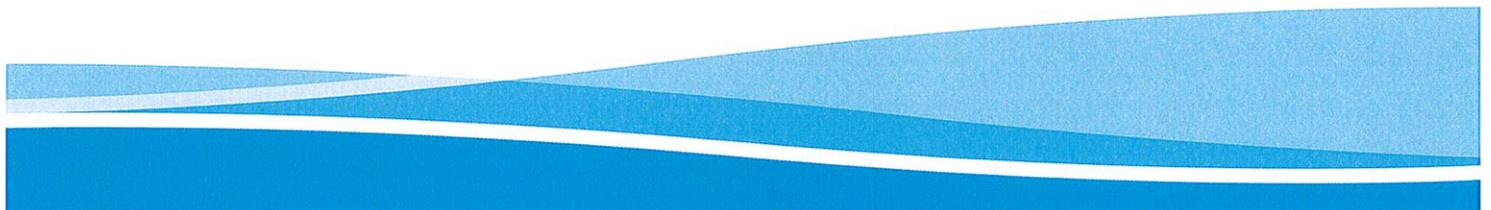




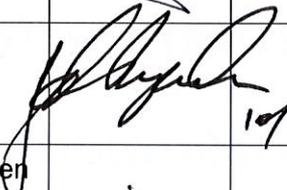
Murrumbidgee to Googong Annual Performance Report - *Environment Protection and Biodiversity Conservation Act 1999*

Version number 1 | Effective date: 4 October 2013



Certificate of approval for issue of documents

Title M2G Annual Performance Report – EPBC Act 1999
Version 1
Document status Final
Date of issue 4 October 2013

	Position	Name	Signature	Date
Prepared by	Environmental Impacts Officer	May McDonald-Cox		10.10.13
Reviewed by	Chief Engineer & Operational Implementation	John Dymke		10/10/13
Approved by	Acting Manager Environment & Sustainability	Chris Pulkkinen		8.10.13

Document revision control

Version	Author	Date	Description	Approval
1	May McDonald-Cox	4/10/13	Final	Chris Pulkkinen

© ACTEW Corporation Ltd

This publication is copyright and contains information that is the property of ACTEW Corporation Ltd. It may be reproduced for the purposes of use while engaged on ACTEW commissioned projects, but is not to be communicated in whole or in part to any third party without prior written consent.

Disclaimer

This document has been prepared for ACTEW and is to be used for internal purposes. No warranty is given as to its suitability for any other purpose.

Date this document takes effect: 4 October 2013
 Authorised by: Chris Pulkkinen

Replaces previous issue dated: Initial

Page 2 of 12

**M2G Annual
 Performance
 Report
 (EPBC Act 1999)**

THIS DOCUMENT IS UNCONTROLLED WHEN PRINTED. VERIFY ISSUE STATUS BEFORE USE.

Contents

Acronyms	4
Background	5
M2G Status	5
Aim of Report	5
Implementation of Commonwealth Conditions of Approval	6
1. Water extraction, gauging and reporting	6
2. Sustainable Diversion Limit Plan	7
3. Threatened Species and Ecological Communities Management and Offsets	8
4. Burra Creek Environmental Management	8
5. Decommissioning and Closure Plan	9
6. Publication Requirements	9
7. Record Keeping	10
8. Variations sought by the person taking the action	10
9. Variations sought by the Minister	11
10. Commencement	11
11. Independent Auditor	11
Conclusion	12

Acronyms

ACT	Australian Capital Territory
BCEMP	Burra Creek Environmental Management Plan
BMOP	Biodiversity Management and Offsets Plan
BWA	Bulk Water Alliance
DotE	Department of the Environment (Commonwealth government)
EGP	Extraction and Gauging Plan
EPBC Act 1999	Environment Protection and Biodiversity Conservation Act 1999
M2G	Murrumbidgee to Googong
NSW	New South Wales
ODP	Offset Delivery Plan
OEMP	Operation Environmental Management Plan
SDLP	Sustainable Diversion Limit Plan
SEWPAC	Department of Sustainability, Environment, Water, Populations and Communities
TEC	Threatened Ecological Community

Background

In October 2007 the ACT Government, in response to recommendations from ACTEW aimed at securing the Territory and region's future water supply, announced a suite of new water infrastructure projects. The Murrumbidgee to Googong Water Transfer (M2G) is one of those projects.

The M2G involves pumping water from the Murrumbidgee River within the ACT and transferring it via a 12km pipeline to Burra Creek (in NSW), from where it flows approximately 13km to the Googong Reservoir. Construction of the pipeline started in January 2011, and the M2G became operational in September 2012. At the Federal level, the M2G was approved under the Environment Protection and Biodiversity Conservation Act 1999.

M2G Status

Since the M2G was handed over from construction in September 2012, regular maintenance runs (every 2-3 months) have been undertaken to ensure pumps and other equipment are maintained, and to avoid water remaining in the pipe for long periods of time. No operational runs (with the aim of transferring bulk water to Googong Reservoir) have taken place so far.

In the short-medium term, the scheme is unlikely to be run on a bulk transfer basis, based on a number of factors including overall water storage levels across the systems, flow in the Murrumbidgee River and climate and rainfall conditions.

Aim of Report

The Approval for the M2G from the Commonwealth Department of the Environment (DoE), formerly the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC), is dated 29 October 2010, and contains 11 conditions of approval.

One of the conditions of approval is the requirement for ACTEW to provide DotE with an Annual Performance Report on the *implementation of the conditions of approval and any approved plans required under these conditions*.

This report is the first M2G Performance Report and covers the time period from the commencement of construction (in January 2011) through to 12 months after the commencement of operation of the project (September 2013).

Implementation of Commonwealth Conditions of Approval

Implementation of the Conditions of Approval is discussed below for the construction phase, and for the first year of operation of the M2G.

All reports and plans referred below are available on ACTEW's public website:

<http://www.actew.com.au/Our%20Projects/Murrumbidgee%20to%20Googong%20Water%20Transfer/Environmental%20Management%20Documents.aspx>

1. Water extraction, gauging and reporting

The person taking the action must submit an Extraction and Gauging Plan that describes in detail how river flow and water extraction will be gauged, measured and reported in the Murrumbidgee River, to the Minister for approval. The plan must address the following requirements:

- a) *how river flow will be measured at Lobb's Hole gauging station and other relevant locations;*
- b) *how baseflow in the Murrumbidgee River will be maintained to abide by the conditions of this approval;*
- c) *reporting of water extraction data; and*
- d) *reporting of any breaches of this approval.*

The project may not operate until an Extraction and Gauging Plan is approved by the Minister. The approved plan must be implemented.

Implementation:

In November 2011, ACTEW developed an Extraction and Gauging Plan (EGP) addressing the requirements described above, which was approved by DotE in March 2012.

Implementation of the EGP during the first year of operation was audited by the M2G Independent Environmental Representative in his audit report dated March 2012.

Based on recommendations in the audit report, and following handover of the scheme from the construction phase, ACTEW undertook a review of the Operation Environmental Management Plan and its sub-plans (including the EGP), and is planning to consolidate the EGP, the Sustainability Diversion Limit Plan (SDLP, see below), and two NSW stream flow and water quality plans into one overarching "Flow and Water Quality Management Plan". This new plan will address flow and water quality commitments across the three jurisdictions (ACT, NSW and Commonwealth), and will also seek to adjust certain operational commitments to ensure they are appropriate under the current scenario of maintenance runs only (see "M2G Status" above). The relevant regulators have been informed of ACTEW's intentions, and it is expected that the new plan will be ready for regulator approval by December 2013.

2. Sustainable Diversion Limit Plan

*The person taking the action must submit a Sustainable Diversion Limit Plan (SDLP) to the Minister for approval to ensure the long-term protection and recovery of listed threatened fish species in the Murrumbidgee River, including Murray Cod (*Maccullochella peelii peelii*), the Trout Cod (*Maccullochella macquariensis*) and Macquarie Perch (*Macquaria australasica*). The SDLP must be developed in consultation with expert(s) approved by the department, and in accordance with Terms of Reference submitted for the Department's approval within four weeks of the date of this approval decision. The Terms of Reference must address the matters outlined at Attachment B to this decision.*

The project may not operate without an approved SDLP. The approved SDLP must be implemented.

Implementation:

In March 2010, ACTEW developed a Sustainable Diversion Limit Plan (SDLP) addressing the requirements described above, which was approved by the Minister in March 2011.

Implementation of the SDLP during the first year of operation was audited by the M2G Independent Environmental Representative in his audit report dated March 2012.

The planned review and consolidation of the OEMP and subplans (including the SDLP) is described in Section 1 above.

3. Threatened Species and Ecological Communities Management and Offsets

The person taking the action must submit a Biodiversity Management and Offset Plan to address impacts on listed threatened species and ecological communities to the Minister for approval prior to commencing construction.

Construction may not commence in any areas that contain habitat for Small Purple-pea, Hoary Sunray, Button Wrinklewort and Pink-tailed Worm Lizard or in TEC's until the plan is approved. The approved plan must be implemented.

Implementation:

The Biodiversity Management and Offset Plan (BMOP) was developed by ACTEW and approved by DotE in December 2010.

In April 2012, Eco Logical Australia was contracted by to develop the Offset Delivery Plan (ODP), which reflects all operational commitments from the BMOP, and acts as the current guideline for M2G offset management.

ACTEW Water commenced management of the M2G Biodiversity Offset Property at Williamsdale in Spring 2012, and since that time several management activities (weed and feral animal control, fencing modifications, *Swainsona recta* propagation, twice-yearly monitoring) have been undertaken in accordance with the ODP and associated sub-plans. Prior to Spring 2012, management was being undertaken by EcoLogical Australia on behalf of ACTEW and the BWA.

Details regarding the success of these management activities are outlined in more detail in the twice yearly monitoring reports completed by EcoLogical Australia.

Implementation of the offset management plans during the first year of operation was audited by the M2G Independent Environmental Representative in his audit report dated March 2012.

4. Burra Creek Environmental Management

The person taking the action must submit a Burra Creek Environmental Management Plan to the Minister for approval that establishes a statistically valid ecological monitoring program to detect and manage any environmental harm to the ecological elements of Burra Creek or increase in the weeds problems along Burra Creek.

The project may not operate until a Burra Creek Environmental Management Plan is approved by the Minister. The approved plan must be implemented.

Implementation:

In November 2011, ACTEW developed a Burra Creek Environmental Management Plan (BCEMP) addressing the requirements described above, which was approved by DotE in March 2012.

Implementation of the BCEMP during the first year of operation was audited by the M2G Independent Environmental Representative in his audit report dated March 2012.

Based on recommendations in the audit report, and following handover of the scheme from the construction phase, ACTEW undertook a review of the Operation Environmental Management Plan and its sub-plans (including the BCEMP), and is planning to consolidate the BCEMP and two NSW aquatic ecology plans into one overarching "Aquatic Ecology Management Plan". This new plan will address aquatic ecology management commitments across the three jurisdictions (ACT, NSW and Commonwealth), and will also seek to adjust certain operational commitments to ensure they are appropriate under the current scenario of maintenance runs only (see "M2G Status" above). The relevant regulators have been informed of ACTEW's intentions, and it is expected that the new plan will be ready for regulator approval by December 2013.

5. Decommissioning and Closure Plan

A decommissioning and closure plan must be prepared for the Minister's approval at least one year prior to the anticipated date of decommissioning. Once approved by the Minister, the plan must be implemented.

Implementation:

Not applicable at present.

6. Publication Requirements

Management plans and reports (however described) referred to in these conditions of approval must be publically available on the ACTEW Corporation website.

An Annual Performance Report must be provided to the Department and published on the ACTEW Corporation website that reports on the implementation of these conditions and any approved plans required under these conditions. The first Annual Performance Report must report on the time period from the commencement of construction of the project through to 12 months after the commencement of operation of the project. The first Annual Performance report must be submitted within 13 months of the date of

commencement of the operation of the project. Subsequent annual reports must be submitted every 12 months from this date, and must cover the 12 month period following the previous report.

Implementation:

All relevant reports and plans are available on ACTEW's public website:

<http://www.actew.com.au/Our%20Projects/Murrumbidgee%20to%20Googong%20Water%20Transfer/Environmental%20Management%20Documents.aspx>

This plan is the first Annual Performance report as required under this condition of approval.

7. Record Keeping

The person taking the action must maintain accurate records of activities associated with or relevant to the above conditions of approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and used to verify compliance with the conditions of approval.

Implementation:

Record keeping and document control procedures are described in the OEMP.

All relevant M2G reports and plans are also available on ACTEW's public website on the link under section 6.

8. Variations sought by the person taking the action

If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, program or system (however described) approved in relation to this approval, they may submit a revised plan, report, program or system (however described) for the Minister's approval. If the Minister approves the revised plan, report, program or system (however described) the person taking the action must implement that plan, report, program or system (however described) instead of the plan, report, program or system (however described) as originally approved.

Implementation:

As described under sections 1, 2 and 4 above, ACTEW is planning to consolidate and update the OEMP and subplans and submit them to the Minister for approval as described above.

9. Variations sought by the Minister

If the Minister believes that it is necessary or desirable for the better protection of any relevant controlling provision to do so, the Minister may request that the person taking action make specified revisions to any plans, reports, programs or systems (however described) approved pursuant to these conditions. The person taking the action must comply with any such request. The revised plans, reports, programs or systems (however described) must be implemented.

Implementation:

ACTEW has not received any such requests from the Minister.

10. Commencement

Within 30 days of commencement of construction, the person taking the action must advise the Department in writing the actual date of commencement of construction.

Within 30 days of commencement of operation, the person taking the action must advise the Department in writing the actual date of commencement of operation.

If the action has been not substantially commenced within 5 years of the date of this approval the action must not commence without the written agreement of the Minister.

Implementation:

ACTEW advised DotE about the commencement of construction on 31/1/11.

ACTEW advised DotE about the commencement of operation on 27/9/12, in a letter dated 4/10/12.

11. Independent Auditor

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 by the Minister and the audit report must address the criteria to the satisfaction of the Minister.

Implementation:

ACTEW has not received any auditing requests from the Minister.

However, the M2G Scheme is regularly audited by an independent auditor as part of the requirements of the NSW Department of Planning & Infrastructure Approval and the ACT Planning & Land Authority Notice of Decision. This independent auditor is accredited to carry out audits in accordance with AS/NZS ISO 19011:2003 Guidelines for Quality and/or Environmental Management Systems auditing. These audits took place 3-4 monthly during the construction phase. During the operation phase the audits are scheduled at 6 monthly intervals during the first 2 years of operation, and at 2 yearly intervals thereafter. All audit reports are available on ACTEW's public website.

Conclusion

ACTEW believes that this Annual Performance Report and the supporting documentation on ACTEW's public website (including the independent auditor reports) demonstrate that all DotE conditions of approval under the EPBC Act 1999 are met and implemented.