



Hunter Power Project

EPBC 2021/8888 Annual Compliance Report 2023

27 March 2024



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1. Purpose

This report was prepared to satisfy the requirements of Condition 7 of the Kurri Kurri Gas Fired Power Station Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) Approval 2021/8888 (EPBC 2021/8888). Condition 7 of EPBC 2021/8888 states:

7. Following commencement of the action, the approval holder must prepare a compliance report addressing compliance with each of the conditions of this approval, including implementation of commitments made in all management plans and strategies required under any condition of the State development consent that is referred to in this approval, in respect of any calendar year, 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 a website within 3 months 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.

2. Notification of Commencement and Reporting Period

Notification was made to the former Department of Agriculture, Water and Environment on 29 March 2022 that construction of the Kurri Kurri Gas Fired Power Station had commenced on 29 March 2022. The reporting period for this report is 1 January 2023 to 31 December 2023.

3. Compliance Assessment

An assessment of compliance with the conditions of EPBC 2021/8888 is provided in Table 1.

Table 1 - Compliance Assessment

Condition	Requirement(s)	Compliance Finding
1	To ensure there is no adverse impacts on the environment from an action taken by a Commonwealth agency, the approval holder must comply with conditions A8-A12 of Part A, B1-B11, B19-B20, B35-40, B41-B43, B46 of Part B, C1-C4 of Part C of the State development consent (to the extent the conditions in Part C relate to environment).	All conditions listed have been complied with during 2023.
2	The action must only occur within the boundary (shown in red) on the map at Attachment A.	The construction works are confined to the approved Action Boundary.
3	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	Construction commenced on 29 March 2022. Snowy Hydro Limited advised the former Department of Agriculture, Water and Environment of the commencement of construction on 29 March 2022
4	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior agreement of the Minister	The action has commenced
5	The approval holder must maintain complete compliance records	All records required by this approval are held by Snowy Hydro Limited.
6	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	No request has been received
7	Following commencement of the action, the approval holder must prepare a compliance report addressing compliance with each of the conditions of this approval, including implementation of commitments made in all management plans and strategies required under any condition of the State development consent that is referred to in this approval, in respect of any calendar year, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> a. publish each compliance report on a website within 3 months following the relevant 12 month period 	The compliance report for the period 29 March to 31 December 2023 was published to the Hunter Power Project Website on 3 March 2024 with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) notified by email on the same day.

Condition	Requirement(s)	Compliance Finding
	<ul style="list-style-type: none"> 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. 	
8	<p>The approval holder must notify the Department in writing of any: incident, or 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:</p> <ul style="list-style-type: none"> a. any condition which is or may be in breach b. a short description of the incident and/or non-compliance 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. 	No incidents or non-compliances occurred during 2023.
9	<p>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:</p> <ul style="list-style-type: none"> 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 c. the method and timing of any remedial action that will be undertaken by the approval holder. 	No incidents or non-compliances occurred during 2023.

Condition	Requirement(s)	Compliance Finding
10	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	No request has been received.
11	For each independent audit, the approval holder must: <ul style="list-style-type: none"> 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 c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	No request has been received.
12	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.	No request has been received.
13	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	The action has not been completed.
14	The approval holder must notify the Department in writing of any proposed change to the State development consent that may relate to environment within 2 business days of formally proposing a change or within 5 business days of becoming aware of any proposed change.	The DCCEEW was notified in via email on 12 September 2024 of a proposed change to the State Development Consent to alter the project boundary to enable accommodation of a portion of the workforce required for power station construction activities.
15	The approval holder must notify the Department in writing of any change to the State development consent conditions that may relate to environment, within 10 business days of a change to conditions being finalised.	The DCCEEW was notified in via email on 20 November 2024 of a change to the State Development Consent which was finalised on 16 November 2024 to alter the project boundary to enable accommodation of a portion of the workforce required for power station construction activities.