

**COMPLIANCE TO CONDITIONS REPORT – 2025/2026  
EPBC2009/5113**

<b>LICENCE NO.</b>	EPBC 2009/5113
<b>REPORTING PERIOD</b>	April 2025 to March 2026

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

<b>EPBC Act Approval</b>	<b>EPBC2009/5113</b>
<b>Approved Action</b>	<b>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).</b>
<b>Approval Granted To</b>	<b>Power and Water Corporation</b>
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
Variation of conditions date of decision:	22 August 2025

## Contents

1	Compliance with Approval Conditions .....	3
2	Non-Compliance Summary .....	8
3	Signature and Certification .....	9
4	Appendix 1 .....	10

## 1 Compliance with Approval 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.	Not applicable
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; BIMMP F2014/697, WQMMP, Compliance to Condition Reports and Independent Technical Reviews F2022/1532.	Compliant
3.	<del>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.</del>	This condition was in effect up until 22 August 2025 when it was revoked. Reports are published online: <a href="https://www.powerwater.com.au/about/what-we-do/environmental-management">https://www.powerwater.com.au/about/what-we-do/environmental-management</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>Variations to EPBC2009/5113 were approved on 22 August 2025, including the requirement of a combined management plan (WQBIMMP). The combined management plan was submitted for approval on 15 September 2025 (awaiting approval) and includes the monitoring variations recommended by the independent technical reviewer.</p> <p>Upon approval of the WQBIMMP, there should be no further non-compliances with this condition.</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 Ministerial 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>	Not applicable

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.	Current Management Plans published on external PWC website <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> <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>	Compliant
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.	Not applicable
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 (ITR) Dr Jill Woodworth, SLR consultants was appointed and has reviewed and provided advice on all associated management plans. Jill announced her retirement during this reporting period and has been replaced by Carol Conacher (SLR consultants). Carol was approved as the ITR by the Minister in writing on 14 May 2026 (PWC Ref: D2026/144536).	Compliant
12.	The person taking the action must ensure that the independent technical reviewer provides advice on the following as a minimum:		
	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.	All recommended changes to threshold trigger levels and changes to water quality and benthic infauna management practices have been included in the WQBIMMP and endorsed by Dr Jill Woodworth.	Compliant

13.	<p><b>Water Quality Monitoring and Management Plan (WQMMP)</b></p> <p>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:</p>	<p>Approval received July 2016 D2016/248581</p>	Compliant
	<p>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.</p>	<p>Plan informed by monitoring undertaken 2014-2018 and included consideration of stable isotopes assessment undertaken in 2014 to 2016.</p>	Compliant
	<p>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.</p>	<p>WQMMP includes ongoing monitoring of water quality in the vicinity of the outfall.</p>	Compliant
	<p>c. include management triggers, contingency measures, corrective actions and responsible persons to manage impacts from potential contaminants.</p>	<p>WQMMP includes management triggers, contingency measures, corrective actions and responsible persons to manage impacts from potential contaminants.</p>	Compliant
	<p>d. monitoring results must be reported to the department annually until the existing outfall (as shown in Appendix B) becomes non-operational.</p> <p>Note: Appendix B is intended as a locational map for the purpose of defining the position of the existing outfall only. It does not, and is not intended to, indicate required monitoring locations</p>	<p>The WQMMP Annual Monitoring Report for the 2025 – 2026 reporting period will be submitted to DCCEEW alongside this Annual Compliance Report (PWC Ref: F2022/1532).</p>	Compliant
13A.	<p>The person taking the action must notify the department electronically of the date on which construction related to extension of the east point outfall pipeline occurs. Notification must be provided to the department in writing at least 10 business days prior to the activity occurring.</p>	<p>There are no future plans to extend the east point outfall.</p>	Not applicable
14.	<p><b>Benthic Infauna Monitoring and Management Plan (BIMMP)</b></p> <p>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:</p>	<p>Approval received June 2016 D2016/239750</p>	Compliant

	<p>a. 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.</p>	<p>Monitoring plan includes triggers to identify impacts on sensitive receptors</p>	<p>Compliant</p>
	<p>b. be informed by monitoring conducted under the WQMMP. If a change in water quality, or if significant changes that may have the potential to reduce discharge quality are identified by monitoring under the WQMMP then monitoring must be conducted once every six calendar months from the date the change was first identified and results reported to the department annually until acceptable levels have been reported under the WQMMP.</p>	<p>No significant changes in water quality were identified in the WQMMP Report during this monitoring period.</p>	<p>Not applicable</p>
	<p>c. If six monthly monitoring is required as per condition 14b, monitoring of benthic infauna must be undertaken within a 200m radius of the existing outfall (as shown in Appendix B).</p>	<p>N/A</p>	<p>Not applicable</p>
	<p>d. <del>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 operational.</del></p>	<p>This condition was in effect during the compliance period prior to variation on 22 August 2025. This was reported as a non-compliance in the previous compliance period (April 2024 – March 2025). This condition would not be applicable for the 5-month period between April 2025 – August 2025.</p>	<p>Not applicable</p>

14A.	<p><b>Combined Water Quality Monitoring and Management Plan (WQMMP) and Benthic Infauna Monitoring and Management Plan (BIMMP)</b></p> <p>3 months from the date of this variation, the person taking the action must submit a combined Water Quality and Benthic Infauna Monitoring and Management Plan (WQBMMP) for the Minister's approval to protect marine turtles, inshore dolphins and dugong (Dugong dugon). The WQBMMP must address the requirements in conditions 13 and 14. The WQBMMP must be implemented from the date the Minister has approved the WQBMMP in writing.</p>	<p>The WQBIMMP was submitted on 15 September 2025 and is awaiting the Minister's approval (PWC Ref: D2025/346777).</p>	Compliant
15.	<p><del>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.</del></p> <p><del>This information must be provided to the Minister when the management plan(s) are submitted for approval.</del></p>	<p>All Management Plans have been reviewed and endorsed by Independent Technical Reviewer Dr Jill Woodworth.</p> <p>This condition was in effect until 22 August 2025, when it was revoked.</p>	Not applicable
16.	<p><del>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.</del></p>	<p>This condition was in effect until 22 August 2025, when it was revoked.</p>	Not applicable
17.	<p><b>Reporting Non-compliance</b></p> <p>The person taking the action must notify the department electronically, within 2 business days of becoming aware of any incident.</p>	<p>No incidents have occurred following this condition being in place.</p>	Compliant

18.	The person taking the action must specify in the notification: a. any condition or commitment made in a plan which has not been or may have not been complied with b. a short description of the incident, and c. the location (including co-ordinates), date and time of the incident.	N/A	Not applicable
19.	The person taking the action must provide to the department in writing, within 12 business days of becoming aware of any incident, the details of that incident. The person taking the action must specify: a. all corrective measures or investigation which the person taking the action has already taken in respect of the incident b. the potential impacts of the incident c. the method and timing of any corrective measures that the person taking the action proposes to undertake to address the incident, and d. 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.	No notifiable incidents occurred during this reporting period as outlined in the Water Quality Monitoring Management Plan (WQMMP) Report 2025-2026 (PWC Ref: D2026/144889).	Not applicable
20.	<b>Annual Compliance Reporting</b> The person taking the action must prepare a compliance report for each Annual Compliance Report period (ACR period).	Evidenced by this document.	Compliant
21.	The person taking the action must ensure that each compliance report is completed to the satisfaction of the minister and is consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.	This Annual Compliance Report has been completed as per the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.	Compliant
22.	The person taking the action must ensure that each compliance report includes:		
	a. accurate and complete details of compliance and any non-compliance with the conditions attached to this approval all commitments made in each of the plans,	This compliance report includes all non-compliances with approval conditions. A non-compliance with commitments of the WQMMP is reported above (refer to Condition 5).	Compliant
	b. schedule of all plans in effect in relation to these conditions during the ACR period	The WQMMP was in effect during this ACR period. The Benthic Infauna Monitoring Management Plan (BIMMP) was not triggered as	Compliant

		per condition 14b. The combined management plan (WQBIMMP) required under Condition 14A has been submitted and is awaiting the Minister's approval (refer to condition 14A).	
	c. accurate and complete details of how each plan was implemented during the ACR period, and	Refer to WQMMP Annual Report 2026 (PWC Ref: D2026/144889).	Compliant
	d. if any incident occurred, accurate and complete details of each incident.	No reportable incidents occurred during this reporting period.	Compliant
23.	The person taking the action 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	All Annual Compliance Reports are published and accessible on our website <a href="https://www.powerwater.com.au/about-us/what-we-do/environmental-management">https://www.powerwater.com.au/about-us/what-we-do/environmental-management</a>	Compliant
	b. a shapefile showing all clearing of protected matters, and their habitat, undertaken within the ACR period.	No clearing has occurred within the ACR period.	Not Applicable
24.	The person taking the action 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 person taking the action must provide the department with the web address for where the compliance report and related shapefile are published on the website.	Notification of publication to the website below will be included in the submission of this compliance report. <a href="https://www.powerwater.com.au/about-us/what-we-do/environmental-management">https://www.powerwater.com.au/about-us/what-we-do/environmental-management</a>	Compliant
25.	The person taking the action 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.	Compliance reports are published on our website: <a href="https://www.powerwater.com.au/about-us/what-we-do/environmental-management">https://www.powerwater.com.au/about-us/what-we-do/environmental-management</a>	Compliant
26.	The person taking the action must: a. exclude or redact sensitive biodiversity data from each compliance report and shapefile published on the website or otherwise provided to a member of the public. b. If sensitive biodiversity 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	No sensitive biodiversity data is included in this compliance report.	Not Applicable

	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.		
--	---	--	--

## 2 Non-Compliance Summary

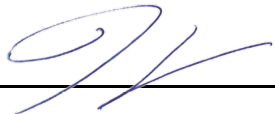
<p>Number of non-compliances recorded by the approval holder during the reporting period</p>	<p>1</p>
<p>Summary of non-compliances</p>	<p><b>Condition 5.</b> <i>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the 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>Refer to condition 5 above.</p>
<p>Corrective Action Undertaken</p>	<p><b>Condition 5:</b> 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). On 22 August 2025, variations of conditions attached to EPBC2009/5113 were approved, including the addition of Condition 14A, which requires the submission of a combined Water Quality Monitoring and Management Plan (WQMMP) and Benthic Infauna Monitoring and Management Plan (BIMMP). The combined management plan was submitted on 15 September 2025 and includes the variations to the monitoring program, as recommended by the Technical Independent Reviewer (ITR).</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: 27/05/2026

## 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 has been requested through the combined Water Quality and Benthic Infauna Monitoring and Management Plan (WQBIMMP), 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 has been requested through the WQBIMMP.
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 has been requested through the WQBIMMP.