



Snowy 2.0 Main Works

Annual EPBC Compliance Report

EPBC 2018/8322

Reporting period 25 August 2021 to 24 August 2022

Document Information			
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Review & Endorsement	Chris Buscall	Environmental Manager	October 2022

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Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

DocuSigned by:
Chris Buscall
E7F7D433EEFA46D

Full Name: Chris Buscall

Position: Environment Manager Snowy 2.0

Organisation: Snowy Hydro Limited (ABN 17 090 574 431)

Date: 21/10/2022

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This document is the annual compliance report that is required by EPBC Act approval

1 Purpose of report

The purpose of this document is to demonstrate that there has been compliance with the conditions of the EPBC approval for the Snowy 2.0 Main Works project (EPBC 2018/8322) and to satisfy Condition 33 of that approval which states:

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 in writing by the **Minister**.

The action commenced on 25 August 2020 with pre-construction minor works. The remainder of works commenced on 22 October 2020 after approval of all Main Works Environmental Management Plans were granted. The reporting period of the first report covered the period between 25 August 2020 and 24 August 2021 and the second report covered the period between 25 August 2021 and 24 August 2022.

2 Description of activities

2.1 Project overview

Snowy Hydro Limited (Snowy Hydro) is constructing a pumped hydro-electric expansion of the Snowy Mountains Hydro-electric Scheme, called Snowy 2.0.

Snowy 2.0 is a pumped hydro-electric project that will link the existing Tantangara and Talbingo reservoirs through a series of new underground tunnels and a hydro-electric power station. Most of the project's facilities will be built underground, with approximately 27 kilometres of concrete-lined tunnels constructed to link the two reservoirs and a further 20 kilometres of tunnels required to support the facility. Intake and outlet structures will be built at both Tantangara and Talbingo Reservoirs.

Snowy 2.0 will increase the generation capacity of the Snowy Scheme by an additional 2,000 MW, and at full capacity will provide approximately 350,000 MWh of large-scale energy storage to the National Electricity Market (NEM). This will be enough to ensure the stability and reliability of the NEM, even during prolonged periods of adverse weather conditions.

WeBuild (formerly Salini Impregilo), Clough and Lane have formed the Future Generation Joint Venture (Future Generation), and have been engaged to deliver Snowy 2.0 Main Works.

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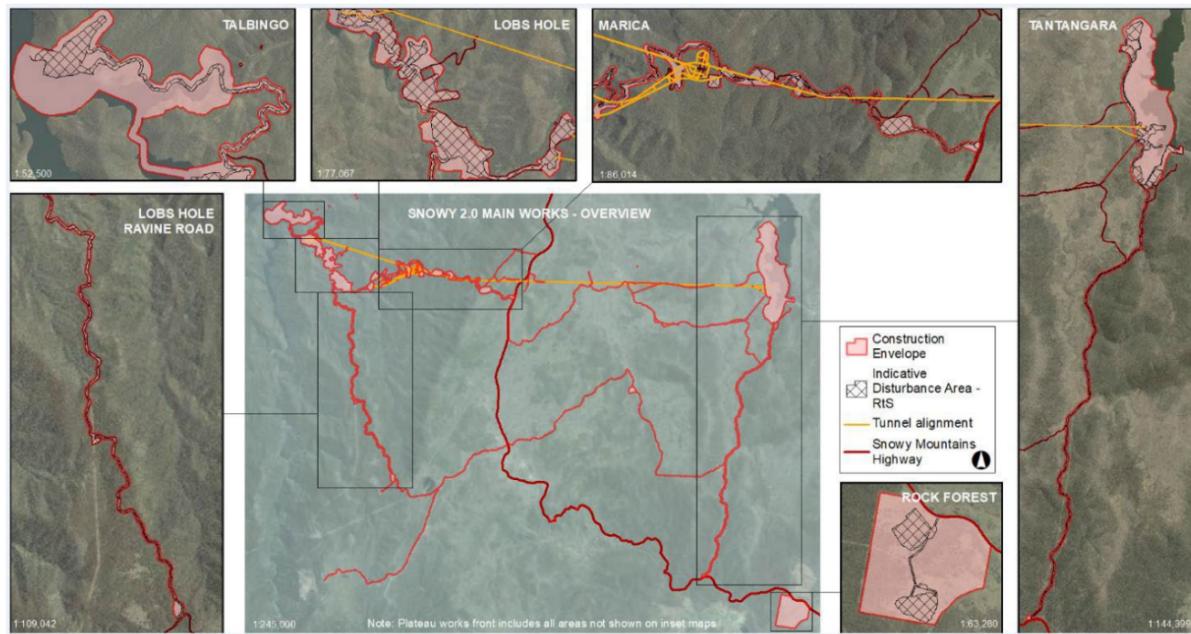


Figure 1: Snowy 2.0 project location

2.2 Works undertaken during the reporting period

In the reporting period works on the following key project elements have been progressed:

- Tunnelling of the Main Access Tunnel (MAT);
- Tunnelling of the Emergency, Ventilation and Cable Tunnel (ECVT);
- Tunnelling of the Headrace adit;
- Construction of the Tailrace adit portal in preparation for tunnelling;
- Construction of the Headrace Surge shaft pad in preparation for excavation;
- Commencement of construction of the the Talbingo Intake; and
- Commencement of construction of the Tantangara Intake.

Construction of ancillary infrastructure such as construction compounds, access trunnels and adits to support tunnelling activities, accommodation camps at Lobs Hole, Marica and Tantangara, a Logistics site at Rock Forest, road upgrades, water supply and wastewater treatment facilities have also progressed or been completed.

3 Approval conditions compliance table

Reference	Condition	Is the project compliant with this condition?	Evidence/comments
1	<p>The approval holder must undertake the action as described in the NSW approval.</p>	Partially compliant	<p>The action commenced on 25 August 2020 with pre-construction minor works. Construction works commenced on 22 October 2020.</p> <p>During the reporting period of 25 August 2021 and 24 August 2022, the proponent engaged an auditor to undertake an audit within one year of the commencement of construction as required by Schedule 4 Condition 9 of the NSW Approval. This is the third IEA (IEA #3) and covered the NSW Approval, the EPBC Act Approval and the Environmental Protection Licence (EPL). The findings from this audit are referred to in the remainder of the report as a means to demonstrate compliance with the NSW approval.</p> <p>IEA #3 showed that substantive compliance with the NSW approval had been achieved with this report able to be found on the Snowy Hydro website. This has been listed as partially non-compliant as any non-compliances found in IEA #3 trigger a non-compliance with this condition.</p>
2	<p>The approval holder must not clear outside of the construction envelope as identified at <u>Appendix A</u>.</p>	Compliant	<p>The project has implemented procedures as detailed in the Biodiversity Management Plan which has enabled there to be no instances where clearing outside of the boundary occurred.</p> <p>There were two instances where some minor ground disturbance outside the boundary occurred, however no significant impact was caused to flora.</p>

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			<ol style="list-style-type: none"> 1. In August 2021, it was found that a construction material stockpile had eroded causing material to be displaced outside the boundary causing no impact. 2. On 4 February 2022 a grader mistakenly drove outside of the boundary causing no impact.
3	The disturbance area must not exceed 504 hectares (ha).	Compliant	The total area disturbed at the end of the reporting period (August 2022) was 231 ha.
4	The approval holder must submit the report required by condition 13 of the NSW approval to the Department on the same day as the submission to the NSW Government . The report submitted to the Department must include shapefiles of the 'final disturbance area' and the final clearance areas for the entities listed in condition 5.	Not applicable	The condition was not triggered in the reporting period.
5	<p>Terrestrial biodiversity</p> <p>Within the construction envelope, the approval holder must not clear more than:</p> <ul style="list-style-type: none"> (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. 	Compliant	<p>The total area disturbed at August 2021 was:</p> <ul style="list-style-type: none"> (a) 196 ha of native vegetation; (b) 43.67 ha of habitat for the Smoky Mouse; (c) 11.08 ha of habitat of Alpine Tree Frog; (d) 36.98 ha of habitat for the Broad-toothed Rat; (e) 46.31 ha of habitat for the Alpine She-oak Skink; (f) 100.24 ha of habitat for the Eastern Pygmy-possum; (g) 1.50 ha of habitat for the Latham's Snipe; and (h) 0.37 ha of the Alpine Bogs and Fens.

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6	To compensate for direct impacts on protected matters , including the entities listed in condition 5, the approval holder must comply with conditions 12-16 of the NSW approval relating to biodiversity offset payments.	Compliant	Snowy Hydro paid a biodiversity offset payment on 22 October 2021.
7	The approval holder must notify the Department in writing within 10 business days of making a biodiversity offset payment to the NSW National Parks and Wildlife Service. Each notification must state the date of payment and the amount paid.	Non-compliant	Notification of payments was not provided to the Department. Corrective action: Snowy Hydro to provide notification of all payments made to date and ensure this is done for future payments.
8	To minimise impacts on protected matters , the approval holder must comply with conditions 17-19 of the NSW approval relating to biodiversity management.	Partially compliant	Condition 17-19 of the NSW approval have been met with exception of the following minor non-compliance: <ol style="list-style-type: none"> IEA #3 found that the wheel washes as required under Schedule 3 Condition 17(i) of the NSW Approval were not functioning as intended. Action addressed through the IEA process. IEA #3 found that the Spring 2021 weed spraying program had not been undertaken.
9	The Biodiversity Management Plan required under condition 18 of the NSW approval must: <ol style="list-style-type: none"> be consistent with relevant statutory documents; and include provisions to make biodiversity monitoring data (excluding sensitive ecological data) available as part of the monitoring, evaluation and reporting program required by condition 18d of the NSW approval. 	Compliant	(a) The Biodiversity Management Plan was approved on 15 October 2020 by the NSW Department of Planning and Environment (DPE). (b) Provisions to make biodiversity monitoring data available were included in section 6.5 of the Biodiversity Management Plan.

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10	The approval holder must implement the Biodiversity Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the Minister in writing.	Compliant	The Biodiversity plan was approved by DPE on 15 October 2020 and has been implemented since 21 October 2020 when construction commenced.
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.	Compliant	Shapefiles containing all records of threatened species and communities recorded during surveys undertaken as a part of the biodiversity assessment for Snowy 2.0 were provided to the Department on 25 August 2020.
12	Aquatic ecology and biosecurity 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.	Partially compliant	<p>IEA #3 found no non-compliances in relation to condition 20 of the NSW approval.</p> <p>Conditions 21, 22, 23 and 25 were not triggered in the reporting period.</p> <p>IEA #3 found that condition 24 of the NSW approval was not met as the Threatened Fish Management Plan was not submitted within 12 months of the commencement of construction. However, an extension was obtained by the relevant authorities for this matter. Action addressed through the IEA process.</p>
13	To minimise potential impacts of pest fish movement on protected matters , the approval holder must, in addition to conditions 22c and 24d of the NSW approval :	Compliant	<p>Work is underway for conditions 22c and 24d of the NSW approval.</p> <ul style="list-style-type: none"> (a) Investigation commenced on this condition in the reporting period. (b) Both Management Plans are under development and will include these findings. (c) The condition was not triggered in the reporting period.

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	<p>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</p> <p>(c) before undertaking any stocking of insurance populations required by condition 24d of the NSW approval, implement those measures determined under condition 13a to protect tributaries identified as priority receiving sites for the establishment of stocking insurance populations of the Macquarie Perch and Stocky Galaxias.</p>		
14	<p>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.</p> <p>(a) The peer review must be made publicly available on the approval holder's website within 10 business days of finalisation; and</p> <p>(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.</p>	Not applicable	The condition was not triggered in the reporting period.
15	<p>The Biosecurity Risk Management Plan and the Threatened Fish Management Plan must include provisions to make monitoring data (excluding sensitive ecological data) available as part of the monitoring, evaluation and reporting programs required by condition 22d and 24g of the NSW</p>	Not applicable	The condition was not triggered in the reporting period.

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	approval.		
16	The approval holder must implement the Biosecurity Risk Management Plan and Threatened Fish Management Plan approved by the Director-General of the NSW Department of Primary Industries until the end date of this approval, unless otherwise agreed by the Minister in writing.	Not applicable	The condition was not triggered in the reporting period.
17	Water resources To minimise impacts on water resources, the approval holder must comply with conditions 30 - 32 of the NSW approval relating to water management.	Partially compliant	Condition 30 - 32 of the NSW approval have been met with the exception of the following minor non-compliances: 1. IEA #3 found that the Quarterly Environmental Water Reports as required by Schedule 3 Condition 31(c) under the NSW Approval were not uploaded to the website in the required timeframes and a non-compliance was issued. Action addressed through the IEA process.
18	The approval holder must prepare the Water Management Plan required by condition 31 of the NSW approval in consultation with the Department , before it is approved by the NSW Planning Secretary	Compliant	The Water Management Plan includes evidence of consultation with the department in <i>Table 1-4: Consultation undertaken for the WMP in Section 1.9</i> .
19	The Water Management Plan must include provisions to make monitoring data (excluding sensitive ecological data) available as part of the monitoring, evaluation and reporting programs required by condition 31c and 31d of the NSW approval .	Partially compliant	Provisions to make water monitoring data available were included in Appendix A and Appendix B of the Water Management Plan. As above, the IEA #3 found a non-compliance with Schedule 3 Condition 31(c) of the NSW Approval which required these reports to be made available on the website. Action addressed through the IEA process.

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20	The approval holder must implement the Water Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the Minister in writing.	Compliant	The Water Management plan was approved by DPE on 19 October 2020 and has been implemented since 22 October 2020 when construction commenced.
21	Heritage 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.	Compliant	IEA #3 did not find any non-compliances with Schedule 3 Conditions 33-36 of the NSW approval.
22	The approval holder must prepare the Heritage Management Plan required by condition 35 of the NSW approval in consultation with the Department , before it is approved by the NSW Planning Secretary. The Heritage Management Plan must: <ul style="list-style-type: none"> (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. 	Compliant	IEA #3 found that Schedule 3 Condition 35 of the NSW approval was compliant.
23	The approval holder must implement the Heritage Management Plan approved by the NSW Planning Secretary until the end date of this approval, unless otherwise agreed by the Minister in writing.	Compliant	The Heritage Management plan was approved by DPE on 14 August 2020 and has been implemented since 25 August 2020 when the action commenced.
24	Amenity and landscape 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.	Compliant	IEA #3 did not find any non-compliances with Schedule 3 Conditions 4-11 of the NSW approval.

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25	The Rehabilitation Management Plan required by condition 10 of the NSW approval must include provisions to make monitoring data (excluding sensitive ecological data) available as part of the monitoring, evaluation and reporting program required by condition 10k of the NSW approval .	Not applicable	The condition was not triggered in the reporting period.
26	Changes to the NSW approval 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.	Non-compliant	This notification did not happen therefore this is not classified as a non-compliance.
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.	Non-compliant	This notification did not happen therefore this is a non-compliance.
28	Notification of date of commencement of the action 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 .	Compliant	The Department was notified on 27 August 2020 that the action had commenced on 25 August 2020.
29	Compliance records The approval holder must maintain accurate and complete compliance records .	Compliant	Compliance records are maintained by the approval holder and its principal contractor.
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.	Not applicable	The condition was not triggered in the reporting period.

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	<p><i>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.</i></p>		
31	<p>Preparation and publication of plans</p> <p>The approval holder must:</p> <ul style="list-style-type: none"> (a) submit plans required by conditions 18, 22 and 24 of the NSW approval and conditions 18 and 22 of this approval for consultation purposes, electronically to the Department; (b) publish each plan approved by the NSW Planning Secretary or Director-General of NSW Department of Primary Industries on the website within 20 business days of the date the plan is approved, unless otherwise agreed to in writing by the Minister; (c) exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and (d) keep plans published on the website until the end date of this approval, unless otherwise agreed to in writing by the Minister. 	Partially compliant	<p>(a) The Biodiversity Management Plan as required under Schedule 3 Condition 18 of the NSW was submitted to the department on 26 June 2020 for review and comment and further consultation occurred on 28 August 2020 and 11 September 2020.</p> <p>Schedule 3 Condition 22 of the NSW approval was not triggered in the reporting period.</p> <p>The Threatened Fish Management Plan was not submitted within 12 months of the commencement of construction as per Schedule 3 Condition 24. However, an extension was obtained by the relevant authorities for this matter. Action addressed through the IEA process.</p> <p>(b) - (d) The Biodiversity Management Plan is on the Snowy Hydro website and will remain so until the end date of this approval. It does not contain sensitive ecological data.</p>
32	<p>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</p>	Compliant	<p>All data was prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and provided to the Department on 25 August 2020.</p>

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	the Department in accordance with the requirements of the plan.		
33	<p>Annual compliance reporting 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:</p> <ul style="list-style-type: none"> (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. <p>Note: <i>Compliance reports may be published on the Department's website.</i></p>	Partially compliant	<p>This report has been prepared and fulfils this requirement.</p> <p>With respect to the previous reporting period:</p> <ul style="list-style-type: none"> (a) The EPBC Annual Compliance Report was not published on the website within the 60 days from the end of the reporting period which is a non-compliance. (b) As above the link to the website was not provided to the Department. (c) The report from the previous reporting period is on the Snowy Hydro website. (d) The report that was uploaded to the website from the previous reporting period had sensitive ecological data redacted. (e) The original copy of the report was sent to the Department. <p>Corrective action: This report is to be published to the website within 60 days following the relevant 12 month period.</p>

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34	<p>Reporting incidents and non-compliances</p> <p>The approval holder must notify the Department in writing of any incident as soon as practicable after becoming aware of the incident and no later than two business days. The notification must specify:</p> <ul style="list-style-type: none"> (a) a short description of the incident; and (b) the location (including co-ordinates), date, and time of the incident. In the event the exact information cannot be provided, provide the best information available. 	Not applicable	<p>No Incidents of relevance to the Department have occurred. However over this period there has been ongoing and extensive consultation with relevant state government agencies (NSW EPA, NPWS, DPE) about various incidents that have occurred on site.</p>
35	<p>The approval holder must provide to the Department in writing the details of any incident or noncompliance with the conditions or commitments made in plans within 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> (a) any condition that is or may be in breach; (b) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; (c) the potential impacts of the incident or non-compliance on protected matters; and (d) the method and timing of any remedial action that will be undertaken by the approval holder. 	Compliant	<p>IEA #3 report identifies any non-compliances and these are publicly available on the Snowy Hydro website.</p>
36	<p>Independent audit</p> <p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested by the Minister.</p>	Not applicable	<p>No Independent audits have been requested by the Department however given the sensitive nature of the environment that Snowy 2.0 is being constructed within, Snowy Hydro has followed recommendations of the PAR and has commissioned IEA #1 and IEA #2 of the NSW to ensure that compliance objectives are being met.</p> <p>The IEA #3 was undertaken in accordance with Schedule 4 Condition 9 of the NSW Approval which requires an</p>

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			Independent Audit to be carried out “within one year of the commencement of construction.” This IEA covered the NSW Approval, the EPBC Act Approval and the Environmental Protection Licence (EPL).
37	<p>For each independent audit, the approval holder must:</p> <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; and (c) submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Not applicable	As above, No independent audits have been requested by the Department however Snowy Hydro has completed IEA #1 and IEA 2 voluntarily, and has completed IEA #3 as per the NSW Approval requirement.
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.	Not applicable	As above, no Independent audits have been requested by the Department and therefore this requirement is not applicable.
39	<p>Completion of the action Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.</p>	Not applicable	The condition was not triggered in the reporting period.

Table 1: Approval conditions compliance table