

# EPBC Annual Compliance Report 2024

Ross River Dam to Douglas Water Treatment Plant Pipeline Project,  
QLD (EPBC 2021/9002)

24-Sep-2024  
Ross River Dam to Douglas Water Treatment Plant Pipeline Project (EPBC 2021/9002)  
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# EPBC Annual Compliance Report 2024

Ross River Dam to Douglas Water Treatment Plant Pipeline Project, QLD (EPBC 2021/9002)

Client: Townsville City Council

ABN: 44 741 992 072

## Prepared by

### AECOM Australia Pty Ltd

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## 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: BLAIR MIDDLETON

Position: PRINCIPAL MAJOR PROJECTS



Organisation: Townsville City Council (ABN: 44 741 992 072)

Date: 1. 10. 2024

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## 1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was engaged by Townsville City Council (Council) to prepare the second Annual Compliance Report for the Ross River Dam (RRD) to Douglas Water Treatment Plant (DWTP) Pipeline Duplication Project (the Project). The Project is located approximately 12 km south-west of the Townsville Central Business District (CBD), within Townsville City Council in North Queensland.

Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Project (EPBC 2021/9002) was obtained on 2 June 2022, for the following approved action:

*'To construct a 9.5 km subterranean water pipeline from the Ross River Dam to the Douglas Water Treatment Plant, 12 km southwest of the Townsville Central Business District.'*

### 1.1 Purpose of Report

This compliance report has been prepared to satisfy the requirements of Condition 13 of EPBC Approval 2021/9002 and has been prepared in line with the *'Annual Compliance Report Guidelines, Commonwealth of Australia 2014'*.

The date of commencement of the action was 11 July 2022, therefore this report provides an assessment of compliance against each of the conditions between the period of 11 July 2023 and 10 July 2024.

The key dates that relate to EPBC Approval 2021/9002 are detailed in Table 1 below.

**Table 1 Key Dates (EPBC Approval 2021/9002)**

Action	Key Date
Commonwealth approval	2 June 2022
Commencement date	11 July 2022
Expiry of Commonwealth approval	30 June 2027

This report will be published on the Council website and provided to the Department of Climate Change, Energy, the Environment and Water (DCCEE) as required by Condition 13.

## 2.0 Description of Activities

### 2.1 Project Overview

The existing RRD to DWTP pipeline is approximately 9.5 km long. It is understood the existing DN1200 pipe, built in 1975, is a bespoke construction comprising an inner reinforced concrete pipe (RCP) that is wrapped in pre-stressed steel wire bands and encased in a grout shell.

Given most of Townsville's raw water supply was via this pipeline, Council recognised that the pipeline's deteriorated condition puts Townsville's water security at significant risk. It was critical that an alternative pipeline was designed and constructed to secure Townsville's water supply now and in the future.

To address this issue Council constructed a new DN1200 (1290 mm outside diameter) pipe from RRD to DWTP. The pipeline starts at RRD on the western side of Ross River and crosses to the east approximately 600 m downstream of the dam spillway where it continues to DWTP, predominantly within Defence's Mt Stuart Training Area (MSTA).

Following the approval of EPBC 2021/9002, additional stockpile areas were identified as necessary to facilitate construction of the Project. The proposed areas were identified in consultation with Department of Defence, Council and the Construction Contractor to provide laydown and stockpiling of construction materials.

It is understood that the proposed areas were not considered to change the level of impact to the controlling provisions of the EPBC approval but did represent an administrative change, as the areas would fall outside of the approved Project footprint. The proponent communicated with DCCEEW to seek a variation to the approved action on 19 October 2022 to regularise this footprint change within the approval.

In late March 2023 DCCEEW confirmed that a variation to the original action would not be considered and that potential impacts to MNES associated with the additional stockpile areas would need to be considered separately. An MNES due diligence assessment was completed, which determined that a potential significant impact on MNES species as a result of clearing the additional stockpile areas was considered unlikely. The additional stockpile locations were therefore considered a separate action to this Project and not considered as part of this compliance report assessment.

Further to these stockpile areas, additional areas outside of the approved footprint were found to have been affected by ground disturbance activities. This resulted in two non-compliances in the previous 2023 reporting period in relation to Condition Part A-1 and Condition Part A-2 (refer to Table 2). This has resulted in an update of Condition 3 which has been considered within the current reporting period.

### 2.2 Activities During the Report Period

Project activities that occurred during the reporting period (11 July 2023 to 10 July 2024) are detailed below.

- Topsoil stockpiling (100%)
- Trenching (100%)
- Pipeline installation (100%)
- Surface re-instatement and topsoil spreading (100%)

### 3.0 Compliance Assessment

An assessment of compliance against EPBC Act Approval (EPBC 2021/9002) for the reporting period between 11 July 2023 and 10 July 2024, is provided in Table 2 below. In accordance with the 'Annual Compliance Report Guidelines, Commonwealth of Australia 2014', the compliance assessment presents a compliance status finding against each condition as 'compliant', 'non-compliant' or 'not applicable'. Comments are provided against conditions where required.

Table 2 EPBC Act Approval (EPBC 2021/9002) Compliance Assessment (11 July 2023 to 10 July 2024)

Conditions of EPBC Act Approval (EPBC 2021/9002)				
EPBC Approval Condition No.		Condition Currently Triggered	Compliance Finding	Evidence / Comments
<b>Part A – Conditions Specific to the Action</b>				
<b>Disturbance Limits</b>				
Part A - 1	To minimise impacts to Black-throated Finch habitat, the approval holder must not clear outside the Project area (Appendix A <sup>1</sup> ).	Yes	Compliant	<p>The 2023 Compliance Report (AECOM, 2023a) identified a non-compliance for this condition.</p> <p>A subsequent Investigation Report was prepared and issued to DCCEEW (AECOM, 2023b), as required under Condition 15 of EPBC 2021/9002. The Investigation Report found that 1.41 ha of clearing outside of the defined Project area had occurred (calculated based on mapping and field verification).</p> <p>A review of aerial imagery for the second annual compliance report (this document) revealed a minimal section of vegetation (approx. 0.03 ha) adjacent to the Project appeared to have been disturbed in addition to the area reported in the 2023 Investigation Report. Further review of aerial photography and inspection records have identified that this area had been cleared in 2022 and should have been part of the 2023 non-compliance event but had not been identified at the time of the field verification due to revegetation regrowth obscuring this clearing area.</p> <p>Notwithstanding the existing non-compliance of 2023, the review concluded that no additional deviations from the approved Project Area occurred within this reporting period. Consequently, the Project is deemed compliant with this condition for the 2024 compliance assessment period.</p>
Part A - 2	The approval holder must not clear more than 15.5 hectares of Black-throated Finch habitat within the Project area.	Yes	Compliant	<p>The 2023 Compliance Report (AECOM, 2023a) identified a non-compliance for this condition.</p> <p>A subsequent Investigation Report was prepared and issued to DCCEEW (AECOM, 2023b), as required under Condition 15 of EPBC 2021/9002. The Investigation Report found that 1.41 ha of clearing outside of the defined Project area had occurred (calculated based on mapping and field verification). Of this additional clearing, 1.21 ha was mapped Black-throated Finch habitat (calculated based on review of aerial imagery and field verification). Total clearing of 16.61 ha of Black-throated Finch habitat had been calculated for the Project.</p> <p>The additional approx. 0.03 ha identified as part of the current compliance assessment (this report) which had been cleared at the time but not picked up in the 2023 Investigation Report was mapped as Black-throated Finch habitat. This updates the calculations of total estimated clearing of Black-throated Finch habitat from 16.61 to 16.64 ha. This minor change is within an expected margin of error for the Investigation Report of 2023 and is not deemed to warrant further separate reporting.</p> <p>Notwithstanding the existing non-compliance of 2023, the review concluded that no additional clearing of Black-throated Finch habitat occurred within this reporting period. Consequently, the Project is deemed compliant with this condition for the 2024 compliance assessment period.</p>
<b>Environmental Offset Requirements</b>				
Part A - 3	To compensate for impacts to Black-throated Finch habitat, the approval holder must make a payment of \$221,600.00 to the Black-throated Finch Trust by 30 June 2022, the proponent	Yes	Compliant	Payment of the required amount was made to the trustee for The Black Throated Finch Trust prior to 30 June 2022 (remittance advice dated 16/06/2022 and 21/06/2022).

<sup>1</sup> Note refers to Appendix A of EPBC Approval 2021/9002



Conditions of EPBC Act Approval (EPBC 2021/9002)				
EPBC Approval Condition No.		Condition Currently Triggered	Compliance Finding	Evidence / Comments
	must provide evidence to the Department that the financial contribution has been paid to the Black throated Finch Trust in writing, within 10 business days of the payment.			Council submitted a letter to the Department within 10 business days of final payment (dated 01/07/2022).  The Project is therefore compliant with this condition.
Part A – 3(a)	To compensate for impacts to Black-throated Finch habitat, the approval holder must make a payment of \$25,000.00 to the Black-throated Finch Trust by 30 June 2024, and provide evidence, in writing, to the Department that the financial contribution has been paid to the Black-throated Finch Trust, within 10 business days of the payment.	Yes	Compliant	Payment of the required amount was made to the trustee for The Black Throated Finch Trust prior to 30 June 2024 (remittance advice dated 7/06/2024).  Council submitted a letter to the Department within 10 business days of final payment (dated 14/06/2024) with remittance advices attached.  The Project is therefore compliant with this condition.
<b>Clearance</b>				
Part A - 4	The approval holder must ensure that a wildlife spotter/catcher is present within the Project area during clearing and given sufficient authority to direct and halt clearing activities (Appendix A <sup>1</sup> ).	Yes	Compliant	Wildlife spotter/catchers undertook pre-clearing surveys and provided pre-clearing Fauna Reports for the Project (refer to Appendix A). Wildlife spotter/catchers were present within the Project area during all clearing activities and provided post-clearing Fauna Reports for all clearing works that occurred between July 2022 and March 2023. Fauna Spotter Catcher reports can be found in the first Annual Compliance report.  The Project is therefore compliant with this condition.
Part A - 5	If Black-throated Finch active nests are identified by the wildlife spotter/catcher during clearing activities, all clearing must be suspended within a 50 m radius of the nest until the nest is no longer in use.	Yes	Compliant	The wildlife spotter/catcher post-clearing Fauna Reports confirm no active Black-throated Finch nests were identified during clearing activities. None of the animals encountered during clearing works were classed as endangered, vulnerable, threatened or near threatened species (refer to Appendix A).  The Project is therefore compliant with this condition.
<b>Commonwealth Land Considerations</b>				
Part A – 6	The approval holder must ensure that the action is undertaken in accordance with the Cultural Heritage Management Agreement (CHMA) to ensure protection of any cultural heritage values.	Yes	Compliant	A CHMA has been developed for the Project between the Bindal Peoples #2 and Townsville City Council (dated 24 September 2021).  Council maintains a register to document and track compliance against the CHMA (' <i>Ross River Dam (RRD) to Douglas Water Treatment Plant (DWTP) - Pipeline Renewal: Cultural Heritage Management Agreement (CHMA) Compliance Document Records</i> '). The register provides details of bookings for cultural heritage monitors present for clearing and grubbing activities and cultural heritage induction bookings within the previous reporting period (11 July 2022 to 10 July 2023).  In accordance the CHMA, Council engaged the Bindal Peoples #2 to deliver Cultural Heritage Inductions for all Project staff and contractors involved with the supervision and carrying out of clearing, grubbing and disturbance works. <ul style="list-style-type: none"> <li>Cultural Heritage Notice 005 (dated 23 May 2022) and associated Induction Attendance Record (dated 7 June 2022).</li> <li>Cultural Heritage Notice 010 (dated 31 Aug 2022) and associated Induction Attendance Record (dated 9 Sept 2022).</li> </ul> Council engaged Cultural Heritage Monitors for all clearing and grubbing works in accordance with the CHMA between 11 July 2022 and 10 July 2023 (Cultural Heritage Notice No's. 006 to 009 and Notice No's. 011 to 019). No Cultural Heritage artefacts were identified during monitoring works and Cultural Heritage artefacts identified during the initial surveys were relocated to an approved and documented location (TCC Pers.comm, 2023).

Conditions of EPBC Act Approval (EPBC 2021/9002)				
EPBC Approval Condition No.		Condition Currently Triggered	Compliance Finding	Evidence / Comments
				No clearing was conducted during the current reporting period (11 July 2023 to 10 July 2024).  The Project is therefore compliant with this condition.
Part A - 7	The approval holder must ensure that the action is undertaken in accordance with the Access Agreement when accessing Commonwealth land on the Mount Stuart Training Area.	Yes	Compliant	An Access Licence has been obtained for the Project, between The Commonwealth of Australia represented by the Department of Defence, Estate and Infrastructure Group and Townsville City Council (dated 03 March 2022). Council requested a Deed of Variation to amend the Completion Date detailed in the Access License, which was granted and signed on 22 February 2023, and again 05 July 2024.  The Project is therefore compliant with this condition.
<b>Rehabilitation</b>				
Part A - 8	The approval holder must ensure that rehabilitation works are undertaken in accordance with the rehabilitation methods described in the Preliminary Documentation and the Access Agreement.	Yes	Compliant	Rehabilitation works commenced in 2024, approximately 5% of designed revegetation completed (TCC Pers.comm, 2024). <ul style="list-style-type: none"> <li>Contractor engaged from 12/2/2024. Contractor to complete Rehabilitation Plan.</li> <li>Rehabilitation drawings designed on 18/09/2023</li> <li>Revegetation Performance Specification developed for the Project (Spec No. 406407_2023_Rev 2)</li> </ul> Revegetation is to involve appropriate weed control followed by hydroseeding with a diversity of native grasses that are known as foraging grasses for the Black-throated Finch. Inspections, monitoring and maintenance requirements for revegetation activities will also be undertaken as per the Revegetation Performance Specification (Spec No. 406407_2023_Rev2, Section 3), 13 weeks establishment and 13 weeks of maintenance.  The Project is therefore compliant with this condition for this reporting period (11 July 2023 to 10 July 2024).
<b>Part B – Standard Administrative Conditions</b>				
<b>Notification of date of commencement of the Action</b>				
Part B - 9	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.	Yes	Compliant	Council issued a letter to the Department (dated 21 July 2022), noting the action had commenced on 11 July 2022. The notification occurred within 10 business days after the date of action commencement. The Department issued a response letter (dated 25 July 2022) with acknowledgement of Council's commencement notification.  The Project is therefore compliant with this condition.
Part B – 10	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.	No	Not applicable	The action commenced on 11 July 2022 (refer Condition 9 above). Therefore, this condition is not applicable.
<b>Compliance Records</b>				
Part B - 11	The approval holder must maintain accurate and complete compliance records.	Yes	Compliant	Council maintains accurate and complete compliance records in relation to EPBC 2021/9002 in the below electronic file location: <ul style="list-style-type: none"> <li><a href="https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents">https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents</a></li> </ul> The second Annual Compliance Report (this document) shall be uploaded to the Townsville City Council public accessible Project website in accordance with Condition 13(a).  The Project is therefore compliant with this condition.

Conditions of EPBC Act Approval (EPBC 2021/9002)				
EPBC Approval Condition No.		Condition Currently Triggered	Compliance Finding	Evidence / Comments
Part B - 12	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.	No	Not applicable	The Department has not made a request in writing for electronic copies of compliance records within this reporting period (11 July 2022 to 10 July 2023). Therefore, this condition is not applicable.
<b>Annual Compliance Reporting</b>				
Part B - 13	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, until the end of the approval period.	Yes	Compliant	The first Annual Compliance Report was completed for the reporting period 11 July 2022 to 11 July 2023 and submitted 9 September 2023.  This document is the second Compliance Report from the commencement of the action and provides an assessment of compliance for the reporting period of 11 July 2023 to 10 July 2024. The second Annual Compliance Report (this document) will be provided to the Department by 2 October 2024.  The Project is therefore compliant with this condition.
Part B - 13(a)	The approval holder must publish each compliance report on the website within 60 business days following the relevant 12-month period.			The first Annual Compliance Report is available on the Townsville City Council public accessible Project website in accordance with this condition. <ul style="list-style-type: none"> <li><a href="https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents">https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents</a></li> </ul> The Project is therefore compliant with this condition.
Part B - 13(b)	The approval holder must 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.	Yes	Compliant	Townsville City Council notified the Department via email that the first Annual Compliance report was published in the Council website on the 10/10/2023.  The Project is therefore compliant with this condition.
Part B - 13(c)	The approval holder must keep all compliance reports publicly available on the website until this approval expires.	Yes	Compliant	Council maintains annual compliance reports on the Townsville City Council public accessible Project website in accordance with this condition. <ul style="list-style-type: none"> <li><a href="https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents">https://www.townsville.qld.gov.au/building-planning-and-projects/council-projects/major-projects/projects-environmental-approval-documents</a></li> </ul> The Project is therefore compliant with this condition.
Part B - 13(d)	The approval holder must exclude or redact sensitive ecological data from compliance reports published on the website.	No	Not applicable	There is no sensitive ecological data associated with the current reporting period (11 July 2023 to 10 July 2024). Therefore, this condition is not applicable.
Part B - 13(e)	The approval holder must where any sensitive ecological data has been excluded from the version published, submit the full compliance report, including sensitive ecological data to the Department within 5 business days of publication.	No	Not applicable	Refer Condition 13(d) above.
<b>Reporting Non-compliance</b>				
Part B - 14	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.	Yes	Compliant	The first Annual Compliance report documented a non-compliance to Condition 1 and Condition 2 for the reporting period 10 July 2022 – 10 July 2023.  The Department was notified within 2 business days after becoming aware of the non-compliance, which was sent on 7 September 2023.  The Project is therefore compliant with this condition.
Part B - 14(a)	The notification must specify any condition which is or may be in breach.			
Part B - 14(b)	The notification must specify a short description of the incident and/or non-compliance.			
Part B - 14(c)	The notification must specify the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.			

Conditions of EPBC Act Approval (EPBC 2021/9002)				
EPBC Approval Condition No.		Condition Currently Triggered	Compliance Finding	Evidence / Comments
Part B - 15	The approval holder must provide to the Department the details of any incident or non-compliance 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.	Yes	Compliant	A second notification was sent to the Department on 19 September 2023, within 10 business days of becoming aware of the non-compliance. The notification specified that TCC were undergoing an investigation into the clearing outside of the approved extent.  The Project is therefore compliant with this condition.
Part B – 15(a)	Specifying any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future.			
Part B – 15(b)	Specifying the potential impacts of the incident or non-compliance.			
Part B – 15(c)	Specifying the method and timing of any remedial action that will be undertaken by the approval holder.			
<b>Independent Audit</b>				
Part B - 16	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	No	Not applicable	No request was made by the Minister to conduct an independent audit of compliance during this reporting period (11 July 2023 to 10 July 2024). Therefore, this condition is not applicable <sup>2</sup> .
Part B – 17(a)	For each independent audit, the approval holder must provide the name and qualifications of the independent auditor and the draft audit criteria to the Department.	No	Not applicable	Refer Condition 16 above.
Part B – 17(b)	For each independent audit, the approval holder must only commence the independent audit once the audit criteria have been approved in writing by the Department			
Part B – 17(c)	For each independent audit, the approval holder must submit an audit report to the Department within the timeframe specified in the approved audit criteria.			
Part B - 18	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.			
<b>Completion of the Action</b>				
Part B – 19	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	No	Not applicable	The action was not completed during this reporting period (11 July 2023 to 10 July 2024). Therefore, this condition is not applicable.

<sup>2</sup> Note, non-compliances identified within this document were not known until completing this first Annual Compliance Report.

## 4.0 New Environmental Risk

No new environmental risks have been identified within the current reporting period (11 July 2023 to 10 July 2024) for the Project. Project environmental risks are managed through Council's Integrated Environmental Management System Framework and the Project's Construction Environmental Management Plan (CEMP).

## 5.0 Summary

This compliance report has been prepared to satisfy the requirements of Condition 13 of EPBC Approval 2021/9002 and has been prepared in line with the '*Annual Compliance Report Guidelines, Commonwealth of Australia 2014*' for the reporting period between 11 July 2023 and 10 July 2024.

Two non-compliances were identified within the previous reporting period in relation to Condition Part A-1 and Condition Part A-2 (refer to Table 2). Further to this, another approx.0.03 ha of clearing outside of the approved extent was identified (by examining aerial footage) and was found to have occurred at the same time as the previously stated non-compliance event. Field verification surveys were conducted in September 2023 to confirm the extent of the original non-compliance; however, 0.03 ha of disturbance was not identified at that time due to substantial vegetation regrowth in the area.

This updates the 2023 calculations of total estimated clearing of Black-throated Finch habitat from 16.61 to 16.64 ha. This minor change is within an expected margin of error for the Investigation Report of 2023 and is not deemed to warrant further separate reporting.

Notwithstanding the existing non-compliance of 2023, the current compliance review concluded that no additional clearing of Black-throated Finch habitat occurred within this reporting period. Consequently, the Project is deemed compliant with all conditions of approval for the current compliance assessment period.

Rehabilitation works began this reporting period, and approximately 5% of planned designed rehabilitation is understood to have been completed, based upon progress advice provided by council.

## 6.0 References

AECOM. (2023a). *EPBC Annual Compliance Report 2023*. Prepared for Townsville City Council (TCC).

AECOM. (2023b). *Non-compliance Additional Investigation—EPBC Approval (2021/9002)*. Prepared for  
Townsville City Council (TCC).