



APPROVAL

Snowy 2.0 Main Works, NSW (EPBC 2018/8322)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

| | |
|---|---|
| Person to whom the approval is granted (approval holder) | Snowy Hydro Limited |
| ACN of approval holder | ACN: 090 574 431 |
| Action | To construct and operate the Snowy 2.0 project in the Snowy Mountains, NSW, to increase the pumped hydro-electric capacity within the existing Snowy Hydro Scheme, including construction of a pipeline between Tantangara reservoir and Talbingo reservoir and an underground power station [See EPBC Act referral 2018/8322]. |

Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

Controlling Provisions

| | |
|--|---------|
| National Heritage values of a National heritage place | |
| Section 15B | Approve |
| Section 15C | Approve |
| Listed Threatened Species and Communities | |
| Section 18 | Approve |
| Section 18A | Approve |
| Listed migratory species | |
| Section 20 | Approve |
| Section 20A | Approve |
| Commonwealth action | |
| Section 28 | Approve |

Period for which the approval has effect

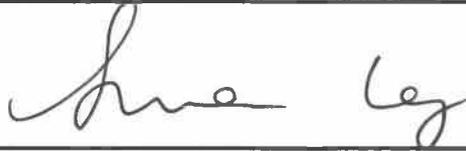
This approval has effect until 31 December 2140.

Decision-maker

Name and position

The Hon Sussan Ley MP
Minister for the Environment

Signature



Date of decision

29 June 2020

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The **approval holder** must undertake the action as described in the **NSW approval**.
2. The **approval holder** must not **clear** outside of the **construction envelope** as identified at Appendix A.
3. The **disturbance area** must not exceed 504 hectares (ha).
4. The **approval holder** must submit the report required by condition 13 of the **NSW approval** to the **Department** on the same day as submission to the **NSW Government**. The report submitted to the **Department** must include **shapefiles** of the 'final **disturbance area**' and the final **clearance areas** for the entities listed in condition 5.

Terrestrial biodiversity

5. Within the **construction envelope**, the **approval holder** must not **clear** more than:
 - a. 425 ha of native vegetation;
 - b. 84.29 ha of habitat for the **Smoky Mouse**;
 - c. 22.87 ha of habitat for the **Alpine Tree Frog**;
 - d. 61.47 ha of habitat for the **Broad-toothed Rat**;
 - e. 80.83 ha of habitat for the **Alpine She-oak Skink**;
 - f. 197.95 ha of habitat for the **Eastern Pygmy-possum**;
 - g. 81.86 ha of habitat for the **Latham's Snipe**; and
 - h. 1.03 ha of the **Alpine Bogs and Fens**.
6. To compensate for direct impacts on **protected matters**, including the entities listed in condition 5, the **approval holder** must comply with conditions 12 – 16 of the **NSW approval** relating to biodiversity offset payments.
7. The **approval holder** must notify the **Department** in writing within 10 **business days** of making a biodiversity offset payment to the NSW National Parks and Wildlife Service. Each notification must state the date of payment and the amount paid.
8. To minimise impacts on **protected matters**, the **approval holder** must comply with conditions 17 – 19 of the **NSW approval** relating to biodiversity management.
9. The Biodiversity Management Plan required under condition 18 of the **NSW approval** must:
 - a. be consistent with relevant **statutory documents**; and
 - b. include provisions to make biodiversity **monitoring data** (excluding **sensitive ecological data**) available as part of the monitoring, evaluation and reporting program required by condition 18d of the **NSW approval**.
10. The **approval holder** must implement the Biodiversity Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the **Minister** in writing.
11. Prior to the **commencement of the action**, the **approval holder** must provide the **Department** with **shapefiles** of all records of **threatened species and communities** recording during surveys undertaken for the assessment of the action.

Aquatic ecology and biosecurity

12. To minimise impacts to the aquatic environment, the **approval holder** must comply with conditions 20 – 25 of the **NSW approval** relating to biosecurity and fish management.

13. To minimise potential impacts of pest fish movement on **protected matters**, the **approval holder** must, in addition to conditions 22c and 24d of the **NSW approval**:
 - a. investigate **reasonable** measures, including the installation of secondary fish barriers, to protect tributaries identified as priority receiving sites for the establishment of stocking insurance populations of the **Macquarie Perch** and **Stocky Galaxias**;
 - b. include the findings of the investigation in the Biosecurity Risk Management Plan required by condition 22 of the **NSW approval**, and the Threatened Fish Management Plan required by condition 24 of the **NSW approval**; and
 - c. before undertaking any stocking of insurance populations required by condition 24d of the **NSW approval**, implement those measures determined under condition 13a to protect tributaries identified as priority receiving sites for the establishment of stocking insurance populations of the **Macquarie Perch** and **Stocky Galaxias**.
14. The Biosecurity Risk Management Plan required by condition 22 of the **NSW approval**, and the Threatened Fish Management Plan required by condition 24 of the **NSW approval**, must be peer reviewed by an **independent, suitably-qualified expert/s** approved by the **Department**.
 - a. The peer review must be made publicly available on the **approval holder's website** within **10 business days** of finalisation; and
 - b. The peer review must be undertaken prior to approval of the Biosecurity Risk Management Plan and Threatened Fish Management Plan by the Director-General of the NSW Department of Primary Industries.
15. The Biosecurity Risk Management Plan and the Threatened Fish Management Plan must include provisions to make **monitoring data** (excluding **sensitive ecological data**) available as part of the monitoring, evaluation and reporting programs required by condition 22d and 24g of the **NSW approval**.
16. The **approval holder** must implement the Biosecurity Risk Management Plan and Threatened Fish Management Plan approved by the Director-General of the NSW Department of Primary Industries until the end date of this approval, unless otherwise agreed by the **Minister** in writing.

Water resources

17. To minimise impacts on water resources, the **approval holder** must comply with conditions 30 - 32 of the **NSW approval** relating to water management.
18. The **approval holder** must prepare the Water Management Plan required by condition 31 of the **NSW approval** in consultation with the **Department**, before it is approved by the NSW Planning Secretary.
19. The Water Management Plan must include provisions to make **monitoring data** (excluding **sensitive ecological data**) available as part of the monitoring, evaluation and reporting programs required by condition 31c and 31d of the **NSW approval**.
20. The **approval holder** must implement the Water Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the **Minister** in writing.

Heritage

21. To minimise impacts on heritage items and values, the **approval holder** must comply with conditions 33 – 36 of the **NSW approval** relating to the protection and management of heritage items.
22. The **approval holder** must prepare the Heritage Management Plan required by condition 35 of the **NSW approval** in consultation with the **Department**, before it is approved by the NSW Planning Secretary. The Heritage Management Plan must:
 - a. be prepared in accordance with the **National Heritage Management Principles**; and

- b. include a consultation plan that outlines key indigenous stakeholders and when they are to be consulted; and update the consultation plan to record consultation and how feedback has been implemented during the action.
23. The **approval holder** must implement the Heritage Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the **Minister** in writing.

Amenity and landscape

24. To minimise impacts to the environment in Kosciuszko National Park, the **approval holder** must comply with conditions 4 – 11 of the **NSW approval** relating to spoil management and site rehabilitation.
25. The Rehabilitation Management Plan required by condition 10 of the **NSW approval** must include provisions to make **monitoring data** (excluding **sensitive ecological data**) available as part of the monitoring, evaluation and reporting program required by condition 10k of the **NSW approval**.

Changes to the NSW approval

26. The **approval holder** must notify the **Department** in writing of any proposed change to the **NSW approval** conditions referred to in these conditions within 10 **business days** of formally proposing a change or becoming aware of any proposed change.
27. The **approval holder** must notify the **Department** in writing of any change to the **NSW approval** conditions referred to in these conditions, within 10 **business days** of a change to conditions being finalised.

Part B – Standard administrative conditions

Notification of date of commencement of the action

28. The **approval holder** must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

Compliance records

29. The **approval holder** must maintain accurate and complete **compliance records**.
30. If the **Department** makes a request in writing, the **approval holder** must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Preparation and publication of plans

31. The **approval holder** must:
- a. submit **plans** required by conditions 18, 22 and 24 of the **NSW approval** and conditions 18 and 22 of this approval for consultation purposes, electronically to the **Department**;
 - b. publish each **plan** approved by the NSW Planning Secretary or Director-General of NSW Department of Primary Industries on the **website** within 20 **business days** of the date the **plan** is approved, unless otherwise agreed to in writing by the **Minister**;
 - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - d. keep **plans** published on the **website** until the end date of this approval, unless otherwise agreed to in writing by the **Minister**.

32. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan**, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically to the **Department** in accordance with the requirements of the **plan**.

Annual compliance reporting

33. The **approval holder** must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The **approval holder** must:
- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires, unless otherwise agreed to in writing by the **Minister**;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: Compliance reports may be published on the **Department's** website.

Reporting incidents and non-compliances

34. The **approval holder** must notify the **Department** in writing of any **incident** as soon as practicable after becoming aware of the **incident** and no later than two **business days**. The notification must specify:
- a. a short description of the **incident**; and
 - b. the location (including co-ordinates), date, and time of the **incident**. In the event the exact information cannot be provided, provide the best information available.
35. The **approval holder** must provide to the **Department** in writing the details of any **incident** or non-compliance with the conditions or commitments made in **plans** within 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
- a. any condition that is or may be in breach;
 - b. any corrective action or investigation which the **approval holder** has already taken or intends to take in the immediate future;
 - c. the potential impacts of the **incident** or non-compliance on **protected matters**; and
 - d. the method and timing of any remedial action that will be undertaken by the **approval holder**.

Independent audit

36. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested by the **Minister**.
37. For each **independent audit**, the approval holder must:
- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and

- c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
38. The **approval holder** must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

39. Within 30 days after the **completion of the action**, the **approval holder** must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Alpine Bogs and Fens means the Alpine *Sphagnum* Bogs and Associated Fens ecological community listed as endangered under the **EPBC Act**.

Alpine She-oak Skink means the Alpine She-oak Skink (*Cyclodomorphus praealtus*) listed as endangered under the **EPBC Act**.

Alpine Tree Frog means the Alpine Tree Frog (*Litoria verreauxii alpina*) listed as vulnerable under the **EPBC Act**.

Approval holder means the person to whom the approval is granted as identified on the approval notice for EPBC 2018/8322, or to whom the approval is transferred under section 145B of the **EPBC Act**, or a person who may take the action in accordance with section 133(2A) of the **EPBC Act**.

Broad-toothed Rat means the Broad-toothed Rat (*Mastacomys fuscus mordicus*) listed as vulnerable under the **EPBC Act**.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clear / clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

Commencement of the action means the first instance of any specified activity associated with the action including **clearing** and **construction**, including **pre-construction minor works**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the time at which all approval conditions (except condition 39) have been fully met.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the **approval holder's** possession or that are within the **approval holder's** power to obtain lawfully.

Compliance reports means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. including information on how compliance has been achieved with conditions 4 – 25 and 30 – 36 of the **NSW approval**;
- iii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;

- iv. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- v. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction means all physical works associated with construction of the action, including the demolition and removal of buildings or works, erection or installation of buildings and infrastructure, road upgrades, and the carrying out of works; but excluding **pre-construction minor works**.

Construction envelope means the area within which the **disturbance area** of the action may be located, as identified in the figures at Appendix A.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Disturbance area means the area within the **construction envelope** where the action may be carried out, identified as the 'Main Works indicative disturbance area' in the figures at Appendix A. The precise location of the **disturbance area** will be fixed within the **construction envelope** following final design.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

Incident means any event which has the potential to, or does, impact on one or more **protected matter/s**.

Independent means a person who does not have any individual, or by employment or family affiliation, conflicting or competing interests with the approval holder; the approval holder's staff, representatives or associated persons; or the project, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an independent person.

Independent audit means an audit conducted by an **independent** and **suitably qualified expert/s** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Latham's Snipe means the Latham's Snipe (*Gallinago hardwickii*) listed as migratory under the **EPBC Act**.

Macquarie Perch means the Macquarie Perch (*Macquaria australasica*) listed as endangered under the **EPBC Act**.

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

National Heritage Management Principles means the principles for National Heritage management set out in Schedule 5B of the **EPBC Regulations**.

NSW approval means the NSW assessment report and Infrastructure Approval (conditions of consent; provided on the NSW Major Projects website at: <https://www.planningportal.nsw.gov.au/major-projects/project/12891>) for the Snowy 2.0 Main Works (CSSI 9687), dated 20 May 2020. The conditions referred to in this notice are in Schedule 3 – specific environmental conditions.

NSW Government means the NSW Government agency responsible for administering the *Environmental Planning and Assessment Act 1979* (NSW).

Plan(s) means any of the documents required to be prepared, consulted on with the **Department**, implemented by the **approval holder** and/or published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Pre-construction minor works includes the following activities for the action:

- building/road dilapidation studies;
- survey works;
- geotechnical investigation works and soil sampling;
- installing groundwater bores in the Ravine beds on site for water supply;
- establishing a temporary site office;
- construction of minor access roads to facilitate the pre-construction minor works;
- installation of environmental impact mitigation measures, including the installation of monitoring equipment, erosion and sediment controls, and fencing;
- archaeological salvage, test excavations and investigation works; and
- minor **clearing** or translocation of native vegetation within the **disturbance area** for the pre-construction minor works.

Protected matter/s means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Reasonable means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Smoky Mouse means the Smoky Mouse (*Pseudomys fumeus*) listed as critically endangered under the EPBC Act.

Statutory documents means relevant Conservation Advices, Recovery Plans and Threat Abatement Plans approved by the Australian Government.

Stocky Galaxias means the Stocky Galaxias (*Galaxias tantangara*) listed is critically endangered under the *Fisheries Management Act 1994* (NSW).

Suitably qualified expert/s means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Threatened species and communities means a species or ecological community listed under the **EPBC Act**, *Biodiversity Conservation Act 2016* (NSW), or *Fisheries Management Act 1994* (NSW).

Website means a set of related web pages located under a single domain name attributed to the **approval holder** and available to the public.

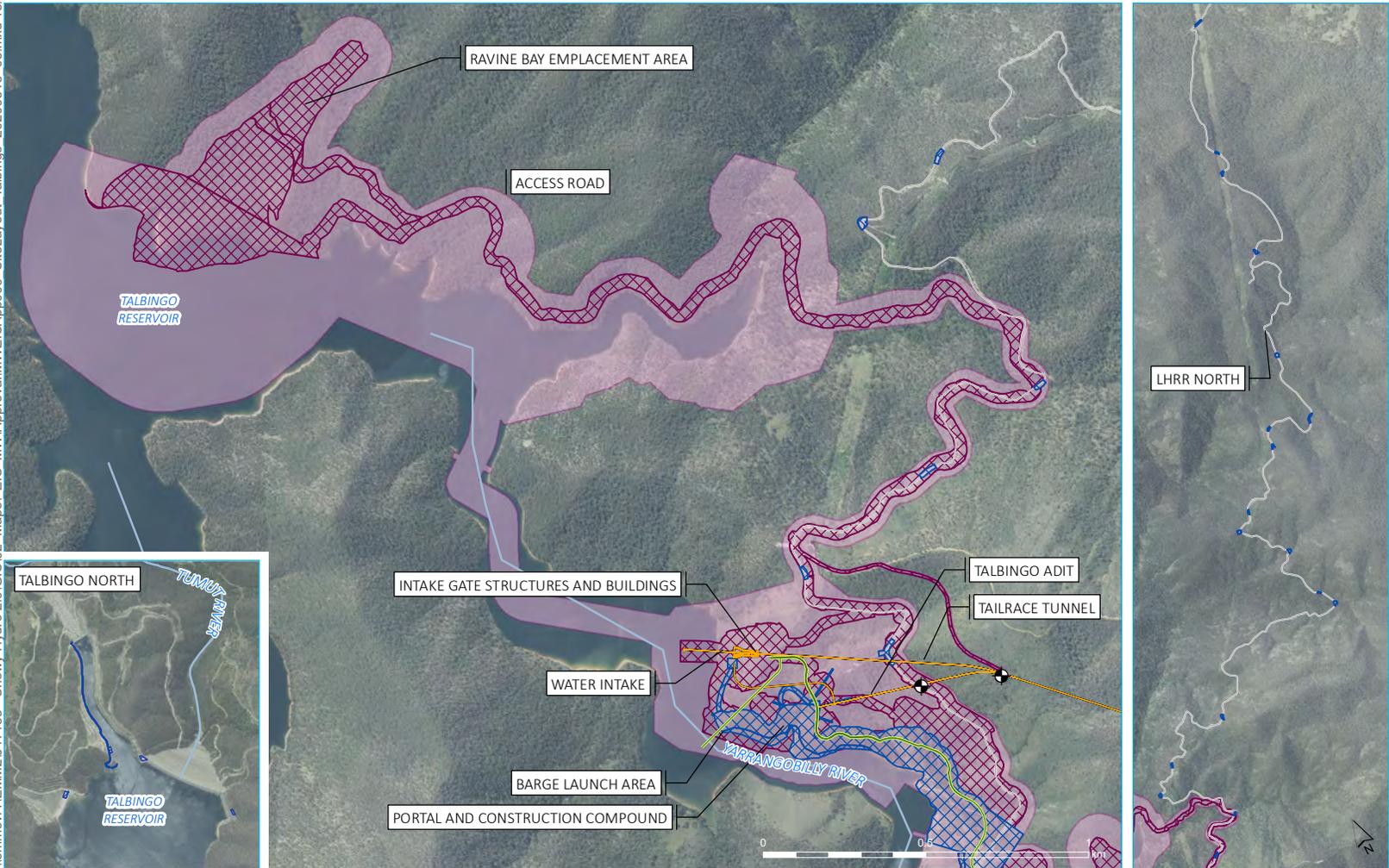
APPENDICES

Appendix A: Maps of the action

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- KEY**
- Existing environment
 - Main road
 - Local road
 - Watercourse
 - Waterbodies
 - Local government area boundary
 - Snowy 2.0 Main Works operational elements
 - Tunnels, portals, intakes, shafts
 - Power station
 - Geotechnical investigation
 - Exploratory Works disturbance area
 - Main Works indicative disturbance area
 - Construction envelope



The disturbance area is an estimation of the area required for construction works based on the current level of project design. Detailed design is still required to be completed, therefore it is expected that the precise location of the disturbance area may move within the broader construction envelope and consequently there will be some further refinements to the disturbance area.

Note that the Approved Exploratory Works disturbance area (SSI 9208) will also be a disturbance area for Main Works, even following surrender of the Exploratory Works Approval. The cumulative disturbance area for the Main Works and approved Exploratory Works is therefore presented in this figure.

Site layout - Talbingo Reservoir

Snowy 2.0
Main Works
Figure 2.1

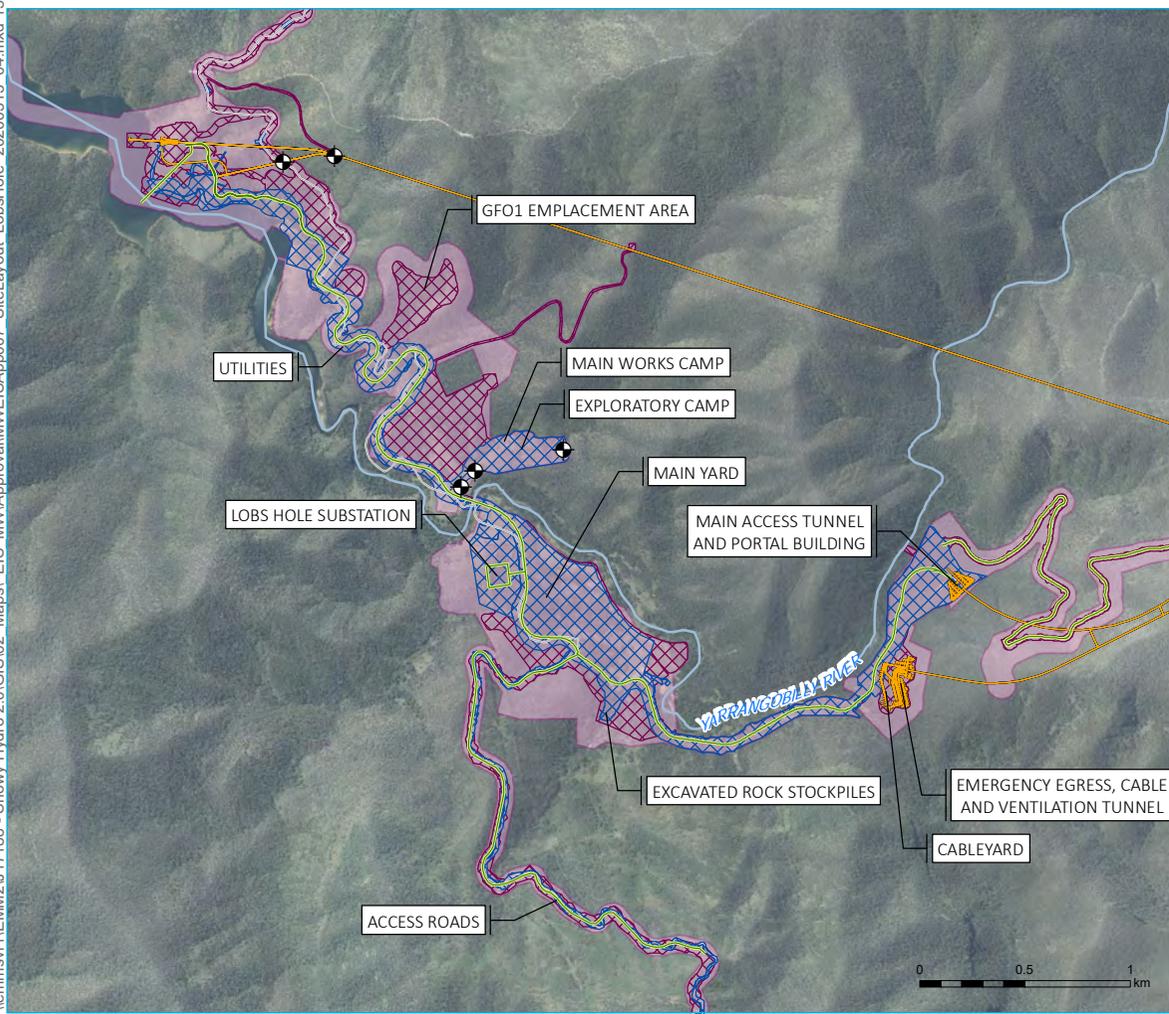


GDA 1994 MGA Zone 55

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- KEY**
- Existing environment
 - Main road
 - Local road
 - Watercourse
 - Waterbodies
 - Local government area boundary
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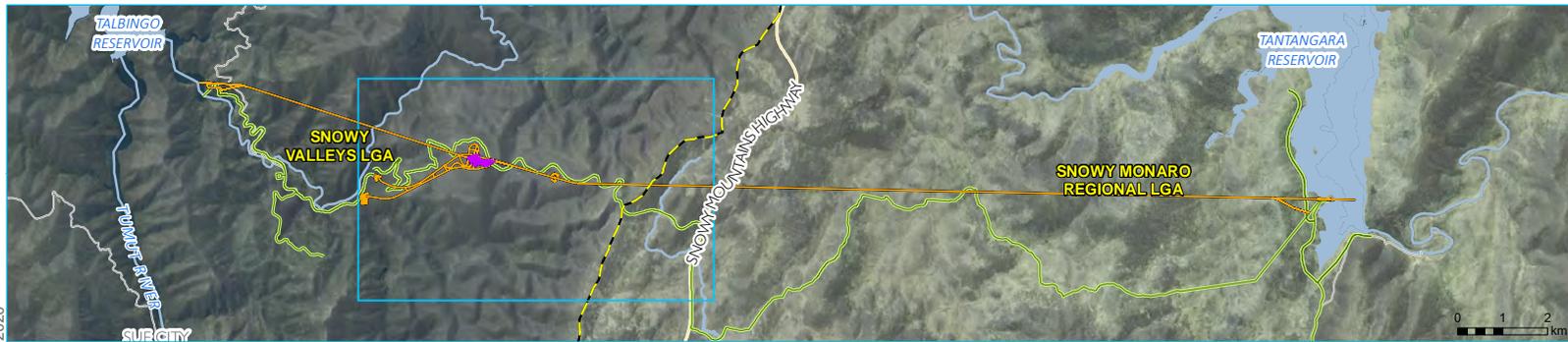
Note that the Approved Exploratory Works disturbance area (SSI 9208) will also be a disturbance area for Main Works, even following surrender of the Exploratory Works Approval. The cumulative disturbance area for the Main Works and approved Exploratory Works is therefore presented in this figure.

Site layout – Lobs Hole

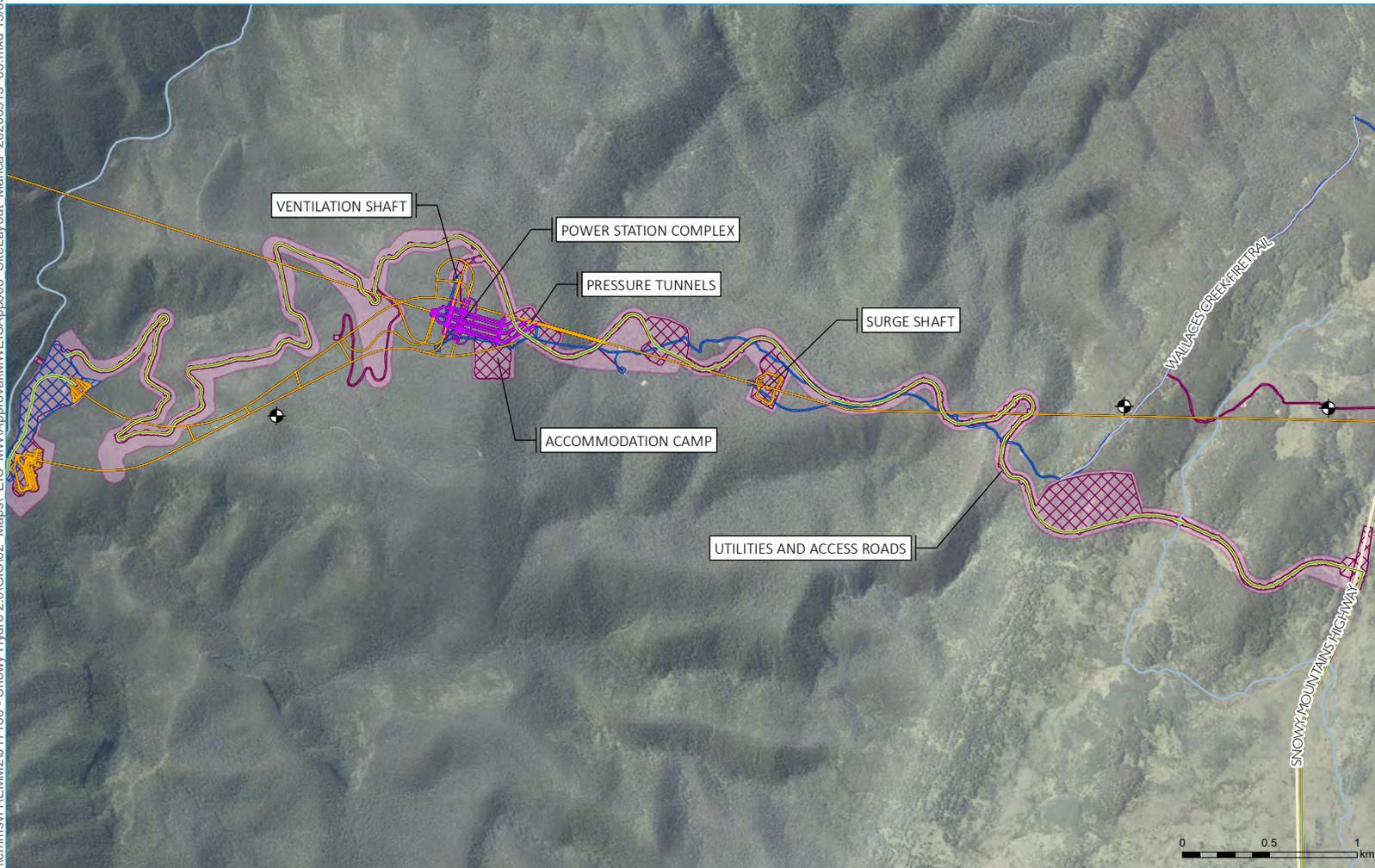
Source: EMM (2019); Snowy Hydro (2019); DFSI (2017); LPMA (2011)

GDA 1994 MGA Zone 55

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- KEY**
- Existing environment
 - Main road
 - Local road
 - Watercourse
 - Waterbodies
 - Local government area boundary
 - Snowy 2.0 Main Works operational elements
 - Tunnels, portals, intakes, shafts
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Note that the Approved Exploratory Works disturbance area (SSI 9208) will also be a disturbance area for Main Works, even following surrender of the Exploratory Works Approval. The cumulative disturbance area for the Main Works and approved Exploratory Works is therefore presented in this figure.

Site Layout - Marica

Snowy 2.0
Main Works
Figure 2.3

GDA 1994 MGA Zone 55



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- KEY**
- Existing environment
 - Main road
 - Local road
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Site layout - Plateau

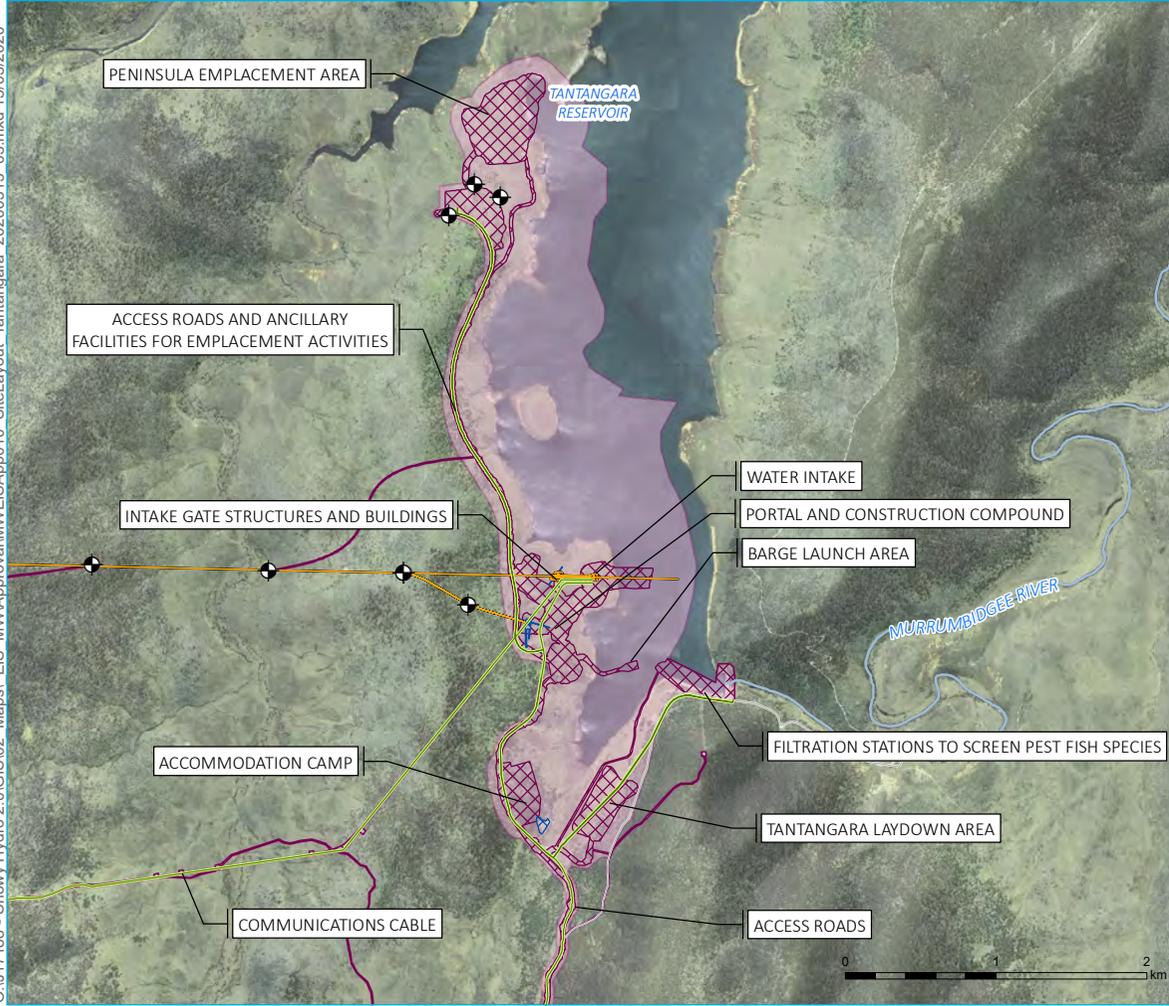
Snowy 2.0
Main Works
Figure 2.4

GDA 1994 MGA Zone 55





- KEY**
- Existing environment
 - Main road
 - Local road
 - Watercourse
 - Waterbodies
 - Local government area boundary
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Note that the Approved Exploratory Works disturbance area (SSI 9208) will also be a disturbance area for Main Works, even following surrender of the Exploratory Works Approval. The cumulative disturbance area for the Main Works and approved Exploratory Works is therefore presented in this figure.

Site Layout - Tantangara Reservoir

O:\U17188 - Snowy Hydro 2.0\GIS\02 Maps\ EIS MWA\Approval\MWFEISApp010 SiteLayout Tantangara 20200513 03.mxd 15/05/2020

Source: EMM (2019); Snowy Hydro (2019); DFSI (2017); LPMA (2011)

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Snowy 2.0
Main Works
Figure 2.5

\\lemmsvr1\EMM2\U17188 - Snowy Hydro 2.0\GIS\02 Maps\ EIS_MW\Approval\MWE\ISApp\011_SiteLayout_RockForest_20200513_02.mxd 15/05/2020



Source: EMM (2019); Snowy Hydro (2019); DFSI (2017); LPMA (2011)



- KEY**
- Existing environment
 - Main road
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Note that the Approved Exploratory Works disturbance area (SSI 9208) will also be a disturbance area for Main Works, even following surrender of the Exploratory Works Approval. The cumulative disturbance area for the Main Works and approved Exploratory Works is therefore presented in this figure.

Site layout - Rock Forest

Snowy 2.0
Main Works
Figure 2.6



GDA 1994 MGA Zone 55

