



Notification of final approval decision

Australia Asia PowerLink Project, Northern Territory (EPBC 2020/8818)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Proposed Approved Action

person to whom the approval is granted (approval holder)	AA PowerLink Australia Assets Pty Ltd ACN: 653 396 948
Proposed Action	To construct and operate a solar farm, power station and associated infrastructure to generate and deliver renewable energy to Darwin and Singapore (EPBC 2020/8818) subject to the variations of the Proposed Action accepted by the Minister under section 156B on 27 October 2021 and 7 June 2024.

Proposed Approval Decision

Proposed decision	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	Controlling Provisions	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
	Listed migratory species (section 20 and section 20A)	Approved
	Commonwealth marine area (section 23 and section 24A)	Approved
Period the proposed approval has effect	This approval has effect until 2094	
proposed conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Kylie Calhoun Branch Head, Environment Assessments West
signature	
date of decision	19 August 2024

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance and mitigation

GENERAL

- 1) The approval holder must not take the Action outside of the **Action area**.
- 2) To avoid and mitigate **harm** to **protected matters** as a result of taking the Action, the approval holder must comply with the **NT Government approval** conditions to the extent that they relate to **protected matters**.
- 3) By implementing the **NT Government Approval** conditions, the approval holder must prevent any avoidable **harm** to **protected matters** and mitigate unavoidable and accidental **harm** to **protected matters**.

TERRESTRIAL ENVIRONMENT

- 4) Any records of interactions between Ghost bats and the Overhead Transmission Line (OHTL), including **harm** or any noted changes in flight behaviour as a result of the Action, must be included in the **monitoring data**.

MIGRATORY SHOREBIRD MANAGEMENT PLAN

- 5) The approval holder must submit a Migratory Shore Management Plan (MSMP) to the **department** for the **Minister's** approval, to avoid and mitigate **harm** to **EPBC Act** listed migratory and **EPBC Act** listed threatened bird species as a result of works conducted with the **Cable Transition Facility** outside of the **Australian winter**.
- 6) The approval holder must not undertake **construction** at the **Cable Transition Facility** outside the **Australian winter** unless the **Minister** has approved an MSMP in writing. The approval holder must commence implementation of the MSMP approved by the **Minister** in writing from the date it is approved by the **Minister** and continue to implement the approved MSMP until **construction** at the **Cable Transition Facility** is completed.

- 7) The MSMP must:
- a) Be prepared in accordance with the **Environmental Management Plan Guidelines** to the satisfaction of the **Minister**, and
 - b) Specify adaptive management measures to respond to any **emergent issues** during **construction** within the **Cable Transition Facility**, and
 - c) Detail monitoring efforts and reporting of monitoring outcomes, and
 - d) Include a commitment to report on the implementation of all management measures and monitoring efforts and outcomes with the **compliance reports**.

MARINE ENVIRONMENT

- 8) The approval holder must not commence **construction** in the marine environment until a permit under the *Environment Protection (Sea Dumping) Act 1981* (Commonwealth) has been granted in relation to this Action.
- 9) The approval holder must initiate a **soft start procedure** during any initial or subsequent startup activities involving operation of trenching or dredging equipment within **Australian Waters**.

CULTURAL HERITAGE

- 10) The approval holder must, in accordance with conditions 22-1 and 22-2 of the **NT Government approval**, prepare a Cultural Heritage Plan (CHP). The approval holder must submit the portion of the CHP relevant to Underwater Cultural Heritage to the **department** for the **Minister's** approval. The approval holder must not commence **construction** in any marine environment unless the **Minister** has approved the submitted portion of the CHP in writing. The approval holder must commence implementation of the CHP approved by the **Minister** in writing from the date it is approved by the **Minister** and continue to implement the approved CHP until the completion of the action.
- 11) In addition to the requirements specified in condition 22-2 of the **NT Government Approval**, to the satisfaction of the **Minister**, the portion of the CHP relevant to Underwater Cultural Heritage must be:
- a) be prepared in accordance with the **Environmental Management Plan Guidelines**, and
 - b) consistent with the **department's** other relevant Underwater Cultural Heritage guidelines.

Part B – Administrative conditions

SUBMISSION AND PUBLICATION OF PLANS

- 12) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** required by the **NT Government Approval** on the **website** within 15 **business days**:
- 13) of the date the **plan** is approved in writing if the **plan** requires approval, or
- 14) of the date the **plan** is submitted to the **NT Government** or the **department** (whichever is earliest) if the **plan** does not require approval.
- 15) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 16) The approval holder is required to exclude or redact **sensitive ecological data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive ecological data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.
- 17) Keep the **plan** published on the **website** until the expiry date of this approval.

MODIFICATIONS TO NORTHERN TERRITORY APPROVAL

- 18) The approval holder must notify the **department** in writing of any proposed change to the **NT Government Approval** that may relate to **protected matters** within 2 **business days** of formally proposing such a change and within 5 **business days** of becoming aware of any proposed change.
- 19) The approval holder must notify the **department** in writing of any change to the **NT Government Approval** that may relate to **protected matters**, within 5 **business days** of such a change to conditions coming into effect. Such notification must include a copy of the changed **NT Government approval** conditions showing what changes have been made.

COMMENCEMENT OF THE ACTION

- 20) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 21) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.
- 22) The approval holder must notify the **department** electronically of the date of commencement of **construction** within 5 **business days** following commencement of **construction**.
- 23) The approval holder must notify the **department** electronically of the date of commencement of **construction** in any marine environment within 5 **business days** following commencement of **construction** in any marine environment.

COMPLIANCE RECORDS

- 24) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 25) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 26) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 27) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.

ANNUAL COMPLIANCE REPORTING

- 28) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 29) The approval holder must ensure each **compliance report** includes:
- c) accurate and complete details of compliance and any non-compliance with:
 - i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
 - d) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - e) accurate and complete details of how each **plan** was implemented during the **ACR period**,
 - f) if any **incident** occurred, accurate and complete details of each **incident**, and
 - g) all survey data relevant to **protected matters** collected in accordance with condition 3 of the **NT Government Approval**.
- 30) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 31) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.

32) The approval holder must:

- a) Exclude or redact **sensitive ecological data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
- b) If **sensitive ecological data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- c) If **sensitive ecological data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.

33) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.

34) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

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

REPORTING NON-COMPLIANCE

35) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:

- h) any condition or commitment made in a **plan** which has been, or may have not been, complied with,
- i) a short description of the **incident**, and
- ii) the location (if applicable, including co-ordinates), date and time of the **incident**.

36) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:

- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - i) the potential impacts of the **incident**,
 - ii) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - iii) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 37) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 38) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 39) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 40) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.
- 41) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 42) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.
- 43) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date of the **department** agreeing to that **audit report** in writing.
- 44) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 45) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 46) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**.
The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 47) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area means the location of the Action, represented in Attachment A by the zone enclosed by the shaded spatial files.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent 3-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Australian Waters means the territorial sea of Australia and any marine or tidal waters that are on the landward side of any part of that sea.

Australian winter means the period between 31 May and 1 September in any given year.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in the Northern Territory.

Cable Transition Facility means the underground cable corridor, land sea joint station and the shore crossing site, as shown in **Figure 3** and **Figure 4**.

Clear, cleared or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation but does not include weeds (see the *Australian Weeds Strategy 2017-2027*, Commonwealth of Australia 2017 for further guidance)'.

Commence the Action or **commences the Action** means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

- Undertake soil sampling or geotechnical investigations provided these cause only minor physical disturbance, will not **harm** any **protected matter** and are required in advance of commencement of site works.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

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

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground or seabed, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage

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

Emergent Issues means a potential or identified threat or problem that may, or may be likely to, **harm protected matters** and/or their habitat.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

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

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Incident means any:

- event which has the potential to, or does, **harm** any **protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.

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

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

NT Government Approval means the Northern Territory Government Environment Approval for the Australia-Asia Powerlink Project (approval number: EP2020/002-001) made under section 69 of the *Environment Protection Act 2019* (NT) approved 14 July 2024.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Sensitive ecological data means data as defined in the *Sensitive Ecological Data – Access and Management Policy v1.0*, Commonwealth of Australia 2016.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Soft start procedure means the process of gradually increasing trenching machinery from nil to full operation, evenly reached over 30 minutes, each time works commence or resume.

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

Attachments

Attachment A

Location of the proposed **action area** means the location of the **action**, represented in Attachment A, inclusive of the Solar Precinct; the Overhead Transmission Line (OHTL); the Darwin Converter Site; and the Subsea cable as described below:

- Figure 1: The Solar Precinct, enclosed by the area shaded in orange, inclusive of associated infrastructure enclosed in polygons shaded in aqua, and access tracks represented by the yellow and red lines
- Figure 2: The Overhead Transmission Lines (OHTL), as represented by the orange shaded line.
- Figure 3: The Darwin Converter Site inclusive of the Cable Transition Facilities enclosed by the area shaded in blue, and the Darwin Converter Site enclosed by the area shaded in green.
- Figure 4: The Subsea Cable site represented by the magenta line.

Solar Precinct

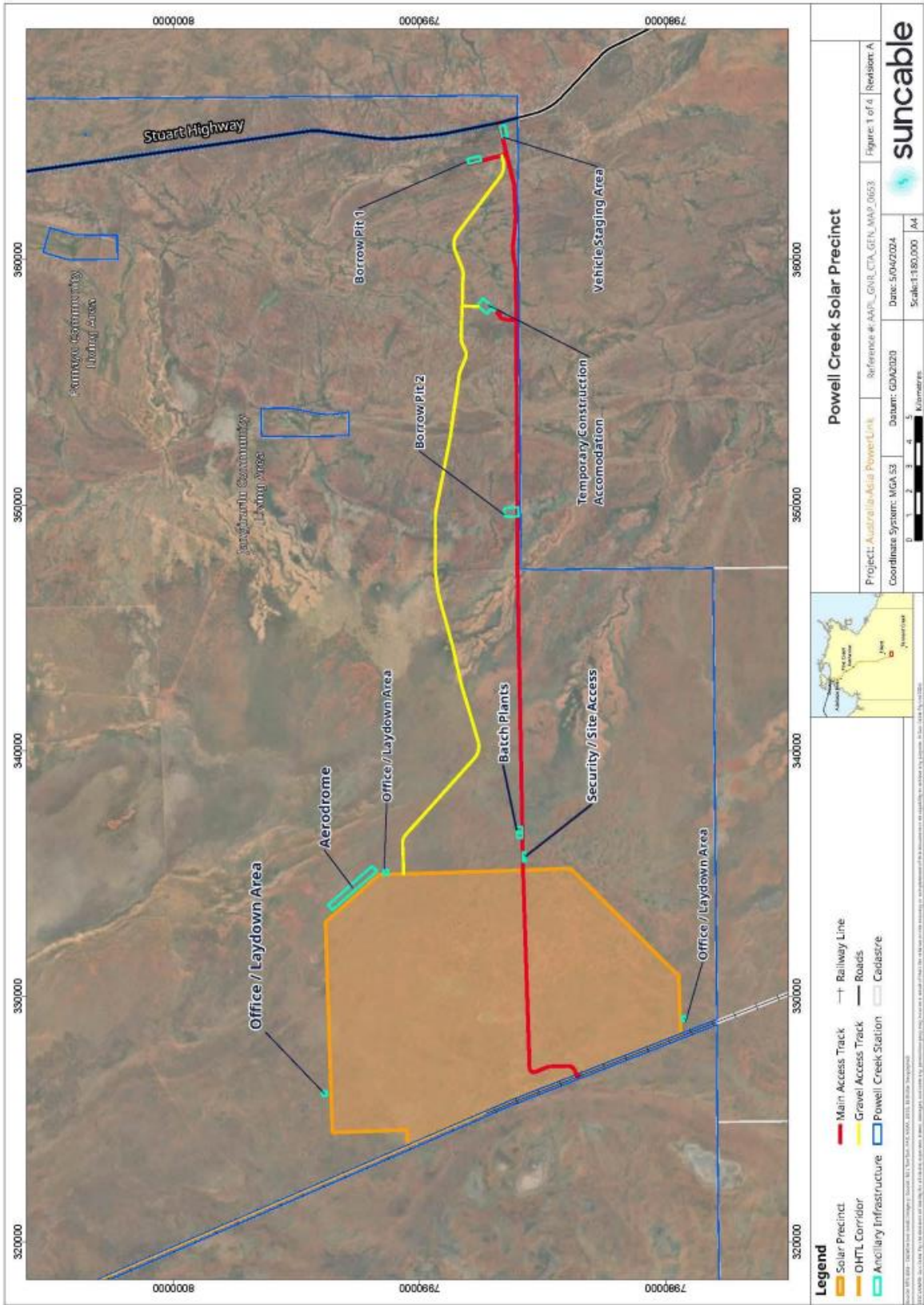


Figure 1

OTHL



Figure 2 OHTL corridor



Subsea Cable in NT and Commonwealth Waters

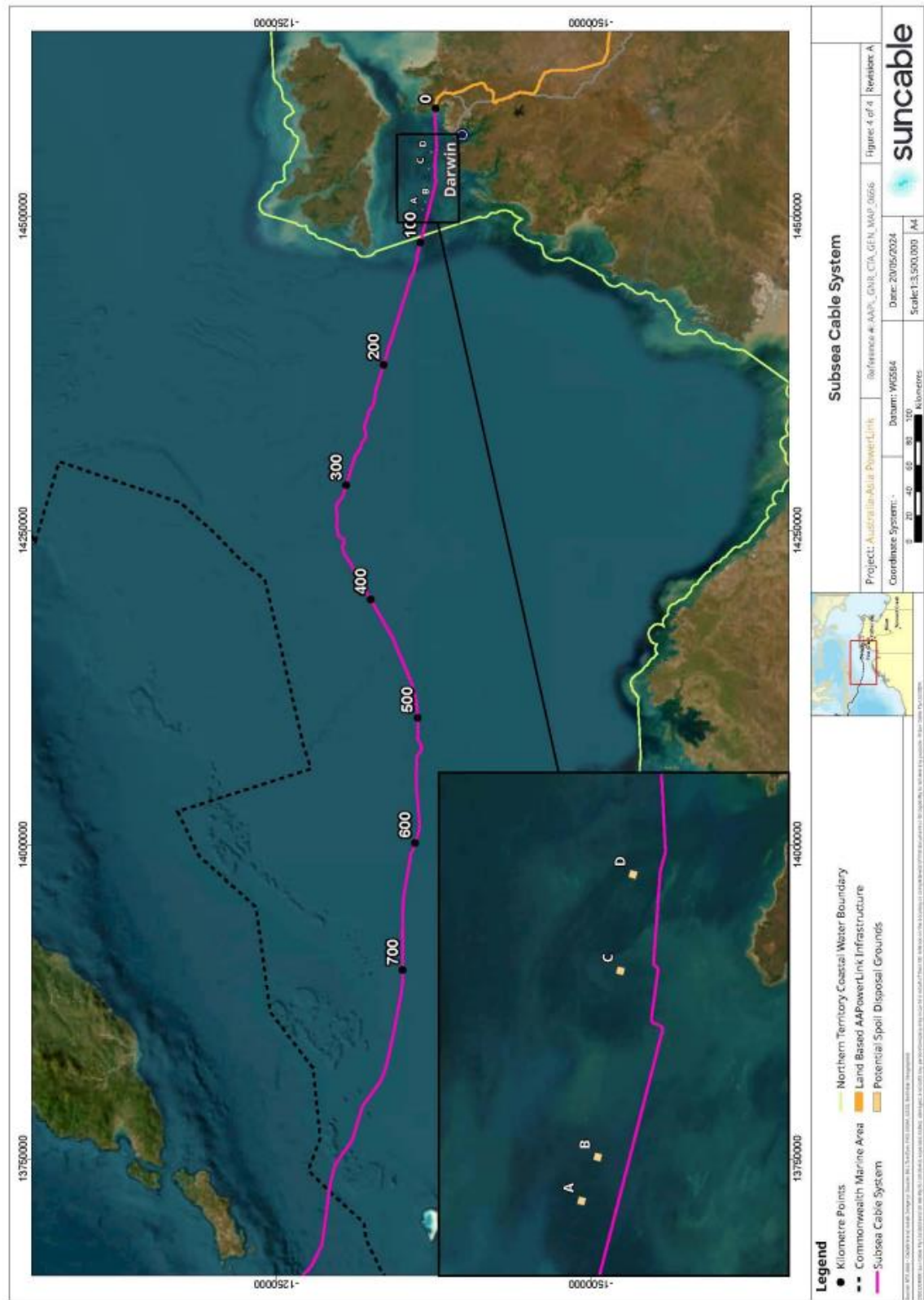


Figure 4