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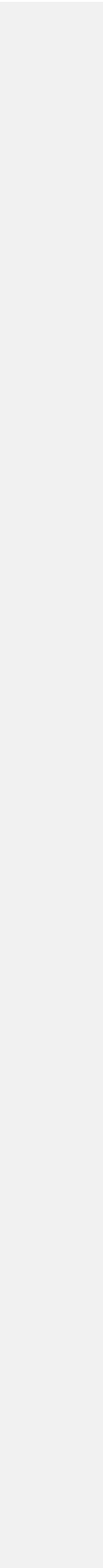
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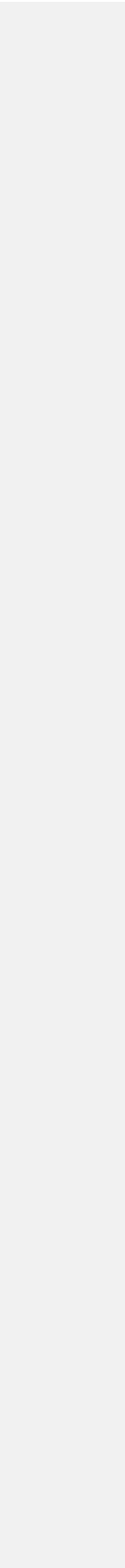
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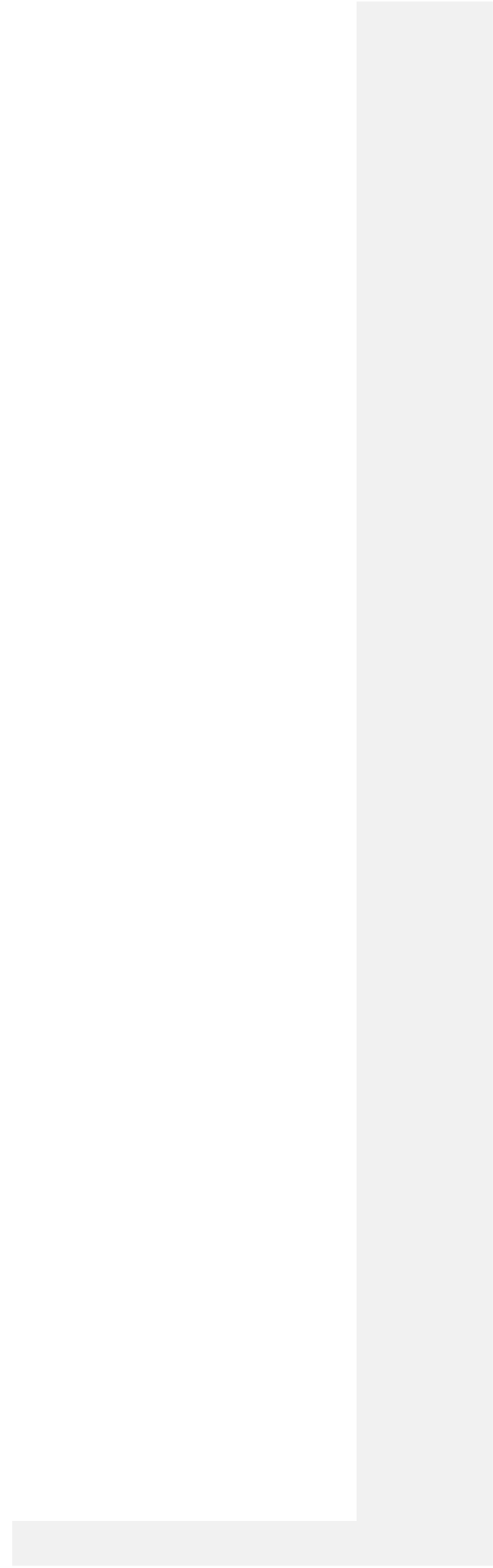
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Snowy 2.0 Main Works (EPBC 2018/8322)
Justification of final conditions of approval

Condition	Justification of why it is necessary or convenient (s134 of the EPBC Act)
Condition 1 – undertake the action as described in NSW approval	<p>The NSW conditions define the action as the works described in Snowy Hydro Limited’s (SHL) Environmental Impact Statement (EIS), Response to Submissions (RTS) and additional information, which includes details of the location, components, timing and method of construction, and post-construction rehabilitation.</p> <p>The Department recommends that you consider this condition is necessary or convenient for the protection of protected matters because it will ensure the action is undertaken in the way it was described by SHL and assessed by NSW and the Commonwealth.</p>
Conditions 2, 3, 5 – limits of clearance	<p>The NSW approval limits the project disturbance area to 504 hectares (ha) within the construction envelope. Conditions 2 and 3 of this approval relate to these NSW requirements. Condition 5 of this approval imposes detailed clearance limits for particular species and communities.</p> <p>The Department recommends that you consider that Conditions 2,3 and 5 of this approval are necessary or convenient to protect listed migratory and threatened species and communities because they ensure that the impacts of the action are no greater than what was assessed by NSW. The areas specified for clearance are also necessary as they are the impact areas that the biodiversity offset payment was calculated on.</p>
Condition 4 – submission of report showing ‘final disturbance area’	<p>NSW condition 13 requires the approval holder to provide a report that identifies the final disturbance area of the action, as the current design is only an indicative footprint. The final disturbance area is subject to some locational flexibility (micro-siting) within the construction envelope based on final design and engineering refinement. While the final disturbance area may differ from the indicative design included in the assessment, it will also be constrained to no more than 504 ha (as per Condition 3 of this approval).</p> <p>Condition 4 of this approval requires SHL to comply with condition 13 of the NSW approval. The Department has added additional requirements for the provision of shapefiles and details of final disturbance areas for protected matters, to ensure compliance with Conditions 2, 3 and 5 of this approval relating to clearance limits.</p> <p>This condition was amended from the proposed condition following feedback from SHL. The timeframe for providing the report to the Department was changed to align with that required by the NSW conditions (see Attachment B2).</p> <p>The Department recommends that Condition 4 of this approval is necessary or convenient to protect protected matters because it will identify the final disturbance area and final clearance areas.</p>
Conditions 6 and 7 – biodiversity offset payments	<p>NSW conditions 12-16 require the approval holder to make biodiversity offset payments to the NSW National Parks and Wildlife Service (NPWS). The payments are required to offset the residual significant impacts of the action on threatened terrestrial biodiversity (including Commonwealth-listed entities).</p> <p>Condition 6 of this approval requires the approval holder to comply with conditions 12 to 16 of the NSW approval relating to biodiversity offset</p>

	<p>payments. For transparency and enforceability of the offset payments for the purposes of the EPBC Act, Condition 7 of this approval requires the approval holder to notify the Department when payment instalments are made to NPWS and the payment amount.</p> <p>The Department recommends that you consider Conditions 6 and 7 of this approval are necessary or convenient to offset impacts on relevant protected matters.</p>
<p>Conditions 8 – 10 – biodiversity management</p>	<p>NSW conditions 17-19 require the approval holder to prepare and implement a Biodiversity Management Plan to avoid and mitigate direct and indirect impacts to terrestrial biodiversity during both construction and operation of the action. Condition 8 of this approval requires compliance with conditions 17 to 19 of the NSW approval.</p> <p>The Department recommends that you consider Condition 8 of this approval, which requires the approval holder to comply with the relevant NSW conditions, is necessary or convenient to protect biodiversity by implementing relevant management measures.</p> <p>The Department recommends the addition of Conditions 9 and 10 of this approval that require the Biodiversity Management Plan to: be consistent with relevant statutory documents (conservation advices, recovery plans and threat abatement plans); include biodiversity monitoring data; and implement the plan for the life of the approval unless otherwise agreed by the Minister in writing.</p> <p>The Department recommends that you consider these conditions are necessary or convenient to mitigate direct and indirect impacts of the action on protected matters.</p> <p>Condition 9 of this approval was amended from the proposed condition following feedback from SHL. The provision to monitor the endangered Alpine Bogs and Fens ecological community for 20 years was removed, as SHL indicated that the NSW conditions already require Alpine Bogs and Fens to be monitored for the duration of the action (see Attachment B2).</p> <p>The Department notes that the provisions to make monitoring data available in Condition 9b of this approval take into consideration comments from external stakeholders, who suggested that greater transparency was required regarding the environmental data underpinning monitoring plans and reports (see summary in paragraph 21e of the brief).</p>
<p>Condition 11 – provision of shapefiles for all species and communities</p>	<p>Condition 11 of this approval requires the approval holder to provide shapefiles of the locations of all threatened species and communities listed under Commonwealth and NSW legislation recorded during surveys for the assessment of the action.</p> <p>The information provided under Condition 11 of this approval will inform future compliance activities for the purposes of the EPBC Act. This spatial information will also inform the Department's input into the Biodiversity Management Plan and conservation actions to be undertaken by NPWS (using the biodiversity offset payments) to ensure management areas or management measures can be focussed in areas that will most benefit impacted protected matters.</p> <p>For these reasons, the Department recommends that you consider this condition is necessary or convenient to protect protected matters.</p>

<p>Conditions 12 – 16 – management of aquatic ecology and biodiversity</p>	<p>NSW conditions 20-25 require the approval holder to prepare and implement a Biosecurity Management Plan and a Threatened Fish Management Plan to avoid and mitigate direct and indirect impacts to aquatic ecology during both construction and operation of the action. This includes construction of fish screens and barriers and captive breeding programs for two species, the Macquarie Perch and Stocky Galaxias. The NSW conditions require SHL to consult with the Department in the preparation of the management plans.</p> <p>Condition 12 of this approval requires the approval holder to comply with conditions 20 to 25 of the NSW approval relating to biosecurity and fish management.</p> <p>The Department and external stakeholders have concerns that the requirements of the NSW conditions will not adequately protect any captive-bred populations of Macquarie Perch or Stocky Galaxias from pest species once released into the wild. The Department therefore recommends additional conditions (Conditions 13a-c of this approval) that require the approval holder to investigate further options, including the installation of secondary fish barriers, to protect priority receiving sites (suitable tributary habitat) for stocking insurance populations.</p> <p>The Department also recommends Condition 14 of this approval, which requires the Threatened Fish Management Plan and Biosecurity Management Plan to: be peer reviewed by an independent expert/s approved by the Department prior to approval by NSW; Condition 15, which requires monitoring data to be included in the plans; and Condition 16, which requires the approval holder to implement the plans over the life of the approval unless otherwise agreed by the Minister in writing.</p> <p>The Department recommends that you consider Conditions 12-16 of this approval are necessary or convenient to ensure impacts on protected matters are appropriately mitigated and managed. The Department notes that these conditions address concerns raised by external stakeholders and considers that consultation with the Department and a peer review by an independent expert/s will ensure that management plans are developed using the most current and relevant scientific information and are targeted to best manage impacts on protected matters.</p> <p>Condition 13a of this approval was amended from the proposed decision following feedback from SHL, who requested the addition of 'reasonable' (a defined term in the NSW conditions) in the condition. The condition now requires the approval holder to investigate 'reasonable' measures to protect tributaries identified as priority receiving sites for stocking insurance populations of the Macquarie Perch and Stocky Galaxias (see Attachment B2). The definition of 'reasonable' from the NSW conditions has also been added to the definitions to align with the NSW conditions.</p> <p>The Department notes that the provisions to make monitoring data available in Condition 15 of this approval take into consideration comments from external stakeholders, who suggested that greater transparency was required regarding the environmental data underpinning monitoring plans and reports (see summary in paragraph 21e of the brief).</p>
<p>Conditions 17 – 20 – management of water resources</p>	<p>NSW conditions 30-32 require the approval holder to prepare and implement a Water Management Plan to mitigate and manage impacts to surface water and groundwater, and indirect impacts on protected matters. Condition 17 of this</p>

	<p>approval requires the approval holder to comply with conditions 30 to 32 of the NSW approval.</p> <p>Condition 18 of this approval is additional to the NSW conditions and requires the approval holder to prepare the Water Management Plan in consultation with the Department. The Department notes that there is uncertainty around the scope and severity of impacts from groundwater drawdown on protected matters, and this condition will enable the Department to ensure the uncertainty is adequately addressed and mitigated.</p> <p>Condition 19 of this approval is additional to the NSW conditions and requires the approval holder to make monitoring data available as part of the Water Management Plan for greater transparency. This condition takes into consideration comments from external stakeholders, who suggested that greater transparency was required regarding environmental data (see summary in paragraph 21e of the brief).</p> <p>Condition 20 of this approval is additional to the NSW conditions and requires the approval holder to implement the Water Management Plan over the life of the approval unless otherwise agreed by the Minister in writing. The Department notes that the NSW conditions do not specify a timeframe for implementation. This condition will ensure impacts on protected matters are appropriately managed for the entirety of the impact (i.e. including during operation).</p> <p>The Department recommends that you consider Conditions 17 to 20 of this approval are necessary or convenient to protect and manage water resources.</p>
<p>Conditions 21 – 23 – heritage management</p>	<p>NSW conditions 33-36 require the approval holder to prepare and implement a Heritage Management Plan to avoid, mitigate and manage impacts to heritage artefacts of local, state and national significance. Condition 21 of this approval requires the approval holder to comply with conditions 33 to 36 of the NSW approval relating to the protection and management of heritage artefacts.</p> <p>Conditions 22 and 23 of this approval are additional and require the Heritage Management Plan to: be prepared in accordance with the National Heritage Management Principles; include a stakeholder engagement plan; and be prepared in consultation with the Department.</p> <p>The Department recommends that you consider these additional conditions are necessary to ensure relevant indigenous stakeholders are involved in the preparation of the plan, and that the management of heritage places is based on the best available knowledge. The Department notes that these conditions also address concerns raised by external stakeholders.</p> <p>The Department recommends that you consider Conditions 21 to 23 of this approval are necessary or convenient to protect relevant heritage artefacts.</p>
<p>Conditions 24 – 25 – amenity</p>	<p>NSW conditions 4-11 require the approval holder to prepare and implement a Spoil Management Plan and a Rehabilitation Management Plan to mitigate and manage ecosystem and landform impacts and identify how and what the rehabilitation must achieve. Condition 24 of this approval requires the approval holder to comply with conditions 4 to 11 of the NSW approval relating to spoil management and site rehabilitation.</p> <p>Condition 25 of this approval is additional and requires the approval holder to make monitoring data available as part of the Rehabilitation Management Plan</p>

	<p>for greater transparency. This condition takes into consideration comments from external stakeholders, who suggested that greater transparency was required regarding the environmental data underpinning monitoring plans and reports (see summary in paragraph 21e of the brief).</p> <p>The Department recommends that you consider Conditions 24 and 25 of this approval are necessary or convenient to appropriately manage impacts on the functional and aesthetic values of the Australian Alps National Parks and Reserves National Heritage place.</p>
<p>Conditions 26 – 27 – changes to NSW approval</p>	<p>Conditions 26 and 27 of this approval require the approval holder to notify the Department of any proposed or actual change to the NSW conditions. As this approval relies on several of the NSW conditions, any proposed or actual change to the NSW conditions could result in non-compliance with conditions under the EPBC Act approval.</p> <p>The Department recommends that you consider Conditions 26 and 27 of this approval are necessary or convenient to protect protected matters because they assist the approval holder in complying with the conditions attached to the approval.</p>