

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

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| <b>Application type</b>                    | State significant infrastructure modification               |
| <b>Application number and project name</b> | Snowy 2.0 Exploratory Works Modification 1 (SSI 9208 MOD 1) |
| <b>Applicant</b>                           | Snowy Hydro Limited   |
| <b>Approving authority</b>                 | Minister for Planning and Public Spaces                     |

### Decision

The Executive Director, Special Projects has, under s.5.25 of the *Environmental Planning and Assessment Act 1979 (the Act)* approved the modification subject to the recommended conditions.

A copy of the instrument of modification is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/13601>.

A copy of the Planning Secretary's Assessment Report is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/13601>.

### Date of decision

2 December 2019

### Reasons for decision

The following matters were taken into consideration in making this decision:

- The matters listed in the statutory context section of the Department's assessment report, which includes the assessment and recommendations contained in the report;
- all information submitted to the Department during the assessment of the modification application;
- the objects of the EP&A Act;
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting the modification are as follows:

- the modification would allow further geotechnical investigations to be carried out to inform the detailed design of an underground hydro-electric power station that is critical to the State as it would bolster the energy security and reliability of the grid;
- the proposed changes can be characterised as a modification to the existing approval as it would not significantly alter the nature or scale of the approved project;
- the environmental impacts can be effectively managed subject to the implementation of strict conditions. Snowy Hydro will be required to:
  - pay \$2,639,697 to the National Parks and Wildlife Service to fund suitable works to be carried out within Kosciuszko National Park to offset the biodiversity impacts of the modification; and
  - prepare detailed plans for road upgrade works in consultation with the NPWS, and the information generated by the research would be used to improve the public's understanding of these features;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department's assessment report; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 26 June 2019 until 9 July 2019 (14 days) and received 10 submissions, 6 from government agencies, 2 objections from interest groups and 2 objections from the community.

The Department notified each party who made a submission in relation to the original Exploratory Works application and met with one interest group and provided them with additional time to submit supplementary information outside the exhibition period for Snowy Hydro to respond to and for consideration in the Department's assessment.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts to the biodiversity and natural heritage values of the Kosciuszko National Park. Other issues are addressed in detail in the Planning Secretary's Assessment Report.

| <i>Issue</i>  | <i>Consideration</i>   |
|---|--|
| <p>Kosciuszko National Park</p> <ul style="list-style-type: none"> <li>• Additional impacts on biodiversity, geodiversity and amenity of KNP;</li> <li>• Loss of amenity to the Lobs Hole area of KNP; and</li> </ul> | <p>Assessment</p> <ul style="list-style-type: none"> <li>• The modification would result in the additional clearing of an additional 16.2 ha of native vegetation including 10.8 ha of threatened species habitat.</li> <li>• While no TECs are within the disturbance footprint, these impacts should be offset in accordance with the requirements under the current biodiversity offset policy.</li> <li>• The additional excavation to the fossil beds and boulder streams along Lobs Hole Ravine Road and alterations to the road design would result in additional impacts to these geodiversity features.</li> <li>• The substation and transmission tower are located in a remote section of KNP. The Department accepts that these visual impacts are unavoidable, given the need to locate the new substation near the existing transmission line in KNP and the construction portal.</li> </ul> <p>Conditions</p> <ul style="list-style-type: none"> <li>• The Department has recommended that Snowy Hydro be required to pay \$2.6 million to NPWS to offset the additional impacts of the project on the KNP.</li> <li>• The Department has recommended conditions of approval that would ensure a detailed record of the boulder streams before it is affected by the road works is kept, and the information generated by the research would be used to improve the public's understanding of these important natural features within the KNP.</li> <li>• Under the existing conditions, Snowy Hydro would need to remove the substation and associated infrastructure and rehabilitate the land if the Main Works are not approved.</li> </ul> |
| <p>Consultation</p> <ul style="list-style-type: none"> <li>• Short timeframes provided to the community to comment on the modification application.</li> </ul>  | <p>Assessment</p> <ul style="list-style-type: none"> <li>• The Department provided the NPA with additional time to submit supplementary information outside the exhibition period for Snowy Hydro to respond to and for consideration in this assessment.</li> </ul>   |
| <p>Assessment Process</p> <ul style="list-style-type: none"> <li>• Staging the assessment of the Snowy 2.0 and Transmission Project</li> </ul>  | <p>Assessment</p> <ul style="list-style-type: none"> <li>• Planning legislation allows proponents to stage the assessments of complex projects and the Exploratory Works are a stand-alone stage that does not rely on subsequent stages progressing. Subsequent stages of Snowy 2.0 must assess the cumulative impacts of the project.</li> </ul>   |