approved under MOD 1.
5. The BMP must require that before construction of the project can commence, the proponent must demonstrate to the satisfaction of the Secretary that the proponent is able to implement the BMP both within the development footprint and the remainder the project site.

From: [Terence Seymour](#)
To: ["John Hanrahan"](#)
Cc: [Matt Clarkson](#)
Subject: RE: MDP response RE: New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation 3 May 2022
Date: Tuesday, 3 May 2022 11:23:27 AM

Hello John,

Point 3 should be erosion and sediment control.

While the work site is remote, the runoff from the earthworks ends up in waterways.

Kind Regards

Terry Seymour

Director

Infrastructure and Development

Uralla Shire Council | Po Box 106 Uralla NSW 2358

p 02 6778 6309 | **m** 0427 215 970 | **e** tseymour@uralla.nsw.gov.au

council@uralla.nsw.gov.au | www.uralla.nsw.gov.au

From: Matt Clarkson <MClarkson@uralla.nsw.gov.au>

Sent: Tuesday, 3 May 2022 10:55 AM

To: 'John Hanrahan' <jhanrahan@3eenvironmental.com.au>

Cc: Terence Seymour <TSeymour@uralla.nsw.gov.au>

Subject: MDP response RE: New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation 3 May 2022

Hello John

Thank you for the opportunity to provide feedback for the audit.

Of principle interest to Council currently are:

- Compliance with over-dimensional and heavy vehicle restrictions;
- Dust suppression;
- Implementation of erosion control measures, and
- Waste management and classification.

Regards

Matt Clarkson

Manager of Development and Planning

Uralla Shire Council | Po Box 106 Uralla NSW 2358

p 02 6778 6310 | **f** 02 6778 6349 | **m** 0419 861 719



From: [DPIE Water Assessments Mailbox](#)
To: [John Hanrahan](#)
Cc: ["Alessandro Kennedy"](#)
Subject: RE: [WARNING: FILE ENCRYPTED]New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation
Date: Wednesday, 27 April 2022 8:32:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)

Hi John,

Thanks for your email.

I can advise that there is nothing specific that DPE Water requires to be addressed in the audit.

Regards,

Judy Court

Assistant Project Officer

Water Group

Department of Planning and Environment

T 02 9842 8126 | **E** judy.court@dpie.nsw.gov.au

www.dpie.nsw.gov.au

4 Parramatta Square

12 Darcy St

Parramatta, NSW 2150

Working days Monday to Thursday.

From: John Hanrahan <jhanrahan@3eenvironmental.com.au>

Sent: Tuesday, 26 April 2022 11:51 AM

To: DPIE Water Assessments Mailbox <water.assessments@dpie.nsw.gov.au>

Cc: 'Alessandro Kennedy' <akennedy@elecnor.es>

Subject: [WARNING: FILE ENCRYPTED]New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation

Dear Sir/Madam,

Please find a request attached seeking any feedback regarding the environmental management at the New England Solar Farm Project.

We will conduct an independent environmental audit from the 4-5 May and would welcome any feedback by the 3 May 2022.

Please feel free to contact me should you have any queries or require further information.

Kind regards,

John Hanrahan *BEng(Chem), MIEAust., MAusIMM*

Lead Auditor (Cert: 121281)

From: [Timothy Olliver](#)
To: [John Hanrahan](#)
Subject: RE: [WARNING: FILE ENCRYPTED]New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation
Date: Tuesday, 3 May 2022 1:54:21 PM

Hi John,

Heritage NSW has reviewed the conditions of consent and would like to draw your attention to **Condition 19 of Development Consent SSD 9255 (the Consent)**, which states that a **Heritage Interpretation Plan must be completed prior to commencing the development. The condition does not require this be submitted to Heritage NSW for review, but must be completed as part of the development conditions.** The Condition also states that this plan must be in accordance with subpoints a-b as per the condition 19 of consent, and also "following the Secretary's approval, the Applicant must implement the Heritage Management Plan".

There are no further comments on the audit review relating to historic heritage matters at this time. A separate referral for Aboriginal Cultural Heritage should be considered.

Kind regards,

Tim Olliver (he/him) | Senior Heritage Assessment Officer

Heritage NSW | Department of Planning and Environment
Level 6, 10 Valentine Avenue Parramatta 2150 | Locked Bag 5020 Parramatta 2124
P: (02) 9873 8500 | timothy.olliver@environment.nsw.gov.au



**Premier
& Cabinet**

I acknowledge and respect the traditional custodians and ancestors of the lands I work across

From: John Hanrahan <jhanrahan@3eenvironmental.com.au>
Sent: Tuesday, 12 April 2022 6:04 PM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Subject: [WARNING: FILE ENCRYPTED]New England Solar Farm Project (SSD 9255) - Independent Environmental Audit - Consultation

Dear Sir/Madam,

Please find a request attached seeking any feedback regarding the environmental management at the New England Solar Farm Project.

We will conduct an independent environmental audit from the 4-5 May and would welcome any feedback by the 3 May 2022.

Please feel free to contact me should you have any queries or require further information.

Kind regards,

John Hanrahan *BEng(Chem), MIEAust., MAusIMM*
Lead Auditor (Cert: 121281)



PO Box 1893 Armidale NSW 2350

m: 0447-172-010

e: jhanrahan@3eenvironmental.com.au



DOC22/291767-1

03 May 2022

Mr John Hanrahan
Lead Auditor
3E Environmental Engineering & Energy
PO Box 1893
ARMIDALE NSW 2350

Email: jhanrahan@3eenvironmental.com.au

Dear Mr Hanrahan,

Thank you for your request for the Environment Protection Authority (EPA)'s input to the Independent Environmental Audit for the New England Solar Farm.

The New England Solar Farm does not hold an Environment Protection Licence with the EPA, as electricity generation by means of solar power is not a scheduled activity under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

The EPA notes that you are undertaking an independent environmental audit of the solar farm and are required to consult with relevant parties by the Project Approval. The EPA does not have any issues or matters to be addressed in the environmental audit.

If you wish to discuss this further, please contact Molly Zarb on 131 555 or via email to info@epa.nsw.gov.au, marked to Molly's attention.

Yours sincerely

A handwritten signature in blue ink that reads 'Rebecca Scrivener'.

REBECCA SCRIVENER
Head, Regional Operations Unit
Regional Regulatory Operations - Armidale

Appendix D:

DPE Endorsement of May 2022 Audit Team

Mr Tim Greenaway
NESF Project Director
NESF Pty Ltd
96b Bridge St
URALLA NSW 2358

13/12/2021

Dear Mr Greenaway

**New England Solar (SSD-9255)
Auditors Approval**

I refer to your request (SSD-9255-PA-28) for the Secretary's approval of suitably qualified persons to prepare the audit for the New England Solar project (SSD-9255) (the 'Consent').

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of 3E Environmental Engineering and Energy to prepare the Independent Environmental Audit for New England Solar.

In accordance with Schedule 4, Condition 11A of the consent and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team:

- Mr John Hanrahan; and
- Ms Adam Jones.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective phase of a project consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of the project phase, the suitability of a proposed auditor or audit team will be considered.

We note your request for an extension of time for the submission of the Independent Audit. To make this determination the Department requires further information, detailing a timeline for the audit to be conducted and submitted, along with details of works that will have

occurred prior to the audit being conducted. Please submit this information as a separate request on the Major Project website.

If you wish to discuss the matter further, please contact Phillip Rose on (02) 6670 8657.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley McPhee'. The signature is fluid and cursive, with the first name 'Shelley' written in a larger, more prominent script than the last name 'McPhee'.

Shelley McPhee
Compliance Team Leader
Compliance

As nominee of the Planning Secretary

Appendix E: Independent Audit Declaration

Project Name New England Solar Farm Project
Consent Number Development Consent SSD 9255 (as modified on 19 February 2021)
Description of Project New England Solar Farm Project
Project Address Lot 1 and 2, Big Ridge Road, Uralla NSW 2358
Applicant UPC\AC Renewables Australia Pty Ltd
Title of Audit New England Solar Farm Project Independent Environmental Audit Report 2022
Date 3 August 2022

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2022);
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any Applicant, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any Applicant, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) 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) 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
- b) 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).

Name of Auditor John Hanrahan

Signature



Qualification Lead Auditor (Exemplar Global 121281)

Company 3E Environmental Engineering & Energy

Company Address PO Box 1893 Armidale NSW 2350