

Annual Report on Compliance with Conditions: Sugarloaf Pipeline Project, Goulburn River to Sugarloaf Reservoir, Victoria

EPBC 2008/3960

2021/22 Report

Note: Compliance has been considered demonstrated through submission and acceptance of the EPBC annual reports. Readers can refer to earlier Annual Reports where more information is required.

Status Legend:

Completed Actions

Ongoing Actions

Condition of EPBC Approval	Status	Comments
<p>1. Implementation of Environmental Management Strategy To protect the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC) listed species that are known or could potentially occur in the action area, the person taking the action must implement the commitments made in the <i>Environmental Management Strategy July 2008</i> and associated documents referred to in the <i>Environmental Management Strategy July 2008</i>.</p>	Compliant (no further action required)	<p>The Environmental Management Strategy was implemented through more detailed associated plans and programs as listed in the Environmental Management documentation hierarchy provided in the 2010/11 annual compliance report. These Environmental Management Plans were created, approved by relevant authorities and implemented.</p> <p>This condition was completed as documented in Melbourne Water's 2010/11 annual compliance report to the Department.</p>
<p>2. Implementation of Flora Mitigation Plans To protect the EPBC listed flora species that are known to occur or could potentially occur in the action area, in particular the Matted Flax-lily (<i>Dianella amoena</i>), Clover Glycine (<i>Glycine latrobeana</i>), Little Pink Spider Orchid (<i>Caladenia rosella</i>) and the River Swamp Wallaby Grass (<i>Amphibromus fluitans</i>), the person taking the action must implement the <i>Mitigation Plan for EPBC Act and Victoria Flora and Fauna Guarantee Act 1988 (FFG Act) Listed Flora Species July 2008</i>.</p>	Compliant (all actions completed)	<p>The obligations within the 'Mitigation Plan for EPBC Act and Victorian FFG Act Listed Flora Species July 2008' were transferred into the relevant Environmental Management Plans (EMPs) and Environmental Programs (EPs). Matted Flax-lily (MFL) was the only EPBC listed flora species found. MFL were relocated and monitored. A high survival rate was reported. A separate set of plants were kept in a nursery in case of high mortality which have since been planted.</p> <p>This condition was completed as documented in Melbourne Water's 2014/15 annual compliance report to the Department.</p>
<p>3. Implementation of Fauna Mitigation Plans To protect the EPBC listed terrestrial species that are known to occur or could potentially occur in the action area, in particular the Striped Legless Lizard (<i>Delma impar</i>), Southern Brown Bandicoot (<i>Isodon obesulus obesulus</i>), Spotted Tail Quoll (<i>Dasyurus maculatus maculatus [SE mainland population]</i>), Growling Grass Frog (<i>Litoria rainformis</i>) and Golden Sun Moth (<i>Synemon plana</i>), the person taking the action must implement the <i>Mitigation Plan for Terrestrial Fauna Listed under the EPBC Act and FFG Act July 2008</i>.</p>	Compliant (all actions completed)	<p>The obligations in the 'Mitigation Plan for Terrestrial Fauna Listed under the EPBC Act and FFG Act July 2008' were transferred into Environmental Management Plans and Environmental Programs, and all actions implemented. Targeted on-ground surveys for EPBC listed species, identified the presence of Golden Sun Moths and Striped Legless Lizards. However, no Growling Grass Frogs, Spotted Tail Quolls or Southern Brown Bandicoots were found within the construction area during any stage of the project. Specific mitigation measures as noted within the Mitigation Plan for Terrestrial Fauna were still implemented for all of these fauna species. All requirements for monitoring and management of Golden Sun Moth and Striped Legless Lizard have now been met.</p> <p>This condition was completed as documented in Melbourne Water's 2015/16 annual compliance report to the Department.</p>
<p>4. Implementation of Aquatic Fauna Mitigation Plans To protect the EPBC listed aquatic fauna species that are known to occur or could potentially occur in the action area, in particular the Macquarie Perch (<i>Macquaria australasica</i>), Trout Cod (<i>Maccullochella macquariensis</i>) and Murray Cod (<i>Maccullochella peelii</i>), the person taking the action must implement the <i>Mitigation Plan for EPBC Act and FFG Act Listed Aquatic Fauna Species July 2008</i>.</p>	Compliant (all actions completed)	<p>The obligations in the 'Mitigations Plan for EPBC Act and FFG Act Listed Aquatic Fauna Species July 2008' have been transferred into Environmental Management Plans and Environmental Programs, and all actions implemented. The 2 years of post-construction monitoring surveys as required under the species mitigation plan were completed.</p> <p>This condition was completed as documented in Melbourne Water's 2010/11 annual compliance report to the Department.</p>

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<p>5. Management of Golden Sun Moth Where Golden Sun Moth known habitat cannot be avoided during February to September, the person taking the action must implement the experimental process of habitat slab replacement in known Golden Sun Moth habitat. The area in which the process is undertaken must be monitored for two years following the completion of the habitat slab replacement.</p> <p>If monitoring indicates a decline or loss of the Golden Sun Moth population, an offset package must be submitted to the Department within 6 months of the monitoring results. This package must be approved by the Department and implemented. The offset package may include the purchasing of an area of Golden Sun Moth habitat of at least equal size for conservation and the contribution to research and recovery.</p>	Compliant (all actions completed)	<p>Surveys undertaken during the active season for the Golden Sun Moth (GSM) in 2008/09 confirmed the presence of the GSM across most of the Sheoak property. The results of GSM monitoring and management measures for GSM (including habitat slab replacement experiments and grassland reinstatement experiments) were summarised in the 2009/10 annual report to the Department. MW undertook several mitigation measures including development of a Conservation Management Plan for the Sheoak property.</p> <p>The Grassland Restoration Experiment and Habitat Slab Replacement monitoring were completed in 2011, and the final reports were included in the 2011/12 annual report. Monitoring of GSM was completed for two flight seasons (2009/10 & 2010/11) following construction and for three additional years (2011/12, 2012/13 & 2013/14) on the Sheoak property.</p> <p>This condition was completed as documented in Melbourne Water's 2014/15 annual compliance report to the Department.</p>
<p>6. Management of Little Pink Spider Orchid If the Little Pink Spider Orchid is found within the construction corridor and avoidance is not possible, the Department must be notified before construction in the area can commence and the person taking the action must provide evidence that all alternative mitigation options for this species have been exhausted prior to proposing to translocate. The Department must approve the translocation.</p>	Compliant (all actions completed)	<p>Seasonal surveys were undertaken targeted toward the presence of the Little Pink Spider Orchid, no Little Pink Spider Orchid was found within the construction corridor. However, actions were implemented to reflect the precautionary approach, particularly in the Sugarloaf and Yarra Glen EMP sections. As pipeline construction was completed in February 2010, it is no longer necessary to report on compliance with this condition.</p> <p>This condition was completed as documented in Melbourne Water's 2010/11 annual compliance report to the Department.</p>
<p>7. Management of Matted Flax-lily, Clover Glycine, River Swamp Wallaby Grass and Little Pink Spider Orchid. If, following the outcomes of required monitoring, the translocation and adaptive management of the Matted Flax-lily, Clover Glycine, River Swamp Wallaby Grass and Little Pink Spider Orchid is found not to have been successful, an offsets package for each relevant species must be provided to the Department within 6 months. The offsets package must be approved by the Department and implemented. The offsets package may include the purchasing of an area of known habitat of at least equal size for conservation and the contribution of research and recovery.</p>	Compliant (all actions completed)	<p>No Clover Glycine, River Swamp Wallaby Grass or Little Pink Spider Orchid were identified in on-ground surveys. Matted Flax lily (MFL) was the only EPBC listed flora species found. Impact sites were surveyed in February 2009 with detailed results provided in the Matted Flax-Lily translocation agreement.</p> <p>Impacted patches of Matted Flax-Lily were removed from areas around Yarra Glen in April 2009 and were translocated to the agreed receptor site in autumn 2010. Monitoring of the translocated MFL commenced in November 2010 until 2014. Monitoring and management measures were undertaken each year (2010-2014) as outlined in the Project commitment.</p> <p>This condition was completed as documented in Melbourne Water's 2014/15 annual compliance report to the Department.</p>
<p>8. Water Quality Monitoring To protect the Macquarie Perch and the Growling Grass Frog, water quality must be monitored during construction of waterway crossings to meet State Environment Protection Policy (SEPP) (Waters of Victoria 2003) objectives.</p> <p>If the water quality fails to meet SEPP (WoV), due to construction activities associated with the project adaptive management must be implemented. In this event the Department must be provided, within two months of the monitoring results being known, with a report stating the corrective action implemented and the results.</p>	Compliant (all actions completed)	<p>A water quality monitoring procedure was developed and implemented during construction of waterway crossings. The construction of waterway crossings was completed in 2009/10.</p> <p>This condition was completed as documented in Melbourne Water's 2009/10 annual compliance report to the Department.</p>

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<p>9. Provision of Waterway Crossing Plans The Waterway Crossings Category A and B Plans must be provided to the Department for approval prior to construction of the waterway crossings. These plans must include turbidity controls and creeks to be tunnelled. These plans must be implemented.</p>	Compliant (all actions completed)	<p>Environmental Management Plans for each of the Category A and B Waterway Crossings were endorsed by DSE and DEWHA prior to commencement of construction on these sections.</p> <p>This condition was completed as documented in Melbourne Water's 2009/10 annual compliance report to the Department.</p>
<p>10. Approval of Water Quality Monitoring Procedure The Water Quality Monitoring Procedure must be provided to the Department for approval prior to construction commencing of the waterway crossings. This procedure must include turbidity monitoring. This procedure must be implemented.</p>	Compliant (all actions completed)	<p>A Water Quality Monitoring Procedure, including turbidity monitoring, was completed and subsequently approved by DEWHA alongside the Waterway Crossings Category B EMP on the 23 March 2009 prior to commencement of construction of these waterway crossings.</p> <p>The procedure was implemented and all monitoring and investigations performed as required for the duration of the project. Construction of waterway crossings was completed in 2009/10.</p> <p>This condition was completed as documented in Melbourne Water's 2009/10 annual compliance report to the Department.</p>
<p>11. Limitation of Pipeline Operational Volumes To protect EPBC listed fish species (Trout Cod (<i>Maccullochella macquariensis</i>), Murray Cod (<i>Maccullochella peelii</i>) and Macquarie Perch (<i>Macquaria australasica</i>) that occur or may occur in the Goulburn River, the water extracted to the Sugarloaf Pipeline must be:</p> <ol style="list-style-type: none"> Not more than 75 GL in any one year; Not more than 360 ML per day, with any variation in this daily pumping rate limited to a maximum of 200 ML to minimise the rise and fall in river levels upstream and downstream of the river off-take structure; Met only through controlled, pre-ordered releases from Melbourne's share of the water savings allocated to it pursuant to any bulk entitlement issued under the Victorian <i>Water Act 1989</i>; Sourced from savings not allocated to the Living Murray Initiative or the Waters for Rivers; and Zero if the necessary regulated releases are for the maintenance of environmental flows or materially deplete water stored in Eildon Weir that is designated as being an environmental reserve. <p>All water savings taken from the Goulburn River must be sourced from projects that comply with the requirements of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p>	Ongoing-compliant to date	<p>Melbourne Water must annually report compliance with this condition to the Department until Approval Decision EPBC 2008/3960 expires in July 2033.</p> <p>In 2021/22, Melbourne Water extracted 4 ML from the Goulburn River to the Sugarloaf Pipeline. This was compliant with this condition in 2021/22 because:</p> <ol style="list-style-type: none"> 4 ML (0.004 GL) is less than 75 GL The total of 4 ML was pumped over one day with the maximum daily pumping rate of 4 ML per day being less than both the permissible 360 ML per day maximum rate and the 200 ML per day allowable maximum variation. The 4 ML used by Melbourne Water was a release ordered by Yarra Valley Water from its Allocation Bank Account (ABA) from Lake Eildon (ABA094501). This ABA is linked to Yarra Valley Water's bulk entitlement issued under the <i>Victoria Water Act 1989 Bulk Entitlement (Goulburn System - Yarra Valley Water) Conversion Order 2012</i>. The most recent allocation to ABA094501 prior to 7 December 2021 was 4,287 ML on 29 March 2021. This allocation to Goulburn Trading Zone 1A represents Yarra Valley Water's share* (1/9th) of the actual audited savings (Phase 3 savings) for 2019/20 from the Goulburn Murray Water Connections Stage 1 works in Central Goulburn (CG 5-9), Rochester (RO) and Pyramid Boort (PB). The volume of water savings available for allocation to Yarra Valley Water in 2021/22 was verified by an independent audit of water savings achieved in 2020/21 (https://www.water.vic.gov.au/_data/assets/pdf_file/0021/560019/FINAL_3608-95-REPT-vA-Audit-of-Irrigation-Modernisation-Water-Recovery-2020-21-Irrigation-Season.pdf). As described above in point (c), the 4 ML was sourced from savings allocated to Yarra Valley Water. The daily passing flow recorded in the Goulburn River at Killingworth on 7 December 2021 when the pumping occurred (4 ML) was 2,818 ML. <p>The above daily passing flow recorded in the Goulburn River at Killingworth was greater than the 300 ML per day passing flow requirement specified in clause 9.1(b) of the <i>Bulk Entitlement (Goulburn System - Yarra Valley Water) Conversion Order 2012</i>.</p> <p>* Yarra Valley Water's receives 1/9th of the savings because Melbourne is entitled to 1/3rd of the savings which are then equally split between Greater Western Water, South East Water and Yarra Valley Water.</p> <p>** Flow estimated using pressure sensor data at inlet to the Goulburn Pumping station.</p> <p>This condition is ongoing and Melbourne Water continues to report compliance annually to the Department.</p>
<p>12. Passage of Groundwater The pipeline crossing of the Yea River flood plain must ensure passage of groundwater. This may be achieved by use of a groundwater shunt within</p>	Compliant (all actions completed)	<p>The endorsed 'Waterway Crossing - Yea River at Yea and Kalatha Creek section' Environmental Management Plan to restore the groundwater flow path around the pipe after construction.</p>

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the deep channel to permit the water tables to equilibrate post construction across the pipeline or by some alternative method.		<p>The pipeline crossing over the flood plain extends for approximately 450m. Groundwater levels were monitored within the Yea flood plain on a monthly basis from the completion of construction until December 2010 and indicated the pipeline was not obstructing groundwater flow within the flood plain.</p> <p>This condition was completed as documented in Melbourne Water's 2010/11 annual compliance report to the Department.</p>
<p>13.Forest Rehabilitation Plans Prior to construction in the Toolangi State Forest and the Sugarloaf Forest, the person taking the action must provide the Department with the Toolangi State Forest Rehabilitation Management Plan and the Sugarloaf Forest Rehabilitation Management Plan for approval. These plans, once approved, must be implemented.</p>	Compliant (all actions completed)	<p>Reinstatement Management Programs (RMP) were produced for each of the sections of the pipeline including the Toolangi State Forest, Tunnel Portals and Sugarloaf Forest.</p> <p>The implementation of the Forest Rehabilitation Management Plan for Sugarloaf forest was completed in 2014/15 and for Toolangi State Forest in 2016/17.</p> <p>This condition was completed as documented in Melbourne Water's 2016/17 annual compliance report to the Department.</p>
<p>14.Annual Report on Compliance with Conditions The person taking the action must provide by August each year an annual report on the compliance with these conditions, including the results of all EPBC listed surveys and environmental monitoring undertaken, independent audited reports of water savings achieved and the amount of water allocated for extraction, any adaptive management, any remedial actions taken and the effectiveness of the measures implemented to mitigate the impact on EPBC listed species.</p>	Ongoing - compliant to date	<p>A variation to Condition 14 was approved by the Department on 28 October 2010 to alter the date in the condition 14 to 30 November each year.</p> <p>This condition is ongoing and Melbourne Water continues to report compliance annually to the Department.</p>
<p>15.Changes to documents/conditions If the person taking the action wishes to carry out any activity otherwise than in accordance with the documents identified in the above conditions relevant to EPBC listed species, the person taking the action must submit for the Department's approval a revised version of the document. If the Department approves a revised document, that document must be implemented in place of the document originally approved.</p>	Ongoing - compliant to date	<p>To date, approval has been obtained from the Department for the following changes to documentation or conditions:</p> <ul style="list-style-type: none"> • Clarification of period of operational volume limitations in Condition 11a to be the Victorian Water Year (1 July - 20 June); • Minor amendments to some Environmental Management Plans and Programs as referred to in previous sections. • A variation to Condition 14 was approved by DSEWPC on 28 October 2010 to alter the date in the condition to 30th November each year. <p>This condition is ongoing and Melbourne Water continues to report compliance annually to the Department.</p>
<p>16.Record Keeping The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of approval, and make them available on request by the Department. Such records may be subject to audit by the Department, and used to verify compliance with the conditions of approval.</p>	Ongoing - compliant to date	Melbourne Water continues to maintain accurate records and project documentation which are available upon request by the Department.
<p>17.Commencement of Construction</p>	Compliant (all actions completed)	<p>The Project received State Government approval on 6 August 2008 and Federal approval under the Environmental Protection and Biodiversity Conservation Act 1999 (the EPBC Act) on 12 September 2008, subject to conditions. Construction was completed within 5 years of approval in 2010.</p>

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If the person taking the action has not commenced construction of the action within 5 years of this approval then they must notify the Minister in writing and not commence construction without the Minister's agreement.		This condition was completed as documented in Melbourne Water's 2009/10 annual compliance report to the Department.