

**SUBMISSION TO MOD 2 – SNOWY HYDRO CSSI-9687**

**DATE:** 19/09/2023  
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## 1 INTRODUCTION

Snowy Monaro Community Advocates(SMCA) is a Cooma based Face Book Group with over 800 members, some posts regarding Snowy 2.0 enjoy views of 15k. SMCA share an interest in ensuring the best possible environmental outcomes for our Kosciuszko National Park, an asset of the people of NSW.

The Australian public have lost trust in Government via Snowy 2.0 as a consequence of massive cost blow-outs, shocking environmental impacts and what is now apparent the false, misleading or deceptive statements by previous Prime Minister's. E.G. \$2B 4 year build.

We appreciate we now have a new Government, and Snowy Hydro has a new COE, the recent \$12B "Reset" has shocked the nation. However, in light of a "reset" MOD-2 would appear an opportunity for Labor and Snowy Hydro's new CEO, to add action to the words "reset", "transparency" & "accountability".

Under the previous Government the Snowy 2.0 Project had progressed under a veil of false, misleading or deceptive information. As a direct consequence the Australian public are no longer in support of the project. The \$12B "Project Restart" provides an opportunity via the MOD-2 application to win back this lost public trust through action and not merely words.

## 2 BACKGROUND

Kosciuszko is one of Australia's most recognised and valued national parks.

Tunnel Boring Machine (TBM) Florence specifies a tunnelling speed of between 30m to 50m per day. Commencing in March 2022, and using its slowest speed, Florence should have travelled 19kl completing its 17kl headrace tunnel task. However the TBM has been 'paused' at 150m for eighteen months. Reports about "Florence's" progress has been false, misleading and deceptive. The public accepts problems are normal, however the continued use of false, misleading and deceptive information ultimately destroys public trust as is the case with the Snowy 2.0 project, now commonly termed the biggest of White Elephants and an embarrassment internationally.

Kosciuszko National Park is a world recognised protected natural reserve. Under the objects of the legislation KNP was created to conserve nature, places and landforms, while fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation applying the principles of ecologically sustainable development. We note the absence from the board of Snowy Hydro of any member with qualified environmental expertise, and a lack of a highly experienced environmentalist engaged by the Snowy Hydro to ensure environmental impacts are avoided.

The NSW Government, on behalf of the people of NSW has generously made no request of Snowy Hydro for financial compensation for any damage to KNP(an asset of the people of NSW) during the construction and operation of Snowy 2.0. Under normal circumstances one would consider this generosity would be reciprocated by Snowy Hydro in turn paying whatever is required to comply with Condition 1 of the CSSI-9687 consent; to prevent, eliminate or minimise any environmental damage to KNP.

Unfortunately this has not proven the case, and where Snowy Hydro could prevent or minimise damage, they have chosen otherwise sighting cost as its primary reason. E.G:-

- Placing Transmission lines underground
- Preventing the transfer of noxious pests and pathogens from Talbingo across the pristine waters of KNP.

The Labor Government did not win the last election. The Australian people had lost trust in the former Government thru their handling of matters including snow 2.0 and they were voted out. The only mandate given by the Australian people to the incoming Labor Government was to restore the "public trust". This approvals process is an opportunity to do so.

Before the NSW Government can deal with this MOD-2 application for modification, we evoke the concept of "Restart" and request the following matters to be addressed.

### 3 DISTURBANCE AREA

#### and Areas To Be Cleared Of Native Vegetation:

##### Mod 2. Application:

"The disturbance footprint for MOD 2 is 6,294 m<sup>2</sup> or 0.63 ha rounded up. Accordingly, as part of MOD2, it is proposed to increase the maximum disturbance footprint of Snowy 2.0 from 630 ha to 630.63 ha. However, it is not proposed to increase the area of native vegetation allowed to be cleared for Snowy 2.0. This is because less native vegetation will be required to be cleared for the Main Works project compared to that area approved to be cleared."

- i. The MOD 2 seeks modification of CSSI-9687 and states it will not exceed the consent provided for clearing. Application therefore requires a determination be provided of the actual "disturbance area", and the actual "area to be cleared of native vegetation" under CSSI-9687. Note: 'native vegetation' includes grasses, moss, leaf matter etc.

**REASON:** In the absence of this information the consent authority cannot determine if the Applicant is within the conditions of the current consents.

- ii. There is a significant anomaly in the approved areas to be disturbed and or cleared between the State Consent(CSSI-9687) dated 20/05/2020, and the Commonwealth Consent Snowy 2.0 Main Works EPBC 2018/832 dated 20/06/2020.

	<u>DISTURBED</u>	<u>CLEARED</u>
STATE:	630ha	532ha
COMMONWEALTH:	504ha	425ha

In relation to State Exploratory Works and Main Works Approval's: The NSW Consent states at Condition 3: *"If there is any inconsistency between the Exploratory Consent and the Main Works Consent, the most recent document will prevail to the extent of the inconsistency. However, the conditions of this approval must prevail to the extent of any inconsistency"*

Before further work is carried out the EPBC Consent must be considered in line with works undertaken to ensure there are no breaches, and if in order amended to reflect the CSSI areas.

**REASON:**

- a) The Applicant cannot be permitted to undertake works without the proper consent to do so.
- b) To determine if the applicant has conducted any works without the required EPBC Consent.

- iii. Disturbance areas include all areas 'directly impacted'. MOD 2 seeks to modify the Main work's Consent CSSI-9687 by increasing the disturbance area from 630 hectares to 630.63ha.

CSSI-9687, failed to identify all areas to be the subject of 'direct disturbance'. CSSI-9687 is for the construction and on-going operation of the Snowy 2.0 Project(life 100 years).

During the operation of Snowy 2.0 it will have "direct disturbance":

Tantangara Dam(2,117.7ha):

- Introduction of noxious fish and pathogens
- Levels impacted by extreme changes

Talbingo Dam(1,935.5ha):

- Levels impacted by extreme changes.

The Commonwealth and State's Consents will need to be amended by further application to include consent to the total area to be disturbed.

**REASON:** To provide the required consents to enable the Project to legally continue and to provide the public with transparent certainty.

## 4 CUMULATIVE IMPACTS

The Applicant has not considered the cumulative impacts of this project.

(b) ***Project Blue Sky Inc v Australian Broadcasting Authority*** (1998) 194 CLR 355; [1998] HCA 28 at [69], [78]. As stated by the High Court in *SZTAL v Minister for Immigration and Border Protection* (2017) 262 CLR 362; [2017] HCA 34 at [14]:

*“The starting point for the ascertainment of the meaning of a statutory provision is the text of the statute whilst, at the same time, regard is had to its context and purpose. Context should be regarded at this first stage not at some later stage”*

### c. Interpretations Act:

#### **33 - Regard to be had to purposes or objects of Acts and statutory rules**

*“In the interpretation of a provision, act, or statutory rule that would promote the purpose or object underlying the act or statutory rule (whether or not that purpose or object is expressly stated in the Act or statutory rule or, in the case of a statutory rule, in the Act under which the rule was made) shall be preferred to a construction that would not promote that purpose or object”*

In light of legislative and Court rulings any consideration of a modification to any existing Consent may be assessed in context and purpose of all related impacts. The Applicant is required to undertake a review of the cumulative impacts by the Snowy 2.0 project, including but not limited to:

The original Snowy Mountains Scheme  
The Exploratory Works  
The Main Works  
Transmission connect  
Segment Factory  
Roads  
Etc etc

### **REASON:**

1. Errors in the disturbance area and EPBC consent as per Point 3 above, will need to be taken into account.
2. Transparency of the true impacts of the Snowy 2.0 Project on KNP.
3. Restore public trust.

## 5 CONDITIONS OF EXISTING CONSENTS

**Consent conditions contained in CSSI-9687.**

**Consent conditions contained in EPBC 2018/832.**

CSSI-9687 - There is an Obligation at Condition 1 of the NSW State Consent CSSI-9687 -To prevent or minimise Harm To The Environment:

*“In meeting the conditions of this approval, the Proponent must implement all feasible and reasonable measures to prevent, and if prevention is not feasible or reasonable, minimise any material harm to the environment that may result from the construction, operation, decommissioning or rehabilitation of the development.”*

MOD-2 seeks to modify CSSI-9687, the Consent authority, prior to issuing any consent approval to MOD-2 must consider a review of the terms and conditions of the in-force consents and evidence to the Australian public Snowy Hydro’s compliance. This review should be considered prior to the issue of an approval for further works.

**REASON:** to ensure further works cannot be undertaken by a non-compliant Applicant.

### 5.1 ‘ANNEXURE - A’ Summary of outstanding consent conditions

### 5.2 ‘ANNEXURE – B’ NSW Biosecurity Act outstanding requirements

## 6 BDAR

The BDAR fails to address EBPC Act Requirements as it incorrectly assumes the EPBC Consent is for the clearing of 532ha. The EPBC grants clearing consent to 425ha only.

The Applicant is required to evidence the total area to be cleared, and the MOD-2 area in relationship to the this.

The buffer zone is inside any perimeter, the application suggests in is in addition to. Please clarify with the applicant and the public.

The applicant is required to address these concerns at the same time as meeting the requirements outlined at Point (3) Disturbance Area.

### **REASON:**

- i) To ensure the application is within the constraints of the consents.
- ii) To ensure the application does not exceed the consent area.
- iii) To provide the public transparency and clarity.
- iv) To restore 'public trust'.



## 7 WHY FLORENCE HAS ONLY TRAVELLED 150m IN 18 MONTHS

### 7.1 Geological Reports

The issue causing the stoppage of TBM Florence for 18 months at Tantangara after travelling only 150m, was unknown prior to commencing tunnelling. The reports undertaken since evidences had they been undertaken prior to commencement, the stoppage issue would have been 'known' and could have been prevented or managed in a timely manner.

The oldest geological report supplied, and the most recent prior to tunnelling commenced in March 2022 is dated 07/02/2022 (N:\AU\Sydney\Projects\21\12521697\WP\21-12521697-GT-REP-0001-2 Geotechnical Factual Report.docx) There is no map of where boreholes and testing have been undertaken.

The Feb 2022 report indicates coring to be the single best tool in identifying issues that may be encountered. However the Feb 2022 Report indicates little core sampling was undertaken over the path of the headrace tunnel and none at Tantangara at the location of the TBM 18-month stoppage. This is the single largest contributing factor to the stoppage at Tantangara.

The current geological reports 2023 offer no certainty: *"several weak or major fault affected zones will be crossed by the alignment. Some of them are known...", "The nature of these blocks is not clear", "Presence of a void in the path of the tunnel alignment represent a risk for TBM advance"..... "TBMs can effectively manage karstic conditions if the situation is identified at an early stage of the project and appropriate controls implemented." "TBM operations commenced at Tantangara Adit portal. Ground conditions encountered at CH 633 (sink hole area) does not reflect the predicted geological setting outlined in the Geotechnical Baseline Report"*

The MO-2 Application identifies a geological cause for the stoppage at Tantangara, it falls short of identifying project management as the root cause. In light of the warnings and risks of what is yet to come, if it were geology alone that caused the 18-month stoppage you would stop now. Therefore it can be assumed it is a lack proper exploration, project management and the absence of accurate geological knowledge that caused a 18-month stoppage.

While the application provides the detail to address the current stoppage it fails to provide the required detail to satisfy condition 1 of the CSSI-9687: *"In meeting the conditions of this approval, the Proponent must implement all feasible and reasonable measures to prevent, and if prevention is not feasible or reasonable, minimise any material harm to the environment that may result from the construction, operation, decommissioning or rehabilitation of the development"*

Had geological testing from the cutting head alone been adequate this 18-month stoppage would not have occurred. The solution has been found via above ground boring and testing. However the application indicates it will rely primarily on underground geological testing from the TBM head.

The Applicant should be required to provide a program including geological testing well in advance of the TBM travel to prevent any further environment damage. The applicant should consider and provide details of any other permits consents etc required to undertake said program.

**REASON:** To comply with Condition 1 of the current CSSI-9687 Consent and ensure compliance with any other Legislative requirements.

**Reference to additional geological report(not part of the Application):**

[https://www.researchgate.net/publication/351624288\\_Development\\_of\\_the\\_Geotechnical\\_Baseline\\_Report\\_for\\_the\\_Snowy\\_20\\_pumped\\_storage\\_project?enrichId=rgreq-6cc880a279f0fed10c7f5099cd3e52f3-](https://www.researchgate.net/publication/351624288_Development_of_the_Geotechnical_Baseline_Report_for_the_Snowy_20_pumped_storage_project?enrichId=rgreq-6cc880a279f0fed10c7f5099cd3e52f3-)

This geological report identifies the ‘headrace’ geology through which the TBM must travel contains many extremely difficult project risks; these are categorized as ‘known’ and ‘unknown’. In regard to ‘known’ risks they were part of the fixed price contract; however, any ‘unknown’ risks were a risk-share component, with the Australian people. (This is not publicly known, but transparency required it should have been)

This arrangement didn’t precipitate any enthusiasm to undertake the required testing and knowledge to eliminate ‘unknown’ risks. (as exemplified by this 18-month stoppage at Tintangara). The applicant and the Government is required to ensure the approvals process provides a robust documented process that will prevent any further environmental impacts.

A similar level of geological testing to that undertaken in 2023 at the Tintangara cave-in, must be undertaken across the length of the headrace tunnel to ensure compliance with Condition 1 of the CSSI 9687.

**REASON:**

- i. Time is money,
- ii. The Australian people will no longer tolerate a succession of stoppages the result of poor project management.
- iii. The experience of the 18-month Tintangara stoppage demands the required information and well in advance.
- iv. There is insufficient geological data available to provide any assurance the head race tunnel can proceed without encountering further environmental damage.
- iv. Public trust in governance

## 7.2 Asbestos

*“TBM Florence will excavate Tintangara Adit and the Headrace Tunnel. Currently TBM Florence is operating in ‘open mode’. This configuration can be subject to challenges when facing unconsolidated ground conditions. However, TBM Florence can be modified to slurry mode to change the excavation methodology, depending on the geological conditions.”*

The Reports identify the presence of naturally occurring asbestos and the requirement to be in “slurry mode” at these times. In the absence of adequate testing it cannot be ruled out that the TBM wont strike asbestos “pockets” outside of these areas.

In regard to asbestos pockets, the application does not demonstrate how the Applicant will comply with the NSW Work Health and Safety Act. One option may be to keep the TBM in ‘slurry more’ for the duration of the headrace tunnel.

**REASON:**

- i. To prevent workers exposure to asbestos dust
- ii. To minimise environmental damage (Slurry mode eliminates issues in difficult ground)

## 7.3 Impacts To Watercourses

The headrace TBM will tunnel under 4 streams. In order from Tintangara:

- Nungar Creek
- Tintangara Creek
- Gooandra Creek
- Eucumbene River

Section 6, Part 2 of the Environmental Impact Statement (EIS) for the Snowy 2.0 Main Works development application states: *The groundwater model predicted impacts to creek and river baseflow would develop over time, with the greatest impacts to baseflow predicted to occur post-construction.*

Baseflow impacts to Gooandra Creek **conservatively** predicted to **decline by 28.8%**. And, Baseflow impacts to Eucumbene River **conservatively** predicted to **decline by 12.5%**.

The EIS remains silent on any impacts to Nungar Creek and Tantangara Creek. However it must be assumed they too will be impacted. These streams are the first to be encountered and will remain closet in distance to the Headrace tunnel below. NOTE: Nungar Valley is littered with natural water filled sinkholes, indicating subterranean limestone cave-ins may be present. This geology is what caused the 18-month stoppage at Tantangara.

The application should include a report on any impacts to Nungar Creek and Tantangara Creek together with a review of the reported impacts to Gooandra and Creek and the Eucumbene River. The applicant should be required to provide details of contingency options should the TMB create unforeseen damage to these streams, and their surrounding ground water and aquifers.

**REASON:**

- i. Identify risks
- ii) Minimise costs and stoppages to the Project and prevent reputational damage.
- iii) Prevent environmental damage
- iv. Restore public trust

## 8 CONCLUSION

The geological difficulty of the project and the pressure to rein in costs has produced an environment that is short on advanced planning and proper consideration to the prevention environmental damage.

What makes this project unique is its location in Kosciuszko National Park and the challenges in meeting the environmental protections demanded of a highly valued and protected project location.

Before this project could start much work was done Politically, including State buy outs, and a pathway through NSW State Legislation. But public perception indicates the projects green light has turned red, and the project has all the hallmarks of a bad decision. The difference between a bad decision and a good decision, is usually not the decision. Rather it's what you do after you have made your decision that eventually makes it right or wrong.

This project has been run in the absence of a Sir William Hudson(Snowy 1) role, and decisions are being turned into bad because the original decision makers have not followed through and made it a good decision. Running from one problem to the next, throwing more and more money at the problems is not a good look nor does it provide competent governance or public trust.

This project will be a mill stone until Government steps up and lifts the bar. If 'public trust' is to be restored there must be transparency and proper follow through. The project won't survive one more fart from what is now regarded by the public as our biggest White Elephant.

The project deserves a "restart" but any honest "restart" requires the Government to undertake an independent review. The public deserves one, and both the current and former Governments have earned one!

## 9 ANNEXURES

### 9.1 ANNEXURE A

#### NSW BIOSECURITY ACT

1. The Snowy 2.0 Project is being undertaken by Snowy Hydro within the NSW Kosciuszko National Park. Snowy 2.0 will connect two existing Reservoirs by 27kl's of tunnel, and transfer water in both directions creating electrical power and storage. Snowy Hydro is a Commonwealth owned company under the control of the Federal Government of the day via its Minister for Energy. The NSW Biosecurity Act applies to CSSI Status Projects.
2. Shortly after Snowy 2.0 was announced in 2017 by the previous Government, it became known the Talbingo Reservoir hosted noxious fish and pathogens, and Tantangara Reservoir did not. During the "operation" of Snowy 2.0, the project will transfer these noxious pets and pathogens from Talbingo to Tantangara Reservoir. This open transfer is a "prohibited act" under the NSW Biosecurity Act.
3. This was flagged in an internal meeting note : *"The risks of fish transfer has been discussed with DPI Fisheries since the announcement of the project as **the matter is a threshold issue for whether the development proceeds or not.**" (ANNEXURE A)*
4. In September 2019 Snowy Hydro placed on public exhibition the Projects Environmental Impact Statement. The EIS acknowledged the transfer issue and identified the project will require a s.402 exemption from the NSW Biosecurity Act if it were to proceed.
5. Post the EIS's exhibition, in an internal email on October 29, 2019, the Department of Primary Industries(Biosecurity Act) was critical that Snowy Hydro had not considered all options to "prevent" and eliminate transfer. (ANNEXURE B)
6. On 23/03/2020 Minister Marshall made it clear on an internal memo, in regard a s.402 exemption being issued: *"No exception granted ,MUST comply"(ANNEXURE C)*
7. On the 19/05/2020 the Planning Assessment Report was handed to the Planning Minister. This document is a statutory requirement for the NSW Planning process, required to be considered by the Planning Minister prior to issuing the Minister's consent. This Report states:  
*"Failure to comply with these requirements is an offence under the Act unless the relevant authorisations are obtained under the Act. Under the legislation, these authorisations can be granted by issuing a permit under Part 21 of the Act, exempting a person from the operation of all or part of the Act under Section 402 of the Act....Although the assessment of this request is not formally integrated into the CSSI assessment under the EP&A Act, NSW DPI's decision on whether to grant an authorisation for the project under the biosecurity legislation is a determinative issue for the project. **To put it simply: without some form of authorisation, the project cannot proceed."***


The Planning Minister issued the Consent the next day 20/05/2020, without a s.402 exemption. One has not issued since.

8. In response to a letter dated 05/02/2020, the Minister for DPI, (Minister Adam Marshall, responsible for the Biosecurity Act) writes on 07/08/2020(3 months after the Consent is issued): ***“NO EXEMPTIONS TO THE BIOSECURITY ACT 2015 HAVE BEEN GRANTED, ....SNOWY HYDRO WILL BE REQUIRED TO COMPLY WITH THEIR DUTIES” (ANNEXURE D)***
9. At the time the Snowy 2.0 consent issued Snowy Hydro did NOT have the required s.402 exemption required to “operate” Snowy 2.0 and could not have had any certainty one will ever be issued. According to the previous DPI Minister Hon Adam Marshall M.P. no exemption will be granted.
10. Snowy Hydro had full knowledge they did not have, and may never obtain, the required s.402 Exemption under the Biosecurity Act to openly transfer noxious fish and pathogens from Talbingo Reservoir to Tantangara Reservoir. Consequently Snowy Hydro knowingly proceeded in earnest to construct Snowy 2.0 incurring significant costs to the Australian people with no certainty Snowy 2.0 can ever be permitted to operate.
11. The Main Works Environmental Impact Statement contains ANNEXURE N outlining possible means to prevent the transfer from Talbingo. This is the preferred option by the NSW DPI. In regard to the ‘Annexure N’ options, DPI and Minister Marshall requested Snowy Hydro continue to consider how the transfer may be prevented at Talbingo and requested a world of search of best practice be undertaken.
12. In a meeting with new CEO Dennis Barnes in July 2023, he acknowledge Snowy Hydro has not given any further consideration to this request(11). Nor to any means of eliminating or minimising noxious pests and pathogens at their source Talbingo Reservoir. Talbingo is under the control and management of Snowy Hydro.
13. The waters of Talbingo feed the 1<sup>st</sup> Snowy Mountains Scheme ‘pumped hydro’ between Talbingo and Jounama Dam. There has been no attempt to establish if this pumped hydro system is the cause of or has contributed to the presence of noxious pests and pathogens in the waters of Talbingo.
14. The headrace tunnel will connect to carry waters between Talbingo and Tantangara. MOD-2 should also provide an opportunity to consider this significant Biosecurity risk with a capacity to prevent the operation of Snowy 2.0.
15. At the time the Biosecurity issue was first considered the \$600M cost to prevent transfer was considered unreasonable on a total project cost of \$2B. Costs have now risen to \$12B and it is accepted the \$10B to connect Snowy 2.0 to the grid was secretly omitted from the \$2B budget estimate(Project cost \$22M). This makes \$600M a very small price to pay on top of \$22B to ensure compliance with the NSW Biosecurity Act and to protect the KNP.
16. Any cost to minimise transfer from Tantangara(screens etc) would further discount the cost to prevent the transfer in the first place.
- 17.

## ANNEXURE A

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# Resolving fish transfer matters

Record #28

- Snowy 2.0 has been declared by NSW as critical State significant infrastructure as it will be vital in the NEM's transition to renewables, to decarbonising the State's economy and to creating jobs for the Snowy mountains region
- The risks of fish transfer has been discussed with DPI Fisheries since the announcement of the project as the matter is a threshold issue for whether the development proceeds or not.
- Snowy Hydro has proposed significant mitigation measures to mitigate direct impacts within the project area and to ensure that the risk of any future impacts beyond the project area are very low.
- Whilst DPI raised a number of issues late last year with our original EIS we have responded in great detail to all of the concerns raised. We have had no direct formal feedback on any of this material from DPI Fisheries until seeing the draft conditions through the Planning process
- We now provide clear reasoning that the draft conditions proposed by DPI Fisheries are unreasonable, unjustified and disproportionate to the assessed impacts of the project
- We must also urgently see the form and content of the relevant biosecurity order or permit in order to ensure that it meets the needs of the project.

Department of Regional NSW  
Records released under GIPAA  
1281

snowyhydro



Department of  
Primary Industries

Record #19A

V19/3911

## Memorandum

To	Bruce Christie
From	Melissa Walker
Date	29 October 2019
Subject	<b>Preliminary comment to</b> <small>Close 199</small> <b>, Aquatic</b> <b>Biosecurity considerations of SH2.0 – for comment/information</b>

### Biosecurity Act 2015 – request for exemption

NSW DPI preliminary comment regarding this request is that it is premature to consider whether an exemption, permit, or other tool could be applied to allow Snowy Hydro to be in breach of the Act. This is on the basis of DPIs intention to request a more detailed response from Snowy Hydro on further biosecurity considerations including what they see as the biosecurity risks and how they propose to prevent, mitigate, manage or control these risks.

Further consideration of the request for exemption will be given following a more detailed response from Snowy Hydro regarding the biosecurity risk mitigations and measures to minimise the risk of transfer of the notifiable matter (Redfin perch, EHN Virus).

### Redfin perch – risk mitigation measures

1. NSW DPI considers nil mitigation measures for the piping/infrastructure intake at Talbingo Reservoir as not an appropriate level of risk minimisation as required in the Biosecurity Act 2015 - 'as far as reasonably practicable'.
2. THA Aquatic reports that three engineering solutions should be considered further. NSW DPI further review of this report is likely to identify others that have been ruled out, that should also be considered further.
3. NSW DPI recommends that SH2.0 demonstrate how they've consulted with the range of screening manufacturers further to explore, consider, engineer a solution that could be reasonably practicable and feasible to reduce the risk of redfin perch being entrained
4. NSW DPI requests evidence and documentation what further consideration SH2.0 has made into these measures
5. If Snowy Hydro 2.0 have not explored these options further, NSW DPI encourages SH2.0 to do so, using a workshop and collaborative approach with manufacturers to discuss potential engineering solutions, noting that the technical advancements in this type of screening are likely to have improved since the THA Aquatic report was commissioned.





Planning,  
Industry &  
Environment

Minister Marshall

## Briefing – information

<b>Topic</b>	Potential biosecurity threats from the nationally significant Snowy Hydro 2.0 project.
<b>Critical date</b>	The NSW government is expected to make a decision on the proposal by March 2020.
<b>Analysis</b>	The project activities are likely to involve dealings with notifiable matter listed in NSW biosecurity legislation, including the pest fish Redfin Perch. NSW DPI has requested additional information to be able to provide further advice to project proponents Snowy Hydro Limited on mitigating measures to ensure the project will meet legislative obligations under the <i>Biosecurity Act 2015</i> .

## Recommendation

That the Minister notes that DPI is currently awaiting further advice from Snowy Hydro Ltd regarding details of measures and efforts to reduce the risk of spread of aquatic pest and disease species listed as notifiable under the NSW Biosecurity Regulation 2017 (Redfin perch and Epizootic haematopoietic necrosis virus (EHNV)).

Comments:

Checked by DLO:

Policy:

Minister:

Date: 23/3/2020

## Key reasons

The NSW Department of Primary Industries (NSW DPI) has been providing advice in relation to potential aquatic biosecurity threats associated with the Snowy Hydro 2.0 Main Works project (the Project).

An Environmental Impact Statement (EIS) for the Project was released for public comment and government review in September 2019. The public consultation period ended in November 2019. NSW DPI is continuing its consideration of the Project and EIS through ongoing collaboration with the Department of Planning through to March 2020, when a NSW Government decision is expected on the Project.

NSW DPIs review of the EIS has identified several gaps in the provision of information and evidence to support the biosecurity risk management measures proposed for the Project. As additional information had not been received from Snowy Hydro Ltd following verbal requests at meetings, formal correspondence was sent including a request for additional details on 15 January 2020 (BN19/8307 refers). Upon receipt of the additional information requested from Snowy Hydro Ltd, NSW DPI will continue its consideration of the Snowy Hydro 2.0 Main Works project and EIS.

The Project presents the risk of spread of aquatic pest and disease species listed as notifiable under the NSW Biosecurity Regulation 2017 (Redfin perch and Epizootic haematopoietic necrosis virus (EHNV)). Spread of Redfin Perch can increase pressure on

**References:**

BN19/5101  
B20/802

**Division/Branch:**

DPI/BFS

Clauses 3 (a) and (b)

1

Department of Regional NSW - Records released under GIPAA - 20 - 1261

**ANNEXURE D**



**The Hon. Adam Marshall MP**  
Minister for Agriculture  
Minister for Western New South Wales

OM20/3693  
Your Ref: GFF

Mrs Helen Dalton MP  
Member for Murray  
104 -110 Banna Avenue  
GRIFFITH NSW 2680  
[murray@parliament.nsw.gov.au](mailto:murray@parliament.nsw.gov.au)

Dear Mrs Dalton

I refer to your letter of 8 May 2020 to the Hon Matt Kean MP, Minister for Energy and Environment, concerning the Snowy 2.0 Main Works project and the impact on fisheries. Your letter has been referred to me as the issues raised regarding fisheries fall within my area of responsibility.

The Snowy 2.0 Main Works project is of national and critical state significance, and will link the two existing Snowy Scheme reservoirs, Tantangara and Talbingo, through underground tunnels and an underground power station with pumping capabilities.

No exemptions to the *Biosecurity Act 2015* nor the *Fisheries Management Act 1994* (NSW) have been granted. DPI is not the consent authority for this project. Snowy Hydro will be required to comply with their duties under both these Acts.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Adam Marshall'.

Adam Marshall  
MINISTER

7 AUG 2020

### Snowy 2.0 Main Works

#### Non-Compliance with Conditions of Approval

##### EXECUTIVE SUMMARY

Snowy 2.0 is a massive project spread over four major construction sites across thirty-five kilometres of Kosciuszko National Park. The environmental impacts on a national park are unprecedented.

The project was approved by the NSW and Commonwealth Governments in 2020 subject to supposedly 'strict' environmental Conditions of Approval (CoA).

Over the ensuing three years it is evident that Snowy Hydro has failed to comply with many of the one hundred and twenty-five CoA and that monitoring of environmental performance has been inadequate. Nine of fifteen Management Plans required by the CoA are overdue, by up to 30 months. No progress has been made on critical biosecurity and threatened fish Management Plans.

Independent environmental audits (IEA) are required every six months, but the latest two are overdue by nine and three months, respectively.

The last IEA, covering the period July 2021 to January 2022, revealed increasing non-compliances, with many outstanding from the previous audit. Criticisms include:

- *failure to adequately address and close out previous IEA findings / corrective actions*
- *biodiversity – weeds control, weeds hygiene processes, feral animal control*
- *chemicals management*
- *provision of audit evidence by Future Generation Joint Venture (FGJV) was problematic. During the audit, the availability of appropriate management and staff was less than anticipated and clarifications and further evidence requested from the contractor were not provided in a timely manner*
- *public reporting of environmental performance and monitoring outcomes continued to be an issue*
- *the Annual Compliance Report required by the Commonwealth EPBC Approval had not been prepared or submitted*
- *publication of the Environment Protection Licence monitoring data was significantly overdue*
- *evidence was not provided to demonstrate that the program to monitor and publicly report on the surface water impacts of the development had been implemented*
- *the FGJV corrective action process is not effective to adequately address and satisfactorily close non-compliances and observations raised in the IEAs*
- *limited evidence to demonstrate that the processes described within the Environmental Management System were implemented to address and prevent recurrence of non-compliances and observations raised in the last two audits*
- *the majority of actions assigned to FGJV have not been closed*

It is clear that the CoA are not being complied with and that the environmental performance of Snowy Hydro and its contractor (Future Generation Joint Venture) is unacceptable and declining, as evidenced by the recent fines imposed for pollution of two kilometres of Yarrangobilly River.

A project of this magnitude, with 2,000 workers in such an environmentally sensitive location, requires rigorous scrutiny by a full-time team, especially given the abject performance to date.

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### Information Sources

The [Planning Portal for the NSW Department of Planning](#) (DPIE) provides information on the approval process for Snowy 2.0 and the conditions of approval. It also provides post approval documents and compliance inspection dates.

The [Snowy 2.0 Documents website](#) provides links to environmental and planning documents, regulatory authority approvals, management plans, audits, and monitoring reports.

The [Future Generation Joint Venture website](#) also provides links to approved management plans.

## 1 'Strict' environmental conditions imposed

### 1.1 NSW conditions

The NSW Minister for Planning and Public Spaces, Hon Rob Stokes MP, granted [approval of the Snowy 2.0 Main Works](#) on 20 May 2020 under the *Environmental Planning and Assessment Act*, subject to eighty six conditions covering:

- administrative conditions (13)
- specific environmental conditions (61)
- environmental management, reporting and auditing (12)

The [joint announcement](#) by Minister Stokes and the Hon John Barilaro MP stated:

*“the project’s **approval includes strict conditions** [emphasis added] to minimise and offset environmental impacts”*

### 1.2 Commonwealth conditions

Subsequently on 29 June 2020 the Commonwealth Minister for the Environment, The Hon Sussan Ley MP, granted [approval](#) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act*, subject to thirty nine conditions. Some of the Commonwealth CoA duplicated the NSW conditions, whilst others added to and extended the NSW conditions.

The [joint announcement](#) by Prime Minister Scott Morrison, Minister for Energy and Emissions Reduction Angus Taylor, and Minister Ley stated:

*“The final Commonwealth review resulted in **additional conditions** [emphasis added] around heritage, public transparency on data used to underpin mitigation strategies and the protection of native fish species.*

*The approval process ensures the development is built and operated in a way that sensitively avoids, mitigates and rehabilitates environmental impacts while protecting the environment and its rich biodiversity as we move to a clean energy future.”*

Construction of Snowy 2.0 commenced on 21 October 2020.

## 2 Overdue Management Plans

The NSW CoA include the preparation of fifteen Environment Management Plans “to the satisfaction of the Planning Secretary”, and for them to be posted on the [Snowy 2.0 website](#).

About half the Plans were required to be approved prior to the commencement of construction (October 2020) and the remainder either 6, 12, 18 or 24 months afterwards.

Figure 1 shows that only six of the Plans are posted on the website and the remaining nine Plans (60%) are overdue by up to thirty months. It could be that some of the outstanding Plans have been completed but not posted, but it is known that a number have not started preparation.

Plans required in Conditions of Approval	Due	<a href="#">on S2.0 Website</a>	Overdue
Spoil Management Plan	Oct-20	yes	
Rehabilitation Management Plan	Apr-22	no	12 months
Biodiversity Management Plan	Oct-20	yes	
Biosecurity Risk Management Plan	Oct-22	no	6 months
Threatened Fish Management Plan	Oct-21	no	18 months
Recreational Fishing Management Plan	Oct-21	no	18 months
Water Management Plan	Oct-20	yes	
Heritage Management Plan	Oct-20	yes	
Recreation Management Plan	Oct-21	no	18 months
Transport Management Plan	Oct-20	yes	
Long-term Road Strategy	Oct-22	no	6 months
Visual Impact Management Plan	Oct-21	no	18 months
Construction Noise Management Plan	Oct-20	no	30 months
Emergency Management Plan	Oct-20	no	30 months
Environmental Management Strategy	Oct-20	yes	

**Figure 1 – Management Plans/ Strategies required**

### 2.1 No progress on critical biosecurity and threatened fish Management Plans

Of the Management Plans that are yet to be prepared, three are critical to the minimisation of biosecurity risks from the movement and/or spread of weeds, pest fish and pathogens:

- i) Biosecurity Risk Management Plan
- ii) Threatened Fish Management Plan
- iii) Recreational Fishing Management Plan

All three Plans should have been completed six to eighteen months ago.

The delays are prejudicing the management of devastating impacts from the future spread of pest fish and pathogens in particular from Talbingo Reservoir up to Tantangara Reservoir and thence throughout the Snowy Mountains and beyond.

The crucial objectives of these Plans are expressed in the Biosecurity and Fish Management Requirements (NSW CoA 20):

“20. The Proponent must:

- (a) minimise the biosecurity risks associated the development, including the movement and/or



- spread of weeds, fish and pathogens;*
- (b) minimise the impact of the development on threatened fish species and their habitat, particularly the Macquarie Perch, Stocky Galaxias and Murray Crayfish; and*
- (c) minimise the impact of the development on recreational fishing in Tantangara Reservoir and Lake Eucumbene.*

The highly invasive Redfin Perch is likely to be transported from Talbingo Reservoir up to Tantangara Reservoir and then throughout the Snowy Mountains into the headwaters of the Murray, Snowy, Murrumbidgee and Tumut Rivers, despite the proposed fish screen. It will devastate native fish and trout.

The Climbing Galaxias is also likely to be transferred to Tantangara Reservoir, where it will invade and extinguish the last remaining colony of the critically endangered native Stocky Galaxias.

Annexure B provides the CoA related to these three Plans. Following is a summary of each.

#### **2.1.1 Biosecurity Risk Management Plan**

To be prepared within 2 years of the commencement of construction (i.e. by October 2022 – six months overdue).

The Plan must include a detailed biosecurity risk management framework for minimising the ongoing biosecurity risks of the development, including:

- *“developing systems to prevent spills from the Tantangara Reservoir so far as is reasonably practicable; and*
- *pest fish and disease surveillance and eradication/management measures to protect the Macquarie Perch and Stocky Galaxias in the Mid to Upper Murrumbidgee catchment and the salmonid fishery in Lake Eucumbene”*

#### **2.1.2 Threatened Fish Management Plan**

To be prepared within 12 months of the commencement of construction (i.e. by October 2021 – eighteen months overdue).

This Plan must:

- *“be prepared by a suitably qualified and experienced person in consultation with DPIE and DAWE;*
- *include the establishment and use of an expert advisory committee to provide advice to the proponent on the implementation of the plan”.*

The experienced person and expert advisory committee have yet to be appointed.

Also, essential elements of the Plan that should have been implemented over 1½ years ago have yet to be initiated, including:

- *“population monitoring, surveillance and research on the Macquarie Perch and Stocky Galaxias in the Mid to Upper Murrumbidgee catchment;*
- *habitat surveys to identify suitable receiving sites for stocking insurance populations of Stocky Galaxias and Macquarie Perch;*
- *captive breeding, stocking and monitoring of Macquarie Perch and Stocky Galaxias with the aim of achieving self-sustaining populations of these species;*



- *habitat enhancement for the Macquarie Perch in the mid-Murrumbidgee catchment in accordance with the National Recovery Plan to increase the existing population's resilience to the potential biosecurity risks from the development*
- *population monitoring and surveillance for Murray Crayfish;*
- *relocating any Murray Crayfish from the disturbance area of the development prior to disturbing the relevant area; and*
- *habitat enhancement for the Murray Crayfish habitat in the vicinity of the disturbance area at the Talbingo Reservoir, including the use of woody debris salvaged during construction"*

### **2.1.3 Recreational Fishing Management Plan**

To be prepared within 12 months of the commencement of construction (i.e. by October 2021 – eighteen months overdue).

This plan must:

- (a) *"be prepared by a suitably qualified and experienced person in consultation with DPIE, NPWS and relevant recreational fishing groups;*
- (b) *describe the detailed measures ..., including:*
  - *a program involving the spending of \$5 million over 5 years from the commencement of the program to develop the capability to restock, and to restock, the Tantangara Reservoir and Lake Eucumbene with salmonid fish;*
  - *a program to monitor the impacts of the development on recreational fishing in Tantangara Reservoir and Lake Eucumbene"*

The experienced person has yet to be appointed.

### **2.1.4 Further Commonwealth CoA not progressed**

The Commonwealth approval added further related conditions, which have also not been met (see Annexure B2), including:

- *"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;*
- *before undertaking ... to protect tributaries identified as priority receiving sites for the establishment of stocking insurance populations of the Macquarie Perch and Stocky Galaxias;*
- *the Biosecurity Risk Management Plan and the Threatened Fish Management Plan must be peer reviewed by an independent, suitably-qualified expert/s approved by the Department."*

Reprehensibly, the entries in the Annual EPBC Compliance Report for the relevant Conditions of Approval 14, 15 and 16 state that compliance is *"not applicable ... and not triggered in the reporting period"*. See Annexure C.

The actual situation is that neither the Biosecurity Risk Management Plan or the Threatened Fish Management Plan (nor the Recreational Fishing Management Plan) have been completed and that Snowy Hydro has not complied with Conditions 14 to 16.

### 3 Independent Environmental Audits, overdue and increasing non-compliances

#### 3.1 IEAs overdue

##### 3.1.1 Due every six months

The agreed frequency of the independent environmental audits (IES) is 12 weeks after the commencement of construction and then every 26 weeks:

*“As noted in the previous IEA reports, due to the sensitive location and scale of the Snowy 2.0 project, Snowy Hydro Limited (SHL) determined that IEAs are to be undertaken at a greater frequency than provided by Schedule 4 Condition 9 of the Main Works approval (after one year, then every 3 years). The agreed audit frequency is an initial audit within 12 weeks of commencement of construction and thence, every 26 weeks. This third audit was conducted just over 26 weeks after the second audit.” (IEA No. 3)*

##### 3.1.2 Three audits completed, but the next two are overdue

Three independent audits have been completed to date:

- [No. 1](#), dated 9 April 2021, covering the period from commencement of construction (October 2020) to January 2021
- [No. 2](#), dated 24 September 2021, covering the period February 2021 to July 2021
- [No. 3](#), dated 13 May 2022, covering the period July 2021 to January 2022

The first three audits have been completed roughly in accordance with the agreed frequency.

However, the fourth and fifth audits should have been completed, covering the six-month periods February 2022 to July 2022, and July 2022 to January 2023. Neither of those audits has started and are nine months and three months overdue, respectively.

#### 3.2 Non-compliant findings of IEA No. 3

##### 3.2.1 Increasing non-compliances

The three completed audits have identified in an ever-increasing number of ‘findings’, categorised as non-compliances, observations and opportunities for improvement, shown in Figure 2.

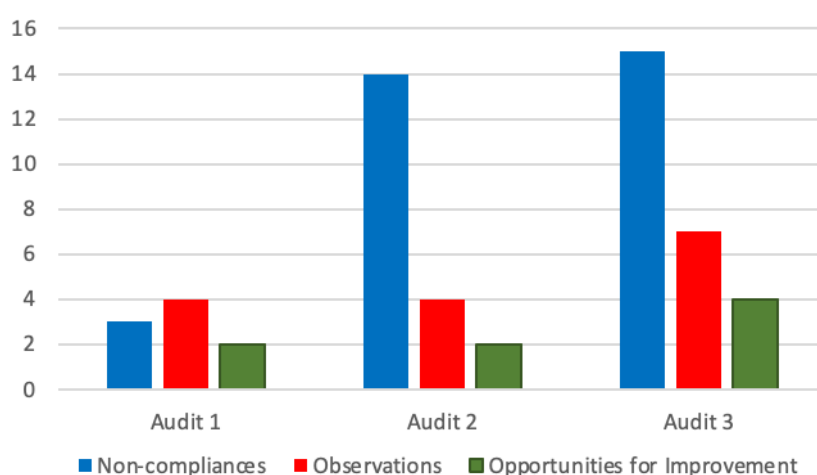


Figure 2 – Audit findings

The latest audit ([No. 3](#)) had twenty-six findings, comprising fifteen non-compliances, seven observations and four opportunities for improvement. About half of those findings were carried over from the previous audit (No. 2) as they had not been adequately addressed.

There has been no public reporting of the resolution of those findings, but NPA has been advised by DPIE that as at 23 March 2023:

- *“10 actions are still outstanding with Snowy Hydro Ltd progressing closing out these remaining actions in accordance with the independent auditors recommendations*
- *6 of the non-compliances relate to ongoing consultation and communication with agencies, 3 are to be closed out by the end of April 2024 and one relates to waste management and introducing reusable water bottles on site to be closed out by end of June 2024*
- *the Department is monitoring implementation of the independent auditors recommendations*
- *the Department’s compliance team is currently investigating alleged non-compliances relating to the submission of management plans and seeking further information from the applicant”*

It is concerning that a significant number of non-compliances remain outstanding more than fifteen months, or longer in some cases, after they were identified, with some not to be rectified for another year.

### **3.2.2 Multiple on-going criticisms**

A selection of the criticisms in the latest audit, highlighted in Annexure A, follows:

- *The Non-Compliances and Observations from this audit and the findings that are still open from the previous audit can be grouped into the following main areas;*
  - *Failure to adequately address and close out previous IEA findings / corrective action processes;*
  - *Incident, non-compliance, traffic incident and event reporting / notification to authorities;*
  - *Biodiversity – Weeds control, weeds hygiene processes, feral animal control;*
  - *Submission of various Management Plans – NSW Approval and Commonwealth EPBC Approval;*
  - *Surrender of Exploratory Works Approval;*
  - *Commonwealth EPBC Approval - Annual Compliance Reporting and notification of biodiversity offset;*
  - *Environment Protection Licence (EPL) – publication of results of monitoring, submission of six-monthly Environmental Monitoring Report and use of approved monitoring publication for monitoring the concentration of pollutants;*
  - *Provision of Natural Hazards Management Plan to agencies for annual review;*
  - *Waste minimisation, reuse and recycling maximisation (non-spoil related);*
  - *Chemicals Management – ongoing issue – 1 NC, 2 OBS;*
  - *Environmental Management, monitoring, reporting and access to information;*
  - *Transport and Traffic, public information relating to traffic, road upgrades.*
- *The provision of audit evidence by FGJV both during and after the on-site audit was problematic. During the audit, the availability of appropriate management and staff was less than anticipated due to their other commitments, and following the audit, clarifications and further evidence requested from the contractor were not provided in a timely manner.*
- *Public reporting of environmental performance and monitoring outcomes continued to be an issue.*

- *The Annual Compliance Report required by the Commonwealth EPBC Approval had not been prepared or submitted and is therefore non-compliant with the Commonwealth Conditions of Approval.*
- *The publication of the Environment Protection Licence monitoring data was significantly overdue.*
- *A number of Management Plans were required to be developed and submitted to the relevant authorities (DPIE / DPE and DAWE), however had yet not been submitted.*
- *During the site inspection at Tantangara, the Vehicle/Plant Hygiene Station (Wheel Wash Station to prevent the spread of Ox-eye daisy and other weeds) did not operate correctly.*
- *At this audit, a Traffic Incident Register had been developed and maintained, however the information captured and provided to the auditors is sparse and does not provide confidence that all relevant traffic incidents have been notified.*
- *The previous audit also identified that Quarterly Cumulative Summary Reports had not been prepared, submitted to SHL or uploaded to the project website. Whilst it appears that draft summary reports had been submitted to SHL, no summary reports had been uploaded to the project website. Traffic information on the project website was also substantially out of date at the time of the audit.*
- *The previous audit also identified that there was insufficient evidence to demonstrate that the roads and intersection upgrades had been carried out to the satisfaction of the roads authority (NPWS). The resolution of this issue was still a work in progress following the issue of a Show Cause letter from DPIE, providing SHL with an opportunity to make representations as to why the Department should not take formal enforcement action.*
- *Evidence was not provided to demonstrate that the program to monitor and publicly report on the surface water impacts of the development had been implemented.*
- *There was no evidence that the Natural Hazards Management Plan had been provided for comment to Local Emergency Management Committees, NSWRFs, NSWSES and NPWS in the last 12 months. The NHMP was last reviewed in Aug-20.*
- *The internal FGJV corrective action process is not effective to adequately address and satisfactorily close non-compliances and observations raised in the Independent Environmental Audits.*
- *Limited evidence could be provided to demonstrate that the processes described within the EMS were implemented to address and prevent recurrence of non-compliances and observations raised in the last two audits.*
- *The majority of actions assigned to FGJV have not been closed.*

Clearly, the CoA are not being complied with and the environmental performance of Snowy Hydro and the contractor (FGJV) is unacceptable. This has been the case for three years and has shown no sign of improving.

## 4 Inadequate monitoring

Snowy 2.0 is a massive project spread over four major construction sites across thirty five kilometres of Kosciuszko National Park.

Two thousand workers are housed within three construction camps. Large tracts of the Park have been destroyed, with more to go. Hundreds of vehicle movements occur daily. Expenditure on the project is averaging around \$3 million per day.

Such an assault on a National Park is unprecedented.

As the CoA are not being complied with and the performance of Snowy Hydro and the contractor is unacceptable, it is evident that the environmental monitoring of the project is inadequate.

### 4.1.1 NSW DPIE Monitoring

The Compliance tab of the [Planning Portal](#) lists the inspection dates by Department officers.

Eighteen on-site inspection dates are listed since June 2020, an average of a daily inspection about every two months (i.e. six one-day visits a year).

There is no record of the findings of the inspections.

### 4.1.2 NPWS Monitoring

We understand that the National Parks & Wildlife Service (NPWS) has two staff located outside the Park who undertake inspections every week or so, and when called.

Again, there is no record of the findings of the inspections.

### 4.1.3 EPA Monitoring

We are unaware of the extent of monitoring undertaken by the NSW Environment Protection Authority (EPA).

Though on 3 April 2023 the EPA issued a press release [‘Snowy Hydro & contractor fined \\$30,000 after two incidents in Kosciuszko National Park’](#):

*“The NSW EPA alleges inadequate sediment and erosion controls were established despite warnings by officers. As a result, a sediment plume stretched for more than two kilometres down Yarrangobilly River, and Nungar Creek was separately impacted by sediment laden water from roadworks at Tantangara.*

*The environment around these local waterways in the Kosciuszko National Park contains highly specialised plants, animals and micro-organisms and is home to a number of endangered species like the smoky mouse and the Alpine Tree Frog,” Ms Dwyer said.*

*“Actions like this can severely impact the environment not just now but for years to come and can be detrimental to many species.*

*These incidents simply should not have occurred. Every industry has a role to play in reducing their impact, but your role is even more critical when you’re based in one of our state’s most*

*pristine environments.”*

This is the only evidence of any NSW authority taking action to ensure the environmental conditions of approval are enforced. (Though a \$30,000 fine is insignificant for a \$10 billion project.)

A project of this magnitude and in such an environmentally sensitive location requires continuous, rigorous scrutiny against well-established performance benchmarks. Those benchmarks were meant to be set by the detailed environmental management plans required by the CoA. The failure to finalise most of those plans severely undermines the NSW and Commonwealth Governments ability to regulate the environmental performance of Snowy Hydro and its contractors.

A well-resourced, full-time team of experienced independent project staff is essential at all work sites. Their costs should be recompensed by the developer.

Rigorous monitoring is even more necessary given the abject performance of Snowy Hydro and its contractor to date.

## Annexure A – Extracts from Independent Environmental Audit No.3, 13 May 2022

### EXECUTIVE SUMMARY

A third (annual) Independent Environmental Audit (IEA) was conducted of the Snowy 2.0 Main Works Project in January / February 2022. The audit scope was in accordance with the Independent Audit Program (IAP) approved by the Planning Secretary of the Department of Planning, Industry and Environment (DPIE) on 28 September 2020.

As noted in the previous IEA reports, due to the sensitive location and scale of the Snowy 2.0 project, Snowy Hydro Limited (SHL) determined that IEAs are to be undertaken at a greater frequency than provided by Schedule 4 Condition 9 of the Main Works approval (after one year, then every 3 years). The agreed audit frequency is an initial audit within 12 weeks of commencement of construction and thence, every 26 weeks. This third audit was conducted just over 26 weeks after the second audit.

This IEA was conducted as an “Annual” audit, and as such, covered the full scope of the project in accordance with the IAP, including all relevant NSW Conditions of Consent, the project Environment Protection Licence (EPL) and all relevant Commonwealth conditions under the Environmental Protection and Biodiversity Conservation (EPBC) Act. The audit generally covered the period July 2021 to January 2022, with expanded timeframes for EPBC and EPL requirements.

The scope of the audit included site visits to all active areas of the project, a follow-up on non-compliances and other findings from Audit #2; management plans and associated systems and processes identified as priority areas; activities relevant to the current phase of the development; and areas of focus identified by the agencies / key stakeholders during the pre-audit consultation process.

Areas of strength identified during the audit included wildlife underpasses almost complete; improved retention of felled habitat trees; adequate erosion and sediment controls including stabilisation, clean and dirty water diversion and separation; installation of fish “windows” at watercourse crossings; and tunnel spoil management and tracking.

**This audit** identified a number of areas of Non-Compliance (NCs). Observations (OBSs) and Opportunities for Improvement (OFIs) have also been raised for action and consideration. In summary:

Twenty-six (26) findings were raised at this audit, comprising:

- Fifteen (15) NCs;
- Seven (7) OBSs; and
- Four (4) OFIs

The **previous audit findings** were followed-up and it was found that **a significant number had not been adequately addressed**, and as such remain open and still require corrective action and closure.

It is noted that the responsibility for actioning the majority of open findings lies with the contractor, Future Generation Joint Venture (FGJV). In summary:

Fourteen (14) non-compliances (NC), four (4) Observations (OBS) and two (2) Opportunities for Improvement (OFI) were raised at the **previous audit**. Of those:

- Eight (8) NCs and three (3) OBSs remain open;
- Two (2) NCs were closed or partially closed, with new related non-compliance(s) raised; and
- Four (4) NCs, one (1) OBS and two (2) OFIs were addressed and closed;

As the FGJV corrective action process is ineffective to adequately respond to IEA findings, an Action Plan has been prepared by the audit team, detailing all open findings from IEA#2 and all findings from this audit (IEA#3) with agreed actions. It is expected that FGJV (and Snowy Hydro) will use this Action Plan to document all actions taken to address the findings.

Agreed FGJV actions include keeping the Action Plan up to date, providing regular updates on the progress to address the actions to SHL through monthly compliance meetings, and participation in an internal follow-up audit (by Snowy Hydro) by 30 July 2022 to monitor progress and close-out completed actions.

The Non-Compliances and Observations from this audit and the findings that are still open from the previous audit can be grouped into the following main areas;

- Failure to adequately address and close out previous IEA findings / corrective action processes;
- Incident, non-compliance, traffic incident and event reporting / notification to authorities;
- Biodiversity – Weeds control, weeds hygiene processes, feral animal control;
- Submission of various Management Plans – NSW Approval and Commonwealth EPBC Approval;
- Surrender of Exploratory Works Approval;
- Commonwealth EPBC Approval - Annual Compliance Reporting and notification of biodiversity offset;
- Environment Protection Licence (EPL) – publication of results of monitoring, submission of six-monthly Environmental Monitoring Report and use of approved monitoring publication for monitoring the concentration of pollutants;
- Provision of Natural Hazards Management Plan to agencies for annual review;
- Waste minimisation, reuse and recycling maximisation (non-spoil related);
- Chemicals Management – ongoing issue – 1 NC, 2 OBS;
- Environmental Management, monitoring, reporting and access to information;
- Transport and Traffic, public information relating to traffic, road upgrades.

The Auditees were cooperative throughout the audit process, however non-timely provision of requested evidence by the construction contractor (FGJV) impacted on the timeliness of this IEA report. The Auditor would like to thank all participants for their cooperation and assistance.

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In September 2020, Snowy Hydro proposed to the Department, an IEA program for the first two years, setting out the audit frequency, with the initial audit to be conducted within 12 weeks of the commencement of “Construction”, and subsequent audits scheduled at intervals of 26 weeks from the date of the initial audit. DPIE reviewed and approved the IEA Program on 28 September 2020. The initial audit was conducted in January 2021, the second audit was conducted in July 2021. This audit is the third construction phase IEA and was conducted in January / February 2022.

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#### 1.6. List of Approvals and Documents Audited

- Main Works Approval CSSI 9687 Schedules 1 to 4 and relevant appendices;
- Snowy 2.0 Min Works NSE (EPBC 2018/8322) Parts A & B and relevant appendices;
- Environment Protection Licence 21266;
- Snowy 2.0 Main Works – Environmental Management Strategy Rev I 11/08/2020 (FGJV);
- Snowy 2.0 Main Works – Biodiversity Management Plan Rev I 12/10/2020 (FGJV);
- Snowy 2.0 Main Works – Water Management Plan Rev G 15/10/2020 (FGJV);
- Snowy 2.0 Main Works – Surface Water Management Plan Rev G 15/10/2020 (FGJV);
- Snowy 2.0 Main Works – Surface Water Trigger Action Response Plan 2 19/09/2020 Rev F (Annexure B to Surface Water Management Plan);
- Snowy 2.0 Main Works – Groundwater Water Management Plan Rev G 15/10/2020 (FGJV);
- Snowy 2.0 Main Works – Aquatic Habitat Management Plan Rev F 16/02/2021 (FGJV);
- Snowy 2.0 Main Works – Spoil Management Plan Rev G 11/08/2020 (FGJV);
- Snowy 2.0 Main Works – Heritage Management Plan Rev G 13/08/2020 (FGJV);
- Snowy 2.0 Main Works – Transport Management Plan Rev G 03/08/2020 (FGJV);
- Snowy 2.0 Main Works – Construction Noise Management Plan – Rock Forest Rev E, 02/12/2020 (FGJV);
- Snowy 2.0 Main Works – Natural Hazards Management Plan Rev C 04/08/2020 (FGJV);
- Snowy 2.0

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approval was granted by the Minister for Planning and Public Spaces (formerly Minister for Planning) on 20 May 2020.

The Snowy 2.0 Main Works project was approved with Conditions of Approval by DAWE on 29 June 2020.

Construction works for Main Works commenced on 21 October 2020.

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#### AUDIT PROCESS AND METHODOLOGY

This Independent Environmental Audit was conducted as the third (annual) Independent Environmental Audit of the Snowy 2.0 Project in accordance with Schedule 4 Condition 9 of the Conditions of Consent and the Post Approval Requirements May 2020.

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National Parks and Wildlife Service:

An email was sent to NPWS on 13 December 2021 with the same list of proposed areas of scope that was sent to DPIE (see above) requesting input to the scope of the audit. NPWS responded with a phone call, noting that the Biodiversity Conservation division should be contacted regarding joint concerns on weed and pest control. The discussion was followed up by an email on 15 December 2021. Their concerns were as follows:

- The issue previously identified in relation to reporting of non-compliances and incidents appears to be unresolved. The interpretation of what an incident and or non-compliance by the project is not in accordance with expectation of NPWS as a major stakeholder and regulator;
- Reporting of overtopping of sediment basins as per the Surface Water MP continues to be inconsistent;
- There appears to be a missing link in the chain between commitments in various

Management Plans and design and procedures. Issues relating to spoil management during Tantangara road works and water quality monitoring on Trunk services installation have not been incorporated and missed during execution of works;

- Public information on websites relating to traffic continues to be out of date or missing. The traffic information is currently for the beginning of October;
- Parking on the public road network has continued to be an issue and regularly raised with SHL and FGJV;
- NPWS request a review of all the agreed actions and due dates from previous audits be conducted.

In a follow-up email dated 7 January 2022, it was also requested that the Natural Hazard Management Plan be included in the review, particularly the annual review components as outlined in Section 7.3.

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The provision of audit evidence by FGJV both during and after the on-site audit was problematic. During the audit, the availability of appropriate management and staff was less than anticipated due to their other commitments, and following the audit, clarifications and further evidence requested from the contractor were not provided in a timely manner.

4.1.2. Environmental Management, Incidents, Monitoring, Reporting, Access to Information  
Overall, the reporting and notification of incidents, non-compliances, overtopping events and traffic incidents was somewhat improved from the previous audit, however insufficient evidence was provided to give confidence that all required notifications and reports were provided to the appropriate regulatory authorities. Three (3) non-compliances were raised / remain open in this area.

Public reporting of environmental performance and monitoring outcomes continued to be an issue, with the Quarterly Environmental Water Reports and the Quarterly Cumulative Traffic Summary Reports required by the NSW Approval still not issued or made publicly available.

The Annual Compliance Report required by the Commonwealth EPBC Approval had not been prepared or submitted and is therefore non-compliant with the Commonwealth Conditions of Approval.

An Observation was raised regarding the submission of an Annual Report on biodiversity (refer to Biodiversity section).

The publication of the Environment Protection Licence monitoring data was significantly overdue. The POEO Act requires that monitoring data be uploaded within 14 days, and at the time of the audit, the latest data was current up to August 2021.

The Exploratory Works approval had not been surrendered within required timeframes as this is dependent on the submission of further Management Plans

A number of Management Plans were required to be developed and submitted to the relevant authorities (DPIE / DPE and DAWE), however had yet not been submitted. In summary, the Visual Impact Management Plan and the Recreation Management Plans had not been submitted within the required timeframes. The Digital Strategy had been submitted (prior to previous audit),

however DPIE have indicated that further information is required to be included in the strategy before being accepted.

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At Tantangara in particular, it was noted that brumbies occasionally damage fences and ropes, and trample soil stockpiles and established boundary markers.

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#### 4.1.6. Groundwater / Groundwater Dependent Ecosystems

Water Licences are in place for the project, and water take is monitored.

At the time of the audit, tunnelling was being undertaken only at the Main Access Tunnel (MAT) at Lobs Hole (approximately 1200m of tunnelling completed) and the ECVT (approximately 100 - 200m of tunnelling completed).

The areas of higher predicted inflows and drawdown areas had not yet been encountered, and groundwater level monitoring had not indicated any project related drawdown to date. It is expected that drawdown would commence from the beginning of tunnelling at Tantangara - this could potentially commence by May 2022. It is also expected that the area under Nungar Creek may be encountered by around October 2022 (tunnelling from Tantangara). In summary, there has been no measured groundwater drawdown to date, and would be re-assessed at future audits.

It was advised that a probe is drilled at least 24m ahead of the cutter head to determine inflow rates, which is compared with trigger levels. Pre-grouting and post-grouting would be undertaken where triggers are exceeded. To date, there have been no triggers to undertake pre-or post-grouting.

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Non-Acid Forming (NAF) material goes into the Western Emplacement Area and for re-use on site (e.g. paths, road, pads, parking areas). Potentially Acid Forming (PAF) material is currently taken to the HOLCIM Pad and Stage 5. The intention is to treat all PAF as much as possible. A Contingency Plan (GF01) is still under review by DPIE.

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During the site inspection at Tantangara, the Vehicle/Plant Hygiene Station (Wheel Wash Station to prevent the spread of Ox-eye daisy and other weeds) did not operate correctly. It appears that the system had run out of water due to a pump malfunction (refer to Observation 2).

#### 4.1.9. Transport and Traffic Management, Road Upgrades, Incidents

The previous IEA identified that insufficient evidence was provided to demonstrate that all traffic incidents that required notification were notified to the appropriate authorities. At this audit, a Traffic Incident Register had been developed and maintained, however the information captured and provided to the auditors is sparse and does not provide confidence that all relevant traffic incidents have been notified.

The previous audit also identified that Quarterly Cumulative Summary Reports had not been prepared, submitted to SHL or uploaded to the project website. Whilst it appears that draft summary reports had been submitted to SHL, no summary reports had been uploaded to the project website. Traffic information on the project website was also substantially out of date at

the time of the audit.

The previous audit also identified that there was insufficient evidence to demonstrate that the roads and intersection upgrades had been carried out to the satisfaction of the roads authority (NPWS). The resolution of this issue was still a work in progress following the issue of a Show Cause letter from DPIE, providing SHL with an opportunity to make representations as to why the Department should not take formal enforcement action.

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At the time of the audit, public information on the FGJV website (link from Snowy Hydro website) relating to traffic was considerably out of date, and was updated around the time of commencement of the audit.

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Findings have been raised at the past two IEAs regarding management of weeds. Issues were initially raised as an Observation at IEA#1, and was escalated to non-compliance at IEA#2.

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#### **Preparation and publication of plans**

The Threatened Fish MP NSW Cond 24 had not been submitted within the 12 months from construction commencement timeframe as required. Whilst the NSW Department of Primary Industry (DPI) endorsed a request to extend the timeframe for submission in their letter dated 15 September 2021, DPIE determined in their letter dated 6 December 2021 that the late submission of the Threatened Fish MP be recorded as a breach, and is therefore determined as non-compliant to this condition

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#### **Annual compliance reporting**

An EPBC Annual Compliance Report had not been prepared or published on the website within the required timeframe of this condition. Action required: Prepare and submit the EPBC Annual Compliance Report as required by this condition,

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#### **Threatened Fish Management Plan**

The letter from the DPI Director General (DG) noted that given the considerations outlined in the letter, the proposal to request an extension from the Department of Planning, Industry and Environment is endorsed.

The DPI DG noted that delaying the submission of these plans by a matter of months as proposed, will not increase the risk to the aquatic environment because the project is still in the early phase of construction and will not be completed for some years.

The letter from DPIE dated 6 December 2021 noted that the Department had assessed the non-compliances in accordance with the Compliance Policy and that **in this instance has determined to record the breaches in their system**. Due to DPIE determining the late submission of the Threatened Fish Management Plan as a breach, it is determined that the proponent is non-compliant with this condition.

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Evidence was not provided to demonstrate that the program to monitor and publicly report on the surface water impacts of the development had been implemented as required by Condition 31 (c). Specifically:

- Environmental Water Reports had not been prepared and reported to Snowy Hydro and other agencies on a quarterly basis as detailed in the Water Management plan; and
- Environmental Water Reports had not been made publicly available.

A non-compliance (NC 5) was raised at the last audit. Two of the outstanding draft Quarterly Environmental Water Reports had been completed by FGJV and issued to Snowy Hydro, however none have yet been finalised or uploaded to the project website. (remains open). Two further Quarterly Environmental Reports had not yet been completed or issued to Snowy Hydro (Quarter 3 and 4 2021).

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#### **Recreation Management Plan**

The Recreation MP had not been prepared or submitted to the relevant agencies (Relevant agency: NSW Planning Secretary - DPIE) within the nominated time frames. It is noted that an extension of time was requested by SHL to DPI and DPIE for submission of these Plans. A letter from DPIE dated 6/12/2021 noted that SHL has been liaising with the relevant agencies to progress these with a schedule to have them submitted by April 2022. DPIE assessed these non-compliances and determined that the breaches will be recorded in their system.

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#### **Visual Impact Management Plan**

At the time of the audit, the Visual Impact Management Plan (VIMP) was in "for review" status and had been updated based on SHL and NPWS comments. The VIMP had not yet been issued to the Planning Secretary. Construction commenced in October 2020, therefore the timeframe for the preparation and submission of the VIMP was not met.

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#### **NATURAL HAZARDS MANAGEMENT PLAN**

There was no evidence that the NHMP had been provided for comment to Local Emergency Management Committees, NSWRFs, NSWSES and NPWS in the last 12 months. The NHMP was last reviewed in Aug-20.

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#### **ENVIRONMENTAL MANAGEMENT STRATEGY**

The internal FGJV corrective action process is not effective to adequately address and satisfactorily close non-compliances and observations raised in the Independent Environmental Audits.

Limited evidence could be provided to demonstrate that the processes described within the EMS were implemented to address and prevent recurrence of non-compliances and observations raised in the last two audits.

The follow-up of previous findings found that a significant number had not been adequately addressed. Fourteen (14) non-compliances (NC), four (4) Observations (OBS) and two (2) Opportunities for Improvement (OFI) were raised at the previous audit. Of those, eight (8) NCs and three (3) OBSs remain open and require further action to complete and close out

A review of the SHL Aconex corrective actions export document found that most issues raised at the last audit were still in open status (16) or "ready to inspect" (5 – partially addressed but not closed / verified). One finding had been formally closed.

The majority of actions assigned to FGJV have not been closed. Refer to the Follow-up of Audit Findings Table for full details of the status of non-compliances and other findings.

## Annexure B – Conditions of Approval associated with Fish Management

### B1 Extracts from NSW CoA

#### Biosecurity and Fish Management Requirements

20. The Proponent must:

- a. minimise the biosecurity risks associated the development, including the movement and/or spread of weeds, fish and pathogens;
- b. minimise the impact of the development on threatened fish species and their habitat, particularly the Macquarie Perch, Stocky Galaxias and Murray Crayfish; and
- c. minimise the impact of the development on recreational fishing in Tantangara Reservoir and Lake Eucumbene.

#### Fish Screens and Barrier

21. Prior to the commencement of commissioning, the Proponent must install:

- a. a fish barrier on Tantangara Creek to prevent so far as is reasonably practicable Climbing Galaxias reaching the existing population of Stocky Galaxias in the upper reaches of the creek; and
- b. fish screens at the southern end of the Tantangara Reservoir to prevent so far as is reasonably practicable the movement of pest fish (in all its forms: eggs, larvae, juveniles and adults) and spread of disease to the mid-Murrumbidgee River and Lake Eucumbene.

#### Biosecurity Risk Management Plan

22. Within 2 years of the commencement of construction, the Proponent must prepare a Biosecurity Risk Management Plan for the development to the satisfaction of the Director-General of NSW DPI. This plan must:

- (a) be prepared by a suitably qualified and experienced person in consultation with DPIE, NPWS and DAWE;
- (b) include a detailed biosecurity risk management framework for minimising the ongoing biosecurity risks of the development required in condition 20(a) above, including:
  - developing systems to prevent spills from the Tantangara Reservoir so far as is reasonably practicable; and
  - pest fish and disease surveillance and eradication/management measures to protect the Macquarie Perch and Stocky Galaxias in the Mid to Upper Murrumbidgee catchment and the salmonid fishery in Lake Eucumbene;
- (c) include detailed plans for the installation and use of the fish screens and barriers required in condition 21 above, including:
  - minimising the environmental impacts associated with installing the screens,
  - testing the effectiveness of the screens before they are used; and
  - maintaining and improving the effectiveness of the screens and barriers over time;
- (d) include a program to monitor, evaluate and publicly report on these plans, including:
  - carrying out monitoring using epidemiologically designed surveys; and
  - conducting fish, disease and eDNA surveys.

23. The Proponent must implement the approved Biosecurity Risk Management Plan for the development.

#### Threatened Fish Management Plan

24. Within 12 months of the commencement of construction, the Proponent must prepare a Threatened Fish Management Plan for the development to the satisfaction of the Director-General of NSW DPI.

This plan must:

- a. be prepared by a suitably qualified and experienced person in consultation with DPIE and DAWE;
- b. include the establishment and use of an expert advisory committee to provide advice to the proponent on the implementation of the plan;
- c. describe the detailed measures that would be implemented to comply with condition 20(b) above;
- d. include a detailed captive breeding program for the Macquarie Perch and Stocky Galaxias involving the spending of \$5 million over 5 years from the commencement of the program that provides for:
  - population monitoring, surveillance and research on the Macquarie Perch and Stocky Galaxias in the Mid to Upper Murrumbidgee catchment;
  - habitat surveys to identify suitable receiving sites for stocking insurance populations of Stocky Galaxias and Macquarie Perch;
  - captive breeding, stocking and monitoring of Macquarie Perch and Stocky Galaxias with the aim of achieving self-sustaining populations of these species;
  - habitat enhancement for the Macquarie Perch in the mid-Murrumbidgee catchment in accordance with the National Recovery Plan to increase the existing population's resilience to the potential biosecurity risks from the development
- e. include a review after 5 years of the commencement of the captive breeding program in (d) above and detail the trigger, action and response plan for the extension of the program;
- f. include a program to minimise the impacts of the development on the Murray Crayfish in Talbingo Reservoir, including:

- population monitoring and surveillance for Murray Crayfish;
  - relocating any Murray Crayfish from the disturbance area of the development prior to disturbing the relevant area; and
  - habitat enhancement for the Murray Crayfish habitat in the vicinity of the disturbance area at the Talbingo Reservoir, including the use of woody debris salvaged during construction; and
- g. include a program to monitor and publicly report on the progress of each program/plan and the effectiveness of these measures.

25. The Proponent must implement the approved Threatened Fish Management Plan for the development.

#### Recreational Fishing Management Plan

26. Within 12 months of the commencement of construction, the Proponent must prepare a Recreational Fishing Management Plan for the development to the satisfaction of the Director-General of NSW DPI.

This plan must:

- (a) be prepared by a suitably qualified and experienced person in consultation with DPIE, NPWS and relevant recreational fishing groups;
- (b) describe the detailed measures that would be implemented to comply with condition 20(c) above, including:
  - a program involving the spending of \$5 million over 5 years from the commencement of the program to develop the capability to restock, and to restock, the Tantangara Reservoir and Lake Eucumbene with salmonid fish;
  - a program to monitor the impacts of the development on recreational fishing in Tantangara Reservoir and Lake Eucumbene;
  - a review after 5 years of the commencement of the restocking program and detail the trigger, action, and response plan for the continuation of the restocking of Tantangara Reservoir and/or Lake Eucumbene salmonid fish;
- (c) include a program to monitor and publicly report on the effectiveness of these measures.

27. The Proponent must implement the approved Recreational Fishing Management Plan for the development.

## B2 Extracts from Commonwealth CoA

### Aquatic ecology and biosecurity

12. 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.

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**:

- 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 the **NSW approval**, and the Threatened Fish Management Plan required by condition 24 of the **NSW approval**; and
- 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**.

14. 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.

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 the **NSW 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.

## Annexure C - Extracts from Annual EPBC Compliance Report

Compliance Report - Snowy 2.0 Main Works - EPBC 2018/8322  
Reporting period 25 August 2020 - 24 August 2021

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

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Compliance Report - Snowy 2.0 Main Works - EPBC 2018/8322  
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	<b>approval.</b>		
16	<p>The <b>approval holder</b> 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 <b>Minister</b> in writing.</p>	Not applicable	The condition was not triggered in the reporting period.

[Snowy 2.0 Main Works Annual EPBC Compliance Report EPBC 2018/8322, reporting period 25 August 2021 to 24 August 2022](#)