



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Augmentation of the East Point Effluent Rising Main, Darwin, NT (EPBC 2009/5113)

This decision to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

approval holder	Power and Water Corporation ABN: 15 947 352 360
approved action	The augmentation of the existing effluent rising main at the Ludmilla Wastewater Treatment Plant at Darwin, NT (See EPBC Act referral 2009/5113, subject to the variation on 26 August 2011).
Period for which the approval has effect	This approval has effect until 31 December 2053

Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 3, 15 and 16, attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add new conditions 13A, 14A 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 specified in the table below.</p> <p>Delete definition for outfall extension.</p> <p>Add new definitions for ACR period, augmentation, biodiversity data, business day, compliance report, compliance records, incident, harm, Plan, protected matter and shapefile specified in the table below.</p>
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Sam Hush Acting Branch Head Compliance and Enforcement
signature	

OFFICIAL

date of decision	22 August 2025
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Date of decision	Conditions attached to the approval
Original dated 1/03/13	<p>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.</p>
Original dated 1/03/13	<p>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.</p>
Revoked on date this instrument was signed	<p>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.</p>
Original dated 1/03/13	<p>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.</p>
Original dated 1/03/13	<p>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 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>
Original dated 1/03/13	<p>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</p>

	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.
Original dated 1/03/13	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 .
Original dated 1/03/13	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.
Original dated 1/03/13	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.
Original dated 1/03/13	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.
Original dated 1/03/13	11. The person taking the action must ensure an appropriate independent technical reviewer is identified to provide advice to the person taking the action on the development, endorsement, implementation and review, for adaptive management purposes, of management plans referred to in Conditions 13 and 14. The person taking the action must nominate the independent technical reviewer . The independent technical reviewer must be approved by the Minister in writing.
Original dated 1/03/13	12. The person taking the action must ensure that the independent technical reviewer provides advice on the following as a minimum: <ul style="list-style-type: none"> a. the sampling and analysis procedures, design details and management strategies and the strategy for the ongoing management of water quality and benthic infauna. b. threshold trigger levels and recommended changes to water quality and benthic infauna management practices, through the relevant management plan, as required.
Original dated 1/03/13	<p>Water Quality Monitoring and Management Plan (WQMMP)</p> <p>13. The person taking the action must submit a WQMMP for the Minister's approval to protect marine turtles, inshore dolphins and dugong (<i>Dugong dugon</i>). The duplicate rising main cannot be commissioned until the Minister has approved the WQMMP. The WQMMP must:</p> <ul style="list-style-type: none"> 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

	<p>contaminants from background or other sources.</p> <p>b. Include ongoing monitoring of water quality in the vicinity of the existing outfall (as shown in <u>Appendix B</u>).</p> <p>c. management triggers, contingency measures, corrective actions and responsible persons to manage impacts from potential contaminants.</p> <p>d. monitoring results must be reported to the department annually.</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>
Varied on date this instrument was signed	<p>Relocation of East Point Outfall</p> <p>13A. 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>
Varied on date this instrument was signed	<p>Benthic Infauna Monitoring and Management Plan (BIMMP)</p> <p>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 (<i>Dugong dugon</i>). The duplicate rising main cannot be commissioned until the Minister has approved the BIMMP. The BIMMP must:</p> <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>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>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 <u>Appendix B</u>).</p>
	<p>Combined Water Quality Monitoring and Management Plan (WQMMP) and Benthic Infauna Monitoring and Management Plan (BIMMP)</p> <p>14A.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 (<i>Dugong dugon</i>). 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>
Revoked on date this	<p>15. Management plans must be reviewed annually, from the date of approval, by the independent technical reviewer to enable continuous improvement and</p>

instrument was signed	<p>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. This information must be provided to the Minister when the management plan(s) are submitted for approval.</p>
Revoked on date this instrument was signed	<p>16. Exceedances of any threshold trigger levels from a management plan must be reported to the department within 48 hours of becoming aware of the breach.</p>
Varied on date this instrument was signed	<p>Reporting Non-compliance</p> <p>17. The person taking the action must notify the department electronically, within 2 business days of becoming aware of any incident.</p> <p>18. The person taking the action must specify in the notification:</p> <ul style="list-style-type: none"> 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. <p>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:</p> <ul style="list-style-type: none"> 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.
Varied on date this instrument was signed	<p>Annual Compliance Reporting</p> <p>20. The person taking the action must prepare a compliance report for each Annual Compliance Report period (ACR period).</p> <p>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 <i>Annual Compliance Report Guidelines</i>, Commonwealth of Australia 2023.</p> <p>22. The person taking the action must ensure that each compliance report includes:</p> <ul style="list-style-type: none"> 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,

	<ul style="list-style-type: none"> b. a schedule of all plans in effect in relation to these conditions during the ACR period c. accurate and complete details of how each plan was implemented during the ACR period, and d. if any incident occurred, accurate and complete details of each incident. <p>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:</p> <ul style="list-style-type: none"> a. each compliance report, and b. a shapefile showing all clearing of protected matters, and their habitat, undertaken within the ACR period. <p>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.</p> <p>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.</p> <p>26. The person taking the action must:</p> <ul style="list-style-type: none"> 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 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. <p>Note: Compliance reports may be published on the department's website.</p>
Part C – Definitions	
Varied on date this instrument was signed	a) 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 .
Varied on date this instrument was signed	b) Augmentation means duplication of onshore rising main only
Varied on date this instrument was signed	c) Biodiversity data means ‘biodiversity data’ as described in the <i>Policy on Accessing and Sharing Biodiversity Data</i> , Commonwealth of Australia 2024.

Varied on date this instrument was signed	d) Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the Action
Original dated 1/03/13	e) <u>Commencement</u> : The construction of any infrastructure, excluding fences and signage associated with the proposed action.
Original dated 1/03/13	f) <u>Commissioning</u> : Operation of the duplicate East Point rising main above the capacity of the existing rising main
Varied on date this instrument was signed	g) Compliance report means a written report of compliance with, and fulfilment of, the conditions (including compliance with commitments made in plans).
Varied on date this instrument was signed	h) Compliance records mean 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 person taking the action's possession, or that are within the person taking the action's power to obtain lawfully.
Original dated 1/03/13	i) <u>Construction</u> : Includes any preparatory works required to be undertaken including clearing vegetation, preparation of the rising main corridor, laying of pipeline, the erection of any onsite temporary structures and the use of heavy-duty equipment for the purpose of breaking the ground for buildings or infrastructure.
Original dated 1/03/13	j) <u>Department</u> : The Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
As varied on date this instrument was signed	k) Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.
Varied on date this instrument was signed	l) Incident means any: <ul style="list-style-type: none"> i. event which has the potential to, or does, harm on any protected matter. ii. potential non-compliance with these conditions, including the administrative requirements iii. actual non-compliance with these conditions, including the administrative requirements iv. potential non-compliance with one or more commitment made in a plan, and/or v. actual non-compliance with one or more commitment made in a plan.
Original dated 1/03/13	m) <u>Independent technical reviewer</u> : A person with relevant qualifications and water quality and benthic infauna monitoring expertise and who is not affiliated with the proponent or with other parties affiliated with the project.

Original dated 1/03/13	n) <u>Inshore dolphins</u> : Individuals of the <i>Orcaella heinsohni</i> , <i>Sousa chinensis</i> or <i>Tursiops aduncus</i> species.
Original dated 1/03/13	o) <u>Marine turtles</u> : Individuals of the <i>Caretta caretta</i> , <i>Natator depressus</i> , <i>Chelonia mydas</i> , <i>Dermochelys coriacea</i> , <i>Eretmochelys imbricate</i> or <i>Lepidochelys olivacea</i> species.
Original dated 1/03/13	p) <u>Minister</u> : The Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.
Revoked on date this instrument was signed	q) <u>Outfall extension</u> : Replacement of the East Point outfall (EPBC 2011/6099).
Original dated 1/03/13	r) <u>Outfall mixing zones</u> : the greatest distance from the existing outfall where effluent will mix with the waters of Darwin Harbour.
Varied on date this instrument was signed	s) Plan : means any action management plan or strategy that the person taking the action is required by these conditions to implement.
Varied on date this instrument was signed	t) Protected Matter : means a matter protected under a controlling provision in <u>Part 3 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> for which this approval has effect.</u>
Original dated 1/03/13	u) <u>Sensitive receptors</u> : Benthic communities including seagrasses, macro algae and filter feeders.
Varied on date this instrument was signed	v) Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing: <ul style="list-style-type: none"> i. '.shp', '.shx', '.dbf' files, ii. a '.prj' file that specifies the projection/geographic coordinate system used, and iii. an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
Original dated 1/03/13	w) <u>Wet season</u> : 1 October of a given year until 30 April of the following year inclusive.

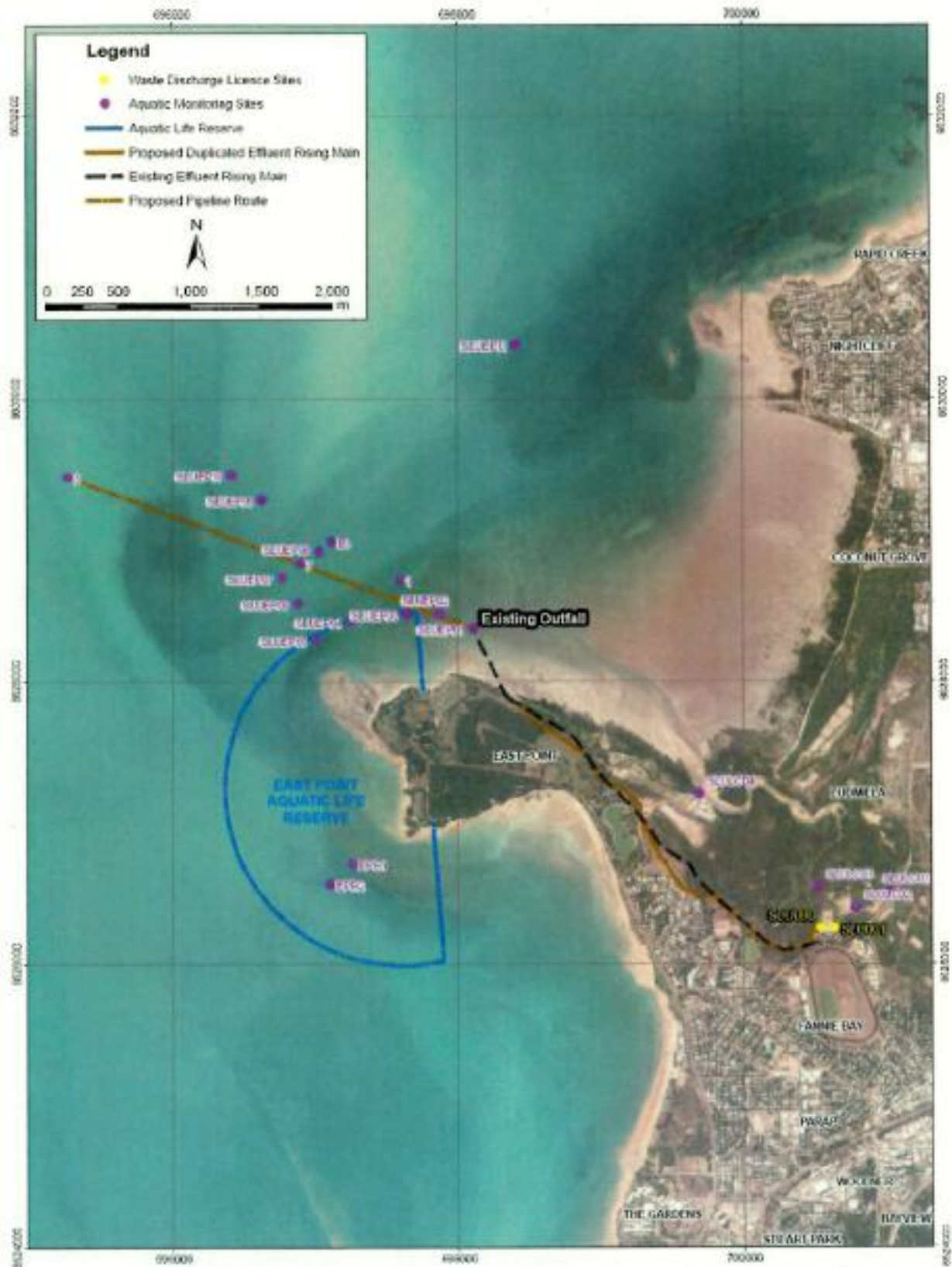
date of decision	Attachments
<i>Original dated 1/03/13</i>	<u>Appendix A:</u> Known migratory shorebird roosting areas in the vicinity of East Point
<i>Original dated 1/03/13</i>	<u>Appendix B:</u> Existing outfall location

Appendix A:



Known migratory shorebird roosting areas in the vicinity of East Point, outlined in yellow.
(Figure 4-5, the Supplement)

Appendix B



Existing outfall location, labelled "Existing Outfall" (Figure 4-1, Further Information)