



Australian Government
Department of Agriculture,
Water and the Environment

PROPOSED 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].

Proposed 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

<i>Name and position</i>	The Hon Sussan Ley MP Minister for the Environment
<i>Signature</i>	PROPOSED DECISION DO NOT SIGN
<i>Date of decision</i>	PROPOSED DECISION - DO NOT DATE

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 notify the **Department** in writing of the date of **commencement of construction** within 10 **business days** after the date of **commencement of construction**.
5. Within three years of **commencement of construction**, the **approval holder** must submit the report required by condition 13 of the **NSW conditions** to the **Department** and provide **shapefiles** of the 'final **disturbance area**' and the final **clearance** areas for the entities listed in condition 6 to the **Department**.

Terrestrial biodiversity

6. 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**.
7. To compensate for direct impacts on **protected matters**, including the entities listed in condition 6, the **approval holder** must comply with conditions 12 – 16 of the **NSW approval** relating to biodiversity offset payments.
8. The **approval holder** must notify the **Department** in writing within 10 **business days** of making a biodiversity offset payment to the NPWS. The notification must state the date of payment and the amount paid.
9. To minimise impacts on **protected matters**, the **approval holder** must comply with conditions 17 – 19 of the **NSW approval** relating to biodiversity management.
10. The Biodiversity Management Plan required under condition 18 of the **NSW approval** must:
 - a. be consistent with relevant **statutory documents**;
 - b. include a commitment to monitor impacts on **Alpine Bogs and Fens** for a minimum of 20 years; and
 - c. include provisions to make biodiversity **monitoring data** available to members of the public, if requested, within 20 **business days** of being requested.
11. Once the Biodiversity Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.
12. 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**.

Commented [BM1]: See comments re definition of construction.

Commented [NA2]: See comments re definition of construction

Commented [BM3]: 424.25 ha.

Commented [NA4]: Sched 3 Condition 15 of The NSW consent requires that the DEVELOPMENT (i.e. life of the project to decommissioning, not construction) does not cause exceedances of the relevant performance measures. The BMP requirements set out the monitoring required to demonstrate this, and again refers to the development not just construction. This condition is therefore duplicative and not required.

If a condition is to be maintained here, it should be clear that it is the relevant bogs and fens associated with the goandra and kelly's plains volcanics that are to be monitored, and that they are to be monitored for the purpose of assessing against the performance measures set out in condition of the NSW consent.

Current drafting is not explicitly tied to the impacts of the project

Commented [BM5]: The NSW consent already requires all management plans to monitor, evaluate and publicly report. The necessary supporting data would be provided in those reports; therefore this further requirement is not required.

If the condition is to be maintained it should be clarified to not include sensitive data, and to be provided as soon as practicable.

Aquatic ecology and biosecurity

13. 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.
14. 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 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. prior to stocking, implement those measures determined ~~to best under 14a to~~ protect tributaries identified as priority receiving sites for the establishment of stocking insurance populations of the **Macquarie Perch** and **Stocky Galaxias**.
15. 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.
16. The Biosecurity Risk Management Plan and the Threatened Fish Management Plan must include provisions to make **monitoring data** available to members of the public, if requested, within **20 business days** of being requested.
17. Once the Biosecurity Risk Management Plan and Threatened Fish Management Plan is approved by the Director-General of the NSW Department of Primary Industries, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Commented [BM6]: Include "Investigate **reasonable** measures, including the" And then include a definition of reasonable which is consistent with the NSW approval. There must be a test of reasonableness for any mitigation measures that considers a balance of their cost and effectiveness relative to risk.

Commented [BM7]: As before.

Water resources

18. To minimise impacts on water resources, the **approval holder** must comply with conditions 30 – 32 of the **NSW approval** relating to water management.
19. 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.
20. The Water Management Plan must include provisions to make **monitoring data** available to members of the public, if requested, within **20 business days** of being requested.
21. Once the Water Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Commented [BM8]: As before.

Heritage

22. 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.
23. 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:
- be prepared in accordance with the **National Heritage Management Principles**; and
 - 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**.
24. Once the Heritage Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Amenity and landscape

25. 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.
26. The Rehabilitation Management Plan required by condition 10 of the **NSW approval** must include provisions to make **monitoring data** available if requested by the **Department** or members of the public.

Commented [BM9]: As before.

Changes to the NSW approval

27. 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.
28. 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.
29. The **approval holder** must report any known or potential non-compliance with the **NSW approval** conditions referred to in these conditions to the **Department** within 2 **business days** of becoming aware of the known or potential non-compliance.

Part B – Standard administrative conditions

Notification of date of commencement of the action

30. 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

31. The **approval holder** must maintain accurate and complete **compliance records**.
32. 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

33. 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;
- d. keep **plans** published on the **website** until the end date of this approval; and
- e. include information on how compliance has been achieved with conditions 4 – 25 and 30 – 36 of the **NSW approval**.

34. 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

35. 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;
- 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 non-compliance

36. The **approval holder** must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:

- a. any condition which is or may be in breach;
- b. a short description of the **incident** and/or non-compliance; and
- c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

37. The **approval holder** must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:

- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
- b. the potential impacts of the **incident** or non-compliance; and
- c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

38. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from the date of approval of 6 July 2020 and for every subsequent 12 month period.
39. 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.
40. 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.

Commented [BM10]: It is onerous and unnecessary to provide an annual report and have each report independently audited. Suggest this mirrors the NSW approval for consistency.

Completion of the action

41. 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:

Action means the construction and operation of the Snowy 2.0 Main Works 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, an underground power station, and associated infrastructure [See EPBC Act referral 2018/8322].

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** of vegetation and **construction** of any infrastructure. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including **construction** of fencing, and maintenance of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

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 41) 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. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; **but excluding the installation of temporary fences and signage.**

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 development may be carried out and microsituated to avoid impacts to **protected matters**, identified as the 'Main Works indicative disturbance area' in the figures at [Appendix A](#).

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

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

Commented [BM11]: Needs to exclude all pre-construction activities identified in the NSW approval from construction to ensure that notification and reporting schedules are consistent. May require a definition of pre-construction to be added.

Commented [BM12]: Needs to mirror NSW approval definition. It cannot include wording that requires strict avoidance of impacts to protected matters already assessed as acceptable and offset.

Independent audit means an audit conducted by an independent and **suitably qualified person** 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 management plan principles for National Heritage places as outlined in Schedule 5A of the **EPBC Act**.

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 relate to Schedule 3 – specific environmental conditions.

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

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

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).

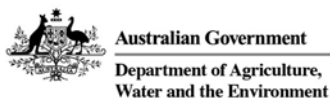
Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards,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

1. **Appendix A: Maps of the action**

Commented [BM13]: Need to review maps before approval issued.



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

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, except as permitted by Condition 5 of Schedule 4 of the NSW approval**.
3. The **disturbance area** must not exceed 504 hectares (ha).
- ~~4. The approval holder must notify the Department in writing of the date of commencement of construction within 10 business days after the date of commencement of construction.~~
- ~~5.4. Within three years of commencement of construction, the approval holder must submit the report required by condition 13 of Schedule 3 of the NSW conditions to the Department at the same time as submission to the NSW Government. The report submitted to the Department must and provide include shapefiles of the 'final disturbance area' and the final clearance areas for the entities listed in condition 56 to the Department.~~

Terrestrial biodiversity

~~6.5.~~ 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**.

~~7.6.~~ To compensate for direct impacts on **protected matters**, including the entities listed in condition ~~56~~, the **approval holder** must comply with conditions 12 – 16 ~~of Schedule 3~~ of the **NSW approval** relating to biodiversity offset payments.

~~8.7.~~ The **approval holder** must notify the **Department** in writing within 10 **business days** of making a biodiversity offset payment to the NPWS. The notification must state the date of payment and the amount paid.

~~9.8.~~ To minimise impacts on **protected matters**, the **approval holder** must comply with conditions 17 – 19 ~~of Schedule 3~~ of the **NSW approval** relating to biodiversity management.

~~10.9.~~ The Biodiversity Management Plan required under condition 18 ~~of Schedule 3~~ of the **NSW approval** must:

- a. be consistent with relevant **statutory documents**; and
- ~~b. include a commitment to monitor impacts on Alpine Bogs and Fens for a minimum of 20 years; and~~
- ~~c. b.~~ include provisions to make biodiversity **monitoring data** (excluding sensitive ecological data) available ~~to~~ as part of the monitoring, evaluation and reporting program required by condition 18d of Schedule 3 of the NSW approval. ~~members of the public, if requested, within 20 business days of being requested.~~

~~11-10.~~ Once the Biodiversity Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

~~12-11.~~ 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

~~13-12.~~ To minimise impacts to the aquatic environment, the **approval holder** must comply with conditions 20 – 25 of Schedule 3 of the **NSW approval** relating to biosecurity and fish management.

~~14-13.~~ To minimise potential impacts of pest fish movement on **protected matters**, the **approval holder** must, in addition to conditions 22c and 24d of Schedule 3 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 Schedule 3 of the **NSW approval**, and the Threatened Fish Management Plan required by condition 24 of Schedule 3 of the **NSW approval**; and
- c. prior to stocking, implement those measures determined ~~to best protect 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**.

~~15-14.~~ The Biosecurity Risk Management Plan required by condition 22 of Schedule 3 of the **NSW approval**, and the Threatened Fish Management Plan required by condition 24 of Schedule 3 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.

~~16-15.~~ 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 Schedule 3 of the NSW approval. ~~available to members of the public, if requested, within 20 business days of being requested.~~

~~17-16.~~ Once the Biosecurity Risk Management Plan and Threatened Fish Management Plan ~~is~~**are** approved by the Director-General of the NSW Department of Primary Industries, the **approval holder** must implement the plans for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Water resources

~~18-17.~~ To minimise impacts on water resources, the **approval holder** must comply with conditions 30 – 32 of Schedule 3 of the **NSW approval** relating to water management.

~~19-18.~~ The **approval holder** must prepare the Water Management Plan required by condition 31 of Schedule 3 of the **NSW approval** in consultation with the **Department**, before it is approved by the NSW Planning Secretary.

~~20-19.~~ 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 Schedule 3 of the NSW approval, available to members of the public, if requested, within 20 business days of being requested.~~

~~21-20.~~ Once the Water Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Heritage

~~22-21.~~ To minimise impacts on heritage items and values, the **approval holder** must comply with conditions 33 – 36 of Schedule 3 of the **NSW approval** relating to the protection and management of heritage items.

~~23-22.~~ The **approval holder** must prepare the Heritage Management Plan required by condition 35 of Schedule 3 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**.

~~24-23.~~ Once the Heritage Management Plan is approved by the NSW Planning Secretary, the **approval holder** must implement the plan for the duration of the approval, unless otherwise agreed by the **Minister** in writing.

Amenity and landscape

~~25-24.~~ To minimise impacts to the environment in Kosciuszko National Park, the **approval holder** must comply with conditions 4 – 11 of Schedule 3 of the **NSW approval** relating to spoil management and site rehabilitation.

~~26-25.~~ The Rehabilitation Management Plan required by condition 10 of Schedule 3 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 Schedule 3 of the NSW approval, available if requested by the Department or members of the public.~~

Changes to the NSW approval

~~27-26.~~ 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.

~~28-27.~~ 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.

~~29.~~ **The approval holder must report any known or potential non-compliance with the NSW approval conditions referred to in these conditions to the Department within 2 business days of becoming aware of the known or potential non-compliance.**

Commented [VM1]: Suggest delete and if required, incorporate into conditions 36 and 37.

Part B – Standard administrative conditions

Notification of date of commencement of the action

~~30-28.~~ 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

~~31-29.~~ The **approval holder** must maintain accurate and complete **compliance records**.

~~32-30.~~ 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

~~33-31.~~ The **approval holder** must:

- a. submit **plans** required by conditions 18, 22 and 24 of Schedule 3 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;
- d. keep **plans** published on the **website** until the end date of this approval, unless otherwise agreed to in writing by the Minister; and
- e. include information on how compliance has been achieved with conditions 4 – 25 and 30 – 36 of Schedule 3 of the **NSW approval**.

~~34-32.~~ 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

~~35-33.~~ 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

~~36-34.~~ The **approval holder** must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification

Commented [VM2]: Request these reporting obligations be made consistent with the timing and notice requirements under the NSW Approval. Also important to separate "incidents" from "non compliances" given the different reporting timeframes.

must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:

- a. any condition which is or may be in breach;
- b. a short description of the **incident** and/or non-compliance; and
- c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

~~37-35.~~ The **approval holder** must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than **10 business days** after becoming aware of the **incident** or non-compliance, specifying:

- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
- b. the potential impacts of the **incident** or non-compliance; and
- c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

~~38-36.~~ The approval holder must ensure that **independent audits** of compliance with the conditions are conducted ~~for the 12 month period from the date of approval of 6 July 2020 and for every subsequent 12 month period as requested by the Minister.~~

~~39-37.~~ 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.

~~40-38.~~ 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

~~41-39.~~ 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:

Action means the construction and operation of the Snowy 2.0 Main Works 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, an underground power station, and associated infrastructure [See EPBC Act referral 2018/8322].

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** of vegetation and **construction** of any infrastructure, ~~excluding~~including pre-construction minor works. ~~Commencement of the action does not include minor physical disturbance necessary to:~~

~~undertake pre-clearance surveys or monitoring programs;~~

~~install signage and /or temporary fencing to prevent unapproved use of the project area;~~

~~protect environmental and property assets from fire, weeds and pests, including construction of fencing, and maintenance of existing surface access tracks; and~~

~~install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters.~~

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 40~~1~~) 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. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. 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.

the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

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 ~~development 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, and micro-sited to avoid impacts to protected matters, identified as the 'Main Works indicative disturbance area' in the figures at Appendix A.~~

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

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

Commented [VM3]: Amendment suggested to make consistent with NSW Approval definition of "Incident"

Independent audit means an audit conducted by an independent and **suitably qualified person** 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 management plan principles for National Heritage places as outlined in Schedule 5A of the **EPBC Act**.

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 relate to 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**, and/or implemented by the **approval holder** and 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 as critically endangered under the *Fisheries Management Act 1994* (NSW).

Suitably qualified person 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

From: s47F(1)
To: s22(1)(a)(ii) ; epbc.nsw@awe.gov.au
Cc: s47F(1)
Subject: Re: Snowy 2.0 Main Works (EPBC 2018/8322)- proposed decision [SEC=OFFICIAL]
Date: Wednesday, 17 June 2020 4:23:06 PM

s22(1)(a)(ii)

Thank you very much for the prompt turnaround.
This email is to confirm that we have no further comments on the draft conditions of the above proposed decision (EPBC 2018/8322).

Please let me know if there is anything further you need from us during your considerations.

Regards
s47F(1)

s47F(1)
General Manager Water and Environment

M: s47F(1)
E: s47F(1)
PO Box 332 Cooma 2630

On Wed, 17 Jun 2020 at 13:21, s22(1)(a)(ii) wrote:

Hi s47F(1)

Please see attached revised conditions following on from yesterday afternoon's discussion. After discussing with our compliance area, we have made some changes where we considered your suggestions aligned with NSW conditions, but where the intent or the requirement is slightly different between ours and NSW conditions, we have left the conditions as they were.

Happy to discuss the changes if you need, otherwise let us know if you are happy with them.

Cheers

s22(1)(a)(ii)

Southern NSW/ACT Assessments Section

s22(1)(a)(ii)

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From: s22(1)(a)(ii)
To: [Louise Vickery](#); s22(1)(a)(ii); s22(1)(a)(ii)
Subject: FW: track change conditions
Date: Monday, 29 June 2020 1:43:48 PM

FYI

From: s47F(1)
Sent: Monday, 29 June 2020 1:28 PM
To: s22(1)(a)(ii)
Subject: Re: track change conditions

Thanks for the run through ^{s22(1)(a)(ii)}
We're happy with these edits

On Mon, 29 Jun 2020 at 13:08, s22(1)(a)(ii) wrote:

Hi s47F(1), as discussed, ^{s22(1)(a)(ii)}

--

s47F(1)
General Manager Water and Environment

M: s47F(1)
E: s47F(1)
PO Box 332 Cooma 2630

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SENATOR THE HON MATHIAS CORMANN
Minister for Finance

THE HON ANGUS TAYLOR MP
Minister for Energy and Emissions Reduction

22 JUN 2020

The Hon Sussan Ley MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

Dear Minister

Sussan

Thank you for your letter dated 12 June 2020, advising of your intention to approve, subject to conditions, the proposed Snowy 2.0 Main Works project in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and inviting comment on the proposed approval decision (EPBC reference 2018/8322).

We note the proposed approval conditions remain largely consistent with those imposed by NSW, with additional approval conditions being imposed where you deem it necessary to protect matters protected under national environmental law, and to ensure enforceability under the EPBC Act.

Snowy 2.0 will play an important role providing security and reliability to the National Electricity Market by providing firming capacity as more variable renewable energy is added to the energy system. It will have the capacity to supply up to 500,000 households at peak demand with up to 175 hours of storage. The project will play an important role in Australia's economy and its construction will provide stimulus to the surrounding Snowy Mountains region, which was significantly impacted by the recent bushfires.

We appreciate you and your Department's efforts in making a robust decision in a timely manner regarding the Snowy 2.0 Main Works project. We have provided a copy of this letter to Mike Smith, Director, Southern NSW and ACT Assessments Section.

Kind regards

Mathias Cormann
Minister for Finance

12-6-2020

Angus Taylor

Angus Taylor
Minister for Energy and Emissions
Reduction



PRIME MINISTER

Reference: MC20-101013

19 JUN 2020

The Hon Sussan Ley MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 12 June regarding your proposed approval of the Snowy 2.0 Main Works under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As we come out of this COVID-19 crisis, infrastructure development will play a critical role in our JobMaker plan.

As you would be aware, the Main Works project has the potential to generate regional employment and deliver energy benefits to the National Electricity Market. Five hundred people are already working on Snowy 2.0, and this number is expected to grow to 850 by the end of the year if all relevant approvals are received. At its peak, the project will employ around 2000 workers, and create thousands of additional jobs through supply chains and support services.

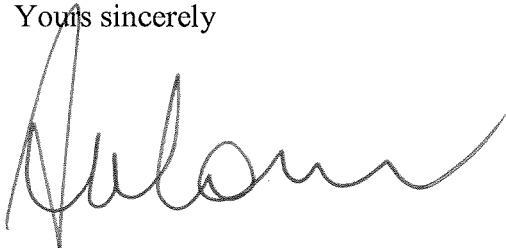
Many of these supply chain benefits are already being realised. For example, construction on the Polo Flat segment factory in Cooma recently started. The factory, which will help produce the concrete rings to line the 27km Snowy Tunnel, will generate 125 full time jobs when operational.

Snowy Hydro and its principle contractor for Snowy 2.0, Future Generation Joint Venture, have already invested over \$35 million in the region, with over 100 local businesses involved in the project so far. The jobs and economic boost from Snowy 2.0 is more important than ever for these regional communities, particularly given the combined impacts of the bushfires over Black Summer and the COVID-19 pandemic.

I note the role of the NSW government in enabling a fast and comprehensive assessment process for this project on the Commonwealth's behalf, and your proposed reliance on NSW conditions of approval to the greatest extent possible, to reduce duplication.

Thank you for your efforts to progress the approval of this project in a robust and efficient manner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Morrison', written in a cursive style.

SCOTT MORRISON

OFFICIAL



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-002732

The Hon Sussan Ley MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

Sussan

Dear Minister

Thank you for your letter dated 12 June 2020, inviting comment on the proposed approval decision on the Snowy 2.0 Main Works in NSW (the project) under the Environment Protection and Biodiversity Conservation Act 1999.

I have taken into consideration the information provided in your letter and the documentation submitted to your Department, including the Aboriginal Cultural Heritage Assessment Report. I understand one of the conditions of approval under the NSW assessment process is for the proponent to develop a Heritage Management Plan for the project.

The National Indigenous Australians Agency (NIAA) advises that the proponent has and continues to engage with the local Indigenous organisations on this project, and is working with Indigenous stakeholders and the Vocational Training and Employment Centre to realise employment outcomes and career opportunities for the local Indigenous communities. NIAA has also urged the proponent to make contact with the NSW Aboriginal Land Council as a part of their due diligence to ensure there are no other matters of concern.

I agree with your decision to approve the project with the conditions specified in the attachment to your letter.

Thank you for consulting me on this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt', with a long horizontal flourish extending to the right.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

18 / 6 / 2020

From: [EPBC](#)
To: [s22\(1\)\(a\)\(ii\)](#) ; epbc.nsw@awe.gov.au
Cc: [s22\(1\)\(a\)\(ii\)](#) ; [EPBC](#)
Subject: DISER Comments - EPBC-2018/8322 [DLM=For-Official-Use-Only]
Date: Wednesday, 17 June 2020 10:53:39 AM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.png](#)

Good morning,

Thank you for the opportunity to comment on the proposed approval decision for EPBC-2018/8322 – Snowy 2.0 Main Works, NSW. The Department of Industry, Science, Energy and Resources supports the proposed approval of this project and has no additional comments.

Kind regards,

s47F(1)

Resources Stewardship and Environment Section

Resources Strategy

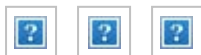
Resources Division

s47F(1)

Department of Industry, Innovation and Science

Location: 10 Binara Street, Canberra ACT 2601

Postal address: GPO Box 2013, Canberra, ACT, 2601



For Official Use Only



The Hon Michael McCormack MP

**Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina**

Ref: MC20-005205

Ms Sussan Ley MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

A handwritten signature in blue ink that reads "Sussan".

Dear Minister

Thank you for your letter of 12 June 2020 regarding Snowy Hydro Limited's proposal to construct and operate the Snowy 2.0 Main Works project.

I note your intention to approve the Snowy 2.0 Main Works project under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), subject to the inclusion of a number of conditions.

I look forward to watching this transformative project progress, and to seeing the economic benefits that it will deliver to the region.

Thank you for raising this matter and I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink that reads "Michael McCormack".

Michael McCormack



Planning,
Industry &
Environment

s22(1)(a)(ii)

Director

Southern NSW and ACT Assessments Section

Department of Agriculture, Water and Environment

Via email: s22(1)(a)(ii)

22 June 2020

Dear s22(1)(a)(ii)

I write in response to the correspondence to Minister Stokes seeking comments on the proposed conditions for the Snowy 2.0 Main Works (EPBC 2018/8322) under the *Environment Protection and Biodiversity Conservation Act 1999*. Minister Stokes has asked me to respond on his behalf.

The Department of Planning, Industry and Environment has reviewed the proposed conditions and notes they are generally consistent with the conditions on the State approval. Consequently, it has no comments to offer on the proposed conditions.

If you have any further enquiries on this matter, please contact me on s47F(1).

Yours sincerely

A handwritten signature in black ink that reads 'D Kitto'.

David Kitto
Executive Director
Special Projects



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**



EPBC Ref: 2018/8322

s47F(1)

General Manager Water and Environment
Snowy Hydro Limited
PO Box 332
COOMA NSW 2630

Dear **s47F(1)****Decision on Approval - Snowy 2.0 Main Works, NSW**

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure.

I understand that SHL has had numerous discussions with the Department to refine some aspects of the proposed conditions, and that on 29 June 2020 you agreed to the amended version. I have now considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website. The Department will be in touch to advise of the post-approval process in relation to consultation on relevant management plans.

If you have any questions about this decision please contact **s22(1)(a)(ii)**, Director, Southern NSW and ACT Assessments Section, at **s22(1)(a)(ii)** or **s22(1)(a)(ii)** and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

A handwritten signature in black ink that reads 'Sussan Ley'. Below the signature, the name 'SUSSAN LEY' is printed in a bold, sans-serif font.



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Angus Taylor MP
Minister for Energy and Emissions Reduction
Parliament House
CANBERRA ACT 2600

Dear Minister 

Decision on Approval - Snowy 2.0 Main Works, NSW

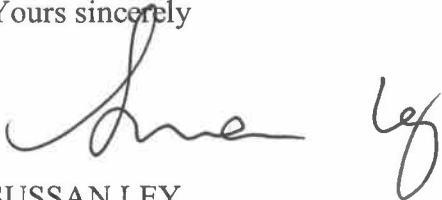
I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your joint response with the Minister for Finance received on 22 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely



SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

Senator the Hon Mathias Cormann
Minister for Finance
Parliament House
CANBERRA ACT 2600

Dear Minister *Mathias*

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your joint response with the Minister for Energy and Emissions Reduction received on 22 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

A handwritten signature in blue ink that reads 'Sussan Ley'.

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister

A handwritten signature in black ink that reads 'Ken'.

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your response received on 18 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

A handwritten signature in black ink that reads 'Sussan Ley'.

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Karen Andrews MP
Minister for Industry, Science and Technology
Parliament House
CANBERRA ACT 2600

Dear Minister *Karen*

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. I note your Department responded on your behalf on 17 June 2020; the comments made have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact **s22(1)(a)(ii)**, Director, Southern NSW and ACT Assessments Section, at **s22(1)(a)(ii)** or **s22(1)(a)(ii)** and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

Sussan Ley

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Michael McCormack MP
Minister for Infrastructure, Transport
and Regional Development
Parliament House
CANBERRA ACT 2600

Dear Deputy Prime Minister *Michael*

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your response received on 25 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
Parliament House
CANBERRA ACT 2600

Dear Minister

A handwritten signature in black ink that reads 'Keith'.

Decision on Approval - Snowy 2.0 Main Works, NSW

I am writing to you in relation to Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

A handwritten signature in black ink that reads 'Sussan Ley'.

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Dear Prime Minister

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your response received on 22 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

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Yours sincerely

Sussan Ley

SUSSAN LEY





**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

EPBC Ref: 2018/8322

The Hon. Rob Stokes MP
NSW Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Rob

Decision on Approval - Snowy 2.0 Main Works, NSW

I wrote to you on 12 June 2020 notifying you of my intention to approve Snowy Hydro Limited's (SHL) proposal to construct and operate the Snowy 2.0 Main Works project, which includes a pipeline between Tantangara and Talbingo reservoirs, an underground power station, and associated infrastructure. Thank you for your response received on 22 June 2020; your comments have been taken into account in my final decision.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to SHL. Based on feedback received on the proposed conditions, I have made minor changes to better align with the requirements of the NSW conditions of approval and to provide clarity to SHL's approval obligations under the EPBC Act. The intent of the conditions remains the same.

A notice of my decision is attached for your information and will be published on the Department's website.

If you have any questions about this decision please contact [s22\(1\)\(a\)\(ii\)](#), Director, Southern NSW and ACT Assessments Section, at [s22\(1\)\(a\)\(ii\)](#) or [s22\(1\)\(a\)\(ii\)](#) and quote the EPBC reference number (EPBC 2018/8322).

Yours sincerely

Sussan Ley

SUSSAN LEY

