

**COMPLIANCE TO CONDITIONS REPORT – 2023/2024  
EPBC2009/5113**

<b>LICENCE NO.</b>	EPBC 2009/5113
<b>REPORTING PERIOD</b>	April 2023 to March 2024

Please email a copy of your completed AACR to [EPBCMonitoring@awe.gov.au](mailto:EPBCMonitoring@awe.gov.au) .

**EPBC Act Approval**                      **EPBC2009/5113**

**Approved Action**

**The augmentation of the existing effluent rising main at the Ludmilla Wastewater Treatment Plant at Darwin, NT, as described in the variation request received by the department on 1 August 2011 (See EPBC Act referral 2009/5113).**

**Approval Granted To**

**Power and Water Corporation**

Activities undertaken in the period

Discharge from augmented rising main

Registered Business Address:

Level 2, Mitchell Centre  
55 – 59 Mitchell Street  
Darwin NT 0800

ABN:

15 947 352 360

Decision Date:

01<sup>st</sup> March 2013

Expiry Date:

31<sup>st</sup> December 2053

## Contents

<b>1</b>	Compliance with Licence Conditions .....	3
<b>2</b>	Non-Compliance Summary .....	8
<b>3</b>	Signature and Certification .....	9
<b>4</b>	Appendix 1 .....	10

## 1 Compliance with Licence Conditions

Cond. No	Condition	Action	Status
1.	Within 28 days after the commencement of the action, the person taking the action must advise the department in writing of the actual date of commencement.	Completed 2013-2014	Closed Out
2.	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan(s) and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.	Ongoing – All records relating to condition approval and management plans are kept in our content management document management system; WQMMP F2013/557, BIMMP F2014/697, Compliance to Condition Reports and Independent Technical Reviews F2022/1532.	Compliant
3.	Within three months of the date of approval of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.	The Department granted an extension for the submission of the report concerning compliance with the condition of the Approval. Originally due on 1 June 2024, the deadline has now been extended to 28 June 2024. This approval was confirmed via an email received on 27 May 2024, and is documented under the internal reference number D2024/202429.  Reports are published online:  <a href="https://www.powerwater.com.au">Environmental management   Power and Water Corporation (powerwater.com.au)</a>	Compliant
4.	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	No Ministerial Direction issued in reporting period.	Compliant

5.	<p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.</p>	<p>No changes to Approved activity however there have been 3 variations to the monitoring from the approved WQMMP.</p> <p>These monitoring variations were recommended by the independent technical reviewer and had been implemented since 2016-2018 to align with our Waste Discharge Licence monitoring requirements. See Appendix 1 for details on the varied monitoring requirements.</p> <p>Power and Water are working towards Ministerial approval of variations to the management plan consistent with ITR advice.</p>	Non-Compliant
6.	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities and/or listed migratory species to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s) specified in the conditions and submit the revised management plan(s) for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan(s) must be implemented. Unless the Minister has approved the revised management plan(s), then the person taking the action must continue to implement the management plan(s) originally approved, as specified in the conditions.</p>	<p>No direction to amend management plans in reporting period.</p>	Compliant
7.	<p>If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>	<p>Approved action completed; commissioning to full capacity ongoing; management plans ongoing.</p>	Closed Out
8.	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plan(s) referred to in these conditions of approval on their website. Each management plan(s) must be published on the website within one month of being approved.</p>	<p>Plans published on external PWC website</p> <p><a href="https://www.powerwater.com.au/_data/assets/pdf_file/0008/121022/East-Point-Rising-Main-Water-Quality-Monitoring-and-Management-Plan-June-2016.pdf">https://www.powerwater.com.au/_data/assets/pdf_file/0008/121022/East-Point-Rising-Main-Water-Quality-Monitoring-and-Management-Plan-June-2016.pdf</a></p> <p><a href="https://www.powerwater.com.au/_data/assets/pdf_file/0007/121021/East-Point-Outfall-Benthic-Infauna-Monitoring-and-Management-Plan-May-2016.pdf">https://www.powerwater.com.au/_data/assets/pdf_file/0007/121021/East-Point-Outfall-Benthic-Infauna-Monitoring-and-Management-Plan-May-2016.pdf</a></p>	Closed Out

9.	To protect migratory birds, the person taking the action must not undertake any construction within 500m of known shorebird roosting sites as defined in Figure 4-5 of the Supplementary Public Environment Report (the Supplement), February 2012 (Appendix A) during the wet season in every year.	No construction or maintenance work completed within reporting period.	Compliant
10.	To protect migratory birds, the person taking the action must rehabilitate areas disturbed during construction with appropriate native plant species, and with due consideration of fauna species that will potentially inhabit these areas, within 12 months of completion of construction activities.	Rehabilitation work completed	Closed Out
11.	The person taking the action must ensure the management plan(s) are reviewed by an independent technical reviewer to provide advice to the person taking the action on the development and review of the management plan(s). The person taking the action must nominate an independent technical reviewer. The independent technical reviewer must be approved by the Minister in writing.	Independent technical reviewer appointed and ongoing Dr Jill Woodworth SLR consultants.	Compliant
12.	The person taking the action must ensure that the independent technical reviewer provides advice on the following as a minimum:		Compliant
	a. the sampling and analysis procedures, design details and management strategies and the strategy for the ongoing management of water quality and benthic infauna.	Ongoing advice and review of monitoring and management plans and reports	Compliant
	b. threshold trigger levels and recommended changes to water quality and benthic infauna management practices, through the relevant management plan, as required.	Advice provided and accepted on trigger values in BIMMP and WQMMP and ongoing evaluation	Compliant
13.	The person taking the action must submit a WQMMP for the Minister's approval to protect marine turtles, inshore dolphins and dugong (Dugong dugon). The duplicate rising main cannot be commissioned until the Minister has approved the WQMMP. The WQMMP must:	Approval received July 2016 D2016/248581	Closed Out
	a. Consider the application of stable isotope analysis to determine extent of zone impacted by effluent and to distinguish between contaminants originating from Ludmilla	Plan informed by monitoring undertaken 2014-18 and included consideration of stable isotopes assessment undertaken in 2014 to 2016	Closed Out

	WWTP effluent and contaminants from background or other sources		
	b. include ongoing monitoring of water quality in the vicinity of the existing outfall (as shown in Appendix B) until the existing outfall becomes non-operational.	Monitoring undertaken monthly in accordance with the approved WQMMP.	Compliant
	c. include management triggers, contingency measures, corrective actions and responsible persons to manage impacts from potential contaminants.	WQMMP includes management triggers, contingency measures, corrective actions and responsible persons to manage impacts from potential contaminants.	Compliant
	d. monitoring results must be reported to the department annually until the existing outfall (as shown in Appendix B) becomes non-operational	WQMMP for 2023-2024 report completed and submitted to DCCEEW with this compliance report.	Compliant
14.	The person taking the action must submit a BIMMP for the Minister's approval to protect foraging habitat for marine turtles, inshore dolphins and dugong (Dugong dugon). The duplicate rising main cannot be commissioned until the Minister has approved the BIMMP. The BIMMP must:	Approval received June 2016 D2016/239750	Closed Out
	a. be informed by a benthic infauna survey of all benthic habitats within a 1000m radius of the current EPO to verify levels of impact relating to the outfall mixing zones. Survey design must include sediment particle size analysis.	Plan informed by past surveys including particle size analysis D2014/411091, D2007/42245, and D2009/48286 and monitoring undertaken 2014-16.	Closed Out
	b. include ongoing monitoring of benthic infauna within a 1000m radius of the existing outfall (as shown in Appendix B) until the existing outfall becomes non-operational.	Approved monitoring plan includes sites to 1000 m radius ongoing	Closed Out
	c. include defined threshold trigger levels for sensitive receptors, mitigation/management responses for action when thresholds are reached and reporting requirements for exceedances of trigger levels.	Monitoring plan includes triggers to identify impacts on sensitive receptors	Closed Out
	d. monitoring must be conducted once every six calendar months and results reported to the department annually until the existing outfall (as shown in Appendix B) becomes non-operational	BIMMP monitoring was not carried out for this reporting period. There have been issues with the current supplier of BIMMP monitoring/reporting. These issues include lateness of provision of report and also clarity of reporting.	Non-Compliant

		<p>Power and Water have provided baseline data for the BIMMP monitoring showing negligible impact. Our intention to resolve this non-compliance moving forward is to seek an alternative supplier to carry out the BIMMP monitoring and reporting for 2024-25.</p> <p>Power and Water will also continue working with the Department on progressing approval of variation to the management plans monitoring requirements, consistent with advice from the ITR.</p>	
15.	<p>Management plans must be reviewed annually, from the date of approval, by the independent technical reviewer to enable continuous improvement and adaptive management of water quality and benthic infauna. The person taking the action must provide to the Minister a copy of all advice and recommendations made by the independent technical reviewer and an explanation of how the advice and recommendations will be implemented within the management plan(s) or an explanation of why the person taking the action does not propose to implement certain recommendations.</p> <p>This information must be provided to the Minister when the management plan(s) are submitted for approval.</p>	<p>ITR review of WQMMP and BIMMP conducted and submitted to DCCEEW on 06/12/2023 WQMMP D2023/491487 &amp; BIMMP D2023/492114</p>	Compliant
16.	<p>Exceedances of any threshold trigger levels from a management plan must be reports to the department within 48 hours of becoming aware of the breach.</p>	<p>No exceedance of trigger values.</p>	Compliant

## 2 Non-Compliance Summary

<p>Number of non-compliances recorded by the licensee during the reporting period.</p>	<p>2</p>
<p>Summary of non-compliances</p>	<p><b>Condition 5.</b> <i>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the conditions, the person taking the action must submit to the department for the Minister’s written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.</i></p> <p>Three variations to the monitoring within the WQMMP, outlined in <a href="#">appendix 1</a>, as recommended by the independent technical reviewer were enacted without the approval of the Minister.</p> <p><b>Condition 14.</b> <i>The person taking the action must submit a BIMMP for the Minister’s approval to protect foraging habitat for marine turtles, inshore dolphins and dugong (Dugong dugon). The duplicate rising main cannot be commissioned until the Minister has approved the BIMMP.</i></p> <p><b>14d.</b> <i>monitoring must be conducted once every six calendar months and results reported to the department annually until the existing outfall (as shown in Appendix B) becomes non-operational.</i></p> <p>BIMMP monitoring and reporting was not done within the 2023/2024 reporting period due to resourcing constraints and issues with current supplier of BIMMP monitoring/reporting. These issues include lateness of report and clarity of reporting.</p>
<p>Corrective Action Undertaken</p>	<p><b>Condition 5:</b> To date, the process for variations to monitoring of the WQMMP has been poorly understood. Under previous interpretations of licence conditions, changes to monitoring have been enacted, in line with advice from the independent technical reviewer, but these have not been formally implemented as changes to the WQMMP (2016).. In 2023, PWC made submissions to DCCEEW to amend monitoring plans to align with Ludmilla Wastewater Discharge Licence monitoring, as recommended by the independent technical advisor in previous years to the WQMMP and BIMMP. Based upon feedback from DCEEW, PWC plan to revisit the variation request and resubmit in 2024 for approval.</p> <p><b>Condition 14d:</b></p> <p>PWC has initiated a proactive strategy, evaluating, and engaging local contractors for timely 2024/2025 BIMMP monitoring.</p>

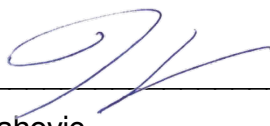


### 3 Signature and Certification

#### 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: \_\_\_\_\_



Stephen Vlahovic

Executive General Manager - Water Services

Power and Water Corporation - ABN: 15 947 352 360

Date: 28/06/2024

## 4 Appendix 1

### Variations to the WQMMP:

Variation	Justification
Removal of baseline data for EPO relocation	The decision not to relocate the EPO, combined with the EPBC variation approval, justifies the removal of baseline data collection for EPO relocation. This variation will be requested through an application for variation to the management plan, ensuring that monitoring efforts are streamlined.
No sediment monitoring for parameters – Chromium, Arsenic and Nickel since 2016	Monitoring for these parameters was discontinued in WDL 150-05. The independent technical reviewer has provided advice that all monitoring for the WQMMP should be regulated through the WDL licence. Removal of these sediment monitoring parameters will be requested through application of variation to the management plan.
Trigger values used are not the same as those listed in WQMMP	Trigger values were based on SSTVs for WDL150-04 monitoring. With the change of SSTVs from WDL150-04 to WDL 150-08, these contemporary values were applied to WQMMP results accordingly. Review of trigger values used will be requested through application of variation to management plan.

#### Note:

In the most recent compliance report (submitted January 2024) for EPBC 2009/5113, it was documented that stable isotope monitoring ceased in 2016, and ecotoxicological investigations were discontinued in 2018. These monitoring activities have since been excluded from the above table based on the conclusion that neither stable isotope analysis nor ecotoxicological investigations are required components of the WQMMP.

Historically, these activities were mandated under the previous waste discharge licence (WDL 150-04) and were incorporated into the WQMMP reports solely for the sake of completeness. However, following updates in the regulatory framework, these conditions have been omitted in the latest waste discharge licence (WDL 150-05 and onwards).