

**COMPLIANCE TO CONDITIONS REPORT – 2022/2023
EPBC2009/5113**

LICENCE NO.	EPBC 2009/5113
REPORTING PERIOD	April 2022 to March 2023

Please email a copy of your completed AACR to 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 st March 2013
Expiry Date:	31 st December 2053

Contents

1	Compliance with Licence Conditions	3
2	Non-Compliance Summary	8
3	Signature and Certification	9
4	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 monitoring is kept in CM9 document management system; WQMMP F2013/557, BIMMP F2014/697, AACR 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.	Reports published on external PWC website Environmental management Power and Water Corporation (powerwater.com.au)	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.	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	Six variations to the monitoring from the approved management plans, outlined in appendix 1 , as recommended by the independent technical advisor had been implemented since 2016-2018 to align with our Waste	Non-Compliant

	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.	Discharge Licence monitoring requirements. PWC had submitted a variation request to the management plans to the Department CCEEW for approval on 20/02/2023, however was not endorsed due to "the request from Power and Water Corporation dated February 2023 for a variation to the approval, namely, to identify 2 phases of the action, is outside the scope of the approval, i.e., the referral variation excluded the extension of the East Point Outfall from the scope of the referral and assessment. As such, the Department is unable to action the request." Based upon the advice received, Power and Water are looking to resubmit variation request to management plans to Department CCEEW in 2024.	
6.	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.	No direction to amend management plans in reporting period.	Compliant
7.	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.	Approved action completed; commissioning to full capacity ongoing; management plans ongoing.	Closed Out
8.	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.	Plans published on external PWC website 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/0007/121021/East-Point-Outfall-Benthic-Infauna-Monitoring-and-Management-Plan-May-2016.pdf	Closed Out
9.	To protect migratory birds, the person taking the action must not undertake any construction within 500m of known shorebird	No construction or maintenance work completed within reporting period.	Compliant

	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.		
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 WWTP effluent and contaminants from background or other sources	Plan informed by monitoring undertaken 2014-18 and included consideration of stable isotopes assessment undertaken in 2014 to 2016	Compliant

	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 2022-2023 report completed and submitted to DAWE D2023/491847	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	Monitoring was carried out for the Dry Season in 2022 by CEE D2023/356532, report was not compiled and submitted to PWC until August 2023. Wet Season monitoring was not completed.	Non-Compliant
15.	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	Independent technical advisor review of WQMMP and BIMMP conducted and submitted to DAWE on 06/12/2023 WQMMP D2023/491487 & BIMMP D2023/492114	Compliant

	<p>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>Explanations of how the advice and recommendations will be implemented will be provided to the Minister when the updated management plans are submitted for approval.</p>	
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>	

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>Condition 14. <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. The BIMMP must:</i></p> <p>14d) <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>Monitoring was not conducted for the 2022/23 wet season, this is a specialist service not available in the NT and contractor was not engaged in time to carry out wet season monitoring.</p> <p>Condition 5. <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>Six variations to the monitoring within the management plans, outlined in appendix 1, as recommended by the independent technical advisor but not approved by the Minister.</p>
<p>Corrective Action Undertaken</p>	<p>Condition 14d: PWC will arrange for wet season monitoring to be conducted to meet compliance.</p> <p>Condition 5: To date, the process for variations to monitoring plans has been poorly understood. Under previous interpretations of licence conditions, changes to monitoring have been enacted, in line with advice from the independent technical advisor, but these have not been formally implemented as changes to the WQMMP (2016) or BIMMP (2016). In 2023, PWC made submissions to DCEEW 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</p>

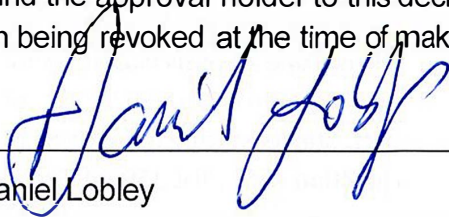
	to revisit the variation request and resubmit in 2024 for approval.
--	---

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



Full name (please print)

Daniel Lobley

Position (please print)

A/Executive General Manager Water Services

Organisation: Power and Water Corporation - ABN: 15 947 352 360

Date: 03 / 01 /2024

4 Appendix 1

Variations to the WQMMP and BIMMP:

Variation	Justification
Removal of baseline data for EPO relocation	Recommended by the independent technical advisor. With decision not to relocate the EPO, baseline data was no longer required. In line with independent technical advice this will be implemented as a change to the current WQMMP in 2022.
No stable isotope monitoring or analysis performed since 2016.	Recommended to be discontinued by the independent technical advisor. Stable isotope analysis was performed 2014-2016 and then discontinued as the information obtained did not conclusively contribute to assessing the impact. Stable isotope monitoring in the WQMMP was implemented in conjunction with WDL 150-04. Stable isotope monitoring and analysis was removed as a requirement by the NTEPA in WDL 150-05 in 2016. In line with independent technical advice. The discontinuation of stable isotope monitoring will be implemented as a change to the WQMMP in 2022.
No sediment monitoring for parameters – Chromium, Arsenic and Nickel since 2016	Monitoring for these parameters was discontinued in WDL 150-05. The independent regulator has provided advice that all monitoring for the WQMMP should be regulated through the WDL licence. Removal of these sediment monitoring parameters will be implemented as a change in the current WQMMP in 2022.
No ecotoxicological investigation since 2018.	Recommended to be discontinued by the independent technical advisor. Two ecotoxicological investigations in 2014 and 2018 showed very little environmental risk from the waste discharge from Ludmilla WWTP. In line with independent technical advice removal of ecotoxicological monitoring will be implemented as a change to the current WQMMP in 2022.
No BIMMP monitoring or analysis during this reporting period	<p>This monitoring and analysis is specialised and not available in the NT, requiring interstate contractors to perform the work. Delays were experienced from the contractors to develop dry season report after carrying out the monitoring in 2022. Consequently the wet season monitoring was missed.</p> <p>It should be noted that in a 2020 review of the BIMMP, significant changes to the BIMMP were recommended by the independent technical assessor. These changes included: reductions in the survey frequency – BIMMP monitoring only to be conducted if water quality or treatment practices change, changes to management triggers, removal of wet season survey, removal of subtidal sites from survey, removal of sediment chemistry from survey.</p>