

# Operational Independent Environmental Audit





Wellington Solar Farm - SSD 8573 (Mod 2)

Lightsource BP Pty Ltd

12 April 2023



## Document Control

Key Project Details Client		
Client	Lightsource BP (LSBP)	
Project	Wellington Solar Farm	
Construction Contractor	Sterling and Wilson (S&W)	
Operational Contractor	Sterling and Wilson (S&W)	
Client manager / Role	Diana Mitchell - LSBP Head of Planning, Australia and New Zealand	
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 	<p>We acknowledge the traditional owners and custodians of the land on which we work and we pay respect to the Elders, past, present and future.</p>	

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# 1 Executive Summary

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J2M Systems Pty Ltd was engaged by Lightsource BP Pty Ltd (LSBP) to undertake this operational phase independent environmental audit (Operational IEA) at the Wellington Solar Farm (referred to as WSF or the project) in accordance with Schedule 4, Condition 6 of the NSW Department of Planning, Infrastructure and Environment (NSW DPIE) Project Approval SSD 8573 Modification 2 ('Project Approval').

Project Approval was granted on 25 May 2018 and has been modified on two occasions at the date of this audit, being SSD 8573 Modification 1 (Project Approval Mod 1), approved 11 December 2019 and Modification 2 (Project Approval Mod 2), approved 03 April 2020. Project Approval MOD 2, which is the scope of this audit, includes conditions for construction, operation and decommissioning of a 200MWdc solar farm at Goolma Road, Wuuluman NSW, including associated ancillary infrastructure.

The project is located along Goolma Road, Wuuluman NSW, approximately 2km north east of Wellington in central NSW. The project is within the Dubbo Regional Council Local Government Area (LGA). The construction element of the project was delivered under two scopes of work, that being the solar farm works and the substation works. LSBP engaged separate head contractors to deliver the two scopes of work, that being Sterling & Wilson Pty Ltd (S&W) for the solar farm works, and TransGrid for the substation works. LSBP has continued to engage S&W for the operational phase of this project. WSF Construction of WSF commenced on 04 December 2019. Following construction completion, handover and commissioning, WSF commenced operations on 23 December 2023.

Schedule 4, Condition 18 of the current Project Approval requires LSBP to commission an IEA within three months of the date of commencement of construction, within 3 months of commencement of operations, and as directed by the Secretary.

The Construction IEA, undertaken by J2M Systems in February 2020, assessed conditions relating to construction and was undertaken within 3 months of commencing construction. This Operational IEA assesses conditions relating to operations and was undertaken within 3 months of commencing operations. This audit considers all conditions of consent (CoC) of the project approval, as well as the mitigation measures proposed within the original environmental impact assessment and is consistent NSW Department of Planning, Industry and Environment (DPIE) Requirement 2 Independent Audit Post Approval Requirements (DPE 2018).

J2M Systems was formally commissioned on 23 January 2020 to carry out the IEAs of the WSF. NSW DPIE approved Peter Marshman of J2M Systems as the auditor via correspondence dated 29 January 2020.

The audit methodology included:

- Audit planning and discussions with LSBP representatives with regard to audit timing, provision of documentation, site visits and personnel involvement;
- Review of audit documentation provided by LSBP and S&W;
- Consultation with relevant Government agencies, Registered Aboriginal Parties and the key stakeholders as identified by LSBP;
- Site inspection undertaken between 28 February and 02 March 2023;
- Review of additional audit documentation provided by LSBP and S&W during and after the audit site inspection via email submission between 28 February and 20 March 2023;
- Submission of draft report to LSBP for review of adequacy and as an opportunity for LSBP to confirm findings and/or provide additional information; and
- Finalisation of report.

The previous Construction IEA in February 2020 identified a good level of compliance with the environmental management obligations under Project Approval, however, the solar farm construction

contractor's implementation of the project environmental management plans appeared non-systematic and underprepared due to substantial changes to team personnel in the early stages of construction. The 2020 Construction IEA identified five (5) non-compliances against the five conditions of Project Approval and a further eight (8) auditor recommendations for continual improvement. With the exception of three (3) of eight (8) auditor recommendations for continual improvement, these matters have all been resolved.

This Operational IEA of the WSF determined that the project is generally compliant with their environmental management obligations under the Project Approval SSD 8573 Mod 2 and that the actual impacts of the project appear consistent with those predicted in the Environmental Impact Statement. That being said, and as identified in the Construction IEA, the construction contractor's implementation of their project environmental management plans has for some elements, such as weed management and landscape planting, been non-systematic and underprepared resulting in implementation-based non-conformances being identified during this audit.

Overall this Operational IEA identified:

- Four (4) non-compliances against the four (4) conditions of Project Approval;
- One (1) non-compliance against one (1) proposed mitigation measure within the EIS;
- Four (4) new auditor recommendations for continual improvement; and
- Three (3) outstanding auditor recommendations for continual improvement which remain open from the construction IEA.

A detailed audit table is presented in Appendix A identifying audit evidence, findings and recommendations. Section 3 of this report outlines consultation undertaken with key stakeholders in relation to this Operational IEA. Section 4 of this report presents the audit findings, including an assessment of the adequacy of management plans and summary of environmental performance. Section 5 of this report presents non-compliances and auditor recommendations identified against the audit scope.

## 2 Introduction:

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### 2.1 Project Background

J2M Systems Pty Ltd was engaged by Lightsource BP (LSBP) to undertake this operational independent environmental audit (Operational IEA) on the Wellington Solar Farm (referred to as 'WSF' or 'the Project') in accordance with Schedule 4, Condition 18 of the NSW Department of Planning, Infrastructure and Environment (NSW DPIE) Project Approval SSD 8573 (Project Approval).

Project Approval was granted on 25 May 2018 and has been modified on two occasions at the date of this audit, being SSD 8573 Modification 1 (Project Approval Mod 1), approved 11 December 2019 and Modification 2 (Project Approval Mod 2), approved 03 April 2020. Project Approval MOD 2, which is the scope of this audit, includes conditions for construction, operation and decommissioning of a 200MW dc solar farm at Goolma Road, Wuuluman NSW, including earthworks, installation of solar panels, collector substations, switching stations, permanent offices, site compounds, electricity transmission lines and internal roads.

The project is located along Goolma Road, Wuuluman NSW, approximately 2km north east of Wellington in central NSW. The project is within the Dubbo Regional Council Local Government Area (LGA). The construction element of the project was delivered under two scopes of work, that being the solar farm works and the substation works. LSBP engaged separate head contractors to deliver the two scopes of work, that being Sterling & Wilson Pty Ltd (S&W) for the solar farm works, and TransGrid for the substation works. LSBP has continued to engage S&W for the operational phase of this project. WSF Construction of WSF commenced on 04 December 2019. Following construction completion, handover and commissioning, WSF commenced operations on 23 December 2023.

Schedule 4, Condition 18 of the Project Approval Mod 2 requires LSBP to commission an IEA within three months of the date of commencement of construction, within 3 months of commencement of operations, and as directed by the Secretary. The Construction IEA, undertaken by J2M Systems in February 2020, assessed conditions relating to construction and was undertaken within 3 months of commencing construction. This Operational IEA assesses conditions relating to operations and was undertaken within 3 months of commencing operations. The audit considers all conditions of consent (CoC) of the project approval, as well as the mitigation measures proposed within the original environmental impact assessment and is consistent NSW Department of Planning, Industry and Environment (DPIE) Requirement 2 Independent Audit Post Approval Requirements (DPE 2018).

J2M Systems was formally commissioned on 23 January 2020 to carry out the IEAs of the WSF. NSW DPIE approved Peter Marshman of J2M Systems as the auditor via correspondence dated 29 January 2020 (Refer to Appendix B).

### 2.2 Scope of Work

The scope of the independent environmental audit is pre-determined by Schedule 4, Condition 18 of the SSD 8573 Mod 2 and is reproduced here:

*The audits must:*

- a) *be prepared in accordance with the relevant Independent Audit Post Approval requirements (DPE 2018);*
- b) *be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- c) *be prepared, unless otherwise agreed with the Secretary:*
  - (i) *within 3 months of commencing construction;*
  - (ii) *within 3 months of commencement of operations; and*
  - (iii) *as directed by the Secretary;*
- d) *be carried out in consultation with the relevant agencies;*
- e) *assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and*

- f) *recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.*

In addition to this, the scope of the audit is also defined in Section 3.3 of the *Independent Audit Post Approval Requirements* (DPE 2018), and is reproduced here:

*An Independent Audit must include:*

1. *an assessment of compliance with:*
  - a. *conditions of consent applicable to the phase of the development that is being audited;*
  - b. *all post approval documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans;*
  - c. *all environmental licences and approvals applicable to the development excluding environmental protection licences issued under the Protection of the Environment Operations Act 1997;*
2. *an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:*
  - a) *actual impacts compared to predicted impacts documented in the environmental impact assessment;*
  - b) *the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;*
  - c) *incidents, non-compliances and complaints that occurred or were made during the audit period;*
  - d) *the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit;*
  - e) *feedback received from the Department, and other agencies and stakeholders, including the community or Community Consultative Committee, on the environmental performance of the project during the audit period;*
3. *the status of implementation of previous Independent Audit findings, recommendations and actions (if any);*
4. *a high-level review of the project's environmental management systems (if any), including assessment of any third party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems. It is not expected that an Independent Audit comprises a management system audit, however any key deficiencies identified in the system should be discussed;*
5. *a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate\*; and*
6. *any other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.*

The criteria of the audit included the requirements of:

- Works and programs relevant to the operational phase of the development.
- Considerations of works since completion of the Construction IEA, February 2020
- Project Approval (Appendix A – Audit Table);
- Implementation of strategies/management Plans/programs required by the Project Approval during the Operational phase, including:
  - Construction Environmental Management Strategy;

- Biodiversity Management Plan;
- Cultural Heritage Management Plan;
- Traffic Management Plan;
- Soil, Water, Stormwater Management Plan; and
- Landscaping Plan.

## 2.3 Audit Period

The audit period is defined as the period between the Construction IEA (February 2020) to completion of the audit site inspection 02 March 2023.

## 2.4 Audit Team

In accordance Section 3.1 of the NSW DPE Independent Audit Post Approval Requirements (DPE 2018), this Operational IEA was completed by Peter Marshman of J2M Systems Pty Ltd. NSW DPIE approval of the auditor is provided in Appendix B of this report. No technical specialists were nominated or requested for this audit. The Auditor's declaration of independence is provided in Appendix D of this report.

## 2.5 Methodology

### 2.5.1 Document review

Preparation for the IEA involved a desktop review of the documentation identified in the scope of this audit (Refer to Section 1.2). This included relevant plans, programs and statutory requirements. An audit checklist was developed as part this review (Appendix A – Audit Table). An adequacy assessment of plans and programs required under the consent is provided in Section 4.5 of this report. The Auditor is a general environmental management systems auditor and is not qualified as a technical expert in any of the specialist topics of the management plans that were reviewed. Adequacy of the management plans is determined by:

- review of the plan(s) against the relevant development of approval requirements;
- considering that the plan(s) have been reviewed and approved by relevant agencies; and
- considering the environmental performance of the project with regard to the content and currency of the plan.

A technical review is not included and this is assumed to have been done in the development of the plan, in consultation with relevant Agencies, and through the relevant approval processes.

### 2.5.2 Opening and Closing Meeting

An opening meeting was held on Tuesday 28 February 2023 to introduce the auditor to the project management team and to outline the audit process and confirm audit arrangements. An interim closing meeting was held on Thursday 02 March 2023 following completion of the site inspection and site-based interviews to provide a summary of audit findings at the time, noting that further review of evidence was required prior to finalising audit findings. The issue of the draft report is considered as the close of the audit and is formal notification of any assessed non-compliance (if any).

Audit attendance at the opening and closing meeting is summarised in Table 1 below.



**Table 1: Audit attendance**

Name	Title - Organisation	Opening Meeting	Closing Meeting
Diana Mitchell	LSBP Head of Planning, Australia and New Zealand.	Yes	Yes
Tim Lambert	LSBP Construction Manager	Yes	No
Donnacha Culloo	LSBP Project Manager	Yes	Yes
Sajid Mahmud	LSBP Asset Manager	Yes	Yes
Peter Allan	S&W National HSE Manager	Yes	Yes
Brendan O'Reilly	S&W O&M Site Manager	Yes	Yes
Guru Prasad	S&W Manager	Yes	Yes
Peter Marshman	J2M Systems Lead Auditor	Yes	Yes

### 2.5.3 Site inspection and Interviews

Site inspections were undertaken on the project with the aim of assessing the effectiveness of environmental management measures on site including a check of all active work areas at the time of the audit, remediation areas, aboriginal heritage sites and environmental protection zones. Outcomes of the site inspections are provided in Section 4.8.

### 2.5.4 Reporting

The audit report was developed between 28 February and 28 March 2023. A draft report was provided to LSBP via email dated 04 April 2023. The audit report was finalised on 12 April 2023.

### 2.5.5 Compliance Status Descriptors

The compliance status of each compliance requirement in the Audit Table (Appendix A) has been determined using the relevant descriptors in Table 2 below as required by the NSW DPE Independent Audit Post Approval Requirements, June 2018.

**Table 2: Compliance Status Descriptors**

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 at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

## 2.6 Site Description and Operation

### 2.6.1 Site Location

The project is located along Goolma Road, Wuuluman NSW, approximately 2km north east of Wellington in central NSW. The project is within the Dubbo Regional Council Local Government Area (LGA). The dominant land use on the project site and in the local area is agriculture, through some native vegetation remnants are present across some areas of the site (NGH, 2017), including some endangered ecological communities. Full details of the site, including proposal layout, key environmental issues and site constraints are detailed within the Wellington Solar Farm Environmental Impact Statement, prepared by NGH Environmental, November 2017.

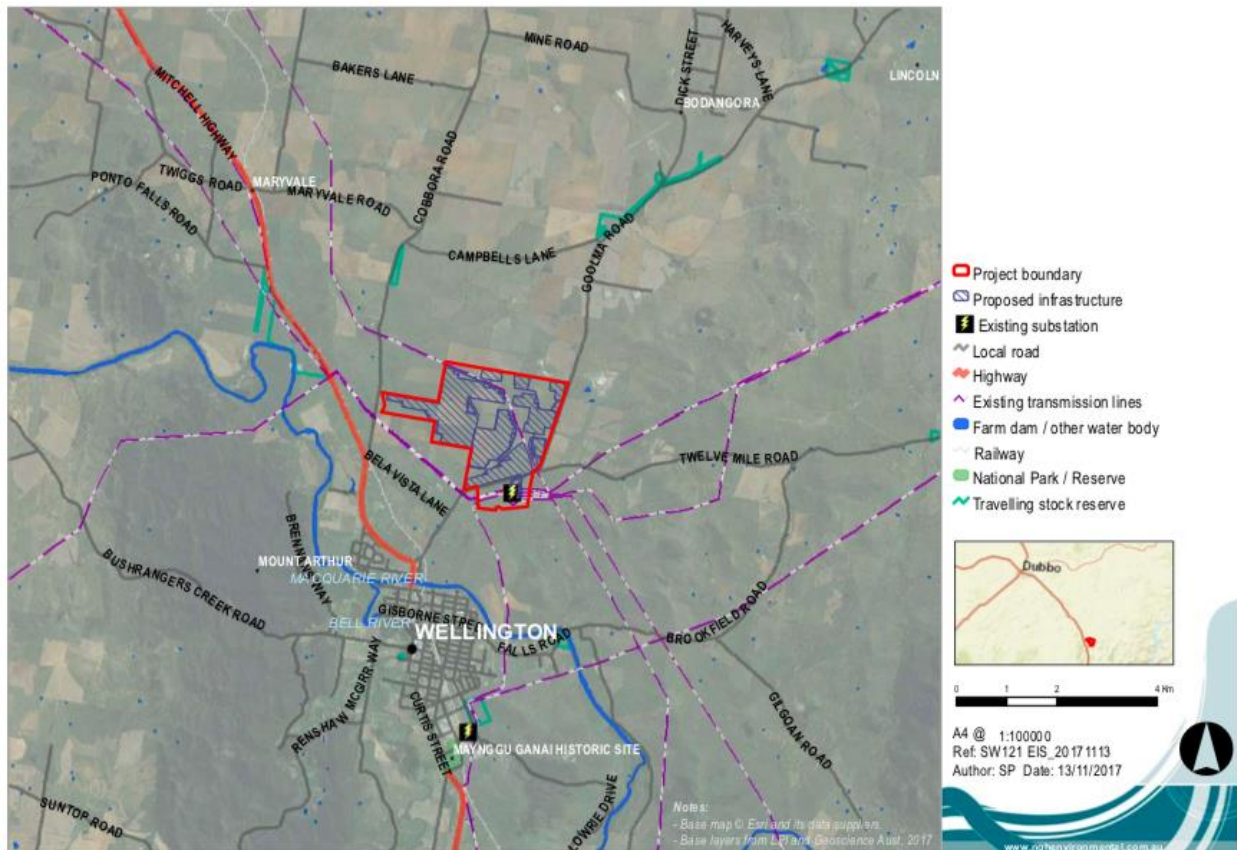


Figure 1: Project location. Sourced from Wellington Solar Farm, Environmental Impact Statement, NGH Environmental, November 2017.

### 3 Consultation with relevant agencies

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As part of the audit process, J2M Systems undertook consultation with the following stakeholders to obtain feedback on the scope of the audit and gain an understanding of their interests in the Project and its environmental performance. Notification of a request for consultation was issued via the official agency portal as directed by NSW DPIE.

Following the audit site inspection and upon the realisation that no response was received, the auditor independently contacted the following

- Wellington Valley Wiradjuri Aboriginal Corporation;
- Gallangabang Aboriginal Corporation;
- Wellington Local Aboriginal Land Council.

This section provides a summary of feedback and scope requests received. Record of the correspondence received via email is provided in Appendix C.

#### 3.1 NSW DPIE

Katrina O'Reilly, Senior Compliance Officer for NSW DPIE provided an email response received 28 February 2023 requesting the following:

- The Department would (like) consultation to be undertaken with Council, Local Aboriginal Land Councils, Transport for NSW, Biodiversity Conservation Division (BCD) and NSW Environmental Protection Agency (NSW EPA).

**Auditor response:** *Consultation with relevant parties is outlined in this section. Consultation occurred prior to the auditor receiving this response from NSW DPIE. Consultation was undertaken using the NSW DPIE Major Projects Portal.*

- Areas for consideration for operational stage include:
  - Weed management / rehabilitation and landscaping.  
**Auditor response:** *These items are addressed under the following conditions of project approval: CoA S3.7 Landscaping – Vegetation buffer, S3.8 Landscaping Plan, S3.9 Land Management, S3.11 Biodiversity Management Plan.*
  - Compliance with conditions and with commitments with the relevant management plans.  
**Auditor response:** *This is the primary scope of this audit and as such has been considered in completing this Operational IEA.*
  - Monitoring plans – as required in management plans.  
**Auditor response:** *Addressed within this report, Refer to section 4.5 'Adequacy of management plans' and Section 4.7 'Actual versus potential impacts'.*
  - Management of erosion and sediment control measures.  
**Auditor response:** *The majority of erosion and sediment control measures were applicable during construction phase which was completed over 1 year ago and were not observed by the audit other than during the Construction IEA in February 2020. The auditor undertook a site inspection during this audit and confirms that sediment and erosion control measures such as vegetated swales, rock lined swales, rock check drainage lines, earth bunds, and sediment fencing are installed and maintained in high-risk areas on site.*
  - Stormwater management and compliance with relevant management plans.  
**Auditor response:** *Refer to above response. Stormwater management was assessed through visual observations only. No immediate issues were identified in relation to stormwater management on site.*

### 3.2 NSW Department of Primary Industries | Agricultural Resources

Mary Kovac, Agricultural Landuse Planning Office provided an email response dated 04 August 2022, which outlined the following statements:

- The salvage (of topsoil) occurs and final placement of the vegetative and soil resources for the ongoing operation of the area is a key to the ongoing successful revegetating of the site to protect the soil resource. Issues such as settling, ponding, erosion potential etc. need to be avoided so this will require ongoing monitoring particularly over the first 12 months of soil placement;

**Auditor response:** *Salvage of topsoil was unable to be observed due to completion of construction activities, however the majority of all disturbed areas have been rehabilitated with groundcover being a mixture of native and non-native pastures, as well as some introduced weeds. There is no specific requirement for monitoring of soil settling, ponding, erosion potential etc, however this is considered as part of the environmental inspections when completed.*

*Site inspections were undertaken and confirmed the re-use of coarse woody debris in management zones 3 and 4 generally in a manner consistent with the requirement set out in the Biodiversity Management Plan.*

- It is now over 2 years with substantially more rainfall and storm activity that may have impacted on the stability of the land and vegetative growth that would be useful to measure.

**Auditor response:** *It is considered outside the audit scope to measure stability of land and vegetative growth as these require long term monitoring programs to be meaningful. Based on visual observations of the site as assessed at the time of the Construction IEA (following a period of intense drought) and at the time of this operation IEA (following 2 years of high rainfall) it is evident that vegetative ground cover has vastly improved, both in density (coverage) and apparent diversity.*

*Implementation of the biodiversity management plan (CoC S3.10) was assessed as non-compliant with the following relevant deficiency noted:*

- *No evidence of groundcover monitoring using 1m x 1m quadrats placed at 30 random locations within Zone 2 and within all planted areas. Nominated to be completed fortnightly for first six months after establishment, 6 months after establishment and then annually throughout operations (BMP s10.3).*
- Related to this is the ongoing land management of the site that will be based on native pasture establishment and its ongoing management.

**Auditor response:** *There was no evidence to support active rehabilitation of native pasture, however native pasture species may be included in the composition of naturally rehabilitation groundcover.*

*Implementation of the biodiversity management plan (CoC S3.10) was assessed as non-compliant with the following relevant deficiency, among others, noted (refer to s.5.1 for full details of NC):*

- *The regeneration seed mix reportedly utilised for pasture rehabilitation is inconsistent with the target to established perennial native pasture species under solar panels (BMP, Appendix A – Ground Cover Management Plan) as it does not contain native pasture species.*

- With the last 2 years of more rain, it will be of interest to observe how this has changed in terms of groundcover density and species composition, as well as the weed occurrence in the solar farm area.

**Auditor response:** *It is considered outside the audit scope for the auditor to measure groundcover density and species composition as these require long term monitoring programs to be meaningful. As previously stated, based on visual observations of the site as assessed at the time of the Construction IEA (following a period of intense drought) and at the time of this Operational IEA (following 2 years of high rainfall) it is evident that vegetative ground cover has vastly improved, both in density (coverage) and apparent diversity.*

*Overall the implementation of the Biodiversity Management Plan is considered non-compliant with the requirements of CoA s3.11 with the following relevant deficiencies noted:*

- *No evidence of quarterly weed survey for site and exclusion zones (construction) (BMP s10.3).*
  - *No evidence of annual weed survey for site and exclusion zones (operation) (BMP s10.3).*
  - *No evidence of weed mapping by GPS, including noting the species and degree of infestation, and capturing an image for monitoring purposes (BMP s10.3).*
  - *No evidence of groundcover monitoring using 1m x 1m quadrats placed at 30 random locations within Zone 2 and within all planted areas. Nominated to be completed fortnightly for first six months after establishment, 6 months after establishment and then annually throughout operations (BMP s10.3).*
- Associated with this is how the site has been managed to ensure groundcover is maximised with the more desirable species i.e., perennial grasses. The land management over this time is useful to describe, and the measures used to ensure grass species persistence and weed control have been considered. Other management such as the application of soil ameliorants, fertiliser etc should also be included.

**Auditor response:** *Land management practices reported to the auditor have included topsoil salvage and re-use, re-seeding and mowing / slashing. The following Regeneration Seed Mix was reportedly utilised for pasture rehabilitation: Regen Blend – Solar Farm Label No. 30600 including Tetila 20%, Wimmera 20%, Origin 20%, Dalkeith 20% and Cavalier 20%. No application of soil ameliorants or fertilisers were reported to the auditor. Some weed spraying has reportedly taken place; however details of application was not recorded or records have not been maintained.*

*Overall the implementation of the Biodiversity Management Plan is considered non-compliant with the requirements of CoA s3.11 with the following relevant deficiencies noted:*

- *No evidence of quarterly weed survey for site and exclusion zones (construction) (BMP s10.3).*
- *No evidence of annual weed survey for site and exclusion zones (operation) (BMP s10.3).*
- *No evidence of weed mapping by GPS, including noting the species and degree of infestation, and capturing an image for monitoring purposes (BMP s10.3).*
- *No evidence of groundcover monitoring using 1m x 1m quadrats placed at 30 random locations within Zone 2 and within all planted areas. Nominated to be completed fortnightly for first six months after establishment, 6 months after establishment and then annually throughout operations (BMP s10.3).*
- *If applied, there is no record of the Pesticide Application Record being completed (BMP s7.5.1).*
- *The regeneration seed mix reportedly utilised for pasture rehabilitation is inconsistent with the target to established perennial native pasture species under solar panels (BMP, Appendix A – Ground Cover Management Plan).*

- Lastly the climatic conditions between audit periods should form part of setting the context for the audit.

**Auditor response:** Climatic conditions have no doubt been beneficial to the overall success of groundcover rehabilitation, including both desirable (native and non-native pastures) and non-desirable (weed) species. No formal climate assessment was undertaken; however a general observation is that the Construction IEA in February 2020 followed a period of intense drought and this operational IEA follows a 2-year period of high rainfall, including record flooding across wide areas of the central west. Visually it appears that vegetative ground cover has improved, both in density (coverage) and apparent diversity, across the project.

### 3.3 NSW Department of Planning and Environment: Water

Tim Baker, Sneior Project Officer, Water Assessments of NSW DPIE: Water provided a written response dated 11 July 2022 requesting the following:

- That the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the audit scope:
  - Condition D21 – A Stormwater Plan is prepared, approved and implemented.

**Auditor response:** Assessed as compliant under CoA S3.21 Stormwater Drainage.

- Condition D22(a and b)– sediment and erosion controls are in accordance with relevant guidelines.

**Auditor response:** Assessed as compliant under CoA S3.23 Operating Conditions.

- Condition D22(c) – works within waterfront land are constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (2012).

**Auditor response:** Assessed as compliant under CoA S3.23 Operating Conditions.

- Any water take at the site via storage, diversion, interception or extraction is authorised by a relevant Water Access Licence or exemption under the Water Management Act 2000 or Water Management (General) Regulation 2018.

**Auditor response:** No dams or water storage features have been established on site and as such the maximum harvestable right for surface water has not been exceeded. LSBP are currently obtaining the relevant water licence for the continued use of the original on site bore for the 20,000L tank. Construction water was purchased from Macquarie Stud Filling Station.

WSF is State Significant Development (SSD) and as such under the provisions of the EP&A Act the following authorisations are not required:

- a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,
- a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.

**Auditor Recommendation:** LSBP to obtain relevant water licence for the continued use of the original on site bore for the 20,000L tank.

### 3.4 Heritage NSW

Nicole Davis, Manager Assessments for Heritage NSW provided an email response dated 13 July 2022 stating that 'Heritage NSW has no comments on the project or audit scope - with respect to Aboriginal cultural heritage (ACH)'.

Michael Ellis, Manager Assessments for Heritage NSW provided an additional written response dated 01 August 2022 stating that 'Heritage NSW has no comments on the audit scope with respect to environmental heritage as the project site does not contain any items listed on the State Heritage Register'.

### 3.5 NSW DPIE - Biodiversity, Conservation and Science Directorate (BCS)

Samantha Wynn, Senior Team Leader Planning North West for BCS provided a written response dated 27 July 2022 suggesting the following:

BCS's main issues regarding the project that we suggest for review as part of the audit are:

- Confirmation that the vegetation buffers (landscape screening) at the locations identified in the figure in Appendix 1 of the project consent have been established.

**Auditor response:** Assessed as non-compliant under CoA S3.7 Landscaping – Vegetative Buffer. The mature vegetative buffer has not yet been established (Site 1), effectively maintained (Sites 2, 3 and 4). Additionally, the Proponent has not yet sought approval from the Secretary as to the effectiveness of the vegetative buffer as required by the condition.

- Confirmation that all offset requirements as set out in Condition 10 of Schedule 3 of the project consent have been retired.

**Auditor response:** Assessed as compliant under CoA S3.10 Biodiversity – Retirement of Credits. LSBP retired the required 70 ecosystem credits on 01 December 2021 which is within two years of commencing development in compliance with the requirements of this condition.

- Confirmation that the actions within the Biodiversity Management Plan are being implemented.

**Auditor response:** Assessed as non-compliant under CoA S3.11 Biodiversity Management Plan. The following deficiencies identified against the requirements of the Biodiversity Management Plan:

- No evidence of quarterly weed survey for site and exclusion zones (construction) (BMP s10.3).
- No evidence of annual weed survey for site and exclusion zones (operation) (BMP s10.3).
- No evidence of weed mapping by GPS, including noting the species and degree of infestation, and capturing an image for monitoring purposes (BMP s10.3).
- No evidence of groundcover monitoring using 1m x 1m quadrats placed at 30 random locations within Zone 2 and within all planted areas. Nominated to be completed fortnightly for first six months after establishment, 6 months after establishment and then annually throughout operations (BMP s10.3).
- If applied, there is no record of the Pesticide Application Record being completed (BMP s7.5.1).
- The regeneration seed mix reportedly utilised for pasture rehabilitation is inconsistent with the target to established perennial native pasture species under solar panels (BMP, Appendix A – Ground Cover Management Plan).

### 3.6 Fire & Rescue NSW

Superintendent John Hawes, Manager, Operational Liaison and Special Hazards Unit for Fire and Rescue NSW provided a written response dated 03 August 2022. Fire & Rescue NSW note that Condition 23 of the Development Consent for SSD-8573 requires that:

‘At least one month prior to the commencement of construction of the development, or unless otherwise agreed by the Secretary, the Applicant must prepare a Fire Safety Study for the development, in consultation with Fire & Rescue NSW, and to the satisfaction of the Secretary.

The study must:

(a) be consistent with the Department’s Hazardous Industry Planning Advisory Paper No. 2, ‘Fire Safety Study Guidelines’; and

(b) report on the implementation status of the mitigation measures, listed in the EIS. Following the Secretary’s approval, the Applicant must implement the measures described in the Fire Safety Study.’

To date the applicant has not consulted with FRNSW in relation to the development of the fire safety study for the premises. A meeting was held on 3 July 2019 however this related to the Fire Management and Emergency Response Plan, not the Fire Safety Study for the premises.

**Auditor response:** *Assessed as not-triggered under CoA S3.23 Hazards – Fire Safety Study. LSBP received correspondence from NSW DPIE, dated 23 May 2019, regarding approval to defer the submission of the Fire Safety Study to until at least one month prior to commencement of construction of the battery storage facility. The battery storage facility has not been constructed and is not yet planned to be constructed. Subsequently the requirements of this condition had not been triggered at the time of this audit.*

### 3.7 NSW EPA

No response was received from NSW EPA.

### 3.8 Transport for NSW

No response was received from Transport for NSW.

### 3.9 Dubbo Regional Council

Dubbo Regional Council provided a written response, dated 16 August 2022, with the following key points extracted:

- **Schedule 2 Administrative Conditions**

WORK AS EXECUTED PLANS

7. The condition relates to the applicant submitting Work-As-Executed plans to the Department. Council has previously requested that the Work-As-Executed plans be forwarded to Council for our records. If these plans could be forwarded to Council that would be appreciated.

**Auditor Response:** *LSPB reported that Work-As-Executed Plans would be forwarded to council.*

NARRAWA HOMESTEAD

8. Council is unaware whether the Homestead has been repurposed as an operations and maintenance facility.

**Auditor Response:** *The on-site component of this audit was conducted within the Narrawa Homestead. Dubbo City Council issued correspondence dated 08 March 2021, issuing Final Occupation Certificate for Narrawa Homestead, convert dwelling into office building – as approved 05 March 2021.*



- **Schedule 3 Environmental Conditions – General**

#### LANDSCAPING

7. An inspection of the site has confirmed that the mature vegetation buffer (landscape screening) does not appear to have been established as per Appendix 1.

**Auditor Response:** *The auditor came to the same conclusion. Assessed as non-compliant under CoA S3.7 Landscaping Buffer. The following deficiencies identified against the requirements of this condition:*

- *Vegetative buffer plantings were observed in Site 2, 3, 4, and 5. No plantings were observed at Site 1. It was evident during the site inspection that minimal monitoring, maintenance (e.g. weed management) and replacement of unsuccessful plants has occurred throughout the construction and operation period.*
- *It was evident during the site inspection that minimal monitoring, maintenance (e.g. weed management) and replacement of unsuccessful plants has occurred throughout the construction and operation period.*
- *Overall, the mature vegetative buffer has not yet been established (Site 1), effectively maintained (Sites 2, 3 and 4).*
- *Additionally, the Proponent has not yet sought approval from the Secretary as to the effectiveness of the vegetative buffer.*

**Auditor Recommendation:** *The Proponent must establish and maintain the mature vegetation buffer as per the requirements of this condition.*

#### LANDSCAPING PLAN

8. It does not appear that the Applicant has prepared a detailed Landscaping Plan for the development.

**Auditor Response:** *LSBP prepared a Landscaping Plan (Version 2.4) prior to commencement of construction. This was assessed as compliant in the Construction Phase IEA by J2M Systems, February 2020. The plan was developed in consultation with Council and was endorsed by NSW DPIE.*

*The Landscaping Plan (Version 2.8) was revised to incorporate changes resulting from SSD 8572 Modification 2. The Landscaping plan includes control measures applicable to both construction and operation phases. It is not clear that Council was consulted prior to the revision of the Landscaping Plan, however NSW DPIE endorsed the revision.*

#### BIODIVERSITY

10. Council is unaware whether the Applicant has retired the biodiversity credits as required by the condition. Council made enquiries with BCS and BCT but is yet to receive any response.

**Auditor Response:** *Addressed under CoA S3.10 Biodiversity – Retirement of Credits. LSBP retired the required 70 ecosystem credits on 01 December 2021 which is within two years of commencing development in compliance with the requirements of this condition.*

### **3.10 Wellington Valley Wiradjuri Aboriginal Corporation and Gallangabang Aboriginal Corporation**

Bradley Bliss, representing both the Wellington Valley Wiradjuri Aboriginal Corporation and the Gallangabang Aboriginal Corporation was contact by telephone and reported that there were no issues with the Wellington Solar Farm project.

### **3.11 Wellington Local Aboriginal Land Council**

The contacted Wellington Local Aboriginal Land Council (LALC) via telephone and email. No formal response was received, however the auditor did speak with a representative from the Wellington LALC.

## 4 Audit Findings

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In accordance with Schedule 4, Condition 18 (e) of the Project Approval Mod 2, this section provides an assessment of the project's compliance with relevant requirements in the project approval, and any strategy, plans or programs required under the Project Approval.

### 4.1 Compliance Performance

This Operational IEA is considered to address the requirement of the scope of works to '*assess the environmental performance of the project*'. Section 5 of this report lists the conditions considered to be non-compliant, whilst the Audit Table (Appendix A) provides an assessment of the project's compliance with relevant requirements in the approval, and associated strategies, plans and programs required under the Project Approval.

Other than where noted in this audit, site environmental controls were observed as being implemented on site generally in accordance with the measures stipulated in the approved management plans and project approval. Refer to Section 5.1 of this audit report for non-conformances identified against environmental performance on this project.

### 4.2 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

It was reported by LSBP Head of Planning, Australian and New Zealand and S&W O&M Site Manager that the Project had not received any penalty notices or prosecutions at the time of this operational IEA, however show cause letters were issued to LSBP and S&W respectively in relation to one of the five non-compliances raised in the 2020 Construction IEA.

In response to the Construction IEA Report, NSW DPIE informed LSBP (correspondence dated 20 May 2020) that four of the five reported non-compliances identified in the Construction IEA have been assessed in accordance with the Department's Compliance Policy and recorded the breaches with no further enforcement action. These being non-compliances raised against the requirements of:

1. Schedule 2, Condition 13
2. Schedule 3, Condition 2
3. Schedule 3, Condition 5
4. Schedule 3, Condition 22.

In relation to the reported non-compliance with Schedule 3, Condition 11, NSW DPIE investigated this further, including issuing informal requests for information to which LSBP responded. On 22 July 2020, NSW DPIE issued separate Show Cause Letters to LSBP and to S&W. The purpose of these letters was to give LSBP and to S&W the opportunity to make representations as to why the Department should not take formal enforcement action in relation to the alleged breach. Both LSBP and S&W cooperated with the requests contained within the notices and further information and evidence was provided for further consideration.

NSW DPIE issued correspondence (dated 25 August 2020) closing out the non-compliance investigation with the following findings:

- The Department intends to take no further action against Lightsource Development Services Australia Pty Ltd (**Lightsource**).
- The Department determined that Sterling and Wilson Solar Australia Pty Ltd ACN 632 960 680 (Sterling & Wilson) committed an offence against section 4.2(1)(b) of the Environmental Planning and Assessment Act 1979 (Act).
- Consequently, by failing to implement the ground disturbance permit protocols and engaging an ecologist to undertake a pre-clearing survey on 3 February 2020, Sterling & Wilson as the contractor for the Project, committed an offence against section 4.2(1)(b) of the Act, by carrying out development not in accordance with the Schedule 3 Condition 11 of development consent SSD 8573, by failing to implement the requirements of the Biodiversity Management Plan.

- The Department assessed the breach in accordance with the Department’s Compliance Policy and on the 12 August 2020 issued Sterling & Wilson with a warning letter for the breach. A warning letter is an informal action taken where a breach has been established and the Department has determined that no formal enforcement action is warranted in the circumstances.
- The breach has been recorded against the Project. However, please be advised that the recording of the breach does not preclude the Department from taking alternative enforcement action, should it become apparent that an alternative response is more appropriate.

This matter is now considered closed.

No further matters were reported to or identified by auditor.

### 4.3 Summary of Environmental Incidents

The LSBP Site Project Manager and S&W Site Manager reported that no reportable environmental incidents had occurred on the project. Some minor spills of hydraulic fluid were recorded on the incident register. These minor spills were reportedly of low volume (less than 20L) and were contained on site, did not cause or threaten material harm to the environment and were immediately cleaned on site.

### 4.4 Summary of Environmental Complaints

LSBP is maintaining a feedback register and this was provided for review during the audit. No complaints had been received or recorded within the audit period in relation to matters pertaining to the project approval.

### 4.5 Review of Adequacy of Project Management Plans

The Development Approval requires the preparation, Secretary approval and implementation of a series of management plans and programs. The following management plans and programs required to be developed and approved for the Project were reviewed during this Audit:

- LSBP Environmental Management Strategy;
- Biodiversity Management Plan;
- Cultural Heritage Management Plan;
- Traffic Management Plan;
- Soil, Water, Stormwater Management Plan; and
- Landscaping Plan.
- Fire Management and Emergency Response Plan

As set out in Section 1.5.1, adequacy of the management plans has been determined by:

- review of the plan(s) against the relevant development of approval requirements;
- consideration that the plan(s) have been reviewed and approved by relevant agencies; and
- consideration of the environmental performance of the project with regard to the content and currency of the plan.

A technical review was not undertaken as this is assumed to have been done in the development of the plan, in consultation with relevant Agencies, and through the relevant approval process. A summary of the adequacy assessment of each strategy, plan or program is provided below.

#### 4.5.1 Environmental Management Strategy

NGH Environmental has prepared and continues to update an Environmental Management Strategy (EMS) for the project. The current EMS (Version 3.2) was revised by NGH Environmental 09 April 2020, to incorporate changes resulting from SSD 8573 modification 2. The revised EMS was submitted to and endorsed by the Department.

The EMS sets out the strategic framework for environmental management on the project during construction and includes details on applicable legal and other requirements, roles and responsibilities for key environmental management personnel, internal and external communication, environmental incident response and processes for environmental monitoring and complaint management.

Most sections of the EMS refer almost exclusively to the construction phase of the project and the EMS has not been updated to incorporate the operational aspects of the project following completion of construction, as was the original intent of the document (Refer to S1.1 Purpose and Objectives of the EMS). For example, S.4.1 Structure and Responsibility and S.4.1.2 (Table 4-1) Environmental Management Team only refer to roles and responsibilities of the Engineering Procurement Contractor (EPC) and Construction Subcontractors, and does not yet refer to operational roles. As such, the following recommendation is made following the adequacy review of the EMS.

**Auditor Recommendation:** The EMS requires review and revision to reflect the operational phase of the development as it is currently focussed on construction controls.

#### 4.5.2 Biodiversity Management Plan

NGH Environmental has prepared a Biodiversity Management Plan (BMP) for the project. The current BMP, Revision 3.6 dated 14 September 2020 was updated to incorporate changes resulting from SSD 8573 Modification 2. This revised plan was submitted to and endorsed by the Secretary. The purpose of this BMP is to provide a framework for the management of biodiversity issues during the construction and operation of the Project.

The BMP details mitigation and management measures to be implemented across the various phases of the project, including construction and operation. Relevant to the operational phase, the BMP sets out procedures for groundcover management, weed management and animal pest management.

The BMP is considered to address the relevant requirements of the Project Approval. Given the recent revision and endorsement of the BMP, it is considered adequate, up to date and relevant to the project, with no auditor recommendations identified, however it is noted that a non-conformance was identified during the audit with regard to insufficient implementation of the BMP (Refer to Section 5.1 of this report).

#### 4.5.3 Cultural Heritage Management Plan

NGH Environmental has updated the Cultural Heritage Management Plan (CHMP) for the project including for relevance during operations. The CHMP was revised to incorporate changes under SSD 8573 Modification 2. The revised CHMP (Revision 1.8, dated 11 August 2020) endorsed by the Department 24 August 2020. As set out in Section 1 of the CHMP, the CHMP is applicable for all construction and operation works as approved for the Project.

The CHMP includes controls and requirements for the management of both aboriginal and historical heritage items, including aboriginal artefacts, the scar tree and the Narrawa Homestead. Aboriginal artefacts were salvaged prior to construction and subsequently reburied in an agreed location on site. The area where these artefacts were reburied remain as a no-go exclusion zone. The CHMP includes an unexpected finds procedure, which was successfully implemented during construction.

The CHMP is considered to adequately address the relevant requirements of the Project Approval, with no auditor recommendations identified. No environmental performance issues were identified in relation to cultural heritage.

#### 4.5.4 Traffic Management Plan

A revised Traffic Management Plan was prepared and submitted to and approved by the Department to incorporate changes resulting from SSD 8573 Modification 2. The purpose of this TMP is to provide a framework for the management of traffic issues during construction and operation of the Project.

Operational activities are limited to site staff travelling to the site office and carrying out maintenance activities on solar farm infrastructure. Operational activities are confined to internal access roads and parking areas, consistent with the measures outlined within the approved Traffic Management Plan.

Given the minimal traffic generated during operations the plan is TMP is considered to adequately address the relevant requirements of the Project Approval, with no auditor recommendations identified.

#### 4.5.5 Soil, Water, Stormwater Management Plan

NGH Environmental revised the Soil, Water and Stormwater Management Plan (SWSMP, Version 2.4, dated 09 April 2020) for the project to incorporate changes under SSD 8573 Modification 2. This revised SWSMP was submitted to and approved by the Department.

As with the overarching EMS, the SWSMP refers almost exclusively to the construction phase of the project. Section 8.3 of the SWMSP sets out requirements for regular monitoring and inspections that will be undertaken both during and following construction, this includes weekly waste inspection, post rainfall erosion and sediment inspections and as required machinery inspections.

The previous auditor recommendation raised in the 2020 Construction IEA (Reference WSF-IEA-2020-AR 8) has not been addressed, with no updated made to Section 8.3 of the SWSMP to provide further details as to what records will be maintained as evidence of monitoring and inspection processes, e.g. post rainfall inspections.

**Auditor Recommendation:** Review and revised the SWSMP to address operational requirements and include roles and responsibilities for the Operational Contractor.

**Auditor Recommendation:** Respond to and close out the previous auditor recommendation raised in the 2020 Construction IEA by updating Section 8.3 of the SWSMP to provide further details as to what records will be maintained as evidence of monitoring and inspection processes, e.g. post rainfall inspections etc.

#### 4.5.6 Landscaping Plan

NGH Environmental revised the Landscaping Plan (LP) for the project to incorporate changes resulting from SSD 8573 Modification 2. The revised LP was submitted to and endorsed by the Department. The purpose of the LP is to describe measures to be taken to ensure that landscaping is planned, established and maintained to mitigate the visual impact for nearby receivers and road users of the operational solar farm infrastructure.

The Landscaping plan includes control measures applicable to both construction and operation phases, including a landscape planting monitoring program (Appendix C.4.5 of the LP) and a perimeter planting specification. The LP is considered to adequately address the relevant requirements of the Project Approval; however a non-conformance was identified during the audit with regard to implementation of the LP (Refer to Section 5.1 of this report) as the vegetation buffer was not planted and maintained in accordance with the plan.

#### 4.5.7 Fire Management and Emergency Response Plan

NGH Environmental has prepared a Fire Management and Emergency Response Plan (FMERP) for the operational phase of the project (Version 2, dated 27 April 2020). As required by Schedule 3, Condition 26 of the Project Approval, Section 3 of the FMERP outlines the fire risks and controls.

The plan is developed for the operational phase of the project and is current. For example, Section 1.3 of the FREMP sets of that the Project has been approved to include an energy storage facility (ESF), however at this stage, the Project does not involve the installation or operation of the ESF.

Section 2.3 of the FREMP sets out details as to how the plan meets the requirements of the conditions of Consent and Statements of Commitments.

The FREMP is not considered to be the Fire Safety Study required under Schedule 3, Condition 23 of the Project Approval. DPIE has given approval for the Fire Safety Study to be deferred until at least one month prior to commencement of construction of the battery storage facility. At this time of this Operational IEA, the battery storage facility has not been constructed and is not yet planned to be constructed. As such the requirements of this condition were not yet triggered at the time of this audit.

Implementation of the plans was considered during the site inspection for this Operational IEA. An Asset Protection Zone was observed with minimum width of 10m around the solar farm buildings, substation and ESF, and around the outside perimeter of the solar array. A 20,000 litre water supply tank fitted with a 65mm Storz fitting is located nearby the Narrawa Homestead and adjacent to the internal access road. Emergency response procedures and emergency muster points were discussed during the Site Induction.

An Evacuation Protocol is provided within Appendix C of the FREMP, which outlines designated assembly points, transport plan and offsite refuge arrangements. An Emergency Response Diagram (Figure 5-1) outlines the project boundary, internal roads, primary & secondary evacuation routes, main site access location and emergency egress location. A Fire Emergency Procedure is including in Appendix D of the FREMP sets out requirements for responding fire situations on site.

The S&W O&M Site Manager reported that consultation in relation to the FREMP has recently commenced with both RFS and Fire & Rescue NSW and that the plan is essentially in draft pending further updates following their consultation, review and input.

**Auditor Recommendation:** That both RFS and Fire & Rescue NSW are further consulted with regard to the content of the Fire Management and Emergency Response Plan as there is little evidence to support this having occurred since the initial comments raised in response to the Environmental Impact Statement.

#### 4.6 Status of Previous Audit Recommendations

The previous construction IEA conducted by J2M Systems in February 2020 identified that the project was generally compliant with their environmental management obligations under the Project Approval SSD 8573 Mod 1 at the time of that audit.

The 2020 Construction IEA identified the following findings:

- Five non-compliances against the five conditions of Project Approval; and
- Eight auditor recommendations for continual improvement.

These findings and the current status as assessed during this Operational IEA are outlined in Table 3 below:

**Definition of refence:**

NC	Non-compliant in 2020 Construction IEA, with Auditor Recommendation
AR	Compliant in 2020 Construction IEA, with Auditor Recommendation

Table 3: Status of 2020 Construction IEA recommendations

Reference:	Approval ID	Specific requirement	Independent Audit Findings and Recommendation	Status as assessed in 2023 Operational IEA.
WSF-IEA-2020 NC-01	CoA S2.13 & Revised Mitigation Measure B11.	The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	<b>Auditor Recommendation:</b> Implement measures outlined in the CEMP for management of plant and equipment, including but not limited to weed hygiene declarations, plant pre-mobilisation checklist and plant register.	Evidence was available to broadly demonstrate ongoing implementation of Plant Site Acceptance Checklist and Plant Register during the construction period.  Operations:  One bobcat is maintained on site for operational site services. A Plant Site Acceptance Checklist was completed for the Bobcat B3ZA12826 Model T590, including a check of the plant being clean, free of weeds and free of oil leaks / oil build up prior to use on site.  Considered compliant and closed.
WSF-IEA-2020 NC-02	CoA S3.2	The Applicant must keep accurate records of the number of heavy vehicles entering or leaving the site each day.	<b>Auditor recommendation:</b> Vehicle tracking register to be established, implemented and maintained to address this requirement. Site Delivery Driver Logs to be maintained to assist with capturing records of heavy vehicle movements each day.	No complaints regarding heavy vehicle movements were reported to, or identified by the auditor.  Site Delivery Driver Logs were implemented during construction to record vehicle movements into and out of the project. It is noted that the records provided do not account for every day between commencement of construction to commencement of operations.  Considered compliant and closed.
WSF-IEA-2020 NC-03	CoA S3.5 & Revised Mitigation Measure W5.	The Applicant must ensure: (a) the internal project site roadways are constructed as all-weather roadways (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; (c) the capacity of the existing roadside drainage network is not reduced; (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and (e) vehicles leaving the site are	<b>Auditor recommendation:</b> The applicant must construct the internal project site roadways as all-weather roadways. Additionally, install wheel wash facilities as specified within the Biodiversity Management Plan (Section 7.6).	All internal project roadways are now constructed as all-weather roadways.  Considered compliant and closed.



		in a clean condition and do not result in dirt being tracked onto the public road network.		
WSF-IEA-2020 NC-04	CoA S3.11	<p>Prior to the commencement of construction, 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"> <li>- protecting vegetation and fauna habitat outside the approved disturbance areas;</li> <li>- maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</li> </ul> <p>(b) include a seasonally based program to monitor and report on the effectiveness of these measures; and</p> <p>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p> <p>Following Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>Note: If the biodiversity credits are retired via a Biobanking Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biobanking Stewardship Agreement.</p>	<p><b>Auditor Recommendation:</b></p> <p>Calculate and record the cumulative amount of vegetation cleared to ensure the Project is within approved limits.</p> <p>Implement all requirements of the BMP for any future pre-clearing and clearing surveys to identify habitat trees, ground disturbance permit and hollow-bearing tree removal procedure as applicable.</p>	<p>A vegetation removal tracking map was established and updated following the final clearing works undertaken on the project. This vegetation clearing was supervised by an ecologist in accordance with the requirements of the approved Biodiversity Management Plan.</p> <p>Considered compliant and closed.</p>
WSF-IEA-2020 NC-05	CoA S3.22 & Revised Mitigation Measure S2 and W8.	<p>The Applicant must:</p> <p>(a) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) manual, or its latest version;</p> <p>(b) ensure the solar panels and associated infrastructure are designed, constructed and maintained to avoid causing any erosion on site;</p> <p>(c) ensure all works (including waterway crossings) are</p>	<p><b>Auditor Recommendation:</b></p> <p>Install and maintain adequate erosion and sediment controls across the site in accordance with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom, 2004) to manage erosion and sediment risks.</p>	<p>Operational sediment and erosion controls were assessed during this audit and appear consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004),</p> <p>Considered compliant and closed.</p>

		<p>conducted in accordance with the:</p> <ul style="list-style-type: none"> <li>- <i>Guidelines for Controlled Activities on Waterfront Land (2012)</i>, or its latest version; and</li> <li>- <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)</i>, or its latest version.</li> </ul>		
WSF-IEA-2020 AR1	CoA S3.6	<p>Prior to the commencement of any road upgrades required under this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with the RMS and Council, and to the satisfaction of the Secretary. The plan must include:</p> <ul style="list-style-type: none"> <li>(a) details of the transport route to be used for development-related traffic;</li> <li>(b) details of the measures that would be implemented to minimise traffic safety issues and disruption to users of Goolma Road during construction, upgrading or decommissioning works, including: <ul style="list-style-type: none"> <li>- performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EIS;</li> <li>- temporary traffic controls, including detours and signage;</li> <li>- notifying the local community about project-related traffic impacts;</li> </ul> </li> <li>- procedures for receiving and addressing complaints from the community about development-related traffic;</li> <li>- minimising potential for conflict with school buses, rail services and other motorists as far as practicable;</li> <li>- scheduling of haulage vehicle movements to minimise convoy length or platoons;</li> <li>- responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;</li> <li>- responding to any emergency repair or maintenance requirements; and</li> <li>- a traffic management system for managing over-dimensional vehicles; and</li> <li>(c) a driver's code of conduct that addresses: <ul style="list-style-type: none"> <li>- travelling speeds;</li> </ul> </li> </ul>	<p><b>Auditor Recommendation:</b> Continue to implement the approved TMP (Version 2.0) until such time that the Secretary endorses the revised TMP. Remove TMP Version 2.1 from website until approved.</p>	<p>A revised Traffic Management Plan (Version 2.6) was submitted to and approved by the Department to incorporate changes resulting from SSD 8573 Modification 2.</p> <p>This traffic management plan is available on the project website.</p> <p>Considered compliant and closed.</p>
WSF-IEA-2020 AR2	CoA S3.6	<p>Goolma Road during construction, upgrading or decommissioning works, including:</p> <ul style="list-style-type: none"> <li>- performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EIS;</li> <li>- temporary traffic controls, including detours and signage;</li> <li>- notifying the local community about project-related traffic impacts;</li> </ul>	<p><b>Auditor recommendation:</b> Whilst a Driver's Code of Conduct has been prepared, there was limited evidence of it being communicated to drivers. It is recommended that the Drivers Code of Conduct be provided to and signed off by drivers during their site induction.</p>	<p>It was reported that the Driver's Code of Conduct was communicated to drivers during construction induction.</p> <p>On the basis that no complaints were reported during the construction period this finding is considered closed.</p>
WSF-IEA-2020 AR3	CoA S3.6	<ul style="list-style-type: none"> <li>- scheduling of haulage vehicle movements to minimise convoy length or platoons;</li> <li>- responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;</li> <li>- responding to any emergency repair or maintenance requirements; and</li> <li>- a traffic management system for managing over-dimensional vehicles; and</li> <li>(c) a driver's code of conduct that addresses: <ul style="list-style-type: none"> <li>- travelling speeds;</li> </ul> </li> </ul>	<p><b>Auditor recommendation:</b> The posted onsite speed limit of 40km/h contradicts the 20km/h limit nominated in the TMP. Controls listed in the approved TMP are required to be implemented.</p>	<p>Posted speed limits are now consistent with the management plans.</p> <p>Considered compliant and closed.</p>

		<ul style="list-style-type: none"> <li>- driver fatigue;</li> <li>- procedures to ensure that drivers adhere to the designated transport routes; and</li> <li>- procedures to ensure that drivers implement safe driving practices; and</li> <li>(d) a flood response plan detailing procedures and options for safe access to the site in the event of flooding.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.</p>		
<b>WSF-IEA-2020 AR4</b>	<b>CoA S3.8</b>	<p>Prior to the commencement of construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with RMS, Council and surrounding landowners, to the satisfaction of the Secretary. The plan must include:</p> <ul style="list-style-type: none"> <li>(a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 7 (a) – (c);</li> <li>(b) include a program to monitor and report on the effectiveness of these measures; and</li> <li>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Landscaping Plan.</p>	<p><b>Auditor Recommendation:</b> The version numbers for subsequent versions of all project management plans remain unchanged from the time of approval to ensure only approved plans are subject to implementation on site.</p>	<p>Version control within the management plans has been unchanged following approval of the revised plans. Considered compliant and closed.</p>
<b>WSF-IEA-2020 AR5</b>	<b>CoA S3.11</b>	<p>Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with <b>BCD</b>, and to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) include a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>- protecting vegetation and fauna habitat outside the approved disturbance areas;</li> <li>- maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</li> </ul> </li> </ul>	<p><b>Auditor Recommendation:</b> Undertake weed management and inspections as per Section 7.5.1 of the BMP, including a survey of weed distribution across the project site.</p>	<p>The implementation of the Biodiversity Management Plan is considered non-compliant with the requirements of CoA s3.11 with the following deficiencies identified against the requirements of the Biodiversity Management Plan:</p> <ul style="list-style-type: none"> <li>- No evidence of quarterly weed survey for site and exclusion zones (construction) (BMP s10.3).</li> <li>- No evidence of annual weed survey for site and exclusion zones (operation) (BMP s10.3).</li> </ul>

		<p>(b) include a seasonally based program to monitor and report on the effectiveness of these measures; and</p> <p>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p> <p>Following Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>Note: If the biodiversity credits are retired via a Biobanking Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biobanking Stewardship Agreement.</p>		<p>- No evidence of weed mapping by GPS, including noting the species and degree of infestation, and capturing an image for monitoring purposes (BMP s10.3).</p> <p>Non-compliance identified.</p>
<p><b>WSF-IEA-2020 AR6</b></p>	<p><b>CoA S4.3</b></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>...</p> <p>To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.</p> <p>With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>	<p><b>Auditor Recommendation:</b> LSBP seek agreement of the Secretary to prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p>	<p>No evidence presented to support LSBP seeking agreement of the Secretary to prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.</p> <p>Limited evidence provided to support consultation with relevant parties being undertaken prior to the revision of the relevant management plans.</p> <p>Note: Revised plans were submitted to and endorsed by the Secretary.</p> <p>Finding remains open and will be reproduced as an Auditor Recommendation in this report.</p>

WSF-IEA-2020 AR7	S&W CEMP	Auditor review of adequacy.	<b>Auditor Recommendation:</b> S&W's project team to thoroughly read and understand the implementation requirements of the CEMP and associated project environmental management plans to ensure ongoing implementation compliance, in particular the on-ground process and timing to adequately undertake all specified controls detailed in the management plans.	Refer to implementation non-compliances raised under CoA S3.8 Landscaping Plan and S3.11 Biodiversity Management Plan.  Finding remains open and will be reproduced as an Auditor Recommendation in this report
WSF-IEA-2020 AR8	Soil, Water and Stormwater Management Plan	Auditor review of adequacy.	<b>Auditor Recommendation:</b> Provide further detail in the Section 8.3 of the Soil, Water and Stormwater Management Plan as to what records will be maintained (if any) as evidence of monitoring and inspection processes.	Section 8.3 of the Soil, Water and Stormwater Management Plan was not updated in the most recent revision since the 2020 Construction IEA.  Finding remains open and will be reproduced as an Auditor Recommendation in this report

## 4.7 Actual verses Predicted Environmental Impacts

The following section provides a summary of actual vs. predicted impacts for the key environmental aspects identified in the Environmental Impact Statement (EIS) prepared by NGH Environmental, November 2017. This is a high-level summary of the predicated impacts outlined within the EIS as read and interpreted by the auditor at the time of this audit, as well as a general assessment of actual impacts in the opinion of the Auditor based on evidence of management plan implementation obtained during both the Construction IEA and this Operational IEA and of observations made during the site inspections for these IEAs.

The EIS outlined the following key environmental aspects:

- Biodiversity;
- Aboriginal heritage;
- Visual impact;
- Noise impact; and
- Historic heritage

This section also includes considerations for environmental impacts predicted within the modification application reports for Mod 1 and Mod 2. The project was in operational phase at the time of the audit.

### 4.7.1 Biodiversity Impacts

NGH prepared a Biodiversity Assessment Report (BAR) for the project and the results of the BAR are summarised within the EIS.

#### Predicted Impacts

As reported in the Construction IEA, the following provides a high-level summary the of predicated biodiversity impacts outlined in Section 7.1.6 of the EIS:

- Direct impact on three vegetation zones totalling 7.12 ha that are identified as endangered ecological communities (EEC), being:
  - 0.85 ha of White Box Grassy Woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion
  - 1.81 ha of White Box Grassy Woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion
  - 4.46 ha of White Box Grassy Woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion.
  
- In terms of the impacts on vegetation and the generation of ecosystem credits, the changes proposed in MOD 2 compared with the approved footprint are summarised as follows:
  - An overall additional impact of 0.02 ha of PCT 277 White Box Yellow Box Blakely's Red Gum woodland. This generates no credits;
  - An overall reduced impact of 6.90 ha of mapped Plant Community Type (PCT) 266 – White Box grassy woodland in the upper slopes sub-region of NSW South Western Slopes. Zones 2 and 4, together now generate 3 credits for the project. For Zones 3, 5 and 6, the net effect is zero credits;
  - An overall additional impact of 15.43 ha of exotic vegetation. This generates no credits.
  
- Habitat clearance for permanent and temporary construction facilities (e.g. solar infrastructure, transmission lines, compound sites, stockpile sites, access tracks). The consequences of this impact may include:
  - Direct loss of native flora and fauna habitat from clearing, including removal of hollow bearing trees for Superb Parrot and Corben's Long-eared Bat
  - Injury and mortality to fauna during clearing of fauna habitat
  - Introduction and spread of noxious weeds and pathogens
  - Disturbance to fallen timber, dead wood, bush rock and riparian vegetation.
  
- Risks for soil and water contamination; and
- Generation of excessive dust, light or noise.

#### **Actual Impacts:**

As described in section 4.5.2 above, a Biodiversity Management Plan (BMP) has been prepared for implementation on the project and was revised to incorporate changes under modification 2. As set out in the Modification Application (Mod 2), the changes to the development footprint resulted in an overall reduction in native vegetation being impacted and therefore a reduced credit requirement.

Works on site at the time of the site inspection for this operational IEA consistent of routine maintenance activities, including sediment erosion control, weed management and groundcover management (i.e. mowing and slashing). All construction activities including clearing of native vegetation and earthworks within the approved development area were complete.

A site inspection was undertaken and it appears that environmental exclusion zones, as set out in the Modification Application (Mod 2), were established around project boundaries and no-go areas.

The non-compliance identified during the Construction IEA with regard to the implementation of the BMP (Refer to Section 4.1 - 2020-IEA-NC-04) was reviewed by the Department, actioned by the Proponent and subsequently closed, Refer to Sections 4.2 and 4.6 above.

A vegetation removal tracking map was established and updated following the final clearing works undertaken on the project. This vegetation clearing was supervised by an ecologist in accordance with the requirements of the approved Biodiversity Management Plan. The Vegetation Removal Tracking Map (dated 30 June 2020) indicates that clearing works were below the approved allowances.

Re-use of soil resources was difficult to determine, however on the basis that groundcover has re-established across the site it is considered compliant. Site inspections were undertaken and confirmed

the re-use of coarse woody debris in management zones 3 and 4 generally in a manner consistent with the required set out in the Biodiversity Management Plan.

#### 4.7.2 Aboriginal Heritage Impacts

NGH prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) to provide an assessment of the Aboriginal cultural values associated with the proposal site and to assess the cultural and scientific significance of any Aboriginal heritage sites recorded. The results of the ACHAR are summarised within the EIS.

##### **Predicted Impacts**

The following provides a high level summary the of predicated Aboriginal cultural heritage impacts outlined in Section 7.2.4 of the EIS:

- The impact to the scientific value of the site is considered low.
- Salvage of the following isolated finds (IF):
  - WSF IF3 – 8 and WSF IF10 - 15
- Salvage of the following artefact scatters (AS):
  - WSF AS1 – 8 and WSF AS10
- Further archaeological research should be undertaken in the form of excavations in order to establish the presence or absence sub surface deposits at the following locations:
  - PAD 1
  - PAD 2.

##### **Actual Impacts:**

As described in section 3.5.5 above, a Cultural Heritage Management Plan (CHMP) has been prepared and implemented on the project. Exclusion zones were established and observed around known Aboriginal heritage sites, including exclusion fencing around the scar tree. As reported in the 2020 Construction IEA, NGH Environmental successfully undertook surface artefact collections and salvage operations. The salvaged items have since been reburied back on site, with the final reburial involve a smoking ceremony undertaken with Wellington Local Aboriginal Land Council representatives. AHIMS site cards were finalised for the locations.

It was reported and observed that no works have occurred outside the approved development footprint. Unexpected finds protocol has been implemented on the site, including two unexpected find reports, with once being an artefact successfully relocated.

Based on the above, and on the basis of the management of the unexpected find, including initial identification, cease work and reporting, the project is considered consistent with the predicated impacts identified by the EIS.

#### 4.7.3 Visual Impacts

NGH Environmental completed a Visual Impact Assessment (VIA) to provide an assessment of the visual impacts associated with the project. The results of the VIA are summarised within the EIS.

##### **Predicted Impacts**

The following provides a high level summary the of predicated visual impacts outlined in Section 7.3.3 of the EIS:

- No high impact view locations were identified for the project;
- Four medium impact view locations were identified that required mitigation (vegetative screening);
- Further investigation required for five specific residential receivers (R1, R2, R3, R4 and R8); and
- Five low visual impact view locations, with no mitigation required.

##### **Actual Impacts**

As described in section 4.5.6 above, a Landscaping Plan (LP) has been prepared for the project to address visual impacts of the project. The proposed mature vegetative buffer has not yet been established (Site 1) or effectively maintained (Sites 2, 3 and 4). No complaints relating to visual impacts had been received on the project at the time of the audit. Whilst a vegetative buffer has not yet been fully established, the visual impacts of the project are considered consistent with predicted impacts.

The following non-conformance was raised under CoC s3.7:

- Whilst vegetative buffer plantings observed in Site 5, Site 4, along Site 3, and Site 2, there were no plantings were observed at Site 1. It was evident during the site inspection that minimal monitoring, maintenance (e.g. weed management) and replacement of unsuccessful plants has occurred throughout the construction and operation period. Overall, the mature vegetative buffer has not yet been established (Site 1) and/or effectively maintained (Sites 2, 3 and 4). Additionally, the Proponent has not yet sought approval from the Secretary as to the effectiveness of the vegetative buffer.

**Auditor Recommendation:** The Proponent must establish and maintain the mature vegetation buffer as per the requirements of this condition.

#### 4.7.4 Noise Impacts

Renzo Tonin and Associates undertook a construction and operational noise and vibration assessment (CONVA) to provide an assessment of the noise and vibration impacts associated with the project. The results of the CONVA are summarised within the EIS.

##### **Predicted Impacts**

The following provides a high level summary the of predicated construction noise and vibration impacts outlined in Section 7.4.4 and 7.4.6 of the EIS:

- Construction noise management levels will be exceeded when the construction works are conducted at closest proximity to two receivers (R1 and R7);
- All receivers are predicted to be less than the highly noise affected level of 75dB(A);
- Structural damage due to vibration is not expected;
- The potential for adverse comment to vibration impacts was determined to be very low. No vibration mitigation measures are required; and
- Traffic noise levels would not adversely contribute to the existing traffic noise levels at the most affected residences along the surrounding roads and require no specific mitigation.

##### **Actual Impacts:**

No noise or vibration monitoring is required for the project, except following a noise or vibration related complaint. There have been no specific noise or vibration related complaints within the audit period. The auditor did not identify any noise or vibration related issues during the audit site inspection. Noise is minimal during operations and unlikely to be audible at the nearest receiver. The project is considered to be consistent with the predicted noise and vibration impacts.

#### 4.7.5 Historic heritage impacts

NGH completed a desktop study and site inspection to identify any historic heritage (Non-indigenous) items or places within the project site and surrounding landscape. The results of the investigation are summarised within the EIS.

##### **Predicted Impacts**

The following provides a high level summary the of predicated heritage impacts outlined in Section 7.5.7 of the EIS:

- One (1) heritage site is located within the proposal site: Narrawa Homestead; and
- It is proposed to use the Narrawa Homestead as the Operations and Maintenance (O&M) building for the solar farm.



## Actual Impacts:

The auditor did not observe any damage or changes to existing plantings around the Narrawa Homestead and its driveway. The Narrawa Homestead has been repurposed as an operations and maintenance facility in accordance with the conditions of Project Approval and consistent with the predicted impacts of the EIS.

## 4.8 Outcomes of Audit Site Inspection

Site inspections were undertaken on the project with the aim of assessing the effectiveness of environmental management measures on site. These inspections focused on a general inspection of the solar farm, including full perimeter road, key environmental and heritage exclusion zones and the Narrawa Homestead. The auditor was escorted by representatives of LSBP and S&W representatives during the site inspections, however was able to direct where the inspection went, including stopping at locations of interest. Photos from the site inspection are included in Appendix E of this report.

The weather was dry and approximately 25°C, with light winds. Recent rains on site and within in the broader region has resulted in increased groundcover and reduced potential for dust generation. The site inspections consisted of a drive across the site using a light vehicle and also included walking to some specific locations, including Aboriginal heritage locations and areas of ecological significance.

The solar farm is fully operational and work activities on site at the time of this inspection were limited to operational inspection and maintenance. The following provides a summary of observations made during the audit site inspection:

- Site is fully operational;
- All internal access roads are constructed as all-weather access roads.
- Erosion and sediment controls remain installed and maintained in key risk areas.
- A good level of groundcover was observed across the site, including both native and non-native species.
- Weeds were observed on site including in areas both inside and outside the main perimeter fence. Areas of the site outside the perimeter fence, but within the project boundary do not appear to have been managed.
- Groundcover within the site appears to have been managed through mowing, slashing and grazing by sheep.
- Sheep were observed grazing in many areas on site, mainly in areas underneath the solar array.
- Whilst vegetative buffer plantings observed in Site 5, Site 4, along Site 3, and Site 2, there were no plantings were observed at Site 1
- It was evident during the site inspection that minimal monitoring, maintenance (e.g. weed management) and replacement of unsuccessful plants has occurred throughout the construction and operation period.
- The mature vegetative buffer has not yet been established (Site 1) and/or effectively maintained (Sites 2, 3 and 4).
- Aboriginal heritage areas and environmental exclusion zones are communicated during induction, clearly delineated on site plans and do not appear to have been disturbed.
- Narrawa homestead has been repurposed into the operational and maintenance facility.,
- The former construction site compound remains as a hardstand area for storage of equipment, additional solar panels and materials for recycling or disposal.

Recommendations relating to the findings are included in the Audit Table and in Section 4.2 of this report.

## 4.9 Key Improvements

The following key improvements were identified during the Operational IEA:

- All-weather access roads have been constructed, including rock checks within draining lines.
- Stabilised rock placed where surface flows cross internal roadways.
- Sediment and erosion controls, including sediment fencing and rock checks were observed installed and maintained in key risk areas and within onsite drainage lines.
- Vegetation clearing tracking register established and updated.

## 4.10 Key Strengths

The auditor identified the following key strengths during the audit period:

- Narrawa Homestead successfully repurposed as an operation and maintenance facility.
- No-go exclusion zones remain established and are communicated at site induction.
- Small, knowledgeable and positive operational team.
- The riparian buffer along Wuuluman Creek remains an exclusion zone.
- Positive culture of ongoing environmental reporting throughout construction, as demonstrated by the implementation of the unexpected finds protocol for actual and suspected Aboriginal heritage items; and

## 5 Summary of Audit Non Compliances and Recommendations

The findings of this Operational IEA compliance assessment of the Project Approval are presented in this section. The audit table included as Appendix A provides detailed compliance assessments, including verification evidence. The compliance assessment was based on visual observations of Project activities being undertaken on site during site inspections, interviews with site personnel and interpretation of the documentation provided to the auditor during this Operational IEA. Opinions expressed in the compliance assessment apply to the activities, as they existed at the time of the IEA and from information provided by site personnel. Variations to this information of which the auditor is not aware and did not have the opportunity to assess, have not been considered in this compliance assessment.

Non-compliant requirements identified during the audit are provided in Section 5.1 below. Refer to Appendix A for the complete audit findings and further context within regard to each condition of the Project Approval. Auditor recommendations and opportunities for improvement identified during this Operational IEA are provided in Section 5.2.

### 5.1 Non-Compliances

The IEA compliance assessment determined that the following specific elements of the conditions or requirements have not been complied with within the scope of the audit: Project Approval SSD 8573 Mod 2.

**Table 4: Non-compliances and Recommendations.**

#	Approval ID	Specific requirement	Independent Audit Findings and Recommendation
<b>Project Approval SSD 8573</b>			
<b>2023 OIEA NC 1</b>	<b>CoA S2.9</b>	<p><b>Notification of Department</b> Prior to the commencement of construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing of the date of commencement, or cessation, of the relevant phase.</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 the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage.</p>	<p>LSBP notified the department of commencement of operations on 17 January 2023, with operations commencing on 23 December 2022. LSBP did not notify the Department prior the cessation of construction phase and commencement of the operational phase of the development.</p> <p>The correspondence from the Department states the following:</p> <p>“The department notes that the notification was not submitted prior to the commencement of operations. The department has assessed this non-compliance in accordance with the Departments Compliance Policy and in this instance has determined to record the non-compliance. The recording of this non-compliance does not preclude the department from taking alternate action in the future should it become apparent a more appropriate action is deemed necessary.</p> <p>As the non-compliance has been identified and recorded by the Department no recommendations are provided by the auditor.</p> <p><b>Auditor Recommendation:</b> Nil.</p>

#	Approval ID	Specific requirement	Independent Audit Findings and Recommendation
2023 OIEA NC 2	CoA S3.7	<p><b>Landscaping Vegetation buffer</b></p> <p>The Applicant must establish and maintain a mature vegetation buffer (landscape screening) at the locations outlined in the figure in Appendix 1 of the Conditions of Consent to the satisfaction of the Secretary. This vegetation buffer must:</p> <p>(a) consist of a variety of vegetation species that are endemic to the area;</p> <p>(b) within 3 years of the commencement of construction be effective at screening view of the solar panels and ancillary infrastructure (excluding the overhead power lines) on site from surrounding residences; and</p> <p>(c) be properly maintained with appropriate weed management, <b>unless the Secretary agrees otherwise.</b></p>	<p><b>Non-Compliant</b></p> <p>Whilst vegetative buffer plantings observed in Site 5, Site 4, along Site 3, and Site 2, there were no plantings were observed at Site 1.</p> <p>It was evident during the site inspection that minimal monitoring, maintenance (e.g. weed management) and replacement of unsuccessful plants has occurred throughout the construction and operation period.</p> <p>Overall, The mature vegetative buffer has not yet been established (Site 1), effectively maintained (Sites 2, 3 and 4).</p> <p>Additionally, the Proponent has not yet sought approval from the Secretary as to the effectiveness of the vegetative buffer.</p> <p><b>Auditor Recommendation:</b> The Proponent must establish and maintain the mature vegetation buffer as per the requirements of this condition.</p>
2023 OIEA NC 3	CoA S3.8	<p><b>Landscaping Plan</b></p> <p>Prior to the commencement of construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with RMS, Council and surrounding landowners, to the satisfaction of the Secretary. The plan must include:</p> <p>(a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 7 (a) - (c);</p> <p>(b) include a program to monitor and report on the effectiveness of these measures; and</p> <p>(c) 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 Landscaping Plan.</p>	<p><b>Non-Compliant</b></p> <p>The implementation of the Landscaping plan is considered non-compliant with the following deficiencies identified during the audit:</p> <ul style="list-style-type: none"> <li>- No evidence of monthly monitoring and report since planting (Landscape Plan, Appendix C.4.5)</li> <li>- No evidence of weed control at Sites 1 and 2.</li> <li>- No evidence of supplementary plantings to achieve 90% success rate.</li> <li>- Weeds were observed in numerous locations across the site and the Construction inspections and the recently completed S&amp;W Maintenance Checklists for operations failed to effectively identify weed management issues on site, including weed locations and necessary management actions (Landscape Plan, Appendix C.4.3).</li> <li>- If applied, there is no record of the Pesticide Application Record being completed (Landscape Plan, Appendix C.4.1 and C.4.3)</li> </ul> <p><b>Auditor Recommendation:</b> The Proponent must implement the measures outlined within the Landscaping plan to achieve planting success and to better manage weed prevalence on site.</p>

#	Approval ID	Specific requirement	Independent Audit Findings and Recommendation
2023 OIEA NC 4	CoA S3.11	<p><b>Biodiversity Management Plan</b></p> <p>Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with <b>BCD</b>, 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"> <li>- protecting vegetation and fauna habitat outside the approved disturbance areas;</li> <li>- maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and</li> </ul> <p>(b) include a seasonally based program to monitor and report on the effectiveness of these measures; and</p> <p>(c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</p> <p>Following Secretary's approval, the Applicant must implement the Biodiversity Management Plan.</p> <p>Note: If the biodiversity credits are retired via a Biobanking Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biobanking Stewardship Agreement.</p>	<p><b>Non-compliant:</b></p> <p>The implementation of the Biodiversity Management Plan is considered <b>non-compliant</b> with the requirements of CoA s3.11 with the following deficiencies identified against the requirements of the Biodiversity Management Plan:</p> <ul style="list-style-type: none"> <li>- No evidence of quarterly weed survey for site and exclusion zones (construction) (BMP s10.3).</li> <li>- No evidence of annual weed survey for site and exclusion zones (operation) (BMP s10.3).</li> <li>- No evidence of weed mapping by GPS, including noting the species and degree of infestation, and capturing an image for monitoring purposes (BMP s10.3).</li> <li>- No evidence of groundcover monitoring using 1m x 1m quadrats placed at 30 random locations within Zone 2 and within all planted areas. Nominated to be completed fortnightly for first six months after establishment, 6 months after establishment and then annually throughout operations (BMP s10.3).</li> <li>- If applied, there is no record of the Pesticide Application Record being completed (BMP s7.5.1).</li> <li>- The regeneration seed mix reportedly utilised for pasture rehabilitation is inconsistent with the target to established perennial native pasture species under solar panels (BMP, Appendix A – Ground Cover Management Plan).</li> </ul> <p><b>Auditor Recommendation:</b> The Proponent must implement the measures outlined within the Biodiversity Management plan to better manage weed prevalence on site and to maximise the establishment of perennial native pasture species under solar panels.</p>
<b>EIS Revised Mitigation Measures</b>			
2023 OIEA NC 5	F3	<p>An Emergency Response Plan incorporating a Flood Response Plan would be prepared prior to construction covering all phases of the project. The plan would:</p> <ul style="list-style-type: none"> <li>○ Detail who would be responsible for monitoring the flood threat and how this is to be done.</li> <li>○ Detail specific response measures to ensure site safety and environmental protection.</li> <li>○ Outline a process for removing any necessary equipment and</li> </ul>	<p>The revised Fire Management and Emergency Management Plan no longer includes a procedure for flood response.</p> <p><b>Auditor Recommendation:</b> Revise and update the existing Fire Management and Emergency Response Plan to include Flood Response Plan for the remaining phases of the project.</p>

#	Approval ID	Specific requirement	Independent Audit Findings and Recommendation
		<p>materials offsite and out of flood risk areas (i.e rotate array modules to provide maximum clearance of the predicted flood level).</p> <ul style="list-style-type: none"> <li>○ Consideration of site access in the event that some tracks become flooded.</li> <li>○ Establish an evacuation point.</li> <li>○ Define communications protocols with emergency services agencies.</li> </ul>	

## 5.2 Recommendations and Opportunities for improvement

Auditor identified recommendations where conditions were assessed as compliant with identified opportunities for continuous improvements.

Table 5: Opportunities for Improvement and Recommendations

#	Approval ID	Specific requirement	Independent Audit Findings and Recommendation
2023 OIEA AR1	CoA S4.1	<p><b>Environmental Management</b> <b>Environmental Management Strategy</b> Prior to the commencement of construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. The strategy must:</p> <ul style="list-style-type: none"> <li>(a) provide the strategic framework for environmental management of the development;</li> <li>(b) identify the statutory approvals that apply to the development;</li> <li>(c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>(d) describe the procedures that would be implemented to: <ul style="list-style-type: none"> <li>- keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>- receive, handle, respond to, and record complaints;</li> <li>- resolve any disputes that may arise;</li> <li>- respond to any non-compliance;</li> <li>- respond to emergencies; and</li> </ul> </li> <li>(e) include: <ul style="list-style-type: none"> <li>- copies of any plans approved under the conditions of this consent; and</li> <li>- a clear plan depicting all the monitoring to be carried out in relation to the development.</li> </ul> </li> </ul> <p>Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.</p>	<p><b>Auditor Recommendation:</b> The EMS requires review and revision to reflect the operational phase of the development as it is currently focussed on construction controls.</p>

2023 OIEA AR2	CoA S3.21	Adequacy review of management plan.	<b>Auditor Recommendation:</b> Review and revised the SWSMP to address operational requirements and include roles and responsibilities for the Operational Contractor.
2023 OIEA AR3	CoA S3.26	<b>Fire Management and Emergency Response Plan</b> Prior to the commencement of operations, the Applicant must prepare a Fire Management and Emergency Response Plan for the development in consultation with the RFS and Fire & Rescue NSW. This plan must identify the fire risks and controls of the development, and the procedures that would be implemented if there is a fire on site or in the vicinity of the site. Two copies of the plan must be kept on site in a prominent position adjacent to the site entry point at all times.	<b>Auditor Recommendation:</b> That both RFS and Fire & Rescue NSW are further consulted with regard to the content of the Fire Management and Emergency Response Plan as there is little evidence to support this having occurred since the initial comments raised in response to the Environmental Impact Statement.
2023 OIEA AR4	EIS Mitigation Measures W1	The Water Access Licence (WAL) would be obtained, should on site ground water sources be used.	<b>Auditor Recommendation:</b> LSBP to obtain relevant water licence for the continued use of the original on site bore for the 20,000L tank.
WSF- IEA- 2020 AR6	CoA S4.3	With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis. ... To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent. Notes: - 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.	<b>Auditor Recommendation:</b> LSBP seek agreement of the Secretary to prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.  Note: This finding remains open from the 2020 Construction IEA and is re-listed in this Operational IEA.
WSF- IEA- 2020 AR7	S&W CEMP	Auditor review of adequacy.	<b>Auditor Recommendation:</b> S&W's project team to thoroughly read and understand the implementation requirements of the CEMP and associated project environmental management plans to ensure ongoing implementation compliance, in particular the on-ground process and timing to adequately undertake all specified controls detailed in the management plans.

			<p>Refer to implementation non-compliances raised under CoA S3.8 Landscaping Plan and S3.11 Biodiversity Management Plan.</p> <p>Finding remains open and will be reproduced as an Auditor Recommendation in this report</p>
<p><b>WSF-IEA-2020 AR8</b></p>	<p><b>Soil, Water and Stormwater Management Plan</b></p>	<p>Auditor review of adequacy.</p>	<p><b>Auditor Recommendation:</b> Provide further detail in the Section 8.3 of the Soil, Water and Stormwater Management Plan as to what records will be maintained (if any) as evidence of monitoring and inspection processes.</p> <p>Note: This finding remains open from the 2020 Construction IEA and is re-listed in this Operational IEA.</p>



## 6 Conclusion

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This Operational IEA of WSF determined that the project is generally compliant with their environmental management obligations under the Project Approval SSD 8573 Mod 2 and that the actual impacts of the project appear consistent with those predicted in the Environmental Impact Statement.

This audit identified:

- Four (4) non-compliances against the four (4) conditions of Project Approval;
- One (1) non-compliance against one (1) proposed mitigation measure within the EIS;
- Four (4) new auditor recommendations for continual improvement; and
- Three (3) outstanding auditor recommendations for continual improvement which remain open from the construction IEA.

J2M Systems have recommended actions to address each of the non-conformance and opportunities for improvement identified. These actions are summarised in Section 4 of this Audit Report.

## 7 Limitations

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The findings of this audit are based upon visual observations of the site, interviews with site personnel and our interpretation of documentation made available by Project personnel. Opinions presented herein apply to the site as observed at the times of the inspections and from the Auditors interpretation of documentation and information provided by Project personnel. Any changes to this information of which the Auditor is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

J2M Systems have taken due care to consider all reasonably available information provided during the undertaking of this audit and have taken this information to represent a fair and reasonable characterisation of the environmental status of the site, but recognise that any site assessment program is necessarily limited in scope and true site conditions may differ from those inferred from the available data.

## 8 Appendixes

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The following appendixes are attached to this document:

- Appendix A: Independent Audit Table
- Appendix B: Planning Secretary Audit Team Agreement
- Appendix C: Consultation
- Appendix D: Independent Audit Declaration Form
- Appendix E Site Inspection Photographs.

## Appendix A: Independent Audit Table

## Appendix B: Secretary Approval of Audit Team

## Appendix C: Consultation

## Appendix D: Independent Audit Declaration Form

## Appendix E: Site Inspection Photographs.