

UNDERTAKING

Section 9.5 Environmental Planning and Assessment Act 1979

Undertaking

1. This is an undertaking given under section 9.5 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) by Snowy Hydro Limited (ACN 090 574 431) (**Snowy Hydro**).

Person giving the Undertaking

2. This undertaking is given to the Planning Secretary, NSW Department of Planning Housing and Infrastructure (**Planning Secretary**) by Snowy Hydro for the purposes of section 9.5 of the EP&A Act.

Background and Context

3. Snowy Hydro is the proponent of the pumped hydro project known as Snowy 2.0 (**Project**), which will expand the existing Snowy Mountains Hydro-electric Scheme with a new underground power station in the Kosciuszko National Park (**KNP**).
4. On 20 May 2020, the former Minister for Planning and Public Spaces granted Critical State Significant Infrastructure Approval No. CSSI 9687 (**CSSI-9687**) which authorises the construction and operation of the Snowy 2.0 Main Works. CSSI 9687 has been modified on three occasions.
5. In July 2025, Snowy Hydro commissioned an Independent Environmental Audit (IEA) as required by Schedule 4 Conditions 9-10 of CSSI-9687 to audit Snowy Hydro's compliance with CSSI 9687 for the 18-month period starting from 18 July 2023 to 28 March 2025. On 23 October 2025, the final Independent Environmental Audit prepared by Integrated Environmental Management Australia Pty Ltd (**IEA**) was submitted to the Planning Secretary.
6. The IEA noted a number of non-compliances with the conditions of CSSI-9687. In response to each of the non-compliances identified in the IEA, including those specified in detail in Appendix 1, Snowy Hydro has offered and the Planning Secretary has accepted the commitments set out in this undertaking.
7. This undertaking is intended to constitute a comprehensive response to the IEA findings of non-compliance and Snowy Hydro fully commits to implementing this undertaking to address those findings, such that no further enforcement action is required in relation to the non-compliances the subject of this Undertaking and notwithstanding that this undertaking may not expressly refer to or address each individual issue raised as a non-compliance within the IEA.

Commencement of Undertaking

8. This undertaking comes into effect when:
 - a. it is executed by Snowy Hydro, and
 - b. the executed undertaking is accepted by the Planning Secretary or delegate.

Undertaking

9. Snowy Hydro undertakes on acceptance of this undertaking to contribute a total sum of \$180,000 to the NSW Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) to be applied towards the Projects described in Appendix 2 .
10. The contribution referred to in paragraph 9 will be payable by Snowy Hydro to DCCEEW within 21 days of receipt of an invoice from DCCEEW indicating that the contribution is payable with respect to the Projects described in Appendix 2.
11. Snowy Hydro will provide evidence of the above payment to the Planning Secretary within 14 days of the payment being made.
12. In addition to the contribution referred to in paragraph 9, Snowy Hydro will provide boat access to locations within the Talbingo Reservoir or other locations in the northern part of KNP as agreed between DCCEEW and Snowy Hydro, to enable the Leadbeater's Possum Survey Program described in Appendix 2 to be extended to near shore and creek line locations.

Acknowledgements

13. Snowy Hydro acknowledges that:
 - a. the Planning Secretary's acceptance of this undertaking has the effect that no other compliance or enforcement actions will be taken against Snowy Hydro in respect of the non-compliances listed Appendix 1 or any other non-compliances noted in the IEA, notwithstanding that this undertaking may not expressly refer to each individual matter raised in the IEA;
 - b. the failure to fully comply with the Conditions of CSSI listed in Appendix 1 is regrettable, however the failures have been remedied, or are in the process of being addressed and none have resulted in material harm;
 - c. the Department may make this undertaking publicly available including by publishing it on the Department's public register of Section 9.5 undertakings on its website; and
 - d. the Department may, from time to time, make public reference to this Undertaking.

Execution

Executed as an undertaking which may be enforceable by the Planning Secretary under section 9.5 of the EP&A Act.

Executed by Snowy Hydro in accordance with section 127 (1) of the Corporations Act 2001 (Cth).

Signed by:

3976EF3CB8984A8...
Signature of Director

Dennis Barnes

Date: 17 December 2025 | 08:27 AEDT

Signature of Company Secretary

DocuSigned by:

125680CA5806422
Suzannah Fletcher

Date: 17 December 2025 | 08:20 AEDT

Accepted by the Secretary (or delegate) of the Department of Planning Housing and Infrastructure pursuant to section 9.5 of the Environmental Planning and Assessment Act 1979 (NSW).



Secretary or Delegate

Name David Gainsford

Date: 18/12/2025

Appendix 1 Circumstances of failure to fully implement Conditions

(All references to conditions are references to Conditions set out in Infrastructure Approval CSSI 9687)

1) The circumstances with respect to the Digital Strategy

- a) The Digital Strategy required by Schedule 3, Condition 2 was approved by the Planning Secretary on 25 June 2024.
- b) Section of the Digital Strategy requires the establishment of a working group within 9 months of the approval of the strategy which was 24 March 2025.
- c) Whilst Snowy Hydro did commence actions to establish the working group in early March 2025, the working group was not established by 24 March 2025. The working group was established and met for the first time on 6 August 2025.
- d) Schedule 3, Condition 2 has therefore now been complied with.

2) The circumstances with respect to the Biodiversity Management Plan (BMP)

- a) The BMP required by Schedule 3 Condition 18 was approved by the Planning Secretary on 12 October 2020.
- b) Schedule 3, Condition 19 of CSSI 9687 requires the BMP to be implemented.

Washdown stations

- c) Schedule 2, Condition 13(c) of CSSI 9687 requires that plant and equipment used on or in connection with the development must be kept free of weeds, seeds and pathogens when entering or leaving the site.
- d) The BMP required the use of washdown stations as a management measure to ensure the site is free of weeds, seeds and pathogens.
- e) Whilst washdown stations were provided during construction, most were replaced with wheel washes following construction which were considered in the IEA to be insufficient for compliance with the BMP.
- f) Snowy Hydro is working with its contractor to identify the ongoing appropriateness of these requirements of the BMP with respect to washdown stations and to update these requirements, including amending the BMP where appropriate.

Weed and pest management

- g) The Weed Pest and Pathogen Management Plan set out in Appendix F to the BMP includes section 5.1.2.1 which includes the following requirements:
 - o *A weed control contractor will be employed to implement chemical weed control across the project site as the primary means of eradicating or mitigating against the*

spread of weeds. The weed control contractor will be suitably qualified in the sustainable management of the specific weed species occurring on the project site.

- *At minimum, a twice-annual weed control program will take place throughout the construction of the project. This will generally involve a spring and summer round of weed spraying, the timing of which will be adapted each season to maximise efficacy by targeting the most appropriate lifestage of the target species. The precise timing and locations for weed spraying will be determined by the weed control contractor.*

- h) In September 2024, Snowy Hydro engaged a weed contractor to implement the Spring/Summer 2024 weed control program, however that engagement was not finalised and in place in time for a weed control program to be implemented during Spring 2024. A weed control programme was implemented during Summer 2024/25.

Completion of Clearance Permits

- i) The IEA identified that some clearance permits required under the BMP had not been fully completed by its contractor.
- j) Snowy Hydro is working with its contractor to ensure that all clearance permits are correctly completed. Snowy Hydro's contractor will provide monthly assurance reports to Snowy Hydro demonstrating compliance with all procedures concerning clearing. These reports will include copies of all permits issued with reference to documentation produced in support of each permit.

3) Circumstances with respect to the Heritage Management Plan (HMP)

- a) The HMP required by Schedule 3 Condition 35 was approved by the Planning Secretary on 25 June 2024.
- b) Section 6.1 of the HMP imposes a requirement for a Natural Heritage Monitoring Program set out in Table 6-1 of the HMP.
- c) Table 6-1 includes requirements for an annual inspection of Ravine Block Streams and Tufa deposits including cliff edge Tufa by Project Geoheritage Specialist prior to main works construction and then annually.
- d) Annual inspections of the Ravine Block Streams and Tufa Deposits were not carried out in accordance with Table 6-1.
- e) Inspections required by Table 6-1 were completed during October 2025.

4) Circumstances with respect to the Subsidence Management Plan (SMP)

- a) The SMP required by Schedule 3, Condition 64 was approved by the Planning Secretary on 6 December 2023.
- b) Schedule 3, Condition 66 required the commissioning of an Independent Environmental Audit of the SMP within six months of the recommencement of tunnelling works by TBM Florence unless otherwise agreed by the Planning Secretary.

- c) Tunnelling works by TBM Florence recommenced on 6 December 2023.
- d) An audit of the Subsidence Management plan was not commissioned within six months of recommencement of tunnelling works by tunnel boring machine Florence, ie by 5 June 2024.
- e) The Independent Environmental Audit of the SMP was commissioned by Snowy Hydro on 15 October 2025 with a report expected in January 2026.

5) Circumstances with respect to Staging and Updating of Strategies, Plans or Programs

- a) Schedule 4, Condition 3 of the original instrument now condition 19 in the Consolidated Conditions requires that the Proponent must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
 - i) any strategies, plans or correspondence submitted in accordance with this approval;
 - ii) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - iii) the implementation of any actions or measures contained in these documents.

Circumstances Relating to Timing of Management Plans

- b) By letter dated 21 December 2023, the Planning Secretary required following management plans to be submitted to and or approved by the Planning Secretary by the specified dates, being:
 - i) **Rehabilitation Management Plan** - Stage 1 must be approved by the Planning Secretary by 31 December 2023 and Stage 2 must be approved by the Planning Secretary by 31 December 2024.
 - ii) **Recreation Management Plan** - Stage 1 must be approved 31 May 2024 and Stage 2 must be approved by the Planning Secretary by 31 May 2025.
 - iii) **Long Term Road Strategy**- Stage - 1 must be approved by the Planning Secretary by 31 March 2024 and Stage 2 must be approved by the Planning Secretary by 31 March 2025.
 - iv) **Visual Impact Management Plan**- Stage 1 must be approved by the Planning Secretary by 31 Dec 2023 and Stage 2 must be approved by the Planning Secretary by 31 Dec 2024.
- c) The management plans referred to above in were not completed by the due dates specified by the Planning Secretary.
- d) By letter dated 25 Oct 2023 the Planning Secretary indicated that Snowy Hydro can stage the submission of the Biosecurity Risk Management Plan (BRMP) and that Stage 1 must be submitted by 1 Dec 2023 and Stage 2 prior to 1 Dec 2024. Stage 1 was approved by DPI in

a letter dated 25 Oct 2024 in response to submission of the Biosecurity Risk MP on 18 May 2024.

- e) The BRMP was not submitted and approved by the due dates specified for Stage 1 or Stage 2. Stage 1 was submitted on 18 May 2024 and approved by the Planning Secretary on 25 October 2024. Stage 2 has not yet been submitted.
- f) Snowy Hydro will confer with the Planning Secretary regarding further staging of the Stage 2 plans which will not have operative effect until the operation of Snowy 2.0.

Circumstances relating to the review of TARPs

- g) By letter dated 12 October 2023 the Planning Secretary required Snowy Hydro to review and revise the Trigger Action Response Plans (TARPs) in the Water Management Plan, Surface Water Management Plan and the Groundwater Management Plan in consultation with NSW Planning Assessments, Environment Protection Authority (EPA) and National Parks and Wildlife Service (NPWS) and submit the Plans to the Secretary for approval by COB 1 December 2023 via the Major Projects Portal.
- h) Snowy Hydro revised the TARPs as required by the Planning Secretary's letter and the revised TARPs were submitted to and approved by the Planning Secretary, but there was no consultation with the EPA and NPWS.

6) Circumstances with respect to publishing required information

- a) Schedule 4, Conditions 8 and 12 require that certain information be made publicly available on Snowy Hydro's website which is to be kept updated, including:
 - i) Regular reporting on the environmental performance of the development in accordance with the requirements in any approved strategies, plans or programs;
 - ii) various documents including relevantly for the purposes of this undertaking, modifications to CCSI 9687 and Independent Environmental Audits; and
 - iii) Other matters required by the Planning Secretary.
- b) In relation to the requirements above, the following documents were either not published on the Website or the Website was not updated to include the most recent documentation:
 - i) Modifications to CCSI 9687;
 - ii) EPL Water Monitoring Results, Quarterly Environmental Monitoring Reports, Annual Monitoring Reports, Biodiversity Monitoring Program Results, Spoil Management Overview Reports and Quarterly Cumulative Traffic Reports included on Snowy 2.0 Website. Spoil Management Overview Report August - January 2025, Quarterly Cumulative Traffic Reports Sep 2024 and Dec 2024 reports on website. Biodiversity Monitoring Program 2023 to 2024;
 - iii) Incident register from 7 February 2025;

- iv) Independent environmental audits prior to 2022;
 - v) Fortnightly Subsidence Monitoring Reports.
- c) The website will be updated to address the above non-compliances by 31 December 2025.

7) Circumstances relating to Water Management Requirements

- a) Schedule 3 Condition 31 requires that prior to the commencement of construction a Water Management Plan (WMP) which includes a Surface Water Management Plan be prepared and Condition 32 requires the Proponent to implement the Water Management Plan.
- b) Section 5 of the Surface Water Management Plan which forms part of the WMP provides that sprinkler irrigation systems shall be installed at each basin, on the spoil emplacement pads, in areas of rehabilitation and at the crushing and screening plant
- c) The IEA identified that some basins did not have sprinklers installed.
- d) Snowy Hydro is working with its contractor to identify the ongoing appropriateness of these requirements of the WMP with respect to sprinklers at all basins and to update these requirements within the WMP, as appropriate.

Circumstances relating to storage of hydrocarbons

- e) Schedule 3, Condition 30(p) requires hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards.
- f) The IEA identified that there were incorrectly stored hydrocarbons were not stored in accordance with AS 1940 because bunding was not to 110% of capacity and hydrocarbon spills at the Lobs Hole Contractors work area that required clean up.
- g) This has now been rectified and Snowy Hydro is working with its Contractor to ensure that the ongoing and future storage and use of hydrocarbons are in accordance with AS 1940.

8) Circumstances relating to the implementation of previous IEA Audit Action Plan

- a) Schedule 4 Condition 11 requires that the Proponent must implement any approved audit action plan for the development.
- b) An IEA was conducted with respect to the Snowy 2.0 Project in 2023 (the 2023 Audit) and an audit action plan was approved on 11 September 2023.
- c) The IEA identified that some actions from the 2023 Audit and action plan are still either ongoing or work in progress and have passed their Action Due Date specified in the Audit Action Plan.
- d) Snowy Hydro is working to complete all outstanding matters on the action plan.

Appendix 2 - Projects

Project 1 Leadbeater's Possum Survey Program

Funding value: \$110,000 (which includes \$40,000 for feral animal control)

Context

Leadbeater's possum (LBP) was first identified in NSW on 20 May 2025 from a camera set next to the Snowy Mountains Highway near Yarrangobilly Caves during 2024. Prior to this identification, the LBP had only been recorded as a living animal from southern Victoria. However, the species has now also been identified from images taken in 2022 at a site 28km further north in Kosciuszko National Park (KNP).

The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) has established Leadbeater's Possum Survey Program (LPS).

The purpose of the LPS is to determine the distribution, population size and health of the Leadbeater's Possum in New South Wales and its relationship to Victorian populations.

Approach to the LPS

The first step to determine the distribution, population size and health of the population is to undertake broad-scale surveys targeting potentially suitable habitats in KNP and surrounding forests. The aim of these surveys is to:

1. Identify the broad geographical distribution of LBP in NSW; and
2. Confirm broad occupied habitat types

Once these initial surveys have occurred more detailed investigations can be undertaken in areas identified as holding LBP. This will consist of two streams of work; (i) further surveys of local habitat use and (ii) distribution and installation and monitoring of nest boxes.

These detailed investigations will achieve more refined aims that provide information more targeted at on-ground management decision-making including:

1. Identify specific landscape and habitat use of LBP, including relationship to past fire and disturbance
2. Estimate population size
3. Determine genetic relatedness to Victorian populations

Proposed Application of funds provided through this undertaking.

The contribution provided under this undertaking will be applied to intensify the proposed survey work in the vicinity of the Snowy 2.0 Project, specifically in the northern forests of the Kosciuszko National Park (KNP) and other nearby forests.

It would enable increased funding of the following LPS activities:

- Field work to deploy cameras;
- Call playback equipment to increase sampling effort

- Additional survey cameras
- AI first-pass image analysis.
- Augmentation of in-house final image ID.

The funding will also provide for the following feral animal control activities:

- Lease of 3 x Felixers (remote traps to control cats). Current cat monitoring has indicated to NPWS that cat densities are high in the locations where LBP have been found. In conjunction with other programs, the traps could be deployed at either Mountain Pygmy Possum (MPP) or LBP known habitat. If successful, the leases may be extended by NPWS into the future. Depending on current NPWS programs, some funds may also be spent on other forms of control in LBP habitat.

This increased funding will have a number of advantages for the LPS including the following outcomes:

- It will enable the ongoing impacts and management for Snowy 2.0 and associated power transmission infrastructure to be assessed.
- It will provide capacity to increase density of sampling across local landscapes between Tooma and Blowering (and areas to the east) which in turn would provide finer-scale information about habitat preferences and understanding of impacts of fire and other disturbance.
- It will speed up the survey process, which at a minimum should enable 150 sites per year to be surveyed.

Project 2 Mountain pygmy possum (MPP) post fire rehabilitation of mountain plum pines

Funding Value \$70,000 (which includes \$20,000 for feral animal control)

Context

NPWS has undertaken a *Mountain pygmy possum post fire rehabilitation of mountain plum pines rehabilitation project* in an area known as Rough Creek.

The contribution to additional funding provided under this undertaking would enable the rehabilitation project to be extended to the Cabramurra/ Snowy Ridge and Happy Jacks areas and include working with Tumut Brungle Land Council.

Plants for the rehabilitation to the value of approximately \$25,000 have already been procured. The additional funding of \$50,000 would provide for engagement of a planting contractor.

Proposed Application of funds provided through this undertaking.

The following activities are proposed in the 2026-27 year:

1. Engaging the Brungle- Tumut Local Aboriginal Land Council (LALC) to complete weed control and planting of Podocarpus around Rough Creek boulderfield, Happy Jacks MPP Crossings and Snow Ridge Quarry. This work will ensure the success of natural recruitment and planting areas established by the LALC over the past two years and

continue to build up cultural connection with the landscape and MPP. This will likely be achieved in two sets of 3 days over spring and autumn.

2. Engage a planting contractor to establish Podocarpus populations adjacent to Snow Ridge boulderfield where there has been no evidence of natural recruitment since 2020. This work is challenging due to the need to carry materials over rough terrain and a greater distance.
3. Purchase of materials such as fertiliser, water crystals, chemicals.
4. Feral animal control for 2 x 10 day periods for NPWS cat trapping contractor to focus on MPP around the broad Cabramurra area. Depending on current NPWS programs, some funds may also be spent on other forms of control in MPP habitat.

This increased funding will have a number of advantages for the MPP including the following outcomes:

1. Protection of known MPP habitat from weed invasion
2. Improved resilience and quality of MPP habitat through re-introduction of critical food source and shelter for MPP
3. Opportunity for knowledge-sharing and connection with cultural values of MPP and the surrounding landscape