



Compliance audits completed in 2006

Summary of findings

This document is a summary of finding for compliance audits completed in 2006 by the EPBC Act compliance auditing programme.

These projects where audited:

- ▶ Moriah War Memorial College
- ▶ Esso Australia Pty Limited
- ▶ VicRoads
- ▶ New MetroRail
- ▶ J.C., S.L., T.J. & S.N. Adams
- ▶ International Power Hazelwood

Moriah War Memorial College

Two projects involving works undertaken by Moriah War Memorial College Association were audited on 5 October 2006. The projects involved vegetation removal and associated works to facilitate expansion of the College and a proposal to develop the Moriah Primary School. The College is adjacent to Centennial Park in Sydney, NSW, and the matter protected under the EPBC Act is the Eastern Suburbs Banksia Scrub ecological community.

The audit found compliance with seven out of the nine conditions attached to the first project involving expansion of the College (EPBC 2002/575). Two conditions relating to the implementation of the project's Vegetation Management Plan were found to be not fully compliant and the Department requested the auditee to provide evidence that a contractor has fulfilled requirements relating to following the plan and sourcing buffer zone plants locally.

The audit also found that the proponent was not fully compliant with a requirement to erect interpretive signage and to manage garden species in a way that prevents incursion into the ecological community. This requirement related to the second project involving development of the primary school (EPBC 2004/1676). The proponent has been asked to provide photographic evidence of the signage, and to address the incursion issue in their management plan.

Esso Australia Pty Limited

Esso Australia Pty Ltd undertook a 3D seismic survey in the Gippsland Basin of Victoria in the period 2 May to 7 July 2006 (EPBC 2006/2556). This action was deemed a not controlled action – particular manner, primarily addressing the impacts on whales.

An audit undertaken on 16 October 2006 found one element of non-compliance relating to providing reports to the Department, and four elements of partial compliance relating to soft start procedures, reporting and recording.



Australian Government

Department of the Environment and Water Resources

During review of documents received after the audit inspection, a further area of non-compliance was identified regarding a failure to shut down airgun activity when a whale was sighted within the prescribed distance of the survey vessel.

The proponent has addressed all areas of non-compliance to the satisfaction of the Department. The Department has reviewed its guidelines for cetacean interactions and adjusted its condition setting as a result of this audit.

VicRoads

Approval conditions attached to a project by VicRoads to replace the Bayles Bridge in Victoria (EPBC 2005/1990) were audited on 25 to 26 October 2006. The conditions related to the protection of Growling Grass Frog (*Litoria raniformis*), Southern Brown Bandicoot (*Isoodon obesulus*) and Dwarf Galaxias (*Galaxiella pusilla*).

The audit identified compliance with eight of the 12 conditions of approval. Two instances of non-compliance were found, these related to the implementation of an offset strategy and bridge construction material. Five elements of the conditions were found to be partially compliant. These related to construction methods and materials, water quality testing, and reporting to the Department. A formal warning was issued to VicRoads and recommendations for rectification of the compliance issues made.

New MetroRail

New MetroRail, a subsidiary of the Public Transport Authority of Western Australia, applied for approval to construct and operate the South West Metropolitan Railway between Perth and Mandurah, Western Australia (EPBC 2003/1175).

The construction of two stations for this project (Warnbro and Murdoch) was deemed a not controlled action – particular manner, with restrictions placed on the development to protect the Grand Spider-orchid (*Caladenia huegelii*) and the *Sedgelands in Holocene dune swales of the southern Swan Coastal Plain* (which are both listed as threatened under the EPBC Act).

The audit, carried out on 28 to 29 November 2006, determined that compliance had been achieved for all six particular matter requirements, including for the stations' hydrology management and weed control plans. Several observations were made relating to the location of an infiltration basin adjacent to the sedgelands, rubbish control and water quality monitoring.

Suggestions have been made to prevent impacts from these issues.



Australian Government

Department of the Environment and Water Resources

J.C., S.L., T.J. & S.N. Adams

Mr John Adams received approval from the Minister to clear an estimated 92 Buloke trees, and install and operate a centre-pivot irrigation system in the Parish of Bringalbert, western Victoria (EPBC 2002/766). Conditions were placed on the approval to protect the EPBC Act-listed Red-tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*) which uses the Buloke for feeding at particular times of the year.

An audit conducted on 12 December 2006 determined that while the clearing had occurred, the centre-pivot irrigation system had not been installed. A condition of the approval called for a plan to be submitted to the Minister for restitution of the Buloke trees prior to clearing. While the trees had been cleared without a plan being submitted the Department had previously agreed to this on the understanding that compliance with the permit issued by West Wimmera Shire Council would meet the requirements of the EPBC Act approval. The audit was conducted in conjunction with West Wimmera Shire Council and the Department was satisfied that compliance with the Council's conditions met all requirements for restitution and management.

International Power Hazelwood

International Power Hazelwood submitted a referral for the development, operation and rehabilitation of the Hazelwood mine to the west of its current operations, including associated watercourse and road diversions and related infrastructure. This development was deemed to be a controlled action and was approved with conditions. The conditions relate to offset conservation areas of the threatened species Strzelecki Gum (*Eucalyptus strzeleckii*).

The audit concluded that the activities of International Power Hazelwood and their contractors have demonstrated a high level of compliance with each of the conditions of the approval. No instances of non-compliance were recorded.