

**Notification of approval****Snowy 2.0 Transmission Connection Project, NSW (EPBC 2018/8363)**

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision 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 conditions.

Proposed Action

Person to whom the approval is granted (approval holder)	NSW Electricity Networks Operations Pty Limited
---	---

ACN of approval holder	ACN: 609 169 959
-------------------------------	------------------

Action	To construct and operate new electricity transmission lines and an electricity substation to the west of Talbingo Reservoir, for the purposes of connecting the proposed Snowy 2.0 project to the existing electricity transmission network at Nurenmerenmong, east of Tumbarumba, NSW [See EPBC Act referral 2018/8363].
---------------	---

Approval Decision

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 Provision	Decision
National Heritage values of a national heritage place (section 15B and section 15C)	Approve
Listed threatened species and communities (section 18 and section 18A)	Approve
Listed migratory species (section 20 and section 20A)	Approve

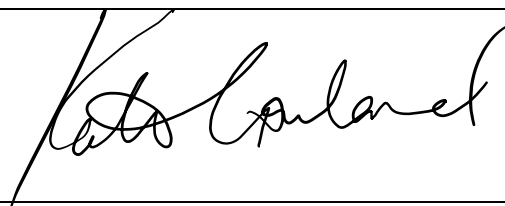
Period for which the approval has effect This approval has effect until 31 December 2140.

Conditions of approval The approval is subject to conditions under the EPBC Act as set out in **Annexure A**.

Person authorised to make decision

Name and Position Kate Gowland
A/g Branch Head
Environment Assessments NSW and ACT Branch

Signature



Date of decision

21/10/2022

ANNEXURE A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

PART A – CONDITIONS SPECIFIC TO THE ACTION

1. To minimise the impacts of the action on **protected matters**, the approval holder must:
 - a. not **clear** more than:
 - i. 1.67 ha of **habitat for Booroolong Frog**; and
 - ii. 118.34 ha of **habitat for Spot-tailed Quoll**; and
 - b. minimise the impacts of the Action on hollow-bearing trees.
2. The approval holder must not **clear** outside the **project area**.
3. To mitigate impacts on **protected matters**, the approval holder must implement conditions B21, B41 and C1 of the **State Infrastructure Approval**, in so far as they relate to monitoring, mitigating and avoiding impacts to **protected matters**.
4. The Biodiversity Management Plan required under condition B21 of the **State Infrastructure Approval** must:
 - a. be consistent with relevant **statutory documents**;
 - b. demonstrate how the approval holder will minimise erosion and control sediment generation;
 - c. demonstrate how the approval holder will take all **reasonable** and feasible measures to prevent any discharge to waters;
 - d. in respect of all watercourses which contain habitat for Booroolong Frog, as indicated by the areas within the yellow polygons designated 'Booroolong Frog' within the designated 'Study area' in the map at Attachment B, specify:
 - i. what and how detailed baseline data on surface water flows and quality will be collected prior to the **commencement of the Action**; and
 - ii. a program to augment data regarding surface water flows and quality data over time;
 - e. specify detailed criteria for determining surface water impacts (in respect of flows, quality and flooding) of the Action on the **Booroolong Frog**, including criteria for triggering remedial action (if necessary);
 - f. specify a monitoring program capable of detecting any specified criteria for triggering remedial action, if they occur; and
 - g. include a description of the measures that will be implemented to minimise the surface water impacts of the Action on the **Booroolong Frog**.
5. The **approval holder** must submit the Biodiversity Management Plan and Environmental Management Strategy required by conditions B21 and C1 of the **State Infrastructure Approval** to the **department** for the **Minister's** approval before they are approved by the NSW Planning Secretary.

6. The approval holder must implement the Biodiversity Management Plan and Environmental Management Strategy approved by the **Minister** until the end date of this approval, unless otherwise agreed by the **Minister** in writing.
7. To offset the impacts of the Action on **protected matters**, the approval holder must implement conditions B18, B19 and B20 of the **State Infrastructure Approval**.
8. 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, the amount paid, and the component of the biodiversity offset obligations in respect of which the payment is made.

SUBMISSION AND PUBLICATION OF PLANS

9. The approval holder must submit all **plans** required by these conditions electronically to the **department**.
10. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within **15 business days** of the date:
 - a. the **plan** is approved by Secretary of the NSW Department of Planning and Environment as required under a state/territory government condition which must be complied with in accordance with these **EPBC Act** conditions.
11. The approval holder must keep all published **plans** required by these conditions on the **website** until the expiry date of this approval.
12. The approval holder is required to exclude or redact **sensitive ecological data** from **plans** published on the **website** or otherwise provided to a member of the public.
13. If **sensitive ecological data** is excluded or redacted from a **plan** in accordance with condition 12, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

PART B – ADMINISTRATIVE CONDITIONS

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

14. The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days of commencement of the Action**.
15. 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 written agreement of the **Minister**.

COMPLIANCE RECORDS

16. The approval holder must maintain accurate and complete **compliance records**.
17. 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 by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

18. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the **department's Guidelines for biological survey and mapped data** (2018), or any subsequent official version or as otherwise specified by the **Minister** in writing.
19. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the **department's Guide to providing maps and boundary data for EPBC Act projects** (2021), or any subsequent official version or as otherwise specified by the **Minister** in writing.
20. The approval holder must submit all **monitoring data** (including **sensitive ecological data**), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 12 months of the **commencement of the Action**.

ANNUAL COMPLIANCE REPORTING

21. The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the **Minister**.
22. Each **compliance report** must be consistent with the **department's Annual Compliance Report Guidelines** (2014), or any subsequent official version.

23. Each **compliance report** must include:

- a. Accurate and complete details of compliance and any **non-compliance** with the conditions and the **plans**, and any **incidents**.
- b. One or more **shapefile** showing all **clearing** of any **protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.
- c. A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each **plan** is being implemented.

24. The approval holder must:

- a. Publish each **compliance report** on the **website** within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.
- b. Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
- c. Provide the weblink for the **compliance report** in the notification to the **department**.
- d. Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
- e. Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
- f. If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

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

REPORTING NON-COMPLIANCE

25. The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential **non-compliance** and/or actual **non-compliance** with the conditions or commitments made in a **plan**.

26. The approval holder must specify in the notification:

- a. Any condition or commitment made in a **plan** which has been or may have been breached.
- b. A short description of the **incident** and/or potential **non-compliance** and/or actual **non-compliance**.
- c. The location (including co-ordinates), date, and time of the **incident** and/or potential **non-compliance** and/or actual **non-compliance**.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

27. The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of any **incident** and/or potential **non-compliance** and/or actual **non-compliance**, the details of that **incident** and/or potential **non-compliance** and/or actual **non-compliance** with the conditions or commitments made in a **plan**. The approval holder must specify:
- a. Any corrective action or investigation which the approval holder has already taken.
 - b. The potential impacts of the **incident** and/or **non-compliance** and/or **non-compliance**.
 - c. The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

28. The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires, unless otherwise specified in writing by the **Minister**.
29. For each **independent audit**, the approval holder must:
- a. Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
 - b. Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
 - c. Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
 - d. Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
 - e. Keep every **audit report** published on the **website** until this approval expires.
30. Each **audit report** must report for the five-year period preceding that audit report.
31. Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the **department's** *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019), or any subsequent official version.

COMPLETION OF THE ACTION

32. The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.
33. Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**.

CHANGES TO STATE INFRASTRUCTURE DEVELOPMENT

34. The approval holder must notify the **department** in writing of any proposed change to the **State Infrastructure Approval** that may relate to **protected matters** within **2 business days** of formally proposing a change and within **5 business days** of becoming aware of any proposed change.
35. The approval holder must notify the **department** in writing of any change to the **State Infrastructure Approval** conditions that may relate to **protected matters**, within **10 business days** of a change to conditions being finalised.

REVISION OF ACTION MANAGEMENT PLANS

36. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
37. The approval holder may choose to revise an action management plan approved by the **Minister** under condition 5 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
38. If the approval holder makes the choice under condition 37 to revise an action management plan without submitting it for approval, the approval holder must:
 - a. Notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
 - i. an electronic copy of the RAMP;
 - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;
 - iii. an explanation of the differences between the approved Action management plan and the RAMP;
 - iv. the reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
 - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least **20 business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.
 - b. Subject to condition 40, implement the RAMP from the RAMP implementation date.
39. The approval holder may revoke its choice to implement a RAMP under condition 37 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 37, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 37.

40. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- a. Condition 37 does not apply, or ceases to apply, in relation to the RAMP.
 - b. The approval holder must implement the action management plan specified by the **Minister** in the notice.
41. At the time of giving the notice under condition 40, the **Minister** may also notify that for a specified period of time, condition 37 does not apply for one or more specified Action management plans.

Note: Conditions 37, 38, 39 and 40 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised Action management plan, at any time, to the **Minister** for approval.

PART C - DEFINITIONS

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

Booroolong Frog means the Booroolong Frog (*Litoria booroolongensis*) listed as Endangered under the EPBC Act at the time of this decision.

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, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commence the Action or Commencement of the Action means the date on which the first instance of any activity associated with the Action (including **clearing** and **construction**) is undertaken. **Commencement of the Action** does not include minor physical disturbance necessary to:

- a. Undertake pre-clearance surveys or monitoring programs.
- b. Install signage and /or temporary fencing to prevent unapproved use of the **project area**.
- c. Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d. Install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on any **protected matter**.

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

Completion of the Action means the date on which all activities associated with this approval have permanently ceased and/or been completed.

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 report means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

Construction 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; any work which involves breaking of the ground (including pile driving) or bulk earthworks; 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.

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

Disturbance area means that area represented in the map at Attachment A designated 'disturbance area'.

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

Habitat for Booroolong Frog means the areas represented in the map at Attachment B by the yellow polygons designated 'Booroolong Frog' that is contained within the red polygon designated 'project area'.

Habitat for Spot-tailed Quoll means all native vegetation within the **project area**.

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

Independent means a person or firm who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the project, the approval holder or the approval holder's staff, representatives or associated persons.

*Other than for the purpose of undertaking the role for which an independent person is required

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), or any subsequent official version.

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

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

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals* (2017), or any subsequent official version.

Non-compliance means an occurrence, set of circumstances or development that is a breach of this approval.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement, being the Biodiversity Management Plan required by conditions 3 and 4, the Environmental Management Strategy required by condition 3 and the Biodiversity Offsets Package required by condition 7.

Project area means that area represented in the map at Attachment A by the red polygon designated 'project area'.

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect, being the Booroolong Frog and Spot-tailed Quoll.

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 *Sensitive Ecological Data – Access and Management Policy V1.0* (2016), or any subsequent official version.

Shapefile(s) means location and attribute information about 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.

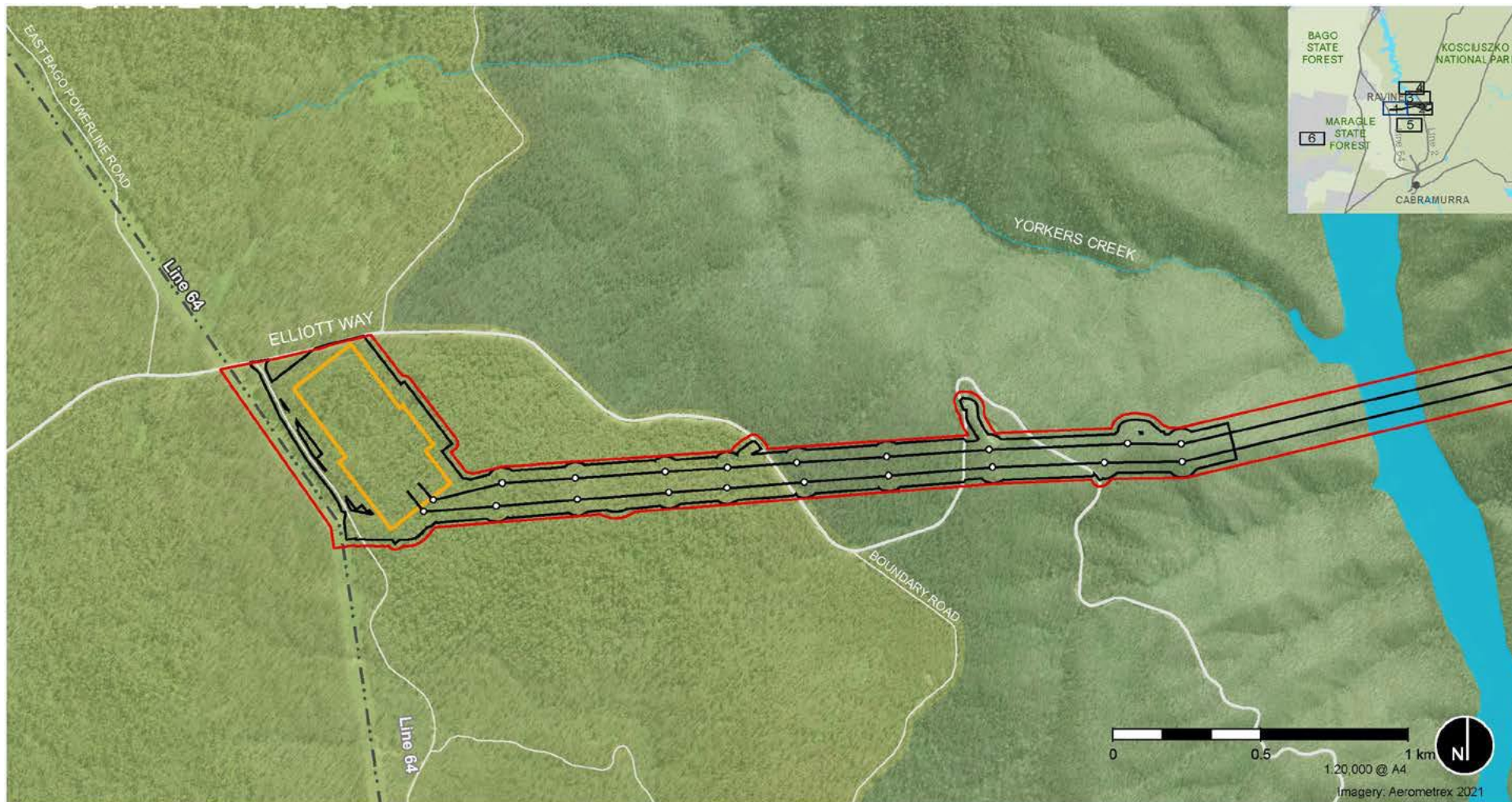
Spot-tailed Quoll means Spot-tailed Quoll –SE mainland population (*Dasyurus maculatus maculatus* – SE mainland population) listed as Endangered under the EPBC Act at the time of this decision.











State Infrastructure Approval means the NSW Government State Significant Infrastructure: Conditions of Approval for Snowy 2.0 Transmission Connection Project, made under Section 5.19 of the *Environmental Planning & Assessment Act 1979*, for application number SSI-9717, dated 2 September 2022.

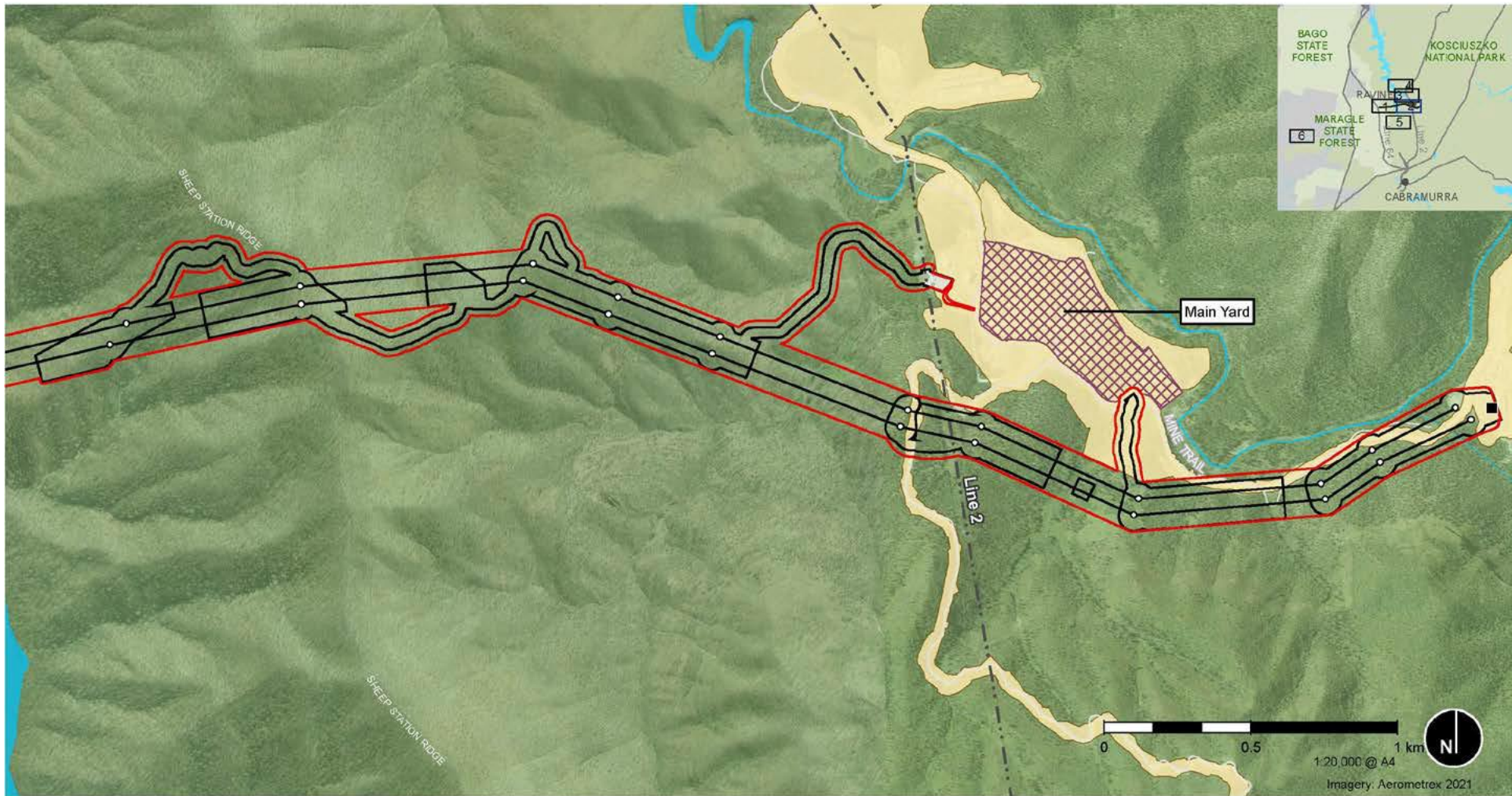
Statutory documents means relevant Conservation Advices, Recovery Plans and Threat Abatement Plans approved by the Australian Government.

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

Attachment A: Project area for Snowy Transmission Connection 2.0 Project

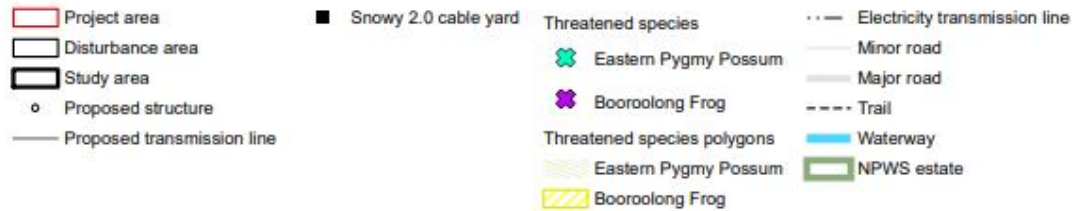
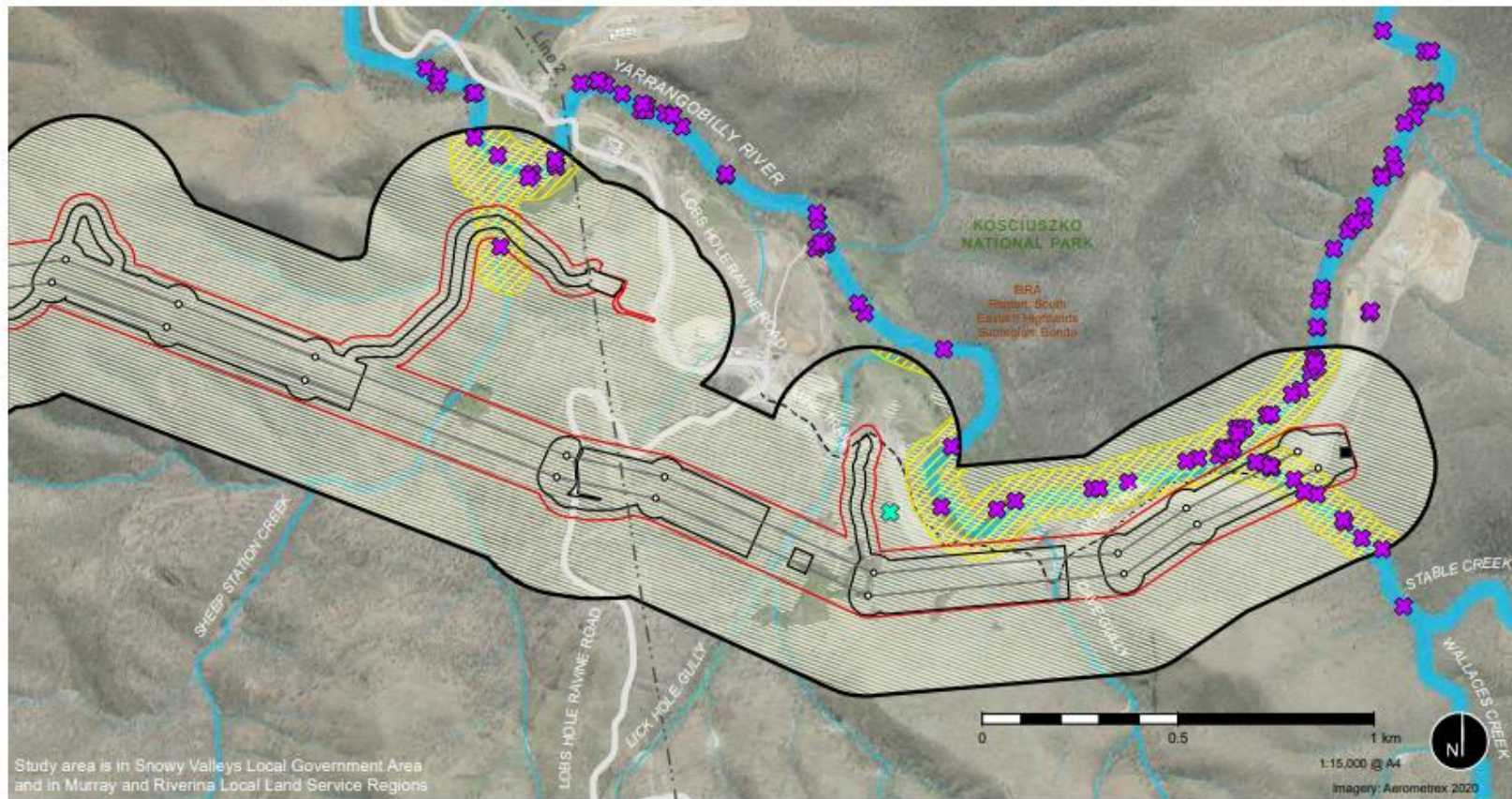


- | | | | |
|---|--|---|--|
|  Project area |  Proposed structure |  Electricity transmission line |  Waterway |
|  Disturbance area |  Proposed transmission line | |  Water body |
|  Proposed 500kV substation | | |  State forest |
| | | |  NPWS estate |



- | | | | | |
|------------------|--|----------------------|-------------------------------|-------------|
| Project area | Proposed structure | Snowy 2.0 cable yard | Electricity transmission line | Waterway |
| Disturbance area | Proposed transmission line | Emplacement area | | Water body |
| | Snowy 2.0 Disturbance footprint | | | NPWS estate |
| | Site compound and equipment laydown area | | | |

Attachment B: Booroolong Frog habitat



Data sources:
 Jacobs 2021, TransGrid 2021, EMM Consulting 2020,
 © Department Finance, Services and Innovation 2018