Annual Compliance Report 22/8/2025 to 21/8/2026

EPBC Act Approval 2020/8623
Bayswater Power Station Water Infrastructure Upgrade

AGL Bayswater Power Station

Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed: 

Full name (please print): Leonard McLachlan

Position (please print): General Manager Bayswater

Organisation (please print including ABN/ACN if applicable):

AGL Macquarie PTY Limited (ACN 167 859 494)

Date: 1/11/2026

Document Revision History

2 October 2026	01	N Gardiner	Draft for Review
20 October 2026	02	A Speechly	Review & Updates
1 November 2026	03	L McLachlan	Final for Endorsement

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1. Introduction

1.1. Purpose

This Annual Compliance Report has been prepared to satisfy condition 12 of AGL Macquarie Pty Limited (AGLM)'s Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) Approval 2020/8623 (the Approval). The report has been developed in accordance with the Annual Compliance Report Guidelines (DCCEEW, 2023).

The report provides an assessment of compliance against the Approval conditions for the reporting period 22 August 2025 to 21 August 2026. The Annual Compliance Report submitted 31 January 2025, covered compliance matters associated with Stage 1 works, which were completed in September 2023, and assessed the period from 22 August 2022 to 21 January 2025. No additional works under Stages 2–5 occurred during this current reporting period.

2. Description of Activities

2.1. Overview of the Action

AGLM owns and operates the Bayswater Power Station (Bayswater), located south-east of Muswellbrook in the Local Government Areas (LGA) of Muswellbrook and Singleton. AGLM is undertaking a range of upgrades to Bayswater, aimed at improving the environmental performance of ash, salt and water management infrastructure and associated rehabilitation outcomes referred to as the Bayswater Power Station Water Infrastructure Upgrade (the Action). The Action is connected with NSW State Significant Development approval SSD 9697.

The purpose of the Action is to improve the management of Bayswater's ancillary processes for handling process water and ash over the remaining operating life of Bayswater and to facilitate an improved rehabilitation outcome for the ash disposal area. This involves:

- Optimising and improving ash management including expanding the Bayswater Ash Dam (BWAD) and recycling operations.
- Creating a salt cake disposal landfill.
- Improvements to water management around the Coal Handling Plant (CHP) area.
- Creating clay borrow-pits to supply the materials for Project components and closure.
- Routine clearing of vegetation, maintenance and management of specified ancillary water management infrastructure.
- Voluntary surrender and consolidation into the development application of a range of existing development approvals.

An overview of the key elements of the Action is provided in **Figure 1**.

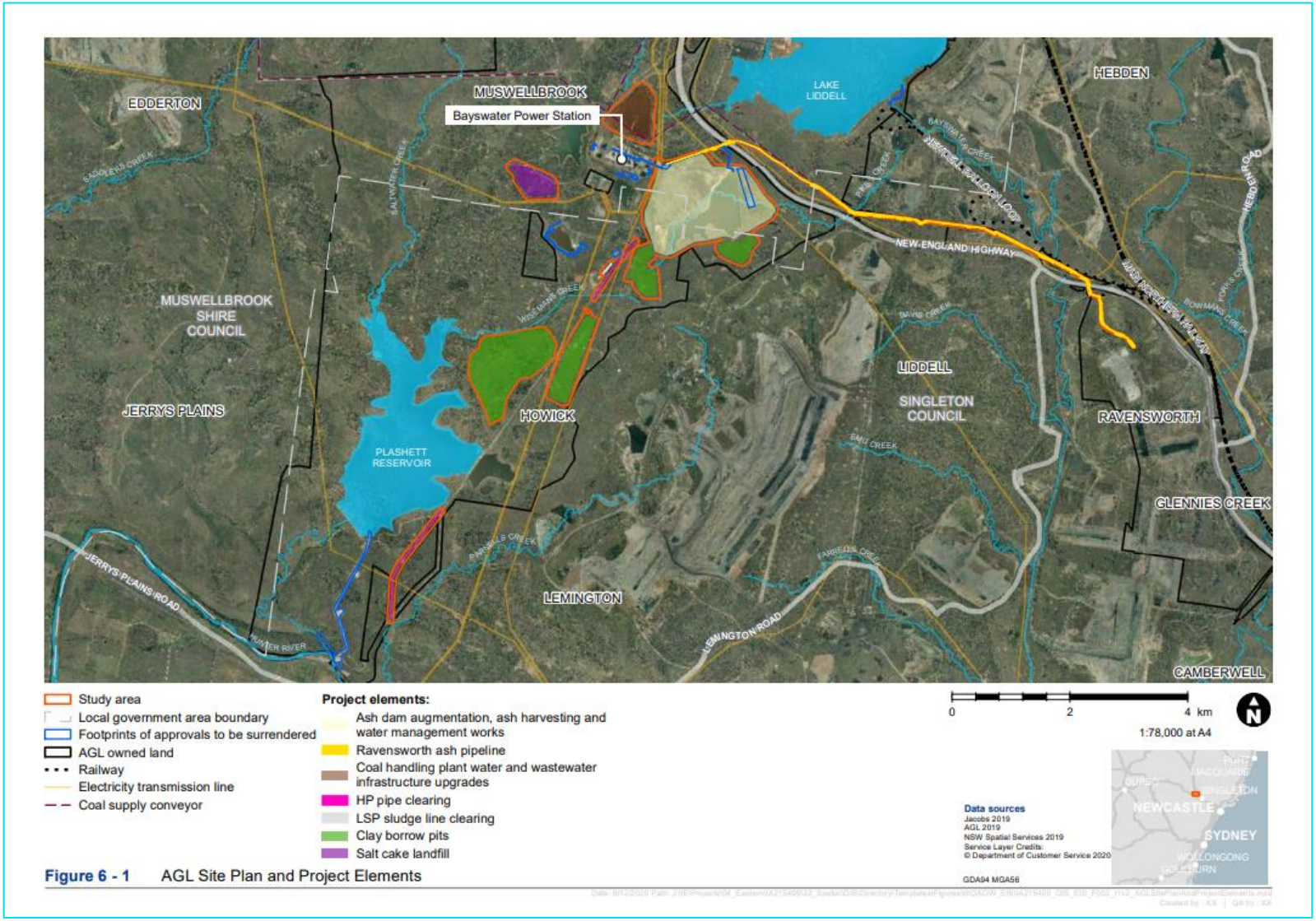


Figure 1 - Overview of Project Elements (Jacobs, 2020)

The EPBC Act Approval 2020/8623 was issued on 14 April 2022 alongside the New South Wales (NSW) State Significant Development Consent (SSD 9697) issued on 18 February 2022, to provide consent for upgrades at Bayswater.

The upgrades proposed under these consents include several projects to be delivered in five (5) stages, as outlined below in Table 1. Each stage has specific impacts on threatened communities and species, which must be offset before the commencement of the relevant stage.

Table 1 – Stages for retirement of biodiversity credits

Disturbance Phase	Retirement Required Prior to Commencement of:
Stage 1	Ravensworth Ash Pipeline
Stage 2	HP Pipeline and LSP Sludge Line works
Stage 3	Coal handling plant area upgrades
Stage 4	Borrow pits and salt cake landfill
Stage 5	Ash dam augmentation and seepage collection upgrades which would be subject to further approval from the Minister.

2.2. Works undertaken to date

The following works have been completed to date:

Stage 1 – Ravensworth Ash Pipeline

Work commenced in August 2022 and was completed in September 2023. This stage involved the replacement of the Ravensworth fly ash transfer pipeline, which transports ash from the Ravensworth Fly Ash Plant at Bayswater to Ravensworth's Voids. The scope of work included:

- Vegetation clearance along the pipeline alignments.
- Laying above ground pipelines onto concrete plinths
- Trenching or under boring below ground sections of the pipelines.
- Depending on the trench depths, shoring or benching the trench may be required.
- Removal of any disused pipelines as required.

AGLM committed to replacing the Ravensworth Ash Line in a timely manner to reduce the risk of any potential failure of the system.

No works have been undertaken for any other stages during the reporting period (i.e. stages 2 – 5) and no new environmental risks have been identified at this time.

3.Compliance Assessment

The current compliance status is outlined in **Table 2** below. The terminology used, including "compliant," "non-compliant," and "not applicable," aligns with the definitions provided in the Annual Compliance Report Guidelines (DCCEEW, 2023).

Table 2 – Compliance Assessment

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EXPLANATION
PART A - CONDITIONS SPECIFIC TO THE ACTION			
1	1. To minimise the impacts of the action on protected matters, within the development layout the approval holder must not clear more than: a. 13.72 ha of Central Hunter Valley Eucalypt Forest and Woodland b. 116.74 ha of Striped Legless Lizard (*Delma impar*) habitat c. 14.64 ha of foraging habitat for Swift Parrot (*Lathamus discolor*) d. 14.64 ha of foraging habitat for Regent Honeyeater (*Anthochaera phrygia*).	**Compliant**	During the reporting period, 0 hectares (ha) of the protected matters listed in the Approval were cleared.
2	The approval holder must not clear outside the development layout.	**Compliant**	No clearing occurred during the reporting period.

EPBC CONDITION NUMBER	EPBC CONDITION	SSD	RELEVANT SSD 9697 CONDITION	COMPLIANCE STATUS	EXPLANATION
3a	For the protection of protected matters the approval holder must: Implement conditions B10 – B13 and C1 – C3, Schedule 2 of the State Development Consent.	B10	Unless otherwise agreed by the Planning Secretary, the Applicant must retire the biodiversity credits for Offset Stages 1, 2, 3, 4 and 5, as specified in Table 2 below, prior to commencing vegetation clearing in those stages. The retirement of credits must be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act.	**Compliant**	No clearing occurred during the reporting period, no further stages (2-5) commenced.
3a		B11	The Applicant may review and update the ecosystem and species credit requirements in Table 2 to reflect the final construction footprint and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with BCS and DAWE and approved by the Planning Secretary prior to the commencement of construction of the relevant offset stage. Table 2: Biodiversity credit requirement. *Note, refer to of the SSD 9697 approval for Table 2 Biodiversity Credit Requirements of B11.*	**Not Applicable**	Condition has not been triggered. There have been no amendments to the ecosystem and species credit requirements to date.

EPBC CONDITION NUMBER	EPBC CONDITION	SSD	RELEVANT SSD 9697 CONDITION	COMPLIANCE STATUS	EXPLANATION
3a		B12	Prior to the commencement of construction of the development, the Applicant must prepare a Biodiversity Management Plan (BMP) to the satisfaction of the Planning Secretary. The BMP must:	**Compliant**	The Biodiversity Management Plan (BMP) was prepared and implemented for stage 1. No further stages (2-5) commenced during the reporting period.
3a		B13	The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.	**Compliant**	As above.
3a		C1	The Applicant must prepare a Construction Environmental Management Plan for construction works to the satisfaction of the Planning Secretary. This plan must be prepared in consultation with the EPA, MSC and SC and include: Note, refer to the SSD 9697 approval condition C1 for the requirements of CEMP.	**Compliant**	A Construction and Environmental Management Plan (CEMP) for Stage 1 Ravensworth Ash Pipeline works was completed and endorsed on 16 August 2022. No further stages (2-5) commenced during the reporting period.
3a		C2	The Applicant must not commence construction until the Construction Environmental Management Plan is approved by the Planning Secretary.	**Compliant**	Stage 1 works began on 22 August 2022, following the approval of all required environmental management plans. No further stages (2-5) commenced during the reporting period.

EPBC CONDITION NUMBER	EPBC CONDITION	SSD	RELEVANT SSD 9697 CONDITION	COMPLIANCE STATUS	EXPLANATION
3b	Notify the Department in writing within 2 business days of formally proposing any change to the conditions of the State Development Consent for which condition 3.a. applies, and within 5 business days of becoming aware of the NSW Government proposing any change to the conditions of the State Development Consent for which condition 3.a. applies.			**Not Applicable**	Condition has not been triggered. During the reporting period, AGLM has not formally proposed any changes to the NSW State Development Consent (SSD9697).
3c	Notify the Department in writing of any change to the State Development Consent for which conditions 3.a. apply, within 5 business days of a change to the State Development Consent being finalised.			**Not applicable**	Condition has not been triggered. No changes to the State Development Consent (SSD9697) have been made in which condition 3.a. apply.

EPBC CONDITION NUMBER	EPBC CONDITION	SSD	RELEVANT SSD 9697 CONDITION	COMPLIANCE STATUS	EXPLANATION
4	To compensate for impacts on threatened species and communities listed in condition 1, the approval holder must comply with State development consent conditions B10 and must retire the biodiversity credits specified in table 2 of State development consent condition B11.	B11	The Applicant may review and update the ecosystem and species credit requirements in Table 2 to reflect the final construction footprint and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with BCS and DAWE and approved by the Planning Secretary prior to the commencement of construction of the relevant offset stage. Table 2: Biodiversity credit requirement. Note, refer to of the SSD 9697 approval for Table 2 Biodiversity Credit Requirements of B11. See Appendix A.	**Compliant**	The Biodiversity Offsets for the Ravensworth Ash Line Replacement Development Site (Stage 1) have been retired. No further biodiversity credits have been retired, as no further stages (2-5) commenced during the reporting period.
5	The approval holder must submit a credit retirement report for each offset stage for the relevant Disturbance Phases (as specified in Table 3 in condition B11 of the State Development Consent) to the Department within 10 business days of retiring the credits.			**Not Applicable**	No credits were retired during the reporting period, as no further stages (2-5) commenced.

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EXPLANATION
PART B – STANDARD ADMINISTRATIONAL CONDITIONS			
6	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	**Not Applicable**	Notification of the commencement of the action was addressed in the Compliance Report dated 31 January 2025.
7	The approval holder must notify the Department in writing, within 10 business days after commencing any Disturbance Phase (as specified in Table 3 in condition B11 of the State Development Consent) of the action, of the date of commencement of that Disturbance Phase.	**Not Applicable**	Condition has not been triggered. No further stages (2-5) commenced during the reporting period.
8	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	**Not Applicable**	Condition has not been triggered. The action commenced on 22 August 2022, within 5 years of the date of the approval.
9	The approval holder must maintain accurate and complete compliance records.	**Compliant**	AGLM maintains accurate and complete compliance records in accordance with this condition.
10	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.	**Not Applicable**	Condition has not been triggered. To date, there have been no requests from the Department for electronic copies of compliance records.
11a	The approval holder must: a. submit plans electronically to the Department.	**Compliant**	All Stage 1 plans have been submitted electronically to the Department via the provision of a link to the plans on the AGLM website, included in the Annual Compliance Report dated 31 January 2025.

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EXPLANATION
11b	b. publish each plan on the website within 20 business days of the date the plan is approved by the NSW Planning Secretary, unless otherwise agreed to in writing by the Minister.	**Compliant**	All Stage 1 plans have been published on the AGLM website. No new plans were developed during this reporting period. Link to website: https://www.agl.com.au/about-agl/operations/agl-in-the-hunter?cidi=AGL%7CB1002016#accordion-645aab6043-item-ddb632c397
11c	c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public.	**Compliant**	No sensitive information is included in plans published on the website.
11d	d. keep plans published on the website until the end date of this approval.	**Compliant**	All Stage 1 plans have been published on the AGLM website. Link to website: https://www.agl.com.au/about-agl/operations/agl-in-the-hunter?cidi=AGL%7CB1002016#accordion-645aab6043-item-ddb632c397
12a	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:	**Compliant**	This Annual Compliance Report covers the 12 month reporting period 22 August 2025 to 21 August 2026 and was published on the website by 13 November 2026.
12b	notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication.	**Compliant**	The Department was notified that the report was published prior to 18 November 2026.
12c	keep all compliance reports publicly available on the website until this approval expires.	**Compliant**	This report and previous reports are available on the website.

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EXPLANATION
12d	exclude or redact sensitive ecological data from compliance reports published on the website.	**Compliant**	This report does not contain sensitive ecological data.
12e	where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.	**Not Applicable**	No sensitive ecological data is required to be removed from this report.
13	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify: a) any condition which is or may be in breach b) a short description of the incident and/or c) non-compliance	**Not Applicable**	Notification of relevant non-compliances was addressed in the Compliance Report dated 31 January 2025. There have been no further incidents or non-compliances in this reporting period.
14a	The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future b) the potential impacts of the incident or non-compliance c) the method and timing of any remedial action that will be undertaken by the approval holder.	**Not Applicable**	AGLM submitted the Annual Compliance Report on 31 January 2025, detailing known non-compliances, corrective actions, potential impacts and remedial actions. As above, there have been no further incidents or non-compliances in this reporting period.
15	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	**Not Applicable**	Condition has not been triggered. To date, there has been no request for independent audits by the Minister.

16a	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department b. only commence the independent audit once the audit criteria have been approved in writing by the Department c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	**Not Applicable**	Condition has not been triggered.
17	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	**Not Applicable**	Condition has not been triggered.
18	Within 30 days after the completion of the action, the approval holder must notify the Department in writing of the date of completion of the action and provide completion data.	**Not Applicable**	Condition has not been triggered.

4.References

Jacobs 2020 *Bayswater Water and Other Associated Operational Works Project, Environmental Impact Assessment,* AGL Macquarie Pty Ltd, Jacobs Group Pty Ltd, North Sydney.

Department of Climate Change, Energy, the Environment and Water (DCCEEW) 2023 *Annual Compliance Report Guidelines*, Commonwealth of Australia, Canberra.