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Ms. Toni Hart

Director, Environmental Audit

Department of Agriculture, Water and the Environment

Via email epbcmonitoring@awe.gov.au

10 August 2023

Annual Compliance Report for Newcastle Gas Storage Facility (EPBC 2010/5752)

Dear Ms. Hart,

AGL Energy Limited (**AGL**) was granted approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) on 18 July 2012 for the development of the Newcastle Gas Storage Facility (**EPBC Approval**).

Under the conditions of this approval, AGL is required to publicise a report on AGL's website addressing compliance with the conditions of the EPBC Approval over the previous 12 months, including implementation of any management plans as specified in the EPBC Approval within three (3) months of every 12 month anniversary of the commencement of the action. This document has been prepared to satisfy this requirement which is detailed in Condition 7 of the approval EPBC 2010/5752. It will be published within the relevant period on AGL's website.

Statement of compliance

All construction works have previously been completed and the Newcastle Gas Storage Facility (**NGSF**) has been in operational phase for the last 12 months. Specifically, the following risk mitigation strategies have been implemented by AGL during the operation of the NGSF:

Condition 1: To minimise the risk that operational activities relating to the movement of sediments or contaminants that could adversely affect the Hunter Wetlands National Park (formerly the Kooragang Nature Reserve), AGL has continued to implement Conditions B20 to B26 and B56 of the NSW Planning Assessment Commission Conditions of Approval dated 10 May 2012 (MP10_0133) where applicable.

Condition 2: To minimise adverse impacts on listed threatened species and ecological communities, in particular the New Holland Mouse and Earp's Gum, during operational activities, AGL has implemented a *Flora and Fauna Management Plan* as part of the NGSF *Operation Environmental Management Plan*. The *Flora and Fauna Management Plan* and *Operation Environmental Management Plan* were each reviewed and updated during the reporting period and are publicly available at <https://www.agl.com.au/-/media/aglmedia/documents/about-agl/how-we-source-energy/newcastle/ngsf-document-repository/180621newcastle-gas-storage-operational-environmental-management-plan-rev-41-with-appendices.pdf?la=en&hash=AD432722B0E4B478792163B206D9D45F>



Condition 3: AGL implemented the NSW Department of Planning and Environment approved Biodiversity Offset Strategy as per Condition B13 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133). On 05 May 2016, the NSW Minister for Environment executed the Conservation Agreements for Lot 16 and Lot 20 Old Swan Bay Road, Ferodale, which are owned by AGL. The Conservation Agreements apply to the title of both Lots and provide enduring protection to the ecological values on the site. During the reporting period, AGL completed all required property maintenance and monitoring works to meet the requirements of the Conservation Agreements.

Condition 4: The Biodiversity Offset Strategy required under Condition B13 of the NSW Planning Assessment Conditions of Approval dated 10 May (MP10_0133) was approved by the then Department of Planning and Infrastructure on 15 August 2012 prior to the commencement of construction. The Strategy provides for the permanent offsite protection of at least 25ha of optimal habitat for the New Holland Mouse and permanent offsite protection for at least 60 individual Earp's Gum.

The Biodiversity Offset Package required under Condition C2 of MP10_0133 was approved by the Department of Planning and Environment on the 20 May 2015. The package gave effect to the requirements of the Biodiversity Offset Strategy (Condition B13).

Condition 5: AGL notified the Department in writing of the date of commencement of the activity on 27 August 2012 (which was within 10 days of the commencement of the action).

Condition 6: AGL maintains accurate records substantiating all activities associated with or relevant to the EPBC Approval conditions, including measures taken to implement management plans required under the EPBC Approval. These plans are available if the Department would like copies.

No non-compliances with the Conditions 1-6 of the EPBC Approval were recorded during the reporting period.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Moraitis'.

John Moraitis

Environment Manager – NSW Gas Operations