



Australian Government

Department of the Environment and Water Resources

Final Compliance Audit Report

Paradise Dam

EPBC Ref. 2001/422

**Controlled Action with Conditions
decision dated 25th Jan 2002 and
variation dated 8th Aug 2003**

Audited 25th – 28th June 2007

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AUDIT DETAILS

Audit Title:	Compliance Audit: Operation of Paradise Dam, EPBC 2001/422
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Date Audit Conducted:	25 th – 28 th June 2007
Date Report Completed:	Draft report completed: 5 July 2007 Final report completed:

Please note: The Department of the Environment and Water Resources (DEW) is now known as the Department of the Environment, Water, Heritage and the Arts (DEWHA). In this document the term “the Department” denotes DEW/DEWHA.



AUDIT OBJECTIVE

The prime objective of the audit was to assess the compliance of Burnett Water Pty Ltd (BWPL) with the conditions of the approval decision for the operation of Paradise Dam (EPBC 2001/422) (Attachment A). The action was conducted by BWPL who are now a subsidiary of SunWater.

EPBC ACT CONTROLLING PROVISIONS

EPBC Act controlling provisions are Sections 18 and 18A (Listed threatened species and communities) and Sections 20 and 20A (Migratory species) of the EPBC Act. The conditions for the approval relate to protection and conservation of the Black-breasted Button Quail, migratory species in the Burnett River estuary and Lungfish.

AUDIT FINDINGS

Construction of the Dam was completed by BWPL in November 2005, SunWater procured BWPL in December 2005 for the operational phase of Paradise Dam.

Four non-conformances with certain aspects of approval conditions were observed, two partial compliances were observed and two conditions (7 and 9) were not applicable at the time of auditing.

The checklist at Attachment B records the outcome of the audit process. The audit, including a site inspection of Burnett Estuary, Paradise Dam and Burnett River aquatic ecology monitoring sites (1 – 6), revealed SunWater are implementing and reviewing the EPBC Act conditions except where noted below.

The following non-conformances were noted:

N01: The need for a firebreak on the perimeter of Mount Blandy has not been assessed in conjunction with the Qld EPA (Attachment B Item 1.7.4).

BWPL's Response: The need for a firebreak on the perimeter of Mount Blandy was subsequently assessed in conjunction with the Qld EPA on 27 September 2007.

N02: Discussions with the local Bush Fire Brigade regarding fire management practices in the Mount Blandy area have not been conducted (Attachment B Item 1.7.6).

BWPL's Response: Discussions with the local Bush Fire Brigade regarding fire management practices in the Mount Blandy were subsequently conducted in July 2007.

N03: The Mount Blandy Pest Animal Management Plan has not been implemented (Attachment B Item 1.9).

BWPL's Response: BWPL subsequently commissioned a consultant to undertake implementation of the Mount Blandy Pest Animal Management Plan. Work was undertaken during September to December 2007. A final report is being prepared.

N04: The storage inflow derivation methodology has not been approved by the Chief Executive (Attachment B Item 4.2.14).

BWPL's Response: The storage inflow derivation methodology was subsequently approved by the Queensland Department of Natural Resources and Water on 21 December 2007.

The following Partial compliances were noted:

P01: A Migratory Species Management Plan has not been approved by the Commonwealth Minister one year prior to commencement of operations (Attachment B Item 2.3, 2.4, 2.6, 2.7).

BWPL's Response: In lieu, a Conservation Agreement between DEWHA, BWPL and the Burnett Mary Regional Group has been negotiated since February 2007 with the Agreement signed by BWPL in January 2008. The Agreement is currently with DEWHA for execution. The Conservation Agreement requires BWPL to contribute funds towards a series of actions for protection, restoration and rehabilitation of habitat for Migratory Shorebirds.

P02: The Fishway has not fully commenced (Attachment B Item 3.3).

BWPL's Response: It is BWPL's view that this condition has been met and BWPL is compliant. Continuing drought conditions has meant that the Paradise Dam storage level has not reached the design operating range for the downstream fishway of EL62.0m. The fishway design process included extensive consultation with fish experts and government agencies and advice from fishway experts over an extended period of time. The operating range was considered to offer the best cost-benefit-risk outcome for all stakeholders that balanced protecting the lungfish with cost-effectiveness of the design. The Resource Operations Plan (ROP) established by the State Government specifies that the fishway is to have an operational range of between EL 62.0m and EL 67.9m. The highest the water level in the dam has reached since its construction was EL 55.62m.

Department's Response: The fishway was to commence when the dam became operational. It is DEWHA's view that the dam became operational in December 2005. Only part of the fishway is currently operating (upstream).

A rating of partial compliance is given when there is more than one element to the condition or requirement being assessed and the auditee has complied with some but not all elements. In this instance the fishway contains both upstream and downstream elements, and both of these have not been met, therefore a rating of partial compliance is appropriate. It is however noted, that the rating of partial compliance is due to drought conditions and low dam levels.

It should also be noted that the requirements of the State differ from that of the Federal Government. The Federal Government's condition issued by DEWHA does not specify an operating range.

AUDIT PROCESS

An Opening Meeting was held on 25 June at the office at Bundaberg. A site inspection of the Burnett River Estuary was then conducted with SunWater personnel and Sue Sargent of the Burnett Mary Regional Group for Natural Resource Management and Adam Johnston of the Bundaberg Port Authority. The following day a site inspection of Paradise Dam, aquatic ecology monitoring sites and the perimeter of Mount Blandy was conducted. Interviews were then held with Briony Pomplun (Manager Environment), Jason Cork (Environmental Officer), Michelle Black (Environmental Officer), Neranjala Fernando (Manager Water Compliance) and Sally Frazer (Corporate Counsel) over the next two days.

At the completion of the interviews a closing meeting was held during which an overview of the audit findings was presented and discussed, as well as the format for the final report. At the closing meeting BWPL's representative (Danny Green) acknowledged the findings of the audit.

We note and acknowledge the cooperation and assistance of BWPL and associated personnel during the conduct of this audit.

TERMINOLOGY

The following designations are used to record findings during audits.

Compliant (Y)

A rating of 'compliance' is given when the auditee has complied with a condition or requirement, or element of a condition or requirement.

'Non-compliance' and 'non-conformance' (N)

A rating of 'non-compliance' implies that a condition or requirement, or an element of a condition or requirement, set by the Department was not met. A rating of 'non-conformance' implies that an element of a management plan that was a requirement of a condition or particular manner requirement was not met.

Partial compliance (P)

'Partial compliance' is given when there is more than one element to the condition or requirement being assessed and the auditee has complied with some but not all elements.

Not applicable (N/A)

A rating of "not applicable at the time of the audit" is given when the condition or element of a plan falls outside the scope of the audit. For example, this rating would be given if an activity has not yet commenced.

Undetermined (U)

A rating of undetermined is given when the condition or element of a plan falls inside the scope of the audit but there is not enough evidence to make a judgment on compliance.

ATTACHMENTS

- A. Instrument of Decision EPBC 2001/422
- B. Audit Checklist
- C. Addendum to Final Compliance Audit Report

FINAL REPORT CIRCULATION

BWPL

Australian Government's Department of the Environment and Water Resources

ATTACHMENT A. Instrument of Decision EPBC 2001/422

ATTACHMENT B. Audit Checklist

ATTACHMENT C. Addendum to the Final Compliance Audit Report